



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

AGENDA • FEBRUARY 21, 2019

Regular Meeting

Maple Place School

7:00 PM

2 Maple Place, Oceanport, NJ 07757

1. **Call to Order**
2. **Statement of Compliance with Open Public Meetings Act:** *This meeting complies with the Open Public Meetings Act by notification on January 9, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.*
3. **Flag Salute**
4. **Invocation**
5. **Roll Call**
6. **Presentation - Recycling Project, Maple Place School Students**
7. **Administrators Report**
 1. Monmouth Park Heliport
8. **Clerk's Report**

1. **Consent Agenda**

- | | | |
|----------|-----|---|
| #2019-53 | 1. | Resolution authorizing payment of BILL LIST 02-21-2019 |
| #2019-54 | 2. | Resolution appointing a Recycling Coordinator |
| #2019-55 | 3. | Resolution appointing a Conflict Professional Planner |
| #2019-56 | 4. | Resolution cancelling Tax Lien Certificate #17-00012 |
| #2019-57 | 5. | Resolution authorizing Tax Sale Redemption #18-00002 |
| #2019-58 | 6. | Resolution authorizing refund for overpayment and tax court judgment |
| #2019-59 | 7. | Resolution authorizing 2017 Road Program Change Order #3 |
| #2019-60 | 8. | Resolution authorizing dedication by Rider, Historical Trust for Centennial |
| #2019-61 | 9. | Resolution appointments to Boards & Committees |
| #2019-62 | 10. | Resolution authorizing agreement with NJHMFA Housing Affordability Services |
| #2019-63 | 11. | Resolution appointing Acacia Financial Group as Financial Advisor |
| | 12. | Approval of Membership for Fire Dept., Thomas Porowski |
| | 13. | Approval of Membership for Fire Dept., John Donohoe |
| | 14. | Approval of Membership for First Aid., Michael Cooper |
| | 15. | Approval of Membership for First Aid, Patricia Cooper |
| | 16. | Approval of Membership for First Aid, Genna Laurino |

2. **Minutes**

1. Approval of Regular Minutes, January 17, 2019
2. Approval of Executive Session Minutes, January 17, 2019

3. Resolutions

- #2019-64** Resolution appointing Class II SLEO to the Police Department
- #2019-65** Resolution appointing Catherine D. LaPorta as Qualified Purchasing Agent
- #2019-66** Resolution approving a Shared Services Agreement for Use of Shrewsbury's Courtroom
- #2019-67** Resolution adopting the Borough's By Laws for CY2019
- #2019-68** Resolution authorizing Change Order #1 to Goldstein Partnership Contract
- #2019-69** Resolution concerning Fort Monmouth Reuse Plan Amendment #13

9. First Reading Ordinances

Introduction of Amendments to Property Maintenance Ordinance

Introduction of An Ordinance for the Maintenance of the Borough's Right of Ways

10. Second Reading & Public Hearing Ordinances

- #995 2nd Reading and PUBLIC HEARING of An Ordinance to Authorize a Financial Agreement in lieu of taxes for 274-278 E. Main St

11. Committee Reports

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

12. Mayor Coffey's Report

1. Appointment of OEM Director Mauro Baldanza, 3 yr Term expiring 02/21/22

Mayor Coffey makes the following appointment to the Office of Emergency Management pursuant with N.J.S.A. Appendix A:9-33 et seq.

Mauro Baldanza	Director	3yr Term expiring 02/21/22
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13. Petitions from the public**14. Adjournment**

From: [Donna Phelps](#)
To: [Jeanne Smith](#)
Cc: [Oceanport Mayor](#); [Steve Solan](#); [Councilman William Deerin](#)
Subject: Agenda Item - Recycling Project
Date: Thursday, February 14, 2019 8:27:23 AM
Attachments: [Recycling Project.pdf](#)

I attended the Rec Committee meeting last night and there were 3 boys from Maple Place School who presented a plastic bag recycling project that they are doing sponsored by Trex. I'm attaching the information they provided. They want to put a Recycling Bin in Borough Hall and possibly other Borough buildings (Fire Department, Blackberry Bay Pavilion, Library) and Councilman Deerin suggested that they come to the February 21st meeting and make their presentation to Council. The boys are Matthew Conte, Marco Molino and Matteo Molino. They agreed to be at the meeting and make their presentation. Can you add this to the agenda? In the event you need a contact person, you can call Marco & Matteo's mother, Kim at 732-996-4627.

Donna M. Phelps
Administrator
Borough of Oceanport
732-222-8221



Recycle your Clean, Dry, Empty Plastic Bags and Film Packaging!

Plastics to Collect:

- LDPE / HDPE Films
- Newspaper Sleeves
- Bread Bags
- Product Wrap
- Cereal Liners
- Food Storage Bags
- Ice Bags

- Pellet Bags
- Produce Bags
- Dry Cleaning Bags
- Grocery Bags
- Case Overwrap
- Packaging Air Pillows
- Salt Bags



Look for bins and signage near store entrances and drop off collected plastics and wraps.

Your plastic bags and wraps then become Earth-friendly composite decking & railing!

Go to trexrecycling.com to see participating retailers.

800-BUY-TREX





UNIVERSITY OR COLLEGE COLLECTION INFORMATION SHEET

How does the Challenge work?

1. Determine a 6-month collection period
2. Collect a minimum of 500 lbs or 40,500 plastic film and bags. (On average, a 30-gallon trash bag will hold about 650 plastic bags and weigh 8 lbs.)
3. Weigh and keep record of the amount of film collected each month
4. Deliver the collected plastic film to a participating retailer (see list)
5. Report collection totals to Stephanie Hicks each month (shicks@trex.com)

What can be recycled?

- Grocery bags
- Bread bags
- Case overwrap
- Dry cleaning bags
- Newspaper sleeves
- Ice bags
- Wood pellet bags
- Ziploc and other reclosable bags
- Produce bags
- Bubble wrap
- Salt bags
- Cereal bags

All plastic must be clean, dry and free of food residue

What does Trex provide?

- Maximum of 10 recycling bins
- Posters
- Bench if goal is met or exceeded



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

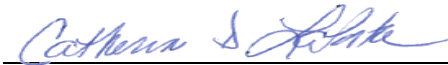
**Resolution #2019-53
02/21/19**

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

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list dated February 21, 2019 totaling \$294,467.89.

CERTIFICATION OF FUNDS

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



Catherine D. LaPorta, CFO

I certify that the foregoing Resolution #2019-53 was adopted by the Oceanport Governing Body at the Regular Meeting held February 21, 2019

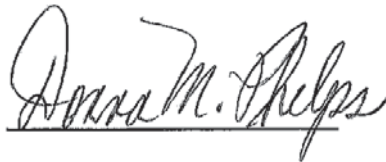
JEANNE SMITH, RMC
BOROUGH CLERK

**BOROUGH OF OCEANPORT
BILL LIST**

21-Feb-19

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$111,262.74 3rd Pay \$190.91 DCRP
GRANT FUND	\$300.00
CAPITAL TRUST TOTAL	\$84,171.30
DOG REGISTRY TOTAL	\$214.80
OPEN SPACE TRUST TOTAL	\$948.40
SUI	\$0.00
UCC TRUST	\$1,884.00
TRUST OTHER TOTAL	\$4,489.50
ESCROW TRUST TOTAL	\$435.00
2018 VOUCHERS PAID THIS MEETING	\$17,914.39
2019 VOUCHERS PAID THIS MEETING	\$72,656.85
TOTAL	\$294,467.89

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


Donna M. Phelps

List of Bills - (All Funds)

8.1

Vendor	Description	Payment	Check	Total
Current Fund				
1004 - ACME LOCKSMITH SERVICE	PO 2737 KEYS	6.00		6.00
1017 - AMERICAN WEAR, INC	PO 2773 JANUARY UNIFORM RENTAL - 2019	287.00		287.00
1040 - BROWN'S HEATING & COOLING INC	PO 2768 PAP FIRE HOUSE - FURNACE PROBLEM	99.95		
	PO 2758 2019 HVAC SERVICE - BLACKBERRY	499.16		
	PO 2757 2019 HVAC SERVICE - MUNICIPAL BLDG	499.20		
	PO 2788 2019 HVAC SERVICE - COMMUNITY CTR &	499.16		
	PO 2756 2019 HVAC SERVICE - PAP FIREHOUSE	499.16		
	PO 2755 2019 HVAC SERVICE - POLICE HQ	499.16		2,595.79
1043 - CANON SOLUTIONS AMERICA	PO 2751 COPIER MAINTENANCE - POLICE 01/2019	57.00		57.00
1045 - CATHERINE LAPORTA	PO 2774 QPA CERTIFICATION	577.00		577.00
1054 - CITY OF LONG BRANCH	PO 2661 GASOLINE & OIL - DEC 2018	4,009.39		
	PO 2703 2019 purchasing assessment-Central	1,000.00		5,009.39
1058 - COMCAST * DPW	PO 2840 DPW INTERNET/PHONE 2/8/19 - 3/7/19	137.43		137.43
1069 - CRYSTAL SPRINGS	PO 2822 WATER SERVICE - 01/04/19	169.92		169.92
1446 - DIRECT ENERGY BUSINES	PO 2837 900 MURPHY & 282 HILDRETH 11/15-12/	1,314.25		
	PO 2836 900 MURPHY & 282 HILDRETH 12/18-01/	1,233.13		
	PO 2835 2 PEMBERTON 12/15-01/16	396.26		
	PO 2834 433 MYRTLE - 12/15-01/16	338.07		3,281.71
1081 - DRAGER SAFETY DIAGNOSTICS INC	PO 1729 Annual Calibration of Alcotest equi	272.00		272.00
1563 - EXCEL CONTRACTING, INC.	PO 2491 PAP FIREHOUSE ROOF INSPECTION	1,750.00		1,750.00
1109 - FMERA	PO 2817 STREET LIGHTS ROUTE 537 - 01/19	273.26		
	PO 2816 282 HILDRETH WATER & ELECTRIC 02/19	969.98		
	PO 2815 BLD 900 WATER & ELECTRIC- 02/19	608.03		1,851.27
1122 - GENERAL CODE PUBLISHERS, INC	PO 2842 Annual Maintenance, 2019	695.00		695.00
1124 - GEORGE WALL	PO 2712 FA CAPTAIN - TIRE REPAIR	301.11		301.11
1132 - GRAMCO BUSINESS COMMUNICATIONS	PO 2789 BOSCH CONF. SYS - 02/28/2019 - 01/2	625.00		625.00
1153 - JERSEY CENTRAL POWER & LIGHT	PO 2812 JCPL #007 - 12/12/18 - 1/18/19	3,974.05		3,974.05
1158 - JOHN'S AUTO & TRUCK REPAIR LLC	PO 2733 REPAIR OF DPW TRUCK 124	219.65		219.65
1499 - KEVIN E KENNEDY, ESQ	PO 2854 KELLY/BUCKLEY vs OCEANPORT UNITED P	45.00		
	PO 2826 2018 PB LEGAL SERVICES - MEETING FI	500.00		545.00
1181 - LANIGAN ASSOCIATES, INC	PO 2664 Frangible Ammo for indoor range	600.00		600.00
1184 - LAW OFFICE OF ROBERT J. HOLDEN	PO 2747 PUBLIC DEFENDER 09/18 -12/12/18	3,000.00		3,000.00
1189 - LIFESAVERS, INC	PO 2624 DEFIBTECH AED PADS AND PACK	490.08		490.08
1557 - MICHAEL P BOLAN PP/AICP	PO 2748 COAH PLANNING SERVICES	75.00		75.00
1442 - MOCIB	PO 2787 Monmouth Ocean counties Intelligenc	50.00		50.00
1220 - MONMOUTH COUNTY PUBLIC WORKS	PO 2651 BRINE	126.00		
	PO 2669 SALT 01/15/19	476.62		
	PO 2679 SALT FOR 2 TRUCKS - 01/17/2019	953.24		
	PO 2771 SALT FOR 4 TRUCKS - 01/18/2019	1,691.67		3,247.53
1220 - MONMOUTH COUNTY PUBLIC WORKS	PO 2770 VEHICLE MAINTENANCE 38-90	316.02		316.02
1231 - MONMOUTH HOSE & HYDRAULICS	PO 2650 HOSE ASSEMBLY	114.86		114.86
1480 - MONMOUTH TRUCK EQUIPMENT	PO 2666 PLOW HARNESS REPAIR	24.99		24.99
1427 - MUNICIPAL SOFTWARE, INC	PO 2620 SOFTWARE SUPPORT FOR 2019	4,788.00		4,788.00
1241 - NAPA AUTO PARTS (#15456)	PO 2319 New headlight bulbs for Police Vehi	39.96		39.96
1253 - NJ STATE ASSOC CHIEFS - POLICE	PO 2745 2019 annual dues-state chiefs of Po	275.00		275.00
1279 - PL CUSTOM BODY & EQUIPMENT INC	PO 2690 UNIT 3856 - REPAIR & MAINTENANCE	998.26		998.26
1282 - POSTMASTER	PO 2804 POSTAGE FOR MARCH/APRIL 2019 BULLET	500.00		500.00
1420 - POSTMASTER * BMEU	PO 2872 Postage for 2019 Calendar	300.00		300.00
1292 - R & J CONTROL INC.	PO 2736 MAINTENANCE AT 433 MYRTLE	324.00		324.00
1295 - R.N. DEMAIO	PO 2685 BATHROOM SUPPLIES	826.97		826.97
1302 - REPORTING SYSTEMS, INC	PO 2705 YEARLY FIRE PACKAGE & CAD MAINTENAN	1,520.00		1,520.00
1314 - SEABOARD FIRE & SAFETY	PO 1791 New Class D Fire Extinguisher	549.95		549.95
1319 - SHEILA HARRIGAN	PO 2148 DECORATIONS FOR HALLOWEEN PARTY	57.14		57.14
1337 - SUBURBAN DISPOSAL	PO 2839 DISPOSAL FEE & RECYCLING & CONTAIN	18,913.78		
	PO 2863 SOLID WASTE & RECYCLING - FEB 2019	17,400.00		36,313.78
1341 - TARGETED TECHNOLOGIES LLC	PO 2814 MONITOR INSTALLED	125.00		125.00
1346 - THE ARNETTE LAW FIRM LLC	PO 2841 BOROUGH ATTORNEY FEES - DEC 2018	3,681.25		3,681.25
1372 - TRYSTONE CAPITAL ASSETS	PO 2509 LIEN 18-00015; B138, L14 & LIEN 16	4,188.55		4,188.55
1373 - TWO RIVER WATER RECLAMATION	PO 2810 BLACKBERRY BAY -2/19	90.00		
	PO 2809 PAP FIRE HOUSE - 2/19	90.00		
	PO 2808 SENIOR CTR - 2/19	90.00		
	PO 2807 COMMUNITY CTR - 2/19	90.00		360.00
1380 - US BANK OPERATIONS CENTER	PO 2824 MONMOUTH COUNTY IMPROVEMENT AUTHORI	4,505.19		4,505.19
1387 - VERIZON	PO 2831 OEM (732-389-9801) 1/23/19 -2/22/19	228.70		
	PO 2862 LIBRARY TELEPHONE 2/7/19 - 3/6/19	241.07		469.77
1388 - VERIZON WIRELESS	PO 2813 POLICE AIR CARDS - 1/27/19 - 2/26/1	366.27		366.27
1559 - Verizon Wireless	PO 2870 TABLETS FOR BLDG 2/2/19 - 3/1/19	171.35		171.35
1389 - VERIZON WIRELESS (OEM)	PO 2860 OEM AIR CARD - 02/02 - 03/01/19	38.00		38.00
1571 - William White	PO 2823 PUBLIC WORKS MANAGER SERVICE	200.00		200.00

List of Bills - (All Funds)

8.1

Vendor	Description	Payment	Check	Total
Capital Fund				
1565 - ALBERT MARINE CONSTRUCTION	PO 2861 DEAL AVE BULKHEAD CERT thru 2/7/19	54,119.70		54,119.70
1157 - JOHNNY ON THE SPOT INC	PO 2762 PORTA WATER - 12/27/2018 - 01/23/2	199.50		
	PO 2738 PORTA WATER - 01/24/2019 - 02/20/2	199.50		
	PO 2786 PORTA WATER 2019 - PUBLIC WORKS 01/	180.00		579.00
1195 - MASER CONSULTING, P.A.	PO 2830 AERIAL PHOTOGRAPHY AND PHOTOMMETRIC	23,375.00		23,375.00
1466 - MOTT MACDONALD	PO 2668 ACM REVIEW FORT MONMOUTH	6,097.60		6,097.60
DOG TRUST FUND				
1367 - TREASURER:STATE OF NJ HEALTH	PO 2820 State Dog Report - January 2019	214.80		214.80
OPEN SPACE TRUST				
1032 - BOB JENSEN PLUMBING, INC	PO 2352 TURN OFF WATER AT PARKS	100.00		
	PO 2717 WINTERIZE THE LIONS POOL CLUB	266.00		366.00
1157 - JOHNNY ON THE SPOT INC	PO 2767 MARIA GATTA PARK - RESTROOMS - 12/	291.20		
	PO 2735 MARIA GATTA PARK - RESTROOMS - 01/	291.20		582.40
UCC Trust				
1064 - CONTROL PERSONS ASSOCIATION	PO 2765 MEMBERSHIP DUES - 2019 Herchakowski	30.00		30.00
1528 - RUTGERS, THE STATE UNIVERSITY OF NE	PO 2754 3 COURSE FOR BLDG & ZONING OFFICER	1,854.00		1,854.00
OTHER TRUST				
1184 - LAW OFFICE OF ROBERT J. HOLDEN	PO 2764 PUBIC DEFENDER 03/28-05/23/18	600.00		
	PO 2763 PUBLIC DEFENDER 01/09/19	600.00		
	PO 2747 PUBLIC DEFENDER 09/18 -12/12/18	400.00		1,600.00
1420 - POSTMASTER * BMEU	PO 2872 Postage for 2019 Calendar	300.00		300.00
1300 - RED BANK RECYCLING	PO 2649 TIRE/PROPANE TANK DISPOSAL	75.00		75.00
1394 - WASTE MANAGEMENT OF NJ, INC	PO 2680 COMMINGLE ACCT 33000 DEC 2019	338.00		
	PO 2683 RECYCLING CENTER - ACCT 33004 DEC 2	980.00		
	PO 2682 RECYCLING MIXED PAPER DEC 2018	1,196.50		2,514.50
DEVELOPERS ESCROW TRUST				
1499 - KEVIN E KENNEDY, ESQ	PO 2829 1262 TURF DRIVE	375.00		
	PO 2828 NEW JERSEY CITY UNIVERSITY	60.00		435.00
TOTAL			-----	183,014.24

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-000-011	CASH OPERATING			0.00	90,571.24
01-113-04-000-026	TAX SALE PREMIUMS			2,300.00	
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	2,114.92			
01-201-20-130-200	FINANCIAL ADMINISTRATION OE	5,365.00			
01-201-25-240-200	POLICE OE	1,748.27			
01-201-25-252-200	EMERGENCY MANAGEMENT OE	38.00			
01-201-25-260-200	FIRST AID ORGANIZATION OE	1,695.63			
01-201-25-265-200	FIRE DEPARTMENT OE	1,520.00			
01-201-26-300-271	REPAIRS	219.65			
01-201-26-300-273	SUPPLIES	139.85			
01-201-26-300-281	UNIFORM RENTAL	287.00			
01-201-26-300-282	SALT & SAND	3,247.53			
01-201-26-305-200	SANITATION-TRASH REMOVAL OE	14,566.67			
01-201-26-306-200	RECYCLING OE	2,833.33			
01-201-26-310-200	PUBLIC BUILDINGS & GROUNDS OE	832.97			
01-201-26-310-252	REPAIRS & EQUIPMENT	3,309.92			
01-201-31-430-201	ELECTRICITY	1,280.08			
01-201-31-430-203	TELEPHONE/INTERNET	607.20			
01-201-31-430-204	WATER/SEWER	657.93			
01-201-31-430-205	NATURAL GAS	338.07			
01-201-31-430-207	STREET LIGHTING	4,247.31			
01-201-31-465-200	SANITATION DUMPING FEES	18,913.78			
01-201-45-920-200	DEBT SERVICE OE	4,505.19			
01-203-20-155-200	(2018) LEGAL SERVICES OE		3,801.25		
01-203-21-180-200	(2018) PLANNING BOARD OE		500.00		
01-203-22-195-200	(2018) CONSTRUCTION CODE OE		171.35		
01-203-25-240-200	(2018) POLICE OE		911.96		
01-203-25-265-200	(2018) FIRE DEPARTMENT OE		549.95		
01-203-25-265-209	(2018) REPAIRS & MAINTENANCE		316.02		

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-203-26-300-200	(2018) STREETS & ROADS OTHER EXPENSES		200.00		
01-203-26-310-200	(2018) PUBLIC BUILDINGS & GROUNDS OE		99.95		
01-203-26-310-252	(2018) REPAIRS & EQUIPMENT		1,750.00		
01-203-28-371-200	(2018) PARKS AND PLAYGROUNDS OE		57.14		
01-203-31-430-205	(2018) NATURAL GAS		2,547.38		
01-203-31-430-207	(2018) STREET LIGHTING		4,009.39		
01-203-43-495-200	(2018) PUBLIC DEFENDER-OTHER EXPENSE		3,000.00		
01-214-55-000-003	DUE 3RD PARTY LIEN HOLDERS			1,888.55	
TOTALS FOR	Current Fund	68,468.30	17,914.39	4,188.55	90,571.24
02-160-05-000-001	DUE TO/FROM CURRENT FUND			0.00	300.00
02-213-40-700-025	CLEAN COMMUNITIES			300.00	
TOTALS FOR	FEDERAL AND STATE GRANTS	0.00	0.00	300.00	300.00
04-101-01-100-011	CAPITAL CASH - TD			0.00	84,171.30
04-215-55-474-000	MUNICIPAL COMPLEX ORD #970			6,676.60	
04-215-55-988-A00	ROADS, DRAINAGE, TRAFFIC SIGNAL, BULKHEA			77,494.70	
TOTALS FOR	Capital Fund	0.00	0.00	84,171.30	84,171.30
05-101-00-100-011	CASH - TD			0.00	214.80
05-161-00-500-040	DUE TO STATE OF NJ			214.80	
TOTALS FOR	DOG TRUST FUND	0.00	0.00	214.80	214.80
06-101-01-100-011	OPEN SPACE CASH - TD			0.00	948.40
06-270-00-500-020	RESERVE FOR OPEN SPACE			948.40	
TOTALS FOR	OPEN SPACE TRUST	0.00	0.00	948.40	948.40
18-101-01-100-101	CASH UCC TRUST			0.00	1,884.00
18-270-55-600	RESERVE FOR UCC TRUST			1,884.00	
TOTALS FOR	UCC Trust	0.00	0.00	1,884.00	1,884.00
60-101-01-100-101	CASH-OTHER TRUST - TD			0.00	4,489.50
60-270-55-600-175	RESERVE FOR PUBLIC DEFENDER			1,600.00	
60-270-55-600-206	RES FOR RECYCLING			2,889.50	
TOTALS FOR	OTHER TRUST	0.00	0.00	4,489.50	4,489.50
61-101-01-100-101	CASH-DEV.ESCROW/TD			0.00	435.00
61-270-55-600-205	RES.FOR DEV.ESCROW			435.00	
TOTALS FOR	DEVELOPERS ESCROW TRUST	0.00	0.00	435.00	435.00

Total to be paid from Fund 01 Current Fund	90,571.24
Total to be paid from Fund 02 FEDERAL AND STATE GRANTS	300.00
Total to be paid from Fund 04 Capital Fund	84,171.30
Total to be paid from Fund 05 DOG TRUST FUND	214.80
Total to be paid from Fund 06 OPEN SPACE TRUST	948.40
Total to be paid from Fund 18 UCC Trust	1,884.00
Total to be paid from Fund 60 OTHER TRUST	4,489.50
Total to be paid from Fund 61 DEVELOPERS ESCROW TRUST	435.00

	183,014.24

Report Printed 2019-02-15 10:16:55

BOROUGH OF OCEANPORT Click here to save CSV (Excel) Version

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

From 02/09/2019 to 02/28/2019 With a Line Amount > 10000

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
2/13/2019		2830		04-215-55-988-A04	AERIAL PHOTOGRAPHY & PHOTOGRAMMETRIC MAPPIN MASER CONSULTING, P.A.	23,375.00	23,375.00	04-101-01-100-011
2/14/2019		2839		01-201-31-465-201 01-201-31-465-201	DISPOSAL, RECYCLING & ROLL-OFF CONTAINER NJ Recycling Enhancement Act Fee SUBURBAN DISPOSAL	18,303.64 610.14	18,913.78	01-101-01-000-011
2/15/2019		2861		04-215-55-988-A01	DEAL AVE BULKHEAD REPLACEMENT PAYMENT #1 ALBERT MARINE CONSTRUCTION	54,119.70	54,119.70	04-101-01-100-011
2/15/2019		2863		01-201-26-305-201 01-201-26-306-201	SOLID WASTE COLLECTION RECYCLING COLLECTION SUBURBAN DISPOSAL	14,566.67 2,833.33	17,400.00	01-101-01-000-011

FEBRUARY SUMMARY BY ACCOUNT:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	PENDING CR
01-101-01-000-011	CASH OPERATING				36,313.78
04-101-01-100-011	CAPITAL CASH - TD				77,494.70
01-201-26-305-201	SANITATION-TRASH REMOVAL		14,566.67		
01-201-26-306-201	OTHER EXPENSES		2,833.33		
01-201-31-465-201	SANITATION DUMPING FEES		18,913.78		
04-215-55-988-A01	BULKHEAD - DEAL AVENUE			54,119.70	
04-215-55-988-A04	CHECK VALVES			23,375.00	
FEBRUARY TOTALS (FOR RANGE):			36,313.78	77,494.70	113,808.48

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
01-101-01-000-011	CASH OPERATING				36,313.78
04-101-01-100-011	CAPITAL CASH - TD				77,494.70
01-201-26-305-201	SANITATION-TRASH REMOVAL		14,566.67		
01-201-26-306-201	OTHER EXPENSES		2,833.33		
01-201-31-465-201	SANITATION DUMPING FEES		18,913.78		
04-215-55-988-A01	BULKHEAD - DEAL AVENUE			54,119.70	
04-215-55-988-A04	CHECK VALVES			23,375.00	
TOTALS (FOR RANGE):			36,313.78	77,494.70	113,808.48

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENT OF BOROUGH RECYCLING COORDINATOR**

**Resolution #2019-54
02/21/19**

WHEREAS, the Borough Recycling Coordinator position is currently vacant; and

WHEREAS, New Jersey's Recycling Enhancement Act (REA) requires that reports or other recycling-related documents be signed/certified by a Certified Recycling Professional (CRP); and

WHEREAS, Donna M. Phelps has the required certification and has agreed to perform the duties required of the position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council that Donna M. Phelps is hereby appointed as Borough Recycling Coordinator pursuant with P.L. 2007, C.311, *et. al.*

I certify that the foregoing Resolution #2019-54 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING A NON-FAIR AND OPEN CONTRACT BETWEEN ELIZABETH
MCMANUS OF KILEY & MCMANUS ASSOCIATES AND THE BOROUGH OF
OCEANPORT FOR PROFESSIONAL PLANNER SERVICES AS THE
BOROUGH'S CONFLICT PLANNER**

**Resolution #2019-55
02/21/19**

WHEREAS, there is a need to appoint a Professional Planner where a conflict exists with the Borough Planner for matters requiring municipal planning services for development projects; and

WHEREAS, the Borough of Oceanport has a need to retain a Professional Planner for municipal planning services where a conflict exists with the Borough's Planner, Clark Caton Hintz by means of a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.B; and

WHEREAS, the Borough has determined that the value of the services may exceed \$17,500.00; and

WHEREAS, the anticipated term of this agreement is one (1) year and may be extended one (1) time as approved by this governing body; and

WHEREAS, Elizabeth McManus of the firm Kyle & McManus Associates, 45 E. Broad St., Hopewell, NJ 08525 has completed and submitted a Business Entity Disclosure Certification and statement of compliance with Oceanport's Pay to Play Ordinance which certifies that Kyle & McManus Associates have 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 Kyle & McManus Associates from making any reportable contributions through the term of the contract; and

WHEREAS, funds shall be available for the stated purpose in the 2019 municipal budget subject to adoption of the 2019 budget.

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

1. Elizabeth McManus, P.P. of the firm Kyle & McManus Associates be and is hereby appointed as Borough Conflict Planner for CY 2019.

2. Kyle & McManus Associates is prohibited from making any contribution to a political or candidate committee during the term of this appointment.

3. The Mayor and Borough Clerk are hereby authorized to enter into an agreement on behalf of the Borough of Oceanport for an open-ended contract pursuant to N.J.A.C. 5:34-5.2 (B) contingent upon the availability of funds in the budget year with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service.

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.

I certify that the foregoing Resolution #2019-55 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING CANCELLATION OF TAX LIEN CERTIFICATE #17-00012**

**Resolution #2019-56
02/21/19**

WHEREAS, there exists on the tax records an outside lien for Block 65 Lot 3.05, and

WHEREAS, this lien was created in 2017 for sewer charges and struck off to Trystone Capital Assets LLC, and

WHEREAS, according to the record of the tax collector's office Block 65 Lot 3.05 does not exist and has been renamed, and

WHEREAS, the lien was sold erroneously on this block and lot and should be cancelled and resold on the correct block and lot.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport that we do hereby authorize the cancellation of lien 17-00012 due to the above stated facts.

BE IT FURTHER RESOLVED, that the CFO be authorized to refund the amount of \$637.40 to Trystone Capital Assets LLC.

I certify that the foregoing Resolution #2019-56 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #18-00002 FOR
BLOCK 39, LOT 6 KNOWN AS 9 POCANO AVENUE**

**Resolution #2019-57
02/21/19**

WHEREAS, at the Borough Tax Sale held on August 23, 2018, a lien was sold on Block 39 Lot 6 otherwise known as 9 Pocano Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 18-00002 was sold to DSHC Enterprises LLC at an interest rate of 0% and;

WHEREAS, the owner's representative has redeemed certificate 18-00002 in the amount of \$ 8,733.63.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$8,733.63 payable to DSHC Enterprises LLC, PO Box 524, Plainsboro NJ 08536 for the redemption of Tax Sale Certificate 18-00002.

BE IT FURTHER RESOLVED, that the CFO be authorized to issue a check in the amount of \$25,100 (Premium) to the aforementioned lienholder.

I certify that the foregoing Resolution #2019-57 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REFUND FOR OVERPAYMENT AND TAX COURT
JUDGMENT FOR BLOCK 39, LOT 8 KNOWN AS 3 POCANO AVENUE**

**Resolution #2019-58
02/21/19**

WHEREAS, the following property is due a refund due to a successful State Tax Court judgment and an overpayment from the property owner; and

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

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

Block 39 Lot 8 Jennifer R Jacobus Esq
 Trustee for Huang, Kenneth
 201 Littleton Rd 1st Floor
 Morris Plains NJ 07950

Comparison of assessment which was agreed upon in settlement:

	Old Assessment	New Assessment	Refund
2018	\$2,927,900	\$2,600,000	\$ 5,866.13

I certify that the foregoing Resolution #2019-58 was adopted by the Oceanport Governing Body at the Regular Meeting held February 21, 2019

 JEANNE SMITH, RMC
 BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING CHANGE ORDER #3 - 2017 ROAD PROGRAM CONTRACT**

**Resolution #2019-59
02/21/19**

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 Fiore Paving Co. as stated in a letter from the Engineer dated November 15, 2018; and

WHEREAS, the original contract of \$1,021,718.12 was reduced by Change Order #1 to \$1,015, 597.96, Change Order #2 to \$981,802.32 and Change Order #3 will further reduce the contract to \$981,206.52 to reflect adjustments for as-built quantities; 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 #3 to the contract between the Borough of Oceanport and Fiore Paving Co. is hereby approved.
2. The Mayor or Borough Clerk are hereby authorized to sign the change order on behalf of the Borough.

I certify that the foregoing Resolution #2019-59 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

8.1.7.a

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

January 31, 2019

VIA EMAIL & U.S. MAIL

Honorable Mayor and Council
Borough of Oceanport
315 East Main Street
Oceanport, NJ 07757

Re: Revised Partial Payment No. 6
2017 Road Program
Borough of Oceanport, Monmouth County, New Jersey
MC Project No. OPB-150

Dear Mayor and Council:

We are writing this letter to certify that Fiore Paving Company, 4 Fiore Court, Oceanport, NJ 07757, contractor for the above-referenced project, has completed the work as listed on the enclosed Partial Payment Certificate No. 6, and is entitled to payment in the amount of \$28,827.68.

Also enclosed with this Payment are four copies of Change Order No. 3. This adjusts some items to their as-built quantities and provides a reduction in the contract in the amount of \$595.50. The original contract amount was \$1,021,718.12. Change Order #1 reduced the contract amount to \$1,015,597.96. Change Order #2 further reduces the contract to \$981,802.32. Change Order #3 reduces the contract to \$981,206.82. Please return all four copies of the executed Change Order to our office.

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

Very truly yours,

MASER CONSULTING P.A.

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

WHW/nb
Enclosures

cc: Jeanne Smith, RMC, Borough Clerk
Robert Fiore (via email fiorepaving@aol.com) w/enc.

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ROUGH OF OCEANPORT

PAYMENT APPLICATION NO. 6

DATE: 1/22/2019

Tractor: Fiore Paving Co., Inc.

4 Fiore Court

Oceanport, NJ 07757

Project No. OPB-150

ESTIMATE OF THE AMOUNT AND VALUE OF WORK COMPLETED UNDER CONTRACT FOR:

Period 11/13/18 to 1/22/19

2017 ROAD PROGRAM

Item	Description	Contract Quantity	Unit	Unit or Lump Sum Price	Contract Totals	Amended Quantity	Previous Quantity	Current Period		Total To Date	
								Quantity	Amount	Quantity	Amount
	PROPOSAL A - MAIN STREET										
1	CLEARING SITE	1	LS	\$23,000.00	\$23,000.00	1.00	1.00		\$0.00	1.00	23,000.00
2	EXCAVATION, UNCLASSIFIED (IF & WHERE DIRECTED)	195	CY	\$0.01	\$1.95	5.00	5.00		\$0.00	5.00	0.05
3	HMA MILLING, 3" OR LESS	5635	SY	\$3.00	\$16,905.00	5,100.00	5,100.00		\$0.00	5,100.00	15,300.00
4	DENSE GRADED AGGREGATE, BASE COURSE, 6" THICK (IF & WHERE DIRECTED)	500	SY	\$0.01	\$5.00	0.00	0.00		\$0.00	0.00	0.00
5	HOT MIX ASPHALT 19M64, BASE COURSE, 6" THICK (IF & WHERE DIRECTED)	180	TON	\$65.00	\$11,700.00	1.87	1.87		\$0.00	1.87	121.55
6	HOT MIX ASPHALT 9.5M64, SURFACE COURSE, 2" THICK	710	TON	\$70.00	\$49,700.00	566.91	566.91		\$0.00	566.91	39,683.70
7	TACK COAT	800	GAL	\$0.01	\$8.00	500.00	500.00		\$0.00	500.00	5.00
8	POLYMERIZED JOINT ADHESIVE	1575	LF	\$1.00	\$1,575.00	0.00	0.00		\$0.00	0.00	0.00
9	RESET EXISTING CASTING	5	UNIT	\$0.01	\$0.05	0.00	0.00		\$0.00	0.00	0.00
10	RECONSTRUCTED INLET TYPE "B", USING NEW CASTING	1	UNIT	\$1,800.00	\$1,800.00	0.00	0.00		\$0.00	0.00	0.00
11	BICYCLE SAFE GRATE	1	UNIT	\$400.00	\$400.00	1.00	1.00		\$0.00	1.00	400.00
12	CURB PIECE, TYPE "N"	3	UNIT	\$400.00	\$1,200.00	3.00	3.00		\$0.00	3.00	1,200.00
13	6" X 8" X 18" CONCRETE VERTICAL CURB (IF & WHERE DIRECTED)	320	LF	\$27.50	\$8,800.00	350.00	350.00		\$0.00	350.00	9,625.00
14	CONCRETE SIDEWALK, 4" THICK (IF & WHERE DIRECTED)	170	SY	\$63.00	\$10,710.00	140.00	170.00		\$0.00	170.00	10,710.00
15	CONCRETE DRIVEWAY, REINFORCED, 6" THICK (IF & WHERE DIRECTED)	115	SY	\$75.00	\$8,625.00	76.10	112.10		\$0.00	112.10	8,407.50
16	DETECTABLE WARNING SURFACE	5	SY	\$225.00	\$1,125.00	3.60	3.60		\$0.00	3.60	810.00
17	HMA DRIVEWAY, 5" THICK	50	SY	\$50.00	\$2,500.00	9.20	44.20		\$0.00	44.20	2,210.00
18	TRAFFIC STRIPES, 4" WIDE, LONG LIFE	3140	LF	\$0.60	\$1,884.00	2,954.00	2,954.00		\$0.00	2,954.00	1,772.40
19	TRAFFIC MARKINGS, THERMOPLASTIC	396	SF	\$3.15	\$1,247.40	156.00	156.00		\$0.00	156.00	491.40
20	DRUMS	75	UNIT	\$0.01	\$0.75	40.00	40.00		\$0.00	40.00	0.40
21	CONSTRUCTION SIGNS	230	SF	\$12.00	\$2,760.00	230.00	230.00		\$0.00	230.00	2,760.00
22	BREAKAWAY BARRICADES	12	UNIT	\$0.01	\$0.12	0.00	0.00		\$0.00	0.00	0.00
23	TRAFFIC DIRECTORS, FLAGGER	160	HOUE	\$81.00	\$12,960.00	136.50	136.50		\$0.00	136.50	11,056.50

PAYMENT APPLICATION NO. 6

DATE: 1/22/2019

tractor: Fiore Paving Co., Inc.
4 Fiore Court
Oceanport, NJ 07757

Project No. OPB-150

ESTIMATE OF THE AMOUNT AND VALUE OF WORK COMPLETED UNDER CONTRACT FOR:

Period 11/13/18 to 1/22/19

2017 ROAD PROGRAM

Item	Description	Contract Quantity	Unit	Unit or Lump Sum Price	Contract Totals	Amended Quantity	Previous Quantity	Current Period		Total To Date	
								Quantity	Amount	Quantity	Amount
24	TOPSOILING, 4" THICK (IF & WHERE DIRECTED)	200	SY	\$0.01	\$2.00	37.60	37.60		\$0.00	37.60	0.38
25	FERTILIZING AND SEEDING, TYPE F (IF & WHERE DIRECTED)	200	SY	\$0.01	\$2.00	37.60	37.60		\$0.00	37.60	0.38
26	STRAW MULCHING (IF & WHERE DIRECTED)	200	SY	\$0.01	\$2.00	0.00	0.00		\$0.00	0.00	0.00
27	FUEL PRICE ADJUSTMENT	1	LS	\$5,000.00	\$5,000.00	0.36	0.36		\$0.00	0.36	1,780.60
28	ASPHALT PRICE ADJUSTMENT	1	LS	\$5,000.00	\$5,000.00	1.04	1.04		\$0.00	1.04	5,207.07
	Proposal A Sub-Total				\$166,913.27						\$134,541.92
	PROPOSAL B										
1	CLEARING SITE	1	LS	\$83,000.00	\$83,000.00		1.00		\$0.00	1.00	83,000.00
2	EXCAVATION, UNCLASSIFIED (IF & WHERE DIRECTED)	1070	CY	\$0.01	\$10.70		678.50		\$0.00	678.50	6.79
3	EXCAVATION, TEST PITS (IF & WHERE DIRECTED)	20	CY	\$50.00	\$1,000.00		1.30		\$0.00	1.30	65.00
4	HMA MILLING, 3" OR LESS	10240	SY	\$2.75	\$28,160.00		8,999.00		\$0.00	8999.00	24,747.25
5	DENSE GRADED AGGREGATE, BASE COURSE, 6" THICK (IF & WHERE DIRECTED)	2822	SY	\$0.01	\$28.22		0.00		\$0.00	0.00	0.00
6	HOT MIX ASPHALT 19M64, BASE COURSE, 4" THICK (IF & WHERE DIRECTED)	830	TON	\$85.00	\$70,550.00		572.48		\$0.00	572.48	48,660.80
7	HOT MIX ASPHALT 9.5M64, SURFACE COURSE, 2" THICK	1509	TON	\$81.25	\$122,606.25		1,417.54		\$0.00	1417.54	115,175.13
8	CONCRETE DRIVEWAY, REINFORCED, 6" THICK (IF & WHERE DIRECTED)	418	SY	\$75.00	\$31,350.00		327.42		\$0.00	327.42	24,556.50
9	HMA DRIVEWAY, 5" THICK (IF & WHERE DIRECTED)	389	SY	\$40.00	\$15,560.00		226.72		\$0.00	226.72	9,068.80
10	RESET PAVERS	55	SY	\$120.00	\$6,600.00	61.40	61.40		\$0.00	61.40	7,368.00
11	TACK COAT	1897	GAL	\$0.01	\$18.97		790.00		\$0.00	790.00	7.90
12	SEALING OF CRACKS IN HOT ASPHALT SURFACE COURSE	7215	LF	\$1.75	\$12,626.25		0.00	13100.00	\$22,925.00	13100.00	22,925.00
13	15" REINFORCED CONCRETE PIPE	30	LF	\$80.00	\$2,400.00		24.00		\$0.00	24.00	1,920.00
14	12" REINFORCED CONCRETE PIPE	80	LF	\$70.00	\$5,600.00	103.00	103.00		\$0.00	103.00	7,210.00
15	12" PVC PIPE, C905 D25	35	LF	\$90.00	\$3,150.00		24.00		\$0.00	24.00	2,160.00
16	INLET, TYPE "B"	7	UNIT	\$3,500.00	\$24,500.00		7.00		\$0.00	7.00	24,500.00

PAYMENT APPLICATION NO. 6

DATE: 1/22/2019

Tractor: Fiore Paving Co., Inc.

4 Fiore Court

Oceanport, NJ 07757

Project No. OPB-150

ESTIMATE OF THE AMOUNT AND VALUE OF WORK COMPLETED UNDER CONTRACT FOR:

Period 11/13/18 to 1/22/19

2017 ROAD PROGRAM

Item	Description	Contract Quantity	Unit	Unit or Lump Sum Price	Contract Totals	Amended Quantity	Previous Quantity	Current Period		Total To Date	
								Quantity	Amount	Quantity	Amount
17	INLET, TYPE "E"	2	UNIT	\$3,800.00	\$7,600.00		3.00		\$0.00	3.00	11,400.00
18	INLET, TYPE "A"	2	UNIT	\$3,400.00	\$6,800.00		1.00		\$0.00	1.00	3,400.00
19	RIP RAP, D(50) = 3", 9" THICK	9	SY	\$85.00	\$765.00	26.00	26.00		\$0.00	26.00	2,210.00
20	CURB PIECE, TYPE "N"	2	UNIT	\$400.00	\$800.00		0.00		\$0.00	0.00	0.00
21	SET INLET TYPE "B" CASTING	2	UNIT	\$400.00	\$800.00		0.00		\$0.00	0.00	0.00
22	RECONSTRUCT INLET TYPE "B", USING NEW CASTING	1	UNIT	\$1,800.00	\$1,800.00		0.00		\$0.00	0.00	0.00
23	RECONSTRUCT INLET TYPE "A", USING NEW CASTING	1	UNIT	\$1,800.00	\$1,800.00		0.00		\$0.00	0.00	0.00
24	BICYCLE SAFE GRATE	2	UNIT	\$400.00	\$800.00		0.00		\$0.00	0.00	0.00
25	RESET EXISTING CASTING	7	UNIT	\$0.01	\$0.07		0.00		\$0.00	0.00	0.00
26	RESET EXISTING MANHOLE CASTING, SANITARY	5	UNIT	\$0.01	\$0.05		1.00		\$0.00	1.00	0.01
27	6" X 8" X 18" CONCRETE VERTICAL CURB (IF & WHERE DIRECTED)	970	LF	\$27.50	\$26,675.00	1,225.00	1,390.00		\$0.00	1,390.00	38,225.00
28	6" X 8" X 20" CONCRETE VERTICAL CURB (IF & WHERE DIRECTED)	150	LF	\$28.50	\$4,275.00	317.00	317.00		\$0.00	317.00	9,034.50
29	CONCRETE CURB AND GUTTER	130	LF	\$32.00	\$4,160.00		116.50		\$0.00	116.50	3,728.00
30	CONCRETE ROLLED CURB	950	LF	\$32.00	\$30,400.00	812.00	812.00		\$0.00	812.00	25,984.00
31	SWALE CURB	1645	LF	\$32.00	\$52,640.00		1,277.00		\$0.00	1,277.00	40,864.00
32	GRANITE CURB	8	LF	\$32.00	\$256.00		8.00		\$0.00	8.00	256.00
33	CONCRETE SIDEWALK, 4" THICK (IF & WHERE DIRECTED)	700	SY	\$63.00	\$44,100.00		654.42	17.00	\$1,071.00	671.42	42,299.46
34	DETECTABLE WARNING SURFACE	13	SY	\$225.00	\$2,925.00		8.90		\$0.00	8.90	2,002.50
35	GUIDE SIGN, TYPE GA, BREAKAWAY SUPPORTS	21	SF	\$45.00	\$945.00		20.00		\$0.00	20.00	900.00
36	RESET SIGN, BREAKAWAY SUPPORTS	4	UNIT	\$200.00	\$800.00		1.00		\$0.00	1.00	200.00
37	TRAFFIC STRIPES, 4" WIDE, THERMOPLASTIC	520	LF	\$0.60	\$312.00		400.00		\$0.00	400.00	240.00
38	TRAFFIC MARKINGS, THERMOPLASTIC	636	SF	\$3.15	\$2,003.40		66.00		\$0.00	66.00	207.90
39	DRUMS	80	UNIT	\$0.01	\$0.80		36.00		\$0.00	36.00	0.36
40	MOUNTED CRASH CUSHION	1	UNIT	\$1,500.00	\$1,500.00		1.00		\$0.00	1.00	1,500.00
41	CONSTRUCTION SIGNS	300	SF	\$12.00	\$3,600.00		300.00		\$0.00	300.00	3,600.00

PAYMENT APPLICATION NO. 6

DATE: 1/22/2019

tractor: Fiore Paving Co., Inc.
4 Fiore Court
Oceanport, NJ 07757

Project No. OPB-150

ESTIMATE OF THE AMOUNT AND VALUE OF WORK COMPLETED UNDER CONTRACT FOR:

Period 11/13/18 to 1/22/19

2017 ROAD PROGRAM

Item	Description	Contract Quantity	Unit	Unit or Lump Sum Price	Contract Totals	Amended Quantity	Previous Quantity	Current Period		Total To Date	
								Quantity	Amount	Quantity	Amount
42	BREAKAWAY BARRICADES	39	UNIT	\$0.01	\$0.39		0.00		\$0.00	0.00	0.00
43	TRAFFIC DIRECTORS, FLAGGER	316	HOURL	\$81.00	\$25,596.00	268.00	104.00	20.00	\$1,620.00	124.00	10,044.00
44	TREE REMOVAL OVER 6" TO 24" DIAMETER (IF & WHERE DIRECTED)	3	UNIT	\$1,000.00	\$3,000.00		3.00		\$0.00	3.00	3,000.00
45	TREE REMOVAL OVER 24" DIAMETER (IF & WHERE DIRECTED)	1	UNIT	\$2,500.00	\$2,500.00		0.00		\$0.00	0.00	0.00
46	TOPSOILING, 4" THICK (IF & WHERE DIRECTED)	1475	SY	\$6.00	\$8,850.00		1,007.80		\$0.00	1007.80	6,046.80
47	FERTILIZING AND SEEDING, TYPE F (IF & WHERE DIRECTED)	1475	SY	\$1.00	\$1,475.00		750.50		\$0.00	750.50	750.50
48	STRAW MULCHING (IF & WHERE DIRECTED)	1475	SY	\$1.00	\$1,475.00		0.00		\$0.00	0.00	0.00
49	FUEL PRICE ADJUSTMENT	1	LS	\$20,000.00	\$20,000.00	0.25	0.19		\$0.00	0.19	3,730.44
50	ASPHALT PRICE ADJUSTMENT	1	LS	\$20,000.00	\$20,000.00	0.25	0.27		\$0.00	0.27	5,300.20
	Supplemental Items										
S-1	REROUTE SUMP PUMP DISCHARGE	1	LS	\$1,500.00	\$1,500.00		1.00		\$0.00	1.00	1,500.00
S-2	6" PVC PIPE, C900	30	LF	\$80.00	\$2,400.00		30.00		\$0.00	30.00	2,400.00
S-3	CLEAN STONE (PEMBERTON SWALE)	40	CY	\$65.00	\$2,600.00		40.00		\$0.00	40.00	2,600.00
S-4	6" UNDERDRAIN (PEMBERTON SWALE)	20	LF	\$100.00	\$2,000.00		20.00		\$0.00	20.00	2,000.00
S-5	BELGIUM BLOCK APRON	16.67	SY	\$252.00	\$4,200.84		16.67		\$0.00	16.67	4,200.84
S-6	CONCRETE APRON	30	SY	\$75.00	\$2,250.00		30.00		\$0.00	30.00	2,250.00
S-7	3/4" CLEAN STONE FOR FIRE HOUSE	65	CY	\$65.00	\$4,225.00		65.00		\$0.00	65.00	4,225.00
S-8	CONCRETE SIDEWALK UNDERDRAIN	7	LF	\$65.00	\$455.00		7.00		\$0.00	7.00	455.00
S-9	3/4" CLEAN STONE FOR FIRST AID	30	CY	\$65.00	\$1,950.00		30.00		\$0.00	30.00	1,950.00
S-10	STONE LOT	120	CY	\$65.00	\$7,800.00		120.00		\$0.00	120.00	7,800.00
S-11	SINK HOLE REPAIR - HASKELL WAY	1	LS	\$3,800.00			0.00	1.00	\$3,800.00	1.00	3,800.00
	Proposal B Sub-Total										\$619,475.67
	Add Alternate #1 Oceanport Hook and Ladder Driveway										
A-1	FIRE HOUSE DRIVEWAY	440	SY	\$175.00	\$77,000.00		440.00		\$0.00	440.00	\$77,000.00
	Add Alternate #2 First Aid Driveway				\$0.00						
B-1	FIRST AID DRIVEWAY	310	SY	\$175.00	\$54,250.00		235.44		\$0.00	235.44	41,202.00
B-2	CONCRETE DRIVEWAY, REINFORCED, 6" THICK (IF & WHERE DIRECTED)	15	SY	\$75.00	\$1,125.00		75.00		\$0.00	75.00	5,625.00

ROUGH OF OCEANPORT

PAYMENT APPLICATION NO. 6

DATE: 1/22/2019

Contractor: Fiore Paving Co., Inc.

4 Fiore Court

Oceanport, NJ 07757

Project No. OPB-150

ESTIMATE OF THE AMOUNT AND VALUE OF WORK COMPLETED UNDER CONTRACT FOR:

Period 11/13/18 to 1/22/19

2017 ROAD PROGRAM

Item	Description	Contract Quantity	Unit	Unit or Lump Sum Price	Contract Totals	Amended Quantity	Previous Quantity	Current Period		Total To Date	
								Quantity	Amount	Quantity	Amount
B-3	6" X 8" X 18" CONCRETE VERTICAL CURB (IF & WHERE DIRECTED)	85	LF	\$27.50	\$2,337.50		143.00		\$0.00	143.00	3,932.50
B-4	CONCRETE SIDEWALK, 4" THICK (IF & WHERE DIRECTED)	15	SY	\$65.00	\$975.00		14.00		\$0.00	14.00	910.00
	Add Alternate #2 Sub-Total										\$51,669.50
	Add Alternate #3 Oceanport Hook and Ladder Parking Lot				\$0.00						
C-1	HMA MILLING, 3" OR LESS	2150	SY	\$4.00	\$8,600.00		1,884.00		\$0.00	1884.00	7,536.00
C-2	HOT MIX ASPHALT 9.5M64, SURFACE COURSE, 2" THICK	260	TON	\$95.00	\$24,700.00		260.00		\$0.00	260.00	24,700.00
C-3	TACK COAT	325	GAL.	\$0.01	\$3.25		0.00		\$0.00	0.00	0.00
	Add Alternate #3 Sub-Total										\$32,236.00

CERTIFICATE OF CONTRACTOR

I certify that all items, units, quantities and prices of work and material shown in this progress estimate are correct; that all work has been performed and materials supplied in full accordance with the terms of the contract documents and all authorized changes thereto; that the foregoing is a true and correct statement of the contract account up to and including the last day of the period covered by this estimate, and that no part of the stated amount due this estimate has been received.

BY: _____ DATE _____

Fiore Paving Co., Inc.

APPROVED: _____ DATE _____

Maser Consulting P.A.

Total This Estimate	\$29,416.00	Total To Date	\$914,923.09
Less 2.0% Retained			\$ 18,298.46
Net Amount			\$ 896,624.63
Less Previous Estimates			\$ 867,796.95
AMOUNT DUE			\$ 28,827.68
Original Contract Value			\$ 1,021,718.12
Change Order No. 1			\$ (6,120.16)
Change Order No. 2			\$ (33,795.64)
Change Order No. 3			\$ (595.50)
Adjusted Contract Value			\$ 981,206.82

NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT
CHANGE ORDER NUMBER - 3
STATE AID PROJECT

8.1.7.a

Project	2017 Road Program - MA FY 2016 Main Street Phase I Improvements
Municipality	Borough of Oceanport
County	Ocean
Contractor	Fiore Paving Co., Inc.

In accordance with the project Supplementary Specification, the following are changes in the contract.	
Location and Reason for Change	(Attach additional sheets if required) -
- As-Built Quantities Proposal A - As-Built Quantities and Supplemental Item S-11 - Proposal B	

PROPOSAL A - MAIN STREET

Increased Items -

Item No.	Description	Quantity (+/-)	Unit Price	Amount
	NONE			\$ -
				\$ -
Total Increase:				\$ -

Decreased Items -

Item No.	Description	Quantity (+/-)	Unit Price	Amount
15	Concrete Driveway, Reinforced, 6" Thick (If Directed)	-2.90 SY	\$ 75.00	\$ (217.50)
17	Hma Driveway, 5" Thick	-5.80 SY	\$ 50.00	\$ (290.00)
Total Decrease:				\$ (507.50)

PROPOSAL B

Increased Items -

Item No.	Description	Quantity (+/-)	Unit Price	Amount
43	Traffic Directors, Flaggers	-48 Hours	\$ 81.00	\$ (3,888.00)
Total Increase:				\$ (3,888.00)

Supplemental Items -

Item No.	Description	Quantity (+/-)	Unit Price	Amount
S-11	Sink Hole Repair - Haskell Way	1 LS	\$ 3,800.00	\$ 3,800.00
Total Supplemental:				\$ 3,800.00

Amount of Original Contract	\$ 1,021,718.12	Extra	\$ 0.00
Change Order #1 Amount	\$ -6,120.16	Supplemental	\$ 3,800.00
Change Order #2 Amount	\$ -33,795.64	Reduction	\$ -4,395.50
Change Order #3 Amount	\$ -595.50	Total Change	\$ -595.50

Adjusted Amount Based on Change Order Nos. 1, 2 and 3	\$ 981,206.82
---	---------------

% Change in Contract	-3.91%
[(+) Increase or (-) Decrease]	

 (Maser Consulting P.A.) (Engineer)	1/31/19 (Date)	Approved: _____ (District Manager) (Bureau of Local Aid)	_____ (Date)
_____ Borough of Oceanport (Presiding Officer)	_____ (Date)		
_____ Fiore Paving Co., Inc. (Contractor)	_____ (Date)		

**RESOLUTION OF THE BOROUGH OF OCEANPORT
REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL
GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST RIDER
FOR DONATIONS - ACCEPTANCE OF BEQUESTS AND GIFTS FOR
COMMUNITY ENHANCEMENT & BEAUTIFICATION PURSUANT TO N.J.S.A.
40A:5-29**

**Resolution #2019-60
02/21/19**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, N.J.S.A. 40A:5-29 allows municipalities to receive amounts for costs incurred for Donations - Acceptance of Bequests and Gifts for Community Enhancement & Beautification, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey hereby request permission of the Director of Local Government Services to pay expenditures for Donations - Acceptance of Bequests and Gifts for Historical Trust for Centennial Celebration as per N.J.S.A. 40A:4-39.

BE IT FURTHER RESOLVED, the Municipal Clerk of the Borough of Oceanport is hereby directed to forward two copies of this Resolution to the Director of the Division of Local Government Services.

I certify that the foregoing Resolution #2019-60 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENTS TO BOARDS AND COMMITTEES**

**Resolution #2019-61
02/21/19**

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

CABLE & TECHNOLOGY COMMITTEE

Bryan Russell Term Ending 12/31/2019

I certify that the foregoing Resolution #2019-61 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

From: [Donna Phelps](#)
To: [Oceanport Mayor](#); [Robert Proto](#); [Steve Solan](#)
Cc: [Jeanne Smith](#); [Katie LaPorta](#)
Subject: Cable & Technology Committee
Date: Wednesday, January 23, 2019 3:39:20 PM

Bryan Russell was a member of this committee and for some reason he was not listed in the Resolution of Appointments to Boards and Commissions that was passed at Reorg. I asked Jeanne if she could put a Resolution appointing Bryan on the Agenda for the February 7th meeting. This committee will begin to get active since the Borough's Franchise Agreement with Comcast is due to expire on 7/21/2021 and there is work that needs to be done regarding the current Agreement. Bryan is familiar with Franchise Agreements since they just renewed theirs in Roselle and he said that they made a good deal. I talked to him today and we are looking forward to working together. After the Resolution is passed, I am requesting that Rob call a meeting of the Committee so they can elect a Chair and be briefed on the information we have to date regarding the Franchise Agreement. This is our chance to get the television coverage that we want, among other things.

Donna M. Phelps
Administrator
Borough of Oceanport
732-222-8221

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING AN AGREEMENT WITH THE NEW JERSEY HOME AND
MORTGAGE FINANCE AGENCY (NJHMFA) TO SERVE AS THE
ADMINISTRATIVE AGENT FOR THE BOROUGH OF OCEANPORT AND
ADMINISTER THE BOROUGH OF OCEANPORT'S AFFORDABLE HOUSING
UNITS**

**Resolution #2019-62
02/21/19**

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, hereinafter the "Act") the Municipality implemented a program to provide affordable housing units to low- and moderate-income households desiring to live within the Municipality; and

WHEREAS, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the "Rules"); and

WHEREAS, Section 5:80-26.14 of the Rules provides that affordability controls may be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the Municipality has selected the New Jersey Housing and Mortgage Finance Agency's (NJHMFA) Housing Affordability Service to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the municipality, unless otherwise specified, as included in this contract.

WHEREAS, the Borough desires to enter into a one (1) year contract with the NJHMFA to serve as its Administrative Agent and administer its affordable housing program; and

WHEREAS, costs associated with the contract shall be either paid by the developer, unit owner or landlord of the affordable housing unit/project or by the Borough in the case of a Borough program or a resale program unless otherwise specified by the Borough.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Oceanport in the County of Monmouth that the Mayor and Borough Clerk are hereby authorized and directed to execute said contract between the Borough of Oceanport and the New Jersey Housing and Mortgage Finance Agency annexed hereto on behalf of the Borough.

I certify that the foregoing Resolution #2019-62 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK



Lt. Governor Sheila Y. Oliver
Chairman

Charles A. Richman
Executive Director

February 6, 2019

Donna M. Phelps, Administrator
Borough of Oceanport
315 E. Main Street
Oceanport, NJ 07757

Re: Housing Affordability Service (HAS) Proposal

Dear Ms. Phelps,

Thank you for considering the Housing Affordability Service (HAS) for your Affordable Housing Administrative Agent! Enclosed please find the HAS Proposal designed for the Borough of Oceanport. Listed within the proposal is a detailed description of services offered by the HAS.

Upon notification of your decision to utilize the HAS for your administrative agent needs we will forward to you our Municipal Contract for services.

If you have any questions or concerns please feel free to reach me at eknox@njhmfa.gov or (609) 278-7560.

Sincerely,


Elizabeth Knox
Manager of Special Programs

C: HAS Proposal

NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

637 South Clinton Avenue ▲ P.O. Box 18550 ▲ Trenton, NJ 08650-2085

TELEPHONE: (609) 278-7400 ▲ WEB: www.njhousing.gov



NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY HOUSING AFFORDABILITY SERVICE

Proposal for Borough of Oceanport – Monmouth County, NJ

Program Summary

The Housing Affordability Service (HAS) provides efficient, well-designed affordable housing administrative services to municipalities throughout the State. As the first and only certified affordable housing administrative agency, our Municipal Partners can be confident that their affordable housing units are being administered in accordance with all applicable housing regulations.

HAS believes in establishing relationships with their Municipal Partners, by offering services, training, and guidance to all stake-holders involved in the affordable housing process.

In accordance with the Uniform Housing Affordability Controls (UHAC), HAS administers its client's units effectively with a dedicated team of experienced professionals. HAS staff is comprised of individuals with Legal, Real Estate, Property Management, Community Development and Mortgage backgrounds. This depth and diversity of experience exhibited by the HAS staff results in quick guidance on difficult questions for our clients.

Scope of Services

HAS provides administrative services to municipalities based on the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as well as additional services that help municipalities maintain their stock of affordable housing. As the administrative agent for the municipality, HAS will perform the following services:

General Services

The following tasks are included in HAS' annual fee:

1. Annual Monitoring –HAS will provide the Municipal Housing Liaison with all necessary unit specific information to complete annual COAH monitoring.
2. Activity Reports – at the Municipality's request on a periodic basis, HAS will provide an update of all recent affordable housing activity (new-sales, re-sales, etc.) within the municipality.



NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY HOUSING AFFORDABILITY SERVICE

3. Annual Mailing – HAS will prepare and send an “annual mailing” packet to each affordable unit occupant, in accordance with all requirements of N.J.A.C 5:80-26.18 (d) (4).
4. Enforcement Assistance – HAS staff will assist its Municipal Partners with issues regarding illegal occupancy of units by responding to written notification from various sources regarding possible illegal occupancy with a letter requiring the submission of documentation proving occupancy. If occupancy is not adequately proven, all correspondence will be forwarded to the municipality, who HAS will assist with further enforcement activities.
5. Foreclosure Assistance – HAS will inform it’s Municipal Partners of any notices of foreclosure received by HAS on affordable units within the municipality. HAS can refer homeowners to the foreclosure prevention programs available in New Jersey. HAS can also provide the municipality with documentation from our files, in the event the municipality contests the foreclosure.
6. Miscellaneous Tasks – HAS will be available by meeting, telephone, and email to answer municipal questions regarding the status of its municipal partner’s affordable housing units, programs, and any issues that may arise.

Re-sale of affordable units

HAS will perform the following tasks to ensure the proper transfer of current affordable housing units to eligible households:

1. HAS will promptly respond to all written requests from affordable homeowners desiring to re-sell their unit.
2. HAS will provide the owner with the calculated maximum resale price and an “intent to sell” contract. Once signed, HAS will proceed with the re-sale of the affordable unit.
3. HAS will be responsible for the affirmative fair marketing of all resale units. HAS will use the Housing Resource Center (www.njhrc.gov), where a special link has been developed to HAS for-sale listings that offer an abundance of information regarding the available unit, including a picture of the unit and all amenities. HAS resale units will also be advertised in the regional



NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY HOUSING AFFORDABILITY SERVICE

newspapers from Friday to Sunday and other advertising sources that adhere to the requirements established in N.J.A.C. 5:80-26.15 (g).

4. HAS will intake all pre-applications for available HAS units and assign each a number.
5. HAS utilizes a computer based random selection program that allows for a non-biased selection of potential buyers for resale units.
6. HAS staff will collect and review all documents required to income qualify households selected in the random selection and certify whether potential buyers are eligible low or moderate-income applicants.
7. Certified buyers will work with HAS staff and/or HAS approved transaction brokers to complete the sale process.
8. Once a buyer has been identified, HAS Re-sale Specialists will prepare and supply the attorney or closing agent with the required deed, certification, recapture note and recapture mortgage necessary to ensure the proper restrictions are placed on each unit. The closing agent will be responsible for the recording of all documents. These documents will be forwarded to HAS for proper filing, following the recording.

Developers and Property Managers

HAS will work directly with developers and property managers of new ownership and rental projects to ensure the all UHAC requirements are met, by performing the following tasks:

Initial Sales and Rentals

1. HAS will train all property managers and developers on the necessary procedures HAS follows for processing and filling affordable units.
2. HAS will perform the initial pricing for new affordable rental and ownership developments.
3. HAS will train property managers of rental developments and developers of new sales on the affirmative fair marketing and random selection process pursuant to N.J.A.C. 5:80-26.15.



NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY HOUSING AFFORDABILITY SERVICE

4. HAS will approve both the marketing plan and the random selection process prior to implementation by property manager or developer. HAS will ensure the random selection is non-biased and transparent, in accordance with the definition given in N.J.A.C. 5:80-26.2, or will provide the HAS computer program for randomization.
5. HAS will create and supply all forms required for application and income certification.
6. HAS staff will review certification packages submitted by property managers or developers on behalf of the prospective renter or owner. HAS will notify the developer or property manager of the final certification status of each applicant.
7. HAS will prepare all required restrictive documents prior to closing to ensure the proper controls are maintained on each affordable property or unit.
8. HAS will maintain both development and unit files which include the recorded documents and certifications for each affordable tenant or owner. These files are kept confidential and in accordance with the provisions found in N.J.A.C. 5:80-26.14.
9. HAS will perform random site visits to all HAS rental properties throughout the year to review record keeping and maintenance issues with the property managers.

Affordable Home Owners

Refinancing and Home Equity Transactions

HAS will supply the owner with a “notice of intent to incur indebtedness”. After the owner has returned this document, HAS will review the information and determine whether “the proposed indebtedness complies with the provisions” found in N.J.A.C. 5:80-26.8. HAS will monitor these transactions by insuring the correct and accurate filing of all restrictions on the affordable units under their administration. These restrictions serve as a potential barrier to any future liens or possible illegal sales of the affordable unit.



NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY HOUSING AFFORDABILITY SERVICE

Compensation

Municipal Fees – Borough of Oceanport

Set-up Fee – A one-time initial set-up fee will be charged to all new Municipal Partners. This fee will include all necessary correspondence regarding the change in Administrative Agent as well as the creation of a data-base and physical files for each affordable development and unit. This fee is payable upon execution of the HAS Municipal Agreement. **Set-up fee \$1,050.00**

Annual Fee – HAS will charge a fee of to the Borough of Oceanport, on an annual basis. This fee will include all municipal tasks described in this proposal. **Annual fee \$1,050.00**

Developer and Property Manager Fees

Initial sales and rentals – HAS will charge developers of affordable ownership and rental projects **\$500** per affordable unit. This fee includes the processing of two (2) income applications per unit. Additional applications will be assessed an additional **\$100** fee per application. This additional fee will be calculated on a quarterly basis.

Re-rentals – HAS will bill property managers of rental developments **\$200** per re-rental for household income certification.

For rental developments that are 100% affordable and receive federal financing, HAS will negotiate rates with owners on a case-by-case basis.

Home Owner Fees

Re-sales – Home Owners desiring to re-sell their affordable units will be charged a fee equivalent to three percent (**3%**) of the sales price. This fee is payable by the seller at closing. This **3%** fee includes the required regional marketing (regional newspapers and web-based advertising); review of all applications to determine income eligibility; issuance of the Certification of Eligible Household; services of HAS transaction broker to facilitate the showing of the unit to certified households and contract execution; preparation of all required restrictive closing documents.

Refinancing and Home Equity Transactions - HAS will charge owners desiring to refinance their homes or obtain a home equity loan a **\$200** processing fee prior to closing.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTING ACACIA FINANCIAL GROUP, INC., AS FINANCIAL ADVISOR**

**Resolution #2019-63
02/21/19**

WHEREAS, the Borough Council, in the Borough of Oceanport, County of Monmouth, New Jersey has a need for a financial advisor specializing in public finance to assist it in matters relating to, *inter alia*, the issuance of debt; and

WHEREAS, Acacia Financial Group, Inc., Mount Laurel, New Jersey, is a nationally recognized financial advisor with experience in public finance and is able to assist the Borough in such matters; and

WHEREAS, the Borough Council has reviewed the credentials, expertise and estimated fees of Acacia Financial Group, Inc. for the services to be provided as financial advisor and is satisfied that the services will be of the highest quality at a fair and reasonable price; and

WHEREAS, the Borough is authorized to appoint Acacia Financial Group, Inc. as financial advisor without advertising for bids since the services to be provided are professional in nature and are not anticipated to exceed \$17,500.

WHEREAS, funds shall be made available for the stated purpose in the 2019 municipal budget subject to adoption of the 2019 budget.

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

Section 1. Acacia Financial Group, Inc., Mount Laurel, New Jersey is hereby appointed as financial advisor to the Borough of Oceanport.

Section 2. The Chief Financial Officer is hereby authorized and directed to execute, on behalf of the Borough, an agreement with Acacia Financial Group, Inc. for the financial services to be rendered.

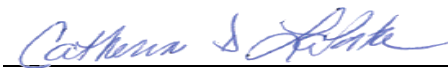
Section 3. That the agreement shall be an open-ended contract pursuant to N.J.A.C. 5:34-5.2 (B) contingent upon the availability of funds in the budget year with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service.

Section 4. All resolutions or parts thereof, inconsistent herewith are hereby repealed and rescinded to the extent of any such inconsistency.

Section 5. This resolution shall take effect immediately upon adoption.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport, hereby certify sufficient funds are available for the stated purpose in the 2019 municipal budget subject to adoption of the 2019 budget.



Catherine D. LaPorta, CFO

I certify that the foregoing Resolution #2019-63 was adopted by the Oceanport Governing Body at the Regular Meeting held February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK



6000 Midlantic Drive
Suite 410 North
Mt. Laurel, NJ 08054

(856) 234-2266 Phone
(856) 234-6697 Fax

February 1, 2019

The Borough of Oceanport
315 E. Main Street
P.O. Box 370
Oceanport, NJ 07757

Attention: Catherine LaPorta
Chief Financial Officer

Dear Ms. LaPorta:

This letter agreement (this “Agreement”), dated as of _____ (the “Effective Date”), will confirm the understanding and agreement between Borough of Oceanport (the “Client”) and Acacia Financial Group, Inc. (“Acacia”) as follows:

1. ENGAGEMENT OF ACACIA. The Client engages Acacia to perform financial advisory services in connection with the Client’s issuance of bonds and/or notes and other general consulting services as required and directed by the Client (the “Advisory Services”). The following reflects the general services provided by Acacia in connection with the issuance of municipal securities. In certain transactions fewer or additional services may be required and Acacia will provide services as determined jointly between the Client and Acacia.

- a) Assist in the development of the plan of finance including: debt structure, method of sale, terms, timing, marketing and pricing.
- b) Prepare independent cash-flows relating to debt structures including scenario analysis as appropriate and development of final numbers.
- c) Assist in the preparation of the financing schedule, distribution list, meeting agendas, and other transaction management tasks
- d) Review the preliminary and final official statements and other documents related to the marketing and issuance of bonds.
- e) Participate in meetings and conference calls with the working group and other parties.
- f) Advise on the credit rating strategy and assist with obtaining credit ratings.
- g) In negotiated transactions: (i) analyze and advise on pricing levels based on the client’s historical pricing, results of recent comparable sales in the market, current market conditions and other factors that may impact the sale (such information to be provided in pre-pricing materials) and (ii) participate in negotiations with investment banking groups regarding pricing and final terms of the security offering on behalf of the Client.

- h) In competitive transactions: (i) assist in the overall coordination of the sale process, (ii) assist in the preparation of the notice of sale and bid specifications; (iii) conduct market outreach, (iv) apply for CUSIPs as required by MSRB G-34 and (iv) independently review the bids for conformity to bid specifications and verify the true interest cost or net interest cost.
- i) Advise on direct bank loan structures including overall management of the RFP process.
- j) Assist in the evaluation and selection of underwriters/investment bankers, legal counsel, credit facility providers, trustees, verification agents, printers, and other professional service providers, including preparation of request for qualifications (RFQs) or requests for proposals (RFPs and the evaluation of statements of qualifications, proposals or bids submitted in response thereto (if requested).
- k) Monitor and evaluate refunding opportunities with respect to the Client's outstanding obligations.
- l) For refunding transactions, submit or assist with the submission of SLGS subscriptions, evaluate the efficiency of open market securities relative to SLGS and, if necessary or appropriate, prepare bid specifications and conduct the bid process for the purchase of open market securities.
- m) Analyze proposals presented by investment bankers and other parties related to the issuance of securities (as requested).
- n) Assist the Client, bond counsel and other transaction team members with the closing of the bonds and/or notes.
- o) Provide additional services as requested by the Client.

As a registered Municipal Advisor with the Municipal Securities Rulemaking Board ("MSRB") and the Securities Exchange Commission ("SEC"), Acacia also proposes to serve as Client's Independent Registered Municipal Advisor ("IRMA") for the purpose of complying with the Municipal Advisor Rule of the SEC approved on September 18, 2013.

The Client hereby acknowledges and agrees that the financial models and presentations used by Acacia in performing its Advisory Services hereunder have been developed by and are proprietary to Acacia and are protected under applicable copyright laws. The Client agrees that it will not reproduce or distribute all or any portion of such models or presentations without the prior written consent of Acacia.

2. FEES AND EXPENSES.

(a) Bond Transaction Fees. For financial advisory services rendered to the Client in connection with the sale of bonds, Acacia proposes to be compensated at a rate of \$0.85 per \$1,000 of par value issued, with a minimum fee of \$8,500 per bond issuance and maximum fee of \$15,000, inclusive of expenses.

(b) Note Transaction Fees. For financial advisory services rendered to the Client in connection with the sale of notes, Acacia proposes to be compensated at a flat rate of \$5,000 per note issuance, inclusive of expenses.

(c) Consulting Fees. For general consulting fees rendered to the Client not directly related to the sale of bonds or notes, the Client agrees to compensate Acacia based upon the hourly rates set forth below:

<u>Title</u>	<u>Hourly Rate</u>
Co-President/Managing Director	\$195.00/hr.
Senior Vice President	\$185.00/hr.
Vice President	\$175.00/hr.
Assistant Vice President /Associate	\$165.00/hr.
Analyst	\$150.00/hr.

Acacia will only perform financial consulting services at the express direction of the Client and will submit detailed, itemized invoices on a monthly basis.

(c) Complex Financings/Transactions. If the Client requires assistance with a financing that includes a unique and/or complex structure or requires additional services or time beyond our typical scope, Acacia and the Client will in good faith negotiate the amount of the fee payable taking into account, among other things, the size, structure and complexity of the transaction.

(d) Annual Disclosure Filing (Dissemination Agent). For services in connection with the on-going annual disclosure and the filing of certain financial information and notices in connection with the provisions of Rule 15C2-12(b)(5), Acacia proposes that compensation be an annual fee of \$750 billed at the time such services are rendered.

3. INDEMNIFICATION.

(a) The Client hereby expressly agrees to indemnify and hold harmless Acacia, its affiliates and its officers, directors, partners, limited partners, members, employees, agents, consultants and controlling persons and their respective successors and assigns (Acacia and each such person being an “Indemnified Person”), from any and all losses, claims, damages and liabilities, joint or several, to which such Indemnified Person may become subject (i) arising out of or based upon any untrue statement or alleged untrue statement of a material fact contained in the Official Statement, including documents described in or incorporated by reference, or arising out of or based upon the omission or alleged omission to state therein a material fact required to be stated therein or necessary in order to make the statements therein, in light of the circumstances under which they were made, not misleading, or (ii) arising in any manner out of or in connection with the services performed by Acacia or any other Indemnified Person or the matters that are the subject of this Agreement.

(b) The Client shall reimburse Acacia and any other Indemnified Person for all reasonable expenses (including reasonable fees and expenses of legal counsel) as incurred in connection with investigating, preparing to defend or defending, or providing evidence in or preparing to serve or serving as a witness with respect to, any lawsuits, investigations, claims or other proceedings arising in any manner out of or in connection with the services or matters that are the subject of this Agreement (including, without limitation, in connection with asserting or enforcing rights under this Agreement and the indemnification obligations set forth herein); provided, however, that the Client shall not be liable to indemnify any Indemnified Person in respect of any loss, claim, damage, liability or expense to the extent that it is finally judicially determined that such loss, claim,

damage, liability or expense resulted directly from the gross negligence or willful misconduct of such Indemnified Person.

4. TERM AND TERMINATION.

(a) Term. The appointment and authorization of Acacia under this Agreement shall commence on the Effective Date and shall terminate at the earliest of (i) a date mutually agreed upon by the Client and Acacia in writing; or (ii) upon at least thirty (30) days' prior written notice of one party to the other parties specifying the date of termination (the "Term"). Notwithstanding any such termination of this Agreement, the Client shall remain responsible for any fees accrued during the Term, and the reimbursement of Acacia's expenses pursuant to Paragraph 2 of this Agreement incurred during the Term and not yet paid.

(b) Survival. The provisions of Paragraphs 3, 4, 7 and 8 of this Agreement shall survive the termination of this Agreement.

5. ACACIA'S DISCLOSURES PURSUANT TO MSRB RULE G-42

(a) Conflicts of Interest. Acacia receives compensation for municipal advisory activities to be performed that (i) is contingent upon the size of the transaction, which could create an incentive to otherwise increase the size of a transaction; or (ii) is contingent upon the closing of the transaction, which could create an incentive to otherwise close a transaction. Acacia manages this conflict by implementing written policies and procedures for supervision that ensure that Acacia adheres to its fiduciary duties to its municipal advisory clients. Acacia is not aware, after reasonable inquiry, of any other actual or potential material conflict of interest that could reasonably be anticipated to impair its ability to provide advice to or on behalf of its clients in accordance with its fiduciary duties to its clients.

(b) Legal or Disciplinary Events. Acacia does not have any legal or disciplinary events that are material to a client's evaluation of Acacia or the integrity of Acacia's management or advisory personnel, nor does Acacia have any legal or disciplinary events that are required to be disclosed on its Forms MA and MA-I, which are filed with the SEC. Copies of Acacia's most recent Forms MA and MA-I are accessible on the SEC's EDGAR system Company Search Page at <https://www.sec.gov/edgar/searchedgar/companysearch.html> by searching for either Acacia Financial Group, Inc. or Acacia's CIK number, which is 0001613001. Acacia has not made any material change or addition to the legal or disciplinary event disclosures on any Form MA or Form MA-I filed with the SEC since Acacia's initial filing of Form MA on July 25, 2014. On June 1, 2017, Acacia's principal place of business changed and a revised Form MA was filed on June 7, 2017 and MA-I filed on June 5, 2017.

6. ACACIA'S DISCLOSURES PURSUANT TO MSRB RULE G-10. Pursuant to MSRB Rule G-10, on Investor and Municipal Advisory Client Education and Protection, Municipal Advisors (such as Acacia Financial Group, Inc.) are required to provide certain written information to their municipal entity and obligated person clients which includes the following:

(a) Acacia Financial Group, Inc. is currently registered as a Municipal Advisor with the SEC and the MSRB.

(b) Within the MSRB website at www.msrb.org, municipal entity and obligated person clients of Acacia Financial Group, Inc. may obtain the Municipal Advisory client brochure that is posted on the MSRB website. The brochure describes the protections that may be provided by the MSRB Rules along with how to file a complaint with financial regulatory authorities.

7. DISPUTE RESOLUTION. All disputes, claims or controversies arising out of or in any way relating to this Agreement or the services rendered by Acacia (including with respect to enforcement of this Agreement) that are not resolved by mutual agreement shall be resolved solely and exclusively by binding arbitration to be conducted before the American Arbitration Association (the “AAA”). Arbitration proceedings shall be held in New Jersey before a single arbitrator and shall be conducted in accordance with the commercial arbitration rules of the AAA unless specifically modified herein.

8. MISCELLANEOUS.

(a) Reliance on Client Information. Acacia may conclusively rely on the accuracy and completeness of the information provided to Acacia by the Client or the Client’s representatives, including current and historical information with respect to the operations, assets, liabilities, and financial condition of the Client (the “Information”), and the Client acknowledges that Acacia has not been retained to (nor will it) independently verify any of such Information.

(b) Independent Contractor Status. The legal relationship of the Client and Acacia created by this Agreement is one of independent contractors only and no employer/employee, master-servant, co or joint ventures, licensor-licensee, partnership or other such relationship is intended or shall be deemed or construed.

(c) No Liability. The Client agrees that neither Acacia nor any of its controlling persons, affiliates, partners, directors, officers, employees, agents, advisors or consultants shall have any liability to the Client or any person asserting claims on behalf of or in right of the Client for any losses, claims, damages, liabilities or expenses arising out of or relating to this Agreement or the services to be rendered by Acacia hereunder, unless and until it is finally judicially determined that such losses, claims, damages, liabilities or expenses resulted directly from the gross negligence or willful misconduct of Acacia.

(d) Successors and Assigns. The benefits of this Agreement shall inure to the respective successors and assigns of the parties hereto and of the Indemnified Persons, and the obligations and liabilities assumed in this Agreement by the parties hereto shall be binding upon their respective successors and assigns. Other than pursuant to Paragraph 3, nothing in this Agreement is intended to confer upon any other person (including stockholders, employees or creditors of the Client) any rights or remedies hereunder or by reason hereof.

(e) Blue Pencil/Waiver. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provisions of this Agreement, which shall remain in full force and effect. Any of the terms and conditions of this Agreement may be waived at any time and from time to time in a writing signed by the party entitled to the benefit thereof, but a waiver in one instance shall not be deemed to constitute a waiver in any other instance.

A failure to enforce any provision of this Agreement shall not operate as a waiver of this provision or of any other provision hereof.

(f) Entire Agreement. This Agreement constitutes the entire understanding and agreement between the Client and Acacia with respect to the subject matter hereof and supersedes all prior understandings or agreements between and among the parties with respect thereto, whether oral or written, express or implied. This Agreement may not be amended or modified except in a writing signed by each of the parties hereto. No party may assign this Agreement to any entity other than an affiliated or related entity without the prior written consent of the other parties.

(g) Counterparts. This Agreement may be executed in any number of counterparts, by original, facsimile or electronic signature, each of which shall be deemed to be an original and all of which together shall be deemed to be the same agreement.

(h) Governing Law. THIS AGREEMENT AND, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, ALL MATTERS ARISING OUT OF OR RELATING IN ANY WAY TO THIS AGREEMENT, SHALL BE GOVERNED BY, AND CONSTRUED IN ACCORDANCE WITH, THE LAWS OF THE STATE OF NEW JERSEY (WITHOUT GIVING EFFECT TO THE CONFLICTS OF LAW PROVISIONS THEREOF).

[Signature page to follow]

If the foregoing correctly sets forth the understanding and agreement among Acacia and the Client, please so indicate in the space provided for that purpose below, whereupon this Agreement shall constitute a binding agreement as of the Effective Date.

Sincerely,

ACACIA FINANCIAL GROUP, INC.

By: 
Name: Kim M. Whelan
Title: Co-President

Accepted by:

BOROUGH OF OCEANPORT

By: _____
Name: Catherine LaPorta
Title: Chief Financial Officer

[signature page to engagement letter]

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

Wednesday, January 16, 2019

To: Paul Vanbrunt, Oceanport Fire Chief
Donna Phelps, Oceanport Borough Administrator

Reference: Thomas Porowski, 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

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

Monday, January 21, 2019

To: Paul Vanbrunt, Oceanport Fire Chief
Donna Phelps, Oceanport Borough Administrator

Reference: John Donohoe, 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 dark ink, appearing to read "Michael P. Kelly", written over a horizontal line.
Michael P. Kelly
Chief of Police

Cc: file copy

Daniel W. Barcus

Chief of Police

Michael S. Chenoweth

Captain

Michael P. Kelly

Lieutenant

BOROUGH OF OCEANPORT



POLICE DEPARTMENT

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

732.222.6300

Main

732.222.6301 ext 1015

Records

732.222.0945

Fax

Monday, December 31, 2018

To: Kathy Kenny, Oceanport First Aid Captain
Donna Phelps, Oceanport Borough Administrator

Reference: Michael Cooper, First Aid Applicant

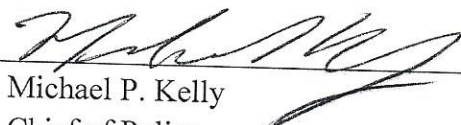
Please be advised that the record check of the above applicant for membership in a volunteer organization is complete. Our investigation has led to the following finding:

 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,


Michael P. Kelly
Chief of Police

Cc: file copy

BOROUGH OF OCEANPORT

Daniel W. Barcus
Chief of Police

Michael S. Chenoweth
Captain

Michael P. Kelly
Lieutenant



POLICE DEPARTMENT

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

732.222.6300

Main

732.222.6301 ext 1015

Records

732.222.0945

Fax

Monday, December 31, 2018

To: Kathy Kenny, Oceanport First Aid Captain
Donna Phelps, Oceanport Borough Administrator

Reference: Patricia Cooper, First Aid 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,


Michael P. Kelly
Chief of Police

Cc: file copy

BOROUGH OF OCEANPORT

Daniel W. Barcus
Chief of Police

Michael S. Chenoweth
Captain

Michael P. Kelly
Lieutenant



POLICE DEPARTMENT

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

732.222.6300

Main

732.222.6301 ext 1015

Records

732.222.0945

Fax

Monday, December 03, 2018

To: Kathy Kenny, Oceanport First Aid Captain
Oceanport Borough Administrator

Reference: Genna Laurino, First Aid 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,


Michael P. Kelly
Chief of Police

Cc: file copy

**RESOLUTION OF THE BOROUGH OF OCEANPORT APPOINTING GLENN P.
MANNINO AND THOMAS SPULER AS CLASS II SPECIAL LAW
ENFORCEMENT OFFICERS TO THE OCEANPORT POLICE DEPARTMENT**

**Resolution #2019-64
02/21/19**

WHEREAS, upon the recommendation of the Police Chief, the Governing Body of the Borough of Oceanport has determined that it is in the best interest of the Borough to appoint the following individuals as Class II Special Law Enforcement Officer to the Oceanport Police Department, which shall be effective February 21, 2019.

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

Glenn P. Mannino and Thomas Spuler are hereby appointed Class II Special Law Enforcement Officers.

BE IT FURTHER RESOLVED, that a certified true copy of the within Resolution be furnished to the Chief of Police of the Borough of Oceanport, the Chief Financial Officer, the Borough Attorney, and the Oceanport PBA Representative.

I certify that the foregoing Resolution #2019-64 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

Jeanne Smith

From: Kelly, Michael P. <MKelly@oceanportpolice.org>
Sent: Thursday, February 7, 2019 1:45 PM
To: Jeanne Smith
Cc: Donna Phelps; Steve Solan; Michael Chenoweth-OPPD; Michael Kelly-OPPD
Subject: Hiring of Class II Special Officers
Attachments: Mannino application 1-2019.pdf; Spuler, Thomas - Application.pdf

Following two sets of interviews and background investigations for the open 2 positions of Class II Special Officer, The Police Department Selected Glenn P. Mannino of Little Silver, who worked as Class II Officer in Seaside Heights, and Thomas Spuler, of Middletown, who worked as a Class II Officer in Deal, as the Department next class II Special Officers. Each of them were scheduled and completed psychological and physical evaluations. We would like to begin having them complete the essential paperwork for the Department and the Borough as new hires'. Please pass this information onto council so that we may formally bring them on board as employees. I have attached their applications. If you should require any other information please let me know.

Thank You

Michael P. Kelly
Chief of Police
Oceanport Police Department
P.O. Box 370
Oceanport, N.J. 07757
Tele# 732-222-6301 ext 1001
Fax-732-222-0945
Email:chief@oceanportpolice.org



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**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENT OF CATHERINE D. LAPORTA AS THE BOROUGH'S
QUALIFIED PURCHASING AGENT**

**Resolution #2019-65
02/21/19**

WHEREAS, Jeanne Smith is currently serving as the Borough's Qualified Purchasing Agent; and

WHEREAS, Jeanne Smith is also serving as the Borough's Planning/Zoning Board Secretary which has seen an overall increase in demand for services particularly as a result of the development on Fort Monmouth; and

WHEREAS, Catherine D. LaPorta is currently serving as the Borough's Chief Financial Officer and has achieved certification from the State of New Jersey as a Qualified Purchasing Agent; and

WHEREAS, the Finance and Administration Committee has recommended to the Governing Body that Catherine D. LaPorta be appointed as the Borough's Qualified Purchasing Agent.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Oceanport as follows:

1. The Borough does hereby appoint Catherine D. LaPorta to serve as the Borough's Qualified Purchasing Agent in accordance with N.J.S.A. 40A:11-9, et seq. effective March 1, 2019 at a salary of \$5,000 annually.
2. That Jeanne Smith's compensation for Purchasing Agent be reallocated to the Planning/Zoning Board Secretary position.
3. As permitted by said law, the Borough also hereby authorizes and confirms that its bid threshold shall be set at \$40,000.00 in accordance with N.J.S.A. 40A:11-3(c).

I certify that the foregoing Resolution #2019-65 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

From: [Joseph A. Irace](#)
To: [Donna Phelps](#); [Jeanne Smith](#); [Katie LaPorta](#)
Cc: [Robert Proto](#); [Michael O'Brien](#)
Subject: QPA
Date: Friday, January 25, 2019 3:33:46 PM

All-

Congratulations to Katie on receiving her QPA! Can we add to the agenda for our February meeting to name her QPA?

Thanks!
Joe

Sent from my iPhone

From: [Joseph A. Irace](#)
To: [Katie LaPorta](#); [Donna Phelps](#); [Jeanne Smith](#); [Michael O'Brien](#); [Robert Proto](#)
Subject: QPA Part 2
Date: Friday, January 25, 2019 4:02:32 PM

All-

I forgot to add. After this gets approved, please add the stipend of \$5000 for the QPA to Katie's salary and move the stipend of \$5000 from Jeanne's QPA to Planning Board.

Thanks!

Joe

Sent from my iPhone

**RESOLUTION OF THE BOROUGH OF OCEANPORT
COUNTY OF MONMOUTH, STATE OF NEW JERSEY APPROVING AN
AGREEMENT WITH THE BOROUGH OF SHREWSBURY FOR THE USE OF
COURTROOM FACILITIES**

Resolution #2019-66

02/21/19

WHEREAS, the “Uniform Shared Services and Consolidation Act” at N.J.S.A. 40A:65-1 et seq. (The “Act”) allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

WHEREAS, the Borough of Oceanport has need for temporary courtroom facilities and Borough of Shrewsbury desire to continue sharing Fire Prevention Services in order to converse resources and to provide for a more efficient and more economically sound service; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Oceanport hereby approves an agreement between the Borough of Oceanport and the Borough of Shrewsbury for the use of Shrewsbury’s municipal courtroom facilities attached hereto.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the shared services agreement.

I certify that the foregoing Resolution #2019-66 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

**SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF
SHREWSBURY AND THE BOROUGH OF OCEANPORT FOR THE USE OF
COURTROOM FACILITIES**

WHEREAS, the Borough of Shrewsbury is a municipal corporation having offices at Sycamore Avenue & Broad Street, in the Borough of Shrewsbury, Monmouth County, New Jersey; and

WHEREAS, the Borough of Oceanport is a municipal corporation having its principal offices located at 315 East Main Street, Oceanport, New Jersey, 07757

WHEREAS, the Borough of Shrewsbury and the Borough of Oceanport are desirous of entering into a Shared Services Agreement effective November 1, 2018 for the Borough of Oceanport's Municipal Court's use of the Borough of Shrewsbury's Courtroom Facilities; and

WHEREAS, the services outlined hereinafter have been agreed upon and cover court sessions for the Borough of Oceanport; and

WHEREAS, the Borough of Shrewsbury will not be responsible for the Borough of Oceanport's Judge, Prosecutor, Public Defender, Court Assistance, Arrest, Processing, and Release of Prisoners; and

WHEREAS; it is in the best interest of the Borough of Shrewsbury and the Borough of Oceanport to enter into this Shared Services Agreement;

NOW THEREFORE, IT IS HEREBY AGREED on this ____ day of _____ 2019, by and between **THE BOROUGH OF OCEANPORT** in the County of Monmouth, State of New Jersey with their principal offices located at 315 East Main Street, Oceanport, New Jersey, 07757 and **THE BOROUGH OF SHREWSBURY** in the County of Monmouth, State of New Jersey with principal offices located at Sycamore Avenue and Broad Street, Shrewsbury, New Jersey, 07702, that the Services Agreement for Shared Services of the Borough of Shrewsbury's Municipal Court is as follows:

NOW, THEREFORE, in consideration of the promises set forth, herein, the parties hereto agree as follows:

1. Beginning November 1, 2018 through October 31, 2019 the costs for all of the above-mentioned services will be \$3,000.00 per month. The Borough of Oceanport will be responsible for any extraordinary cost (damage to equipment or electronics, anything outside of ordinary cleaning services) that is not included in this agreement.

2. This agreement expires October 31, 2019. Even so, the Borough of Oceanport may terminate this agreement, for breach or any other good cause shown including completion of the Borough of Oceanport's permanent facilities prior to the

expiration of this agreement upon thirty (30) days written notice. The Borough of Shrewsbury may terminate this agreement, for breach or any other cause shown, upon ninety (90) days written notice.

3. Shrewsbury shall be and is responsible for the physical maintenance of its municipal building/courtroom and shall be responsible for any claims concerning physical defects in the facility causing injury arising from persons attending Oceanport Municipal Court proceedings. Shrewsbury shall defend, hold harmless and indemnify Oceanport, its officers, employees and agents from any such claims and losses arising out of or in connection with the providing of then facilities/services by Shrewsbury to Oceanport pursuant to this Agreement. Oceanport shall notify Shrewsbury if any event occurs which requires or may require defense and/or indemnification. Shrewsbury shall defend Oceanport against any claim or proceeding, which may be brought against Oceanport with respect to the foregoing or in which they may be implicated.

4. Except as outlined in in Paragraph 4, above. Oceanport shall remain responsible for any and all other liabilities or claims arising from its Court proceedings or persons attending Oceanport Municipal Court proceedings. Oceanport shall defend, hold harmless and indemnify Shrewsbury, its officers, employees and agents from any and all claims and losses of whatever nature or type arising out of or in connection with the providing of the services by Shrewsbury to Oceanport and its residents pursuant to this Agreement.

5. 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.

6. This Agreement represents the entire agreement between the Municipalities and cannot be changed or modified orally. This Agreement may be supplemented, amended or revised only by a writing which is signed by all the Municipalities hereto.

7. 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.

8. Failure to insist upon strict compliance with any of the terms, covenants, or conditions of this Agreement at any one time shall not be deemed a waiver of such term, covenant, or condition at any other time nor shall any waiver ore relinquishment of any right or power herein at any time be deemed a waiver or relinquishment of the same or any other right or power at any other time.

9. This Agreement may not be changed orally, and may be modified or amended only by a written agreement signed by both Municipalities.

The next page is the signature page

IN WITNESS WHEREOF on the seals and date below written:

ATTEST:

BOROUGH OF SHREWSBURY

MAUREEN L. MUTTIE
Municipal Clerk

ERIK ANDERSON
Mayor

BOROUGH OF OCEANPORT

JEANNE SMITH
Municipal Clerk

JOHN F. COFFEY, II
Mayor

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AMENDING AND ADOPTING THE BOROUGH BY-LAWS**

**Resolution #2019-67
02/21/19**

WHEREAS, the rules of procedure and of substance of the Mayor and Council of the Borough of Oceanport have been primarily dictated by Title 40 and 40A of the revised New Jersey Statutes and other requisite statutes; and

WHEREAS, the Mayor and Council of the Borough of Oceanport are desirous of implementing By-Laws which provide a foundation for a delineation of practice and procedure as well as responsibilities and authority of the Mayor and Council of the Borough of Oceanport, both as mandated by the State law covering the operation of Boroughs (N.J.S.A. 40A:60-1, et seq.) and as local practice determines; and

WHEREAS, said By-Laws aid in establishing administrative structure for the functioning of internal standing and special Committees the Mayor and Council create for the purpose of dividing administrative duties or its members; and

WHEREAS, said By-Laws assist in the establishment of procedures for the scheduling and conduct of public meetings, pursuant to statutes and as local practice dictates;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport, Monmouth County, New Jersey that the By-Laws as attached hereto be adopted for the year 2019.

I certify that the foregoing Resolution #2019-67 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

BOROUGH OF OCEANPORT BY-LAWS FOR CY2019

ARTICLE I - RULES OF ORDER

The deliberations of the Council shall be governed by “Roberts Rules of Order”, except when the same are in conflict with the laws of the State of New Jersey or these By-laws, in which even said Roberts Rules of Order shall be inapplicable.

ARTICLE 2 – THE GOVERNING BODY

Section 1. The Mayor and six Council members shall constitute the Governing Body of the Borough of Oceanport, which Governing Body shall be known as “The Mayor and Council”.

ARTICLE 3 – THE MAYOR

Section 1. The Mayor shall be the chief executive officer of the Borough. The Mayor shall also participate in the determination of Borough affairs to the extent permitted by statute.

Section 2. The Mayor shall see that the laws of the State of New Jersey and the ordinances of the Borough are faithfully executed and shall recommend to the Council such measures, as the Mayor may deem necessary or expedient for the welfare of the Borough.

Section 3. The Mayor shall use his or her authority to maintain peace and good order in the Borough and has the power to suppress all riots and tumultuous illegal assemblies in the Borough.

Section 4. The Mayor shall have the authority to execute contracts in behalf of the Borough, approved by the Council, and to sign checks and warrants or payments approved by the Council.

Section 5. The Mayor shall preside at all meetings of the Governing Body.

Section 6. The Mayor shall not vote except in the case of a tie among those Council Members voting.

Section 7. The Mayor shall on all occasions preserve the order and decorum at the deliberations of the Council. The Mayor shall cause the removal of any persons who interrupt the proceedings of the Governing Body.

Section 8. When two or more Council members arise or attempt to speak at the same time, the Mayor shall name the one entitled to the floor and recognition.

Section 9. The Mayor shall decide all questions of order without debate, subject to an appeal to the Council.

Section 10. In the absence of the Mayor or if the Mayor is unable to perform his or her duties, the Council President (or, in his or her inability to act, the Council member having the longest term of service) shall act as Mayor as provided by Statute.

Section 11. The Mayor shall be an ex officio member of all committees, both standing and special and shall be informed in advance of all meetings of such committees.

ARTICLE 4 – THE COUNCIL

Section 1. The Council shall be the legislative body of the municipality.

Section 2. The Council may, subject to general law and the provisions of this act:

- (1) Pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;
- (2) Control and regulate the finances of the municipality and raise money by borrowing or taxation;
- (3) Create such offices and positions as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinances of the Council. Other than the borough attorney, engineer, and building inspector, these officers shall be residents of the borough and shall serve at the pleasure of the Council, except the Clerk, who also shall be exempt from the borough residency requirement, the Tax Collector and Tax Assessor who shall serve for terms provided in Chapter 9 of Title 40A of the New Jersey Statutes. The Council may exempt officers from the residency requirements but only pursuant to the adoption of an ordinance to that effect;
- (4) Investigate any activity of the municipality;
- (5) Remove any officer of the municipality, other than those officers excepted by law, for cause; and
- (6) Override a veto of the Mayor by a two-thirds majority of all the members of the Council.

Section 3. The Council shall have all the executive responsibilities of the municipality not placed, by general law or this act, in the office of the Mayor.

Section 4. The Council, whenever it fails to confirm the nomination by the Mayor of any official to a subordinate office of the Borough within 30 days of being presented such nomination, shall make the appointment to that office, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie.

ARTICLE 5 – THE BOROUGH CLERK

Section 1. The Clerk shall perform the duties enjoined upon that office by the Revised Statute of New Jersey, these By-laws and such ordinances as the Council may, from time to time, enact.

Section 2. The Clerk shall keep the minutes and ordinance books properly and fully indexed and shall perform all the duties usually devolving upon such officer; and in addition, such other duties or services as Council may require or direct.

Section 3. Upon the introduction of an ordinance, the same shall be properly numbered and recorded at length by the Borough Clerk in the Ordinance Book. The assigned number shall appear in the advertisement of such ordinance.

Section 4. The Clerk shall be the Borough employee responsible for responding to all lawful requests under the New Jersey Open Public Records Act.

ARTICLE 6 – BOROUGH ADMINISTRATOR

Section 1. The Borough Administrator shall perform such duties as are set forth in Chapter 5 and as set forth in other Chapters of the Code of the Borough of Oceanport as required by ordinance.

Section 2. The Borough Administrator need not reside in the Borough of Oceanport but must be a resident of New Jersey.

Section 3. The Borough Administrator serves at the pleasure of the Mayor and Council and carries out the policies of the Mayor and Council.

Section 4. Nothing in this Article shall derogate from or authorize the Administrator to exercise powers of the elected officials of the municipality.

ARTICLE 7 – MEETINGS

Section 1. The Council shall hold an annual meeting during the first seven (7) days of January of any year, which meeting will be held within the Borough and at such time and place as Council may by resolution direct.

Section 2. At the annual meeting of the Governing Body, the Council shall elect one of its members as Council President to serve for one year and until the next annual meeting and fix the time and place for holding regular and workshop meetings during the ensuing year, which time and place shall not be changed except by the action of the Borough Council taken at a regular meeting. Public notice of the aforesaid meetings schedule and any revision thereto shall be provided in accordance with the Open Public Meetings Act.

Section 3. The Mayor shall, when necessary, call special meetings of the Council. In case of the Mayor's neglect or refusal to do so, any four members of the Council may call such meeting at such time and place in the Borough as they may designate. Public notice of a special meeting shall be provided in accordance with the Open Public Meetings Act.

Section 4. A quorum of the Council shall be as provided by Statute, to wit: three Council Members and the Mayor, and, in the absence of the Mayor, four Council Members. However, a small number of the Governing Body may meet, discuss and adjourn from time to time, but in no event may they take any official action as a Governing Body in the absence of a quorum.

Section 5. The order of business at any meeting as set forth in Article 8 may be changed by a majority vote of the members of the Council present at such meeting or by the Mayor with consent of the Council.

Section 6. Upon demand of one member of the Council or when ordered by the Mayor, or when directed by Statute, a roll call vote shall be taken and yeas and nays entered in the Minutes of the meeting.

Section 7. If the Council at its annual meeting fails to elect a President of the Council, the Mayor shall appoint the President from the Council and in that case no confirmation by the Council shall be necessary.

Section 8. The only business which can be transacted at a special meeting is that for which the special meeting is called.

Section 9. The Clerk shall notify the Council, in writing or by email through the Borough email addresses for each Council Member, of each special meeting, stating the subject, at least one day before the time fixed for holding same.

ARTICLE 8 – AGENDA

Section 1.

A. The following order of business shall be observed:

1. Meeting called to order
2. Statement of Compliance with Open Public Meetings Act

3. Flag Salute
4. Invocation
5. Roll Call
6. Administrator's Report
7. Clerk's report
Minutes, payment of bills, resolutions
8. Committee reports
9. Petitions from the public
10. Adjournment (or where appropriate Motion to go to
closed session)
11. Closed session where appropriate.
12. Adjournment

B. The aforesaid order of business at any meeting may be changed by a majority vote of the members of the Council present at such meeting or at the discretion of the Mayor.

Section 2. An agenda for each meeting of the Council shall be prepared by the Clerk in consultation with the Mayor and provide the specific order of business and action for that particular meeting. The Clerk will accept the agenda items only as submitted by appropriate Chairpersons of standing Council committees, the Mayor, the Council President, the Administrator, the Chief Financial Officer, Municipal Attorney or Municipal Engineer.

Section 3. Agenda items shall be submitted to the Clerk by the end of business on the seventh (7th) calendar day before a workshop or regular meeting and a printed agenda shall be provided to the Governing Body and be available to the general public by the close of business on the sixth (6th) calendar day before a workshop or regular meeting. (By way of example, if a meeting is scheduled for a Thursday, the agenda should be completed and distributed by the preceding Friday.) In the event that exigent circumstances prevent issuance of an agenda on the sixth (6th) calendar day before a meeting, it shall be issued as soon thereafter as possible. Any item may be added to the agenda of any meeting by vote of a majority of the Council members present during the meeting.

Section 4. The Council, by majority vote, may adopt at any meeting a time limitation of public comment in terms of a time limit for each member of the public and an hour at which public comment will be terminated.

Section 5. Any member of the public wishing to speak a second time or more will only be recognized after all members of the public wishing to be heard for a first time have been recognized.

Section 6. Prior to being allowed to address the Governing Body, a person addressing the Governing Body shall step up to the microphone, face the Governing Body and provide his or her name and address.

ARTICLE 9 – STANDING COMMITTEES

Section 1. The Mayor shall appoint all Standing Committee members subject to the approval and concurrence of the majority of the Council. The Mayor shall have no vote in any such committee appointment except in the case of a tie vote and then only for the purpose of breaking such tie vote. Should a majority of the Council not concur in the appointment by the Mayor of any Council member to any committee, the Council members, by majority, shall make such appointment.

Section 2. The following Standing Committees of the Council shall be appointed at the annual meeting:

- | | |
|--------------------------------|---|
| 1. FINANCE & ADMINISTRATION: | Finance, Administration, Capital Improvement, Insurance |
| 2. HEALTH & HUMAN SERVICES: | Health, Education, Coastal Drug Alliance, Water Watch, Environmental Commission |
| 3. PARKS & RECREATION: | Parks and Recreation, Shade Tree, Seniors, Public Information, Special Events |
| 4. PLANNING & DEVELOPMENT: | Planning Board, Economic Development, Ordinances, Utilities, Construction |
| 5. PUBLIC SAFETY: | Police, Fire, First Aid, OEM |
| 6. PUBLIC WORKS & ENGINEERING: | Buildings & Grounds, Public Works, Engineering, Sanitation, Recycling |

Section 3. Each Councilperson shall be the Chairperson of one Standing Committee and a member of two other Standing Committees named in this article.

Section 4. The Standing Committees are appointed to expedite and facilitate the work of the Council, but only within statutory limits as the entire Council is held responsible for any or all of its acts performed within the scope of authority.

A. A Standing Committee Shall:

1. Meet when requested by the Chairperson, or a majority of the committee, and all members thereof shall participate actively in the committee deliberation, performance of duties and the formulation of its recommendations to Council.
2. Plan, study, direct, make commitments within budgetary limitation, and carry on the routine activities for which it has primary responsibility.
3. Perform such acts as may be assigned to it by Council.
4. Report and make recommendations to the Council regarding its responsibilities and activities.

B. Except as provided above, a Standing Committee shall not:

1. Exceed its budgetary appropriations without prior approval of the Council.
2. Make promises or commitments to anyone which directly, or by inference, bind the Council.
3. Act in such a manner or make decisions, which set a precedent, or violate established Council policy.

Section 5. The Mayor or Council, or both, may appoint special Committees for purposes other than those included in the duties of the Standing Committees.

Section 6. The Mayor and Council may change existing Committee assignments and or Council liaison when it is in the best interest of the Borough to do so.

Section 7. The Chairperson of each Standing or Special Committee shall be prepared to report to the Mayor and Council at each regular meeting on principal activities and achievements of his or her committee.

ARTICLE 10 – DUTIES OF STANDING COMMITTEES OF THE COUNCIL

A Standing Committee shall function as an advisory body to the Council as a whole in reviewing policy matters referred to them by the Council, and such other

matters as the Council, by simple majority vote, may direct. A Standing Committee, within its respective areas of responsibility, shall formulate recommendations to the Council regarding action proposed to be taken in general. The purpose of each Standing Committee shall be to review matters within the subject areas set forth below. Each Standing Committee shall have primary responsibility for the activities and matters listed under each committee heading which shall include the administration, practices, procedures and records.

Section 1. FINANCE AND ADMINISTRATION

The Finance and Administration Committee is generally charged with the duty of overseeing Finance, Administration, Capital Improvements and Insurance and, specifically shall:

- A. Examine, audit and report upon all bills and demands referred to them and render a report when requested by Council, on the financial condition of the Borough and approve all categories of bills for payments.
- B. Coordinate the annual fiscal budget (operational and capital) process as follows:
 - 1. Council names the Finance and Administration Committee at the Reorganization Meeting, which includes three (3) members of Council.
 - 2. Chief Financial Officer works with Department Heads to determine budgetary needs.
 - 3. Members of the Committee will coordinate the financial information with the Chief Financial Officer throughout the budget process.
 - 4. Committee and Chief Financial Officer finalize budget and share proposed budget with all Council members.
- C. Serve as liaison between the Council and the Registered Municipal Accountants.
- D. Maintain, review and, as necessary, revise all insurance coverage of the Borough.
- E. Investigate and review services that can be shared with other surrounding towns.
- F. Assist with obtaining grants in order to fund projects.

- G. Compile and review requests and information from all relevant Standing and/or other committees and recommend capital projects to Council.
- H. Participate in the negotiation and recommend for approval/denial all collectively negotiated bargaining agreements on behalf of the Borough.

Section 2. HEALTH AND HUMAN SERVICES

The Health and Human Services Committee is generally charged with the duty of overseeing matters pertaining to Health, Education, the Coastal Drug Alliance, the Water Watch Committee and the Environmental Commission and, specifically, shall:

- A. Serve as a liaison between the Council and the Oceanport Board of Education and Shore Regional Board of Education.
- B. Serve as liaison between the Council and the Coastal Drug Alliance and the Shore Regional Alliance.
- C. Serve as liaison between the Council and the Water Watch, Environmental Commission, Flood Mitigation Committee and/or with any other such agencies or associations concerned with the preservation and improvements of the waterways within and surrounding the Borough.
- D. Serve as liaison between the Council and the County Board of Health.
- E. Review documentation and make recommendations to the Council pertaining to technological advancements, information technologies and communication technologies to which the Borough should avail itself.
- F. Serve as liaison between the Oceanport Library Association, County Library and the Council.

Section 3. PARKS AND RECREATION

The Parks and Recreation Committee is generally charged with the duty of overseeing matters pertaining to Parks and Recreation, Shade Trees, Senior Citizens, Public Information and Special Events and, specifically, shall:

- A. Oversee and coordinate the maintenance, management and operation of all parks and playgrounds within the Borough.

- B. Serve as liaison to all Recognized Sports Organizations within the Borough.
- C. Oversee and coordinate recreation activities sponsored or conducted by the Borough including seasonal programs and Summer Action Camp.
- D. Serve as a liaison between the Council and such groups or associations serving Senior Citizens that may exist in the Borough.
- E. Oversee, plan and sponsor programs and activities designed to benefit all senior citizens residing in the Borough.
- F. Oversee and coordinate the purchase, removal and placement of trees in and along the public Right of Way and upon such other public property as Council may approve.
- G. Publish and distribute a bulletin containing current events and activities in the Borough and such items of interest or concern to the residents as well as the publication of the Borough Directory.
- H. Oversee, plan and coordinate Memorial Day, Veterans Day, End of Summer and other Borough events/activities.
- I. Review and make recommendations regarding the budgets of projects, programs, departments and functions under its jurisdiction.

Section 4. PLANNING & DEVELOPMENT

The Planning & Development Committee is generally charged with the duty of overseeing matters pertaining to the Planning Board, Economic Development and Construction and, specifically, shall:

- A. Serve as liaison between the Planning Board and Council.
- B. Make recommendations to the Council for the preparation, enactment, updating and/or codification of ordinances and/or Borough procedures and/or policies pertaining to zoning and planning, development, subdivision control, site plan approval, building codes and construction.
- C. Keep the Council informed on matters affecting Zoning and Planning related to the Borough, adjacent municipalities and County and State governments.

- D. Serve as liaison to the Department of Community Affairs regarding the development and grants for community projects.
- E. Provide and encourage the development and expansion of local trade and industries.

Section 5. PUBLIC SAFETY

The Public Safety Committee is generally charged with the duty of overseeing matters pertaining to Police, Fire, First Aid and Office of Emergency Management and, specifically, shall:

- A. Oversee, coordinate and manage the purchase/lease and maintenance of Borough fire equipment and other property.
- B. Oversee, coordinate and manage the purchase/lease and maintenance of Borough first aid equipment and/or property.
- C. Review and make recommendations regarding the budgets of the Police Department, Volunteer Fire Department, Volunteer First Aid Squad and Office of Emergency Management.
- D. Serve as liaison between the Borough's Volunteer First Aid Squad and the Council.
- E. Serve as liaison between the Borough's Volunteer Fire Departments and the Council.
- F. Serve as the liaison between the Borough's Police Department and the Council.
- G. Serve as the liaison between the Council and the Municipal Court.
- H. Coordinate and oversee, in conjunction with the Chief of Police, the hiring of all Police Department personnel, including members of the Department, Special Police and School Crossing Guards.
- I. Coordinate and oversee, in conjunction with the Chief of Police, highway traffic and safety and all matters relating to parking regulations, including on-street and off-street parking.
- J. Coordinate and oversee, in conjunction with the Chief of Police and the Office of Emergency Management, all civil defense activities.
- K. Coordinate and oversee, in conjunction with the Chief of Police,

regulatory signs directing the flow of traffic, including the location, design and specification thereof.

- L. In conjunction with the Chief of Police, review and, when appropriate, recommend the granting of licenses and the inspection of licensed premises and persons as designated by the Council from time to time.

Section 6. PUBLIC WORKS:

The Public Works Committee is generally charged with the duty of overseeing matters pertaining to Buildings and Grounds, Public Works, Engineering, Sanitation and Recycling and, specifically, shall:

- A. Oversee, coordinate and manage the maintenance and upkeep of all public buildings.
- B. Oversee, coordinate and manage the construction, reconstruction, improvement, maintenance and cleaning of all roadways within the Borough.
- C. Oversee, coordinate and manage the maintenance of all Borough vehicles and other mechanical equipment.
- D. Oversee, coordinate, and manage storm debris collection and disposal.
- E. Oversee, coordinate and manage the cutting of grass, shrubs and weeds on Borough roadways and properties.
- F. Review contracts for solid waste and recycling collection.
- G. Serve as a liaison between the Governing Body and utility companies.

ARTICLE 11 – BILLS, CLAIMS AND VOUCHERS

Section 1. All bills, claims, invoices, purchase orders, vouchers, etc. shall be generated, processed, reviewed and paid consistent with the procedures set forth in the Borough of Oceanport's Purchasing Manual.

ARTICLE 12 – SEAL

Section 1. The seal of the Borough shall be as hereinafter impressed.

Section 2. The seal shall be in the custody of the Borough Clerk and shall be impressed on all appropriate documents or papers.

ARTICLE 13 – AMENDMENTS

Section 1.

- A. The Mayor, or any member of the Council may propose amendments to these By-laws at any regular meeting or adjourned meeting.
- B. The Mayor will then appoint a Special Committee comprised of three members of the Council to consider the proposed amendments. This Special Committee may submit other suggested changes, additions and/or deletions to the Council.

Section 2. Such Special Committee shall present its recommendation at a regular meeting or adjourned regular meeting of the Council within (30) thirty days of appointments of the Special Committee by the Mayor.

Section 3. These By-laws shall be altered and amended only by a majority vote of the entire Council, on a roll call taken at two (2) consecutive regular meetings of the Council.

ARTICLE 14 – ADOPTION AND TERM

Section 1. The By-laws shall be adopted by resolution of the Council concurred in by a majority of the Council.

Section 2. The By-laws shall become effective immediately after adoption and shall remain in effect until not longer than December 31st of the calendar year in which the By-laws, as amended, supplemented or otherwise modified, were adopted. As such, the By-laws and any amendments, supplement, and/or modifications thereto shall be adopted by the Council as part of its annual meeting.

Section 3. The By-laws of the Borough of Oceanport, as amended, supplemented or modified shall be posted on and made available to the general public on the Borough of Oceanport's website.

From: [Joseph A. Irace](#)
To: [Jeanne Smith](#); [Donna Phelps](#); [Katie LaPorta](#)
Cc: [Robert Proto](#); [Steve Solan](#)
Subject: Bylaws Final Version
Date: Thursday, January 31, 2019 6:22:47 PM
Attachments: [BY-LAWS OF THE BOROUGH - Finance and Administration Version.doc](#)
[ATT00001.htm](#)

Jeanne-

Please add this to the agenda for the workshop meeting.

Thanks!

Joe

Sent from my iPhone

ARTICLE I - RULES OF ORDER

The deliberations of the Council shall be governed by "Roberts Rules of Order", except when the same are in conflict with the laws of the State of New Jersey or these By-laws, in which even said Roberts Rules of Order shall be inapplicable.

ARTICLE 2 – THE ~~BOROUGH COUNCIL~~ GOVERNING BODY

Section 1. The Mayor and six Council members shall constitute the Governing Body of the Borough of Oceanport, which Governing Body shall be known as "The Mayor and Council".

ARTICLE 3 – THE MAYOR

Section 1. The Mayor shall be the chief executive officer of the Borough. The Mayor shall also participate in the determination of Borough affairs to the extent permitted by statute.

Section 2. The Mayor shall see that the laws of the State of New Jersey and the ordinances of the Borough are faithfully executed and shall recommend to the Council such measures, as the Mayor may deem necessary or expedient for the welfare of the Borough.

Section 3. The Mayor shall use his or her authority to maintain peace and good order in the Borough and has the power to suppress all riots and tumultuous illegal assemblies in the Borough.

Section 4. The Mayor shall have the authority to execute contracts in behalf of the Borough, approved by the ~~Borough~~ Council, and to sign checks and warrants or payments approved by the ~~Borough~~ Council. **NOTE: The word Borough is deleted through document for consistency**

Section 5. The Mayor shall preside at all meetings of the Governing Body.

Section 6. The Mayor shall not vote except in the case of a tie among those Council Members voting.

Section 7. The Mayor shall on all occasions preserve the order and decorum at the deliberations of the ~~Borough~~ Council. The Mayor shall cause the removal of any persons who interrupt the proceedings of the Governing Body.

Section 8. When two or more Council members arise or attempt to speak at the same time, the Mayor shall name the one entitled to the floor and recognition.

Section 9. The Mayor shall decide all questions of order without debate, subject to an appeal to the Council.

Section 10. In the absence of the Mayor or if the Mayor is unable to perform his or her duties, the Council President (or, in his or her inability to act, the Council member having the longest term of service) shall act as Mayor as provided by Statute.

Section 11. The Mayor shall be an ex officio member of all committees, both standing and special and shall be informed in advance of all meetings of such committees.

ARTICLE 4 – THE COUNCIL

Section 1. The Council shall be the legislative body of the municipality.

Section 2. The Council may, subject to general law and the provisions of this act:

- (1) Pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;
- (2) Control and regulate the finances of the municipality and raise money by borrowing or taxation;
- (3) Create such offices and positions as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinances of the Council. Other than the borough attorney, engineer, and building inspector, these officers shall be residents of the borough and shall serve at the pleasure of the Council, except the Clerk, who also shall be exempt from the borough residency requirement, the Tax Collector and Tax Assessor who shall serve for terms provided in Chapter 9 of Title 40A of the New Jersey Statutes. The Council may exempt officers from the residency requirements but only pursuant to the adoption of an ordinance to that effect;
- (4) Investigate any activity of the municipality;
- (5) Remove any officer of the municipality, other than those officers excepted by law, for cause; and
- (6) Override a veto of the Mayor by a two-thirds majority of all the members of the Council.

Section 3. The Council shall have all the executive responsibilities of the municipality not placed, by general law or this act, in the office of the Mayor.

Section 4. The Council, whenever it fails to confirm the nomination by the Mayor of any official to a subordinate office of the Borough within 30 days of being presented such nomination, shall make the appointment to that office, provided

that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie.

ARTICLE 4 5 – THE BOROUGH CLERK-~~ADMINISTRATOR~~

Section 1. The Clerk-~~Administrator~~ shall perform the duties enjoined upon that office by the Revised Statute of New Jersey, these By-laws and such ordinances as the ~~Governing Body~~ Council may, from time to time, enact.

Section 2. The Clerk-~~Administrator~~ shall keep the minutes and ordinance books properly and fully indexed and shall perform all the duties usually devolving upon such officer; and in addition, such other duties or services as Council may require or direct.

Section 3. Upon the introduction of an ordinance, the same shall be properly numbered and recorded at length by the Borough Clerk-~~Administrator~~ in the Ordinance Book. The assigned number shall appear in the advertisement of such ordinance.

Section 4. The Clerk-~~Administrator~~ shall be the Borough employee responsible for responding to all lawful requests under the New Jersey Open Public Records Act.

ARTICLE 6 – BOROUGH ADMINISTRATOR

Section 1. The Borough Administrator shall perform such duties as are set forth in Chapter 5 and as set forth in other Chapters of the Code of the Borough of Oceanport as required by ordinance.

Section 2. The Borough Administrator need not reside in the Borough of Oceanport but must be a resident of New Jersey.

Section 3. The Borough Administrator serves at the pleasure of the Mayor and Council and carries out the policies of the Mayor and Council.

Section 4. Nothing in this Article shall derogate from or authorize the Administrator to exercise powers of the elected officials of the municipality.

ARTICLE 5 7 – MEETINGS

Section 1. The Council shall hold an annual meeting during the first seven (7) days of January of any year, which meeting will be held within the Borough and at such time and place as Council may by resolution direct.

Section 2. At the annual meeting of the ~~Governing Body~~ Council, the Council shall elect one of its members as Council President to serve for one year and

until the next annual meeting and fix the time and place for holding regular and workshop meetings during the ensuing year, which time and place shall not be changed except by the action of the Borough Council taken at a regular meeting. Public notice of the aforesaid meetings schedule and any revision thereto shall be provided in accordance with the Open Public Meetings Act.

Section 3. The Mayor shall, when necessary, call special meetings of the ~~Borough~~ Council. In case of the Mayor's neglect or refusal to do so, any four members of the Council may call such meeting at such time and place in the Borough as they may designate. Public notice of a special meeting shall be provided in accordance with the Open Public Meetings Act.

Section 4. A quorum of the ~~Borough~~ Council shall be as provided by Statute, to wit: three Council Members and the Mayor, and, in the absence of the Mayor, four Council Members. However, a small number of the Governing Body may meet, discuss and adjourn from time to time, but in no event may they take any official action as a Governing Body in the absence of a quorum.

Section 5. The ~~aforesaid~~ order of business at any meeting as set forth in Article 8 may be changed by a majority vote of the members of the Council present at such meeting or by the Mayor with consent of the Council.

Section 6. Upon demand of one member of the Council or when ordered by the Mayor, or when directed by Statute, a roll call vote shall be taken and yeas and nays entered in the Minutes of the meeting.

Section 7. If the ~~Borough~~ Council at its annual meeting fails to elect a President of the Council, the Mayor shall appoint the President from the Council and in that case no confirmation by the Council shall be necessary.

Section 8. The only business which can be transacted at a special meeting is that for which the special meeting is called.

Section 9. The Clerk shall notify the ~~Borough~~ Council, in writing or by email through the Borough email addresses for each Council Member, of each special meeting, stating the subject, at least one day before the time fixed for holding same.

ARTICLE ~~6~~ 8 – AGENDA

Section 1.

A. The following order of business shall be observed:

1. Meeting called to order
2. ~~Roll Call~~

Statement of Compliance with Open Public

3. Meeting Act
~~Invocation~~
Flag Salute
4. ~~Salute to the flag~~
Invocation
5. ~~Consent Agenda~~
~~Minutes, payment of bills, resolutions~~
Roll Call
6. ~~Receipt of bids~~
Administrator's Report
7. Clerk's report
Minutes, payment of bills, resolutions
8. Committee reports
9. Petitions from the public
10. Adjournment (or where appropriate Motion to go to
closed session)
11. Closed session where appropriate.
12. Adjournment

B. The aforesaid order of business at any meeting may be changed by a majority vote of the members of the Council present at such meeting or at the discretion of the Mayor.

Section 2. An agenda for each meeting of the Council shall be prepared by the Clerk-~~Administrator~~ in consultation with the Mayor and provide the specific order of business and action for that particular meeting. The Clerk-~~Administrator~~ will accept the agenda items only as submitted by appropriate Chairpersons of standing Council committees, the Mayor, the Council President, the Administrator, the Chief Financial Officer, Municipal Attorney or Municipal Engineer.

Section 3. Agenda items shall be submitted to the Clerk-~~Administrator~~ by before the end of business on the seventh (7th) calendar day Thursday before a workshop or regular meeting for a Monday night workshop and before Monday for a Thursday night workshop. and a printed agenda shall be provided to the Governing Body and be available to the general public by the close of business on the sixth (6th) calendar day before a workshop or regular meeting. (By way of example, if a meeting is scheduled for a Thursday, the agenda should be

completed and distributed by the preceding Friday.) In the event that exigent circumstances prevent issuance of an agenda on the sixth (6th) calendar day before a meeting, it shall be issued as soon thereafter as possible. Any item may be added to the agenda of any meeting by vote of a majority of the Council members present during the meeting.

Section 4. The Council, by majority vote, may adopt at any meeting a time limitation of public comment in terms of a time limit for each member of the public and an hour at which public comment will be terminated.

Section 5. Any member of the public wishing to speak a second time or more will only be recognized after all members of the public wishing to be heard for a first time have been recognized.

Section 6. Prior to being allowed to address the Governing Body, a person addressing the Governing Body shall step up to the microphone, face the Governing Body and provide his or her name and address.

ARTICLE ~~7~~ 9 – STANDING COMMITTEES

Section 1. The Mayor shall appoint all Standing ~~C~~committee members subject to the approval and concurrence of the majority of the Council. The Mayor shall have no vote in any such committee appointment except in the case of a tie vote and then only for the purpose of breaking such tie vote. Should a majority of the Council not concur in the appointment by the Mayor of any Council member to any committee, the Council members, by majority, shall make such appointment.

Section 2. The following Standing Committees of the Council shall be appointed at the annual meeting:

- ~~1. Buildings & Grounds/Public Works~~
- ~~2. Bulletin / Special Events~~
- ~~3. Cable and Technology~~
- ~~4. Capital Improvement~~
- ~~5. Development—Community and Economic~~
- ~~6. Education / Coastal Alliance~~
- ~~7. Finance and Administration~~
- ~~8. Fire~~
- ~~9. First Aid~~
- ~~10. Health~~
- ~~11. Library~~

- ~~12. Ordinances / Planning~~
- ~~13. Parks and Recreation~~
- ~~14. Police~~
- ~~15. Sanitation / Recycling / Utilities~~
- ~~16. Senior Citizens~~
- ~~17. Shade Tree~~
- ~~18. Water Watch / Environment / Flood Mitigation~~
- 1. FINANCE & ADMINISTRATION: Finance, Administration, Capital Improvement, Insurance
- 2. HEALTH & HUMAN SERVICES: Health, Education, Coastal Drug Alliance, Water Watch, Environmental Commission
- 3. PARKS & RECREATION: Parks and Recreation, Shade Tree, Seniors, Public Information, Special Events
- 4. PLANNING & DEVELOPMENT: Planning Board, Economic Development, Ordinances, Utilities, Construction
- 5. PUBLIC SAFETY: Police, Fire, First Aid, OEM
- 6. PUBLIC WORKS & ENGINEERING: Buildings & Grounds, Public Works, Engineering, Sanitation, Recycling

Section 3. Each Councilperson shall be the Chairperson of one Standing Committee and a member a Council liaison to at least of two other of the Standing Committees named in this article.

Section 4. The Standing Committees are appointed to expedite and facilitate the work of the Council, but only within statutory limits as the entire Council is held responsible for any or all of its acts performed within the scope of authority.

A. A Standing Committee Shall:

- 1. Meet when requested by the Chairperson, or a majority of the committee, and all members thereof shall participate actively in the committee deliberation, performance of duties and the formulation of its recommendations to Council.

2. Plan, study, direct, make commitments within budgetary limitation, and carry on the routine activities for which it has primary responsibility.
3. Perform such acts as may be assigned to it by Council.
4. Report and make recommendations to the ~~Council—liaison~~ Council regarding its responsibilities and activities.

B. Except as provided above, a Standing Committee shall not:

1. Exceed its budgetary appropriations without prior approval of the Council.
2. Make promises or commitments to anyone which directly, or by inference, bind the Council.
3. Act in such a manner or make decisions, which set a precedent, or violate established Council policy.

Section 5. The Mayor or Council, or both, may appoint special Committees, ~~or both~~, for purposes other than those included in the duties of the Standing ~~e~~Ccommittees.

Section 6. The Mayor and Council may change existing Committee assignments and or Council liaison when it is in the best interest of the Borough to do so.

Section 7. The ~~Council—liaison~~hairperson of each Standing or Special Committee shall be prepared to report to the Mayor and Council at each regular meeting on principal activities and achievements of his or her committee.

ARTICLE 8 10 – DUTIES OF STANDING COMMITTEES OF THE COUNCIL

A Standing Committee shall function as an advisory body to the Council as a whole in reviewing policy matters referred to them by the Council, and such other matters as the Council, by simple majority vote, may direct. A Standing Committee, within its respective areas of responsibility, shall formulate recommendations to the Council regarding action proposed to be taken in general. The purpose of each Standing Committee shall be to review matters within the subject areas set forth below. Each Standing Committee shall have primary responsibility for the activities and matters listed under each committee heading which shall include the administration, practices, procedures and records.

Section 1. FINANCE AND ADMINISTRATION

The Finance and Administration Committee is generally charged with the duty of overseeing Finance, Administration, Capital Improvements and Insurance and, specifically shall:

- A. Examine, audit and report upon all bills and demands referred to them and render a report when requested by Council, on the financial condition of the Borough and approve all categories of bills for payments.
- B. Coordinate the annual fiscal budget (operational and capital) process as follows:
 - 1. Council names the Finance and Administration Committee at the Reorganization Meeting, which includes three (3) members of Council.
 - 2. Chief Financial Officer works with Department Heads to determine budgetary needs.
 - 3. Members of the Committee will coordinate the financial information with the Chief Financial Officer throughout the budget process.
 - 4. Committee and Chief Financial Officer finalize budget and share proposed budget with all Council members.
- C. Serve as liaison between the Council and the Registered Municipal Accountants.
- D. Maintain, review and, as necessary, revise all insurance coverage of the Borough.
- E. Investigate and review services that can be shared with other surrounding towns.
- F. Assist with obtaining grants in order to fund projects.
- G. Compile and review requests and information from all relevant Standing and/or other committees and recommend capital projects to Council.
- H. Participate in the negotiation and recommend for approval/denial all collectively negotiated bargaining agreements on behalf of the Borough.

Section 2. HEALTH AND HUMAN SERVICES

The Health and Human Services Committee is generally charged with the duty of overseeing matters pertaining to Health, Education, the Coastal

Drug Alliance, the Water Watch Committee and the Environmental Commission and, specifically, shall:

- A. Serve as a liaison between the Council and the Oceanport Board of Education and Shore Regional Board of Education.
- B. Serve as liaison between the Council and the Coastal Drug Alliance and the Shore Regional Alliance.
- C. Serve as liaison between the Council and the Water Watch, Environmental Commission, Flood Mitigation Committee and/or with any other such agencies or associations concerned with the preservation and improvements of the waterways within and surrounding the Borough.
- D. Serve as liaison between the Council and the County Board of Health.
- E. Review documentation and make recommendations to the Council pertaining to technological advancements, information technologies and communication technologies to which the Borough should avail itself.
- F. Serve as liaison between the Oceanport Library Association, County Library and the Council.

Section 3. PARKS AND RECREATION

The Parks and Recreation Committee is generally charged with the duty of overseeing matters pertaining to Parks and Recreation, Shade Trees, Senior Citizens, Public Information and Special Events and, specifically, shall:

- A. Oversee and coordinate the maintenance, management and operation of all parks and playgrounds within the Borough.
- B. Serve as liaison to all Recognized Sports Organizations within the Borough.
- C. Oversee and coordinate recreation activities sponsored or conducted by the Borough including seasonal programs and Summer Action Camp.
- D. Serve as a liaison between the Council and such groups or associations serving Senior Citizens that may exist in the Borough.

- E. Oversee, plan and sponsor programs and activities designed to benefit all senior citizens residing in the Borough.
- F. Oversee and coordinate the purchase, removal and placement of trees in and along the public Right of Way and upon such other public property as Council may approve.
- G. Publish and distribute a bulletin containing current events and activities in the Borough and such items of interest or concern to the residents as well as the publication of the Borough Directory.
- H. Oversee, plan and coordinate Memorial Day, Veterans Day, End of Summer and other Borough events/activities.
- I. Review and make recommendations regarding the budgets of projects, programs, departments and functions under its jurisdiction.

Section 4. PLANNING & DEVELOPMENT

The Planning & Development Committee is generally charged with the duty of overseeing matters pertaining to the Planning Board, Economic Development and Construction and, specifically, shall:

- A. Serve as liaison between the Planning Board and Council.
- B. Make recommendations to the Council for the preparation, enactment, updating and/or codification of ordinances and/or Borough procedures and/or policies pertaining to zoning and planning, development, subdivision control, site plan approval, building codes and construction.
- C. Keep the Council informed on matters affecting Zoning and Planning related to the Borough, adjacent municipalities and County and State governments.
- D. Serve as liaison to the Department of Community Affairs regarding the development and grants for community projects.
- E. Provide and encourage the development and expansion of local trade and industries.

Section 5. PUBLIC SAFETY

The Public Safety Committee is generally charged with the duty of overseeing matters pertaining to Police, Fire, First Aid and Office of Emergency Management and, specifically, shall:

- A. Oversee, coordinate and manage the purchase/lease and maintenance of Borough fire equipment and other property.
- B. Oversee, coordinate and manage the purchase/lease and maintenance of Borough first aid equipment and/or property.
- C. Review and make recommendations regarding the budgets of the Police Department, Volunteer Fire Department, Volunteer First Aid Squad and Office of Emergency Management.
- D. Serve as liaison between the Borough's Volunteer First Aid Squad and the Council.
- E. Serve as liaison between the Borough's Volunteer Fire Departments and the Council.
- F. Serve as the liaison between the Borough's Police Department and the Council.
- G. Serve as the liaison between the Council and the Municipal Court.
- H. Coordinate and oversee, in conjunction with the Chief of Police, the hiring of all Police Department personnel, including members of the Department, Special Police and School Crossing Guards.
- I. Coordinate and oversee, in conjunction with the Chief of Police, highway traffic and safety and all matters relating to parking regulations, including on-street and off-street parking.
- J. Coordinate and oversee, in conjunction with the Chief of Police and the Office of Emergency Management, all civil defense activities.
- K. Coordinate and oversee, in conjunction with the Chief of Police, regulatory signs directing the flow of traffic, including the location, design and specification thereof.
- L. In conjunction with the Chief of Police, review and, when appropriate, recommend the granting of licenses and the inspection of licensed premises and persons as designated by the Council from time to time.

Section 6. PUBLIC WORKS:

The Public Works Committee is generally charged with the duty of overseeing matters pertaining to Buildings and Grounds, Public Works, Engineering, Sanitation and Recycling and, specifically, shall:

- A. Oversee, coordinate and manage the maintenance and upkeep of all public buildings.
- B. Oversee, coordinate and manage the construction, reconstruction, improvement, maintenance and cleaning of all roadways within the Borough.
- C. Oversee, coordinate and manage the maintenance of all Borough vehicles and other mechanical equipment.
- D. Oversee, coordinate, and manage storm debris collection and disposal.
- E. Oversee, coordinate and manage the cutting of grass, shrubs and weeds on Borough roadways and properties.
- F. Review contracts for solid waste and recycling collection.
- G. Serve as a liaison between the Governing Body and utility companies.

Section 1.

- ~~A. The Buildings and Grounds Committee: the maintenance of all public buildings.~~
- ~~B. Public Works~~
 - ~~a. Road construction, reconstruction, improvement, maintenance and cleaning.~~
 - ~~b. Maintenance of vehicles and other mechanical equipment as assigned.~~
 - ~~c. Storm debris collection and disposal~~
 - ~~d. Cutting of grass, shrubs and weeds on roads for municipal property as assigned.~~

Section 2.

- ~~A. Bulletin: the publication and distribution of a bulletin containing current events and activities in the Borough and such items of interest or concern to the residents as well as the publication of the Directory.~~
- ~~B. Special Events: the coordination of the Memorial Day and Veterans Day events/activities.~~

Section 3.—

~~Cable and Technology: Review the cable agreement and other matters pertaining to technological advancements.~~

Section 4.

~~Capital Improvement: Compile and review from all relevant committees and recommend capital projects to Council.~~

~~Section 5.~~

~~Development:~~

- ~~1. Community: Serve as liaison to the Department of Community Affairs regarding the development and grants for community projects.~~
- ~~2. Economic: Provide and encourage the development and expansion of local trade and industries.~~

~~Section 6.~~

~~Education/Coastal Alliance: Serve as a liaison between Council and the Oceanport Board of Education, Shore Regional Board of Education and the Coastal Alliance.~~

~~Section 7.~~

~~Finance and Administration:~~

- ~~1. Examine, audit and report upon all bills and demands referred to them and render a report, when requested by Council, on the financial condition of the Borough and approve all categories of bills for payments.~~
- ~~2. The coordination and preparation of budgetary figures of the department budgets with the Finance Department~~
- ~~3. The liaison between the Council and the Registered Municipal Accountants.~~
- ~~4. The maintenance, revision and review of all insurance coverage of the Borough.~~
- ~~5. Investigate and review services that can be shared with other surrounding towns.~~
- ~~6. Assist with obtaining grants in order to fund projects.~~

~~Section 8.~~

~~Fire: Activities and maintenance of Borough fire equipment~~

~~Section 9.~~

~~First Aid: Activities and maintenance of Borough first aid equipment~~

~~Section 10.~~

~~Health: Serve as liaison between the Council and the County Board of Health.~~

~~Section 11.~~

~~Library: Serve as liaison between the Council, Oceanport Library Association and the County Library.~~

~~Section 12.~~

~~A. Ordinances: The preparation, enactment and codification of all ordinances which the Governing Body, from time to time, may deem necessary or property.~~

~~B. Planning: Serve as liaison between the Planning Board and Council.~~

~~Section 13.~~

~~_____ Parks and Recreation:~~

- ~~1. Maintenance of all parks and playgrounds~~
- ~~2. Liaison to all sports associations~~
- ~~3. Recreation activities sponsored or conducted by the Borough including seasonal programs and Summer Action Camp.~~

~~Section 14.~~

~~Police Activities: Including all of its personnel, such as the members of the Department, Special Police and School Crossing Guards.~~

- ~~1. Highway traffic and safety and all matters relating to parking regulations, including on street and off street parking.~~
- ~~2. Civil defense activities.~~
- ~~3. Regulatory signs directing the flow of traffic, including the location, design and specification thereof.~~
- ~~4. The recommendation concerning granting of licenses and the inspection of licensed premises and persons as designated by the Council from time to time.~~

~~Section 15.~~

~~_____ Sanitation/Recycling/Utilities~~

- ~~1. Review contracts for garbage and recycling collection.~~
- ~~2. Serve as a liaison between the Council and the utility companies.~~

~~Section 16.~~

~~_____ Senior Citizens~~

- ~~1. The planning and sponsoring of programs and activities designed to benefit all senior citizens residing in the Borough.~~
- ~~2. Serve as a liaison between the Council and such groups or associations that may existing in the Borough.~~

~~Section 17.~~

~~Shade Tree: The purchases, removal and placement of trees in and along the public Right of Way and upon such other public property as Council may approve, and the performance of other such duties as the Council may, by ordinance, delegate of it.~~

~~Section 18.~~

~~Water Watch/Environment/Flood Mitigation: Serve as liaison between Water Watch, Environment and Flood Mitigation and with other such agencies or associations concerned with the preservation and improvement of the waterways surrounding the Borough.~~

ARTICLE 9 11 – BILLS, CLAIMS AND VOUCHERS

Section 1. All bills, claims, invoices, purchase orders, vouchers, etc. shall be generated, processed, reviewed and paid consistent with the procedures set forth in the Borough of Oceanport's Purchasing Manual.

~~Section 1.~~ All bills or claims against the Borough shall be in writing, fully itemized, sworn to as required by statute, and presented to the Borough Clerk-Administrator on such forms as the Borough shall provide for that purpose. No bills or claims shall be approved by the Borough Council for final payments unless the same shall have been received in the office of the Borough Clerk-Administrator at least (3) three days prior to the regular meeting at which payment is approved.

~~Section 2.~~

- ~~A. All bills and claims must be supported by a certification that the goods were received in good order, or that the services were satisfactorily rendered, and that the same are in accordance with the agreed specifications and price. The responsible person accepting the same on behalf of the Borough shall make such certification, and who may be held accountable thereof. Each such bill or claim shall then be held, reviewed, checked and approved for budget charge and classification by or under the direction of the Borough official or department head responsible for the budget item affected.~~
- ~~B. All checked vouchers with the supporting paper attached should then be presented to the Council Committee having primary interest in the matter. Each such voucher shall be reviewed, and if approved in~~

~~writing by the Chairman or a majority of the Committee having jurisdiction over the activity or matter for which the expenditure was incurred, it shall then be referred to the Finance Committee.~~

- ~~C. The Finance Committee shall examine all vouchers previously approved by the appropriate committee for committees, and shall indicate its approval on each such voucher prior to submitting it to the Council for authorization to pay the same.~~
- ~~D. All vouchers so approved shall be referred back to the Borough Clerk-Administrator.~~

Section 3.

- ~~A. All vouchers recommended for payment shall be presented to the Council by the Borough Clerk-Administrator at a regular meeting.~~
- ~~B. Vouchers shall be considered by the Council, which shall approve the same, except that said Council may reject any claim presented to it stating the reason for rejection. Any rejected claim shall be referred back to the Borough Clerk-Administrator with such instructions as the Council may give at the time of disapproval.~~
- ~~C. With regard to payroll, the appropriate department head or other such officers or employee as may be designated by resolution of the Council shall prepare the necessary payroll for all employees which payroll shall be duly certified by the person authorized to certify the services have been rendered and the amount specified is in fact due and owing to the employee. Said payroll, after approval by the department head responsible thereof, shall be presented to the Council for approval and after approval, shall be paid in due course.~~
- ~~D. Authorization to draw the checks and pay the amounts of the approved vouchers shall be by resolution of the Council.~~

~~**Section 4.**—The corresponding vouchers shall accompany all checks drawn in payment thereof when the said checks are presented to the Mayor, the Collector-Treasurer and to the Borough Clerk-Administrator for signatures.~~

~~**Section 5.**—All bills, vouchers and paid checks shall be filed in a safe place and be made available for public inspection whenever requested.~~

ARTICLE 102 – SEAL

Section 1. The seal of the Borough shall be as hereinafter impressed.

Section 2. The seal shall be in the custody of the Borough Clerk-~~Administrator~~ and shall be impressed on all appropriate documents or papers.

ARTICLE 1~~13~~ – AMENDMENTS

Section 1.

- A. The Mayor, or any member of the Council may propose amendments to these By-laws at any regular meeting or adjourned meeting.
- B. The Mayor will then appoint a Special Committee comprised of three members of the Council to consider the proposed amendments. This Special Committee and in additions may submit other suggested changes, additions and/or deletions to the Council.

Section 2. Such Special Committee shall present its recommendation at a regular meeting or adjourned regular meeting of the Council within (30) thirty days of appointments of the Special Committee by the Mayor.

Section 3. These By-laws shall be altered and amended only by a majority vote of the entire Council, on a roll call taken at two (2) consecutive regular meetings of the Council.

ARTICLE 1~~24~~ – ADOPTION AND TERM

Section 1. The By-laws shall be adopted by resolution of the Council concurred in by a majority of the Council.

Section 2. The By-laws shall become effective immediately after adoption and shall remain in effect until not longer than December 31st of the calendar year in which the By-laws, as amended, supplemented or otherwise modified, were adopted. ~~the Council or a succeeding Council shall amend, supplement or otherwise modify the same.~~ As such, the By-laws and any amendments, supplement, and/or modifications thereto shall be adopted by the Coouncil as part of its annual meeting.

Section 3. The By-laws of the Borough of Oceanport, as amended, supplemented or modified shall be posted on and made available to the general public on the Borough of Oceanport's website.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES
AGREEMENT WITH THE GOLDSTEIN PARTNERSHIP TO INCREASE THE
CONTRACT AMOUNT FOR ARCHITECTURAL SERVICES FOR THE
RENOVATION OF EXISTING BUILDINGS FOR THE BOROUGH'S NEW
MUNICIPAL COMPLEX**

**Resolution #2019-68
02/21/19**

WHEREAS, pursuant with adoption of Resolution #2016-093, the Goldstein Partnership was awarded a contract for professional architectural services through a fair and open process for the conceptual design of a municipal complex using lands and buildings located at the former Fort Monmouth property for the relocation of Borough Hall offices in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Resolution #2017-056 adopted by the Governing Body on January 19, 2017 awarded a contract for professional architectural services through a non-fair and open process for the renovations of existing buildings on property at Fort Monmouth into a Police Headquarters, a Municipal Building/Municipal Court/Public Library, and a Community Center for a total contract amount not to exceed Six hundred thirty-five thousand dollars (\$635,000.00); and

WHEREAS, due to projected costs for the initial project's scope exceeding the budgetary appropriation for this project it is the desire of the Borough Council to authorize changes to the project scope in order to maintain the appropriated budget; and

WHEREAS, the Goldstein Partnership has provided a Revised Fee Breakdown dated February 15, 2019 for Change Order #1 of the Contract to effectuate the changes in project scope for an increase of Eighty-seven thousand, five hundred dollars (\$87,500) for a total contract in the amount of Seven hundred twenty-two thousand five hundred dollars (\$722,500); and

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

1. Change Order #1 to increase the contract between the Borough of Oceanport and The Goldstein Partnership by \$87,500 is hereby approved.
2. The Mayor and Borough Clerk are hereby authorized to sign the change order on behalf of the Borough.
3. That the within Resolution shall be subject to the Borough CFO confirming that funds are available for the stated purpose.

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 Capital Ordinance #970 not to exceed \$87,500 for the above referenced professional services contract change order.

Catherine D. LaPorta, CFO

I certify that the foregoing Resolution #2019-68 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

OMB/Oceanport Municipal Building: Breakdown of Revised Fees & Expenses

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FIRM	DISCIPLINE(S)	ORIGINAL \$	CHANGE	REVISED \$
TGP	Architect	\$219,030	\$36,400	\$255,430
TGP: Coordination	Architect	\$35,000	\$6,077	\$41,077
TGP: FFE	Architect	\$3,000	\$0	\$3,000
Omdex, Inc.	Mech/Elec	\$200,000	\$18,200	\$218,200
Allan Klein, PA	Structural	\$15,000	-\$5,000	\$10,000
Roberts Engineering	Site/Civil	\$87,000	\$36,218	\$123,218
Loring Engineering	Technology	\$38,000	\$6,825	\$44,825
K2 Audio	Acoustics	\$6,750	\$0	\$6,750
James J. Padakis	Food Service	\$2,750	-\$250	\$2,500
RJB Environmental	Environmental	\$3,470	-\$3,470	\$0
FEE SUBTOTAL		\$610,000	\$95,000	\$705,000
Expense Allowance		\$25,000	-\$7,500	\$17,500
TOTAL		\$635,000	\$87,500	\$722,500

Jeanne Smith

From: Eli Goldstein <egoldstein@goldstein-architects.com>
Sent: Friday, February 15, 2019 5:04 PM
To: Scott Arnette
Cc: Jeanne Smith
Subject: OMB/Information for Resolution
Attachments: OMBRevised Fee Breakdown.pdf; ATT00001.htm

Scott:

Based on our phone conversation a few minutes ago, I have clarified item #4 and I have added a new paragraph #6 to answer your question about fees going forward.

This note is written pursuant to our phone conversation yesterday, 02/14/19. In that conversation, you asked me to summarize the changes in our compensation associated with the Additional Services and Fees outlined in our letter of 1/26/19 to Committee Member Proto. My understanding is that at its upcoming Meeting of Thursday, 02/21/19, the governing body intends to act on a Resolution that will increase the amount of our Contract by \$87,500.

Attached you will find a spreadsheet that illustrates how this change breaks down across the members of our Design Team and is distributed between Fees and Expenses. It reflects a net increase of \$87,500 in our Contract Amount consisting of an increase of \$95,000 in Fees and a reduction of \$7,500 in our Expense Allowance. Upon adoption of the Resolution, we will modify the breakdown in our future Invoices to conform to the this spreadsheet.

Please also note the following:

1. As mentioned when we spoke, the majority of the Additional Fees have yet to be earned. The Additional Fees are related to changes that need to be made to our construction documents already in progress, in order to respond to requests made by the Building Committee over the past several months. The services performed so far that are related to these changes include my attendance at a number of meetings with the Building Committee to discuss them, and the time spent confirming the changes through correspondence and sketches. The value of the services performed so far on the requested changes is approximately 10% (or \$6,250) of the Part 2 Fees of \$62,500 described in our 01/26/19 letter.
2. Our March 1, 2019 invoice will be comprised of the \$25,000 described in Part 1 of our 01/26/19 letter (related to project time extensions), plus the \$6,250 referenced above, for a total Fee billing of \$31,250. In addition, it will include \$3,470 in Reimbursable Expenses for the Mold Study that we paid for more than a year ago. As noted in our 01/26/19 letter, this was clearly outside the scope of our Agreement with the Borough. It will be billed against the Expense Allowance already included in our Contract. Thus, the total amount of our 03/01/19 invoice will be \$31,250 in Fees + \$3,470 in Expenses, for a total of \$34,720.
3. As noted above, \$31,250 in fees will be billed on March 1st. That will leave roughly 65% of the Additional Fees to be earned over the next several months, as the Design Team makes all the requested changes and completes the Contract Documents. Continuing what we have done since the start of the project, we and our consultants will bill these fees as they are earned, and in proportion to the percentage of each phase of our services that each of us completes each month.
4. You will recall that, in both our 01/29/19 letter and our recent phone conversation I mentioned that we and our Consultants had suspended our work on this project around November 1, 2018,

or nearly 4 months ago. Once we hear from the Borough that the Resolution scheduled for next Thursday day has been adopted, we are estimating that it will take the Design Team up to 6 weeks to clear their ongoing work and be able to turn attention back to this project. And that it will then take up to 6 weeks more to complete their services.

5. In the meantime, it is critically important that I meet with the Building Committee during the week of February 25 to review all of the remaining open questions that will need to be answered before we and our consultants can efficiently proceed with our work, and to help assure that there are clear lines of communication between the Design Team and the appropriate Borough representatives. We ask that the Borough be prepared to address matters that will include but not be limited to, the following:
 1. Decide whether the County is going to be performing any of the sitework, and if so, which aspects.
 2. Make arrangements to have the asbestos remediated from all 3 buildings prior to the start of the General Contract work.
 3. Make arrangements for all of the abandoned telecommunications wiring to be removed from the Police and Municipal building prior to the start of the General Contract Work.
6. Balance going forward: Our last invoice was dated 12/01/18. As of that invoice, we had earned and invoiced a total of \$440,948.15 of our \$610,000 Basic Fee. That means that we have yet to bill \$169,081.85 of our Basic Fee. Of that total of approx. \$170,000, approx. \$32,000 is for Services during the Bidding Phase and \$117,000 is for Services during the Construction Administration Phase. The rest (approx. \$21,000) is the balance remaining under our original Contract, for services related to Design and Construction Documents.

Thank you.

- Eli

**RESOLUTION OF THE BOROUGH OF OCEANPORT
THE FORT MONMOUTH REUSE PLAN AMENDMENT #13 AND THE
MUNICIPAL 45 DAY REVIEW PERIOD AND FORMULATION OF THE
BOROUGH RECOMMENDATIONS AND COMMENTS TO THE FORT
MONMOUTH ECONOMIC REVITALIZATION AUTHORITY**

**Resolution #2019-69
02/21/19**

WHEREAS, the decision to close Fort Monmouth was made per Federal BRAC legislation in September of 2005 and the Fort Monmouth Economic Revitalization Authority (FMERA) was created by the State of New Jersey (C52:27I et. seq.) to implement comprehensive conversion and revitalization of the Fort Monmouth Property; and

WHEREAS, the Fort Monmouth Redevelopment and Reuse Plan was adopted September 3, 2008 and as subsequently amended; and

WHEREAS, the statute provides for a 45-day municipal review period for comment and recommendations on amendments to the Fort Monmouth Reuse Plan by each of the three host communities. On January 9, 2019 the Borough Clerk received a request to review the Reuse Plan Amendment #13 for which review period shall end February 22, 2019; and

WHEREAS, the Borough of Oceanport has solicited comment on the Reuse Plan Amendment #13 from the Borough Planner, Borough Engineer, Environmental Commission, Planning Board, Police Department, First Aid, Fire Department and Office of Emergency Management in order to review the Amendment and consider its impact on the Borough and its residents.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport that the municipality has performed its statutory duties as a host municipality concerning the review of the proposed Fort Monmouth Redevelopment and Reuse Plan Amendment #13 and strongly opposes the amendment as currently proposed and offers the following and attached comments and recommendations:

1. The Borough is supportive of a higher education use, if appropriately designed for the area.
2. Strong consideration should be made concerning the intensity and density of the proposed development and its appropriateness for the site and its existing infrastructure.
3. Additional studies including but not limited to circulation/traffic, open space, environmental and parking should be provided or performed to support and substantiate the intensity of use proposed.
4. While the Borough recognizes the responsibility of FMERA to implement the goals and objectives of the Fort Monmouth Reuse Plan, the Borough emphatically disagrees with the amendment's conclusion that the proposed alternative use "would not adversely impact any of the "Transportation Circulation Improvements Goals" established in the Reuse Plan without the substantiation of supporting studies for traffic and the like.
5. The Borough questions the amendment's conclusion that the proposed alternative development is consistent with the goals for open space.
6. The Borough ardently disagrees with the amendment's conclusion of "Relationship to Objectives and Principles of the Reuse Plan" on page 10 that the proposed alternative development "...is consistent with State, County, and Municipal planning policies..." when the proposed development is clearly inconsistent with the Borough's Master Plan Goals and Objectives and the Borough's Zoning. Further, it is the Borough's position that the proposed

uses both existing and proposed for the site in the Fort's Reuse Plan *are not consistent* with the Borough's "Fort to Village Plan" which envisioned the site as a central park feature.

BE IT FURTHER RESOLVED, that a copy of the comments received be forwarded with this Resolution to the Fort Monmouth Economic Revitalization Authority Board for their consideration.

I certify that the foregoing Resolution #2019-69 was adopted
by the Oceanport Governing Body at the Regular Meeting held
February 21, 2019

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION**BOROUGH OF OCEANPORT PLANNING BOARD
FORT MONMOUTH REUSE AND REDEVELOPMENT PLAN
PROPOSED PLAN AMENDMENT #13**

WHEREAS, the Oceanport Planning Board is a duly organized Land Use Board, organized and existing in accordance with the Rules and Regulations of the State of New Jersey and the Borough of Oceanport; and

WHEREAS, there exists within the geographical confines of the Borough of Oceanport a portion of the complex which previously hosted the former Fort Monmouth military base; and

WHEREAS, with the closure of Fort Monmouth, the Fort Monmouth Economic Revitalization Authority (FMERA) was, essentially, created to help establish the general process for appropriate redevelopment of the various parcels located within the former military site; and

WHEREAS, in furtherance thereof, a process was established whereby each of the 3 Fort Monmouth host communities have a process to review Fort Monmouth Redevelopment Plans, and / or amendments thereto; and

WHEREAS, Agents of FMERA recently requested that the Borough of Oceanport review and comment upon proposed Plan Amendment #13; and

WHEREAS, in due course, the Borough Council of the Borough of Oceanport forwarded the matter to the Oceanport Planning Board, so that the Planning Board could officially weigh in on the proposed Redevelopment Plan Amendment; and

WHEREAS, the Oceanport Planning Board officially reviewed proposed Plan Amendment #13 at its regularly scheduled meeting of January 22, 2019; and

WHEREAS, at the said Hearing, sworn testimony was presented by William H. R. White, III, P.E., P.P., CME, the Planning Board Engineer/Planner; and

WHEREAS, at the said Hearing, the following items were officially marked into the Record as Evidence:

PR-19-06
02-12-19

- Communication from the FMERA, to the Mayor of the Borough of Oceanport, dated January 9, 2019, introduced into Evidence as B-1;
- Proposed Amendment #13 to the Fort Monmouth Reuse and Redevelopment Plan, introduced into Evidence as B-2;
- Review Memorandum from Maser Consulting, dated January 22, 2019, introduced into Evidence as B-3;
- Illustrated Plan depicting the proposed buildings, as set forth in proposed Plan Amendment #13, introduced into Evidence as B-4; and

WHEREAS, the Board Engineer / Planner explained proposed Plan Amendment #13, in detail, to the Board Members, and other members of the public who were present; and

WHEREAS, the Board Engineer / Planner essentially advised that the proposed Plan Amendment #13 would permit the demolition of existing Fort Monmouth Buildings 288, 291, and 295, with the understanding that Squier Hall would remain; and

WHEREAS, upon such a formal review of the matter, the Board Members expressed a number significant questions, comments, and concerns regarding the proposed Amendment, and the impact the same will have on the Borough of Oceanport, and the surrounding communities; and

WHEREAS, Board questions, comments, and concerns in the said regard included, but were not necessarily limited to, the following:

Height

- There was a concern regarding the height of some of the proposed buildings. Specifically, the Borough's R-1 Zone currently allows 2 ½ story buildings, with a 35 ft. height limitation (which is generally consistent with the height of the existing Squier Hall). However, proposed Amendment #13 appears to envision the following:
 - i. A 5-story / 65 ft. tall Residence Hall (not exceeding 95,000 SF);
 - ii. A 5-story / 70 ft. tall Academic Lab Building and Visual Art Center;
 - iii. A 5-story / 65 ft. tall Athletic Center;
 - iv. A 2-story / 80 ft. tall Performing Art Center; and

v. A 5-story / 72 ft. tall Parking Garage.

- There was a concern that the height / mass of the aforesaid buildings would be entirely inconsistent with the current Zoning Regulations.
- There was a concern that the height and mass of the proposed buildings (as identified in proposed Plan Amendment #13) are entirely inconsistent with the majority of other buildings located within the Zone and the Borough of Oceanport as a whole.
- There was a concern that the height and mass of the proposed buildings (as allowed under the proposed Plan Amendment #13) would clearly over-burden the Borough of Oceanport, as well as the other surrounding communities.
- There was a concern that allowing such massive buildings on the site would not necessarily reflect sound planning.
- There was a concern that there has been no formal analysis (for comparison purposes) of the heights of other buildings within the Borough of Oceanport and/or within the greater Fort Monmouth compound.
- There was a concern that if Plan Amendment #13 were adopted, and such tall / massive buildings were constructed, the same could forever, and detrimentally, change the general landscape of the Borough of Oceanport.
- There was a concern that if the proposed Amendment allowing such tall buildings were approved, the same would be dramatically inconsistent with the scope and character of existing development within the greater Oceanport area.
- There was a concern raised as to how the multi-story buildings (and the associated deep foundations) would be constructed (relative to Flood Zone Regulations, Water Table Limitations, etc.).
- There was a concern as to how the actual heights of the proposed buildings would be measured (vis-a-vis Borough Regulations, Flood Zone Regulations, etc.).
- There was a concern that the Bulk Standards envisioned in Proposed Plan Amendment #13 would allow for development almost three (3) times that which is currently permitted under the Borough's prevailing Zoning Regulations.
- There was a concern about the ability of the Oceanport Fire Department to fight fires in any new development, with the existing resources – and that the same may require additional training and/or support.

Floor Area Ratio

- There was a concern regarding the Floor Area Ratio (FAR) (i.e. generally speaking, the ratio of the size of the proposed building, relative to the size of the subject parcel). Specifically, the current Municipal Zoning Regulations allow a Floor Area Ratio of 0.3; whereas, proposed Plan Amendment #13 calls for a maximum permitted Floor Area Ratio of 1.0. The Board Members were very concerned about the excessive development which could lawfully take place on the Fort Monmouth site if the Floor Area Ratio were so dramatically increased (from 0.3 to 1.0).
- There was a concern that, in the absence of extraordinary circumstances, many average members of the public might not immediately understand the full implication / effect of allowing the Floor Area Ratio to be so dramatically increased from (0.3 to 1.0).
- There was a concern that there is no other known area / Zone of the Borough of Oceanport which allows for such an expansive Floor Area Ratio.
- There was a concern that such an expansive / expanded Floor Area Ratio would / could lead to excessive building / lot coverage issues, which could, in turn, detrimentally impact grading / drainage/flooding concerns within the Borough.
- There was a concern that the actual square footage of the new buildings (as referenced in proposed Plan Amendment #13) are not yet known, thereby preventing a complete / thorough/meaningful analysis from taking place.
- There was a concern that the subject Fort Monmouth parcel cannot physically accommodate the massive development as envisioned in proposed Plan Amendment #13.

Parking

- There was a concern as to how parking demands have been calculated.
- There was a concern that the proposed Plan Amendment #13 is devoid of an independent or appropriate parking analysis.
- There was a concern that the .25 stall per academic seat ratio is flawed and otherwise inappropriate for the site/development/use.

- There was a concern that the .25 stall per academic seat ratio is unclear and confusing, particularly in light of the presumed commuter nature of the proposed University.
- There was a concern that the commuter population / residential dorm population may require a different, better, or more appropriate parking ratio to be utilized.
- There was a concern as to whether the parking for the proposed University uses would be sufficient.
- There was a concern that any particular change (in the future) to the way in which the University is operated/managed, or the subject parcel is utilized, could compromise the sufficiency of the proposed parking ratio.
- There was a concern that the existence of sufficient parking is of the utmost important to the Board and the Borough – and that based upon the information known to date, the Board is not convinced that the parking calculation / proposal / count is acceptable, valid or sufficient.
- There was a concern that FMERA should identify, compare, and professionally analyze the parking ratio utilized by Monmouth University, Brookdale Community College, and other similar institutions of higher learning (to be adjusted as necessary/appropriate).
- There was a concern that certain Professional Planning Manuals/Guidelines (for Institutions of Higher Learning) appear to equate approximately 96,000 sq. ft. of development (as envisioned under Proposed Plan Amendment #13) to generate between 200 and 500 additional beds – and that further analysis of the development, and the full impact of the same, is required.
- There was a concern that the parking ratio utilized might possibly be appropriate for a college building utilized for academic purposes, but the said ratio might not necessarily be appropriate for the dorm/residential aspect of the proposal.
- There was a concern that FMERA should more formally/thoroughly analyze updated/modern industry standards to ascertain the proposed parking needs of the type of development envisioned in Proposed Plan Amendment # 13.

Traffic

- There was a concern that in 2019, sound planning requires the review and approval of a comprehensive Traffic Impact Report – and that no such Traffic Impact Report has been provided.

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- There was a concern that the approval / implementation of proposed Plan Amendment #13 should not take place until such time as interested parties can comprehensively review the traffic situation, and underlying professional testimony associated therewith, so as to fully understand the nature / level of the proposed traffic, and the impact the same will have on the Borough of Oceanport and other host communities.
 - There was a concern that the development envisioned in Plan Amendment #13 would clearly and undoubtedly create / place heavy traffic demands both on the Fort site and around the Fort site.
 - There was a concern that fundamental fairness requires the preparation / review of a comprehensive Traffic Impact Study/Report.
 - There was a concern that the existing roadways simply cannot support the traffic impact associated with the development envisioned in proposed Plan Amendment #13.
 - There was a concern that in reviewing much less intense development applications (than that envisioned in proposed Plan Amendment #13), the Borough of Oceanport has nonetheless required the submission of a Traffic Impact Report, and that nothing less than the same is appropriate herein.
 - There was a concern that the development (as envisioned in proposed Plan Amendment #13) will clearly have a regional impact on all of the host communities – and that review of a comprehensive Traffic Impact Report is an absolute necessity.
 - There was a concern that, under typical circumstances, substantially less intense development would nonetheless require a submission and review of a comprehensive Traffic Analysis – and that the very nature of a University use mandates the review / approval of a thorough and comprehensive Traffic Report.
 - There was a concern that a comprehensive Traffic Analysis (prepared by a qualified professional) might identify certain traffic / parking issues which need to be addressed / improved as part of the development process. (There was also a concern that the absence of such a Traffic Impact Report might prevent certain traffic issues/concerns from being identified and / or addressed.)
-
- There was a concern that the absence of a Traffic Impact Report might prevent the Borough of Oceanport and / or other host communities from even recognizing the scope of the traffic / parking issues associated with the development envisioned in proposed Plan Amendment #13.
 - There was a concern that the existing infrastructure limitations may impact the ability of the site to comfortably / safely accommodate various traffic / vehicular / pedestrian / public safety concerns, thereby further

underscoring the need to successfully review / approve a professional and comprehensive Traffic Impact Report.

- There was a concern that a comprehensive Traffic Impact Report could clearly identify the nature / extent of the traffic impact associated with the development as allowed under proposed Plan Amendment #13.
- There was a concern that, given the heavily trafficked nature of the area, and given the intensity of development associated with the Fort Monmouth site, it would be professionally problematic to not formally review a Traffic Impact Report.
- There was a concern that the development (as envisioned / allowed in proposed Plan Amendment #13) would generally attract many new drivers (as opposed to the University capturing the so-called "drive-by" traffic), thereby further reinforcing the importance of reviewing / approving a comprehensive Traffic Impact Report (before any Plan Amendment is adopted).
- There was a concern that a comprehensive Traffic Impact Report could clarify, with certainty, that the existing / proposed roadways, and existing / proposed traffic flows, are sufficient, safe, and appropriate.
- There was a concern that a proposed University (as allowed in proposed Plan Amendment #13) will generate heavy pedestrian and vehicular circulation, which, in the interest of public safety, mandate the review and approval of a comprehensive Traffic Impact Report.
- There was a concern that the public health and safety could be compromised if the pedestrian / vehicular Traffic movements/flows were not more formally identified and reviewed within the context of a comprehensive Traffic Impact Report.
- There was a concern that a Traffic Impact Report should likely be received, reviewed, and analyzed by the FMERA organization, the Borough of Oceanport, the Oceanport Planning Board, as well as other Agencies having jurisdiction over the matter (before the Plan Amendment is adopted).

Municipal Services

- There was a concern that there has been no official or unofficial study / analysis of how proposed development (as envisioned under proposed Plan Amendment #13) would impact, and otherwise affect, the Borough's Police Department, Fire Department, Public Safety Offices, as well as other First Responders.
- There was a concern that, in the interest of public health and safety, the proposed regulations (as referenced in proposed Plan Amendment #13)

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should be more formally reviewed and vetted with the Oceanport Emergency and First Responders.

- There was a concern that a University (as envisioned / allowed in proposed Plan Amendment #13) could have a significant impact on the Borough's Fire Department, Police Department, First Aid Squad, and other First Responders.
- There was a concern that the intense development permitted in the Proposed Plan Amendment # 13 could disproportionately impact the Borough's volunteer First Aid Squad.
- There was a concern that, as presently constituted, the development (as envisioned in Proposed Plan Amendment #13) might disproportionately affect, and/or otherwise overwhelm, the Borough's First Responders.

Open Space

- There was a concern that the current Oceanport Master Plan / Zoning Regulations designate the subject area of the Fort (Parkers Creek) as Open Space – and that development (as envisioned in proposed Plan Amendment #13) is entirely inconsistent with the Borough's Master Plan / Zoning Regulations.
- There was a concern that the Borough's Planning documents identify/target the subject area, or a portion thereof, as open space – and the fact that development (as envisioned in Proposed Plan Amendment # 13) is entirely inconsistent therewith.

Setbacks

- There was a concern that the proposed buildings (as envisioned in proposed Plan Amendment #13) do not have appropriate / sufficient Setbacks.

Stormwater Management / Grading / Drainage

- There was a concern that the Stormwater Management Impact, and Grading, and Drainage concerns need to be more formally reviewed / identified / approved before the proposed Plan Amendment is adopted.

Phasing

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- There was a concern as to the nature / extent of the phasing associated with the development as referenced in proposed Plan Amendment #13
- There was a concern as to the phasing of the project – and how the same would / could impact the Borough of Oceanport, as well as other host communities.
- There was a concern as to the timeline applicable for the multi-phases of the development – and the consequences if the aforesaid phasing requirements were not timely honored / met.
- There was a concern that there has been no known information presented as to the details pertaining to the other phases of development as envisioned under Proposed Plan Amendment # 13.

Statutory Housing Obligations

- There was a concern that the dormitory aspect of the proposal may, or could, or should impact the Borough's overall Housing obligation, particularly as the Borough is currently reviewing/addressing/calculating Housing obligations.
- There was a concern that the overall impact associated with the housing (as envisioned in Proposed Plan Amendment # 13) could detrimentally impact the Borough of Oceanport and other host communities, further underscoring the need for a more thorough review of the overall traffic/parking/environmental/planning aspects of the proposal.
- There was a concern that an additional 200/500 beds in the community (as potentially envisioned under Proposed Plan Amendment # 13) would significantly impact the Borough of Oceanport, without the Borough of Oceanport receiving any appropriate Statutory Housing Obligation "credits"/adjustments/consideration for the same.

Environmental

- There was a concern regarding the environmental impact of development (as envisioned under Proposed Plan Amendment # 13) – and that some type of Environmental Impact Study should be satisfactorily reviewed/approved before the Plan Amendment is adopted.
- There was a concern regarding the grading/drainage/stormwater management issues associated with the development.
- There is a potential concern regarding the so-called "green" or environmentally conscientious elements of the proposed development (as envisioned under Proposed Plan Amendment # 13).
- There was a question raised as to whether the development (as envisioned under Proposed Plan Amendment # 13) would satisfy the so-called "green" technology.

Outside Approvals

- There was a concern regarding the need for the Monmouth County Planning Board to more formally review the matter (as the same relates to affected County Roadways).

Miscellaneous

- There was a concern that any potential change in economic forces, any potential change in ownership, or any potential change in use could (without appropriate Municipal review/oversight) dramatically expand / intensify the impact of any development (as potentially allowed under proposed Plan Amendment #13).
- There was a concern that while the FMERA Analysis may have concluded that the proposed Plan Amendment #13 will have no adverse impact on the community, the Board respectfully inquires as to the professional testimony and evidence upon which such a conclusion was allegedly made.
- There was a concern expressed regarding the overall density of development (as envisioned under Proposed Plan Amendment # 13).
- There was a concern that greater information should be learned about how the proposed University (as envisioned under Proposed Plan Amendment # 13) will be owned/leased/operated/managed – and if any such further changes in the same could detrimentally impact the overall intensity of the University operation (as envisioned under Proposed Plan Amendment # 13).
- There was a concern about the possibility of imposing limitations on how the development site will be owned/managed/utilized/expanded in the future (once the current contractual arrangements terminate).
- There was a concern that FMERA should more definitively identify/define what the permitted and accessory uses (as envisioned under Proposed Plan Amendment # 13) would/could include (so as to ensure FMERA, the Borough of Oceanport, and the other host communities can appropriately prepare for the same).
- There was a concern that Proposed Plan Amendment # 13 appears to suggest or otherwise imply a change of permitted uses (from a public type of institution of higher learning, to a business use) – and there was further concern as to the short-term and long-term impacts of the same.
- There was also concern that in the event University use at the site fails, or otherwise ceases, then, in that event, would the use be converted (without any municipal oversight) to a hotel use, apartment use, etc.
- There was also a concern regarding other development related matters.

Findings

WHEREAS, in light of the above, the Oceanport Planning Board respectfully **Finds** as follows:

1. That while the Redevelopment of the Fort Monmouth property will continue to bring many challenges and opportunities to the Borough of Oceanport and other communities, and while different Boards / Agencies / host communities can, in good faith, engage in legitimate debate as to the most appropriate overall development vision, and in that the development (as referenced in proposed Plan Amendment #13) will definitely impact the Borough of Oceanport and other host communities, the Board finds that the general development review / approval process should not be compromised or expedited by the premature adoption of Plan Amendment #13, absent a satisfactory submission, review, digestion, and approval of the appropriate Planning / Engineering / Traffic / Environmental information (as more clearly set forth herein).

2. That while recognizing and respecting the historic occupancy/intensity levels of the former Fort Monmouth Complex, the development (as envisioned under Proposed Plan Amendment # 13) is, understandably, and obviously, very different from what previously existed at the site and, as such, the same will have a long-lasting impact on the Borough of Oceanport and the surrounding communities.

3. That while recognizing and respecting the historic occupancy/intensity levels of the former Fort Monmouth Complex, the host communities have, over the years since the Fort Monmouth closure, undergone substantial changes as well, thereby further reinforcing the need for a more thorough/professional review/analysis of engineering/planning/environmental/traffic/parking reports/studies.

4. That sound planning mandates a more thorough analysis of the overall development impact as envisioned in Plan Amendment # 13 (by the satisfactory review of professionally prepared traffic/parking/environmental/planning/economic reports/studies).

5. That the development of the Fort Monmouth site (as envisioned under Proposed Plan Amendment # 13) will forever change the general landscape of the host communities— and that appropriate development should not occur without the benefit of a satisfactory and comprehensive review of appropriate traffic/parking/environmental/planning/economic reports/studies.

6. That a more formal/public review of appropriate traffic/parking/environmental/planning/economic reports/studies will result in a more appropriate and transparent development of the former Fort Monmouth site.

7. That the Board hereby memorializes the aforesaid written comments/concerns and respectfully requests that the Borough of Oceanport petition the FMERA Board so as to obtain additional information / responses to the questions/concerns documented herein.

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8. That the Borough of Oceanport Planning Board respectfully requests the right to supplement the within Resolution after review of the aforesaid traffic/parking/environmental/planning/economic reports/studies.

9. That the Oceanport Planning Board remains committed to assisting FMERA and related Agencies in the pursuit of appropriate development/redevelopment of the former Fort Monmouth site.

10. That a certified true copy of the within Resolution shall, if deemed appropriate by the by the Borough Council of the Borough of Oceanport, be forwarded to the following:

- A. FMERA;
- B. The Borough of Eatontown;
- C. The Borough of Tinton Falls;
- D. The Monmouth County Board of Chosen Freeholders;
- E. The Monmouth County Planning Board;
- F. And any other Agency having jurisdiction/input over the matter.

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This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on January 22, 2019 on roll call that evening by the following vote:

Offered by: Ms. Halpern

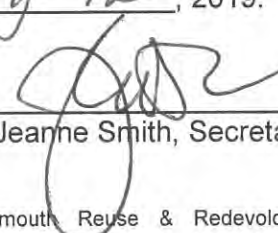
Seconded by: Mr. Whitson

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	(✓)	()	()	()	()
Whitson	(✓)	()	()	()	()
Davis	(✓)	()	()	()	()
Proto	(✓)	()	()	()	()
Foster	(✓)	()	()	()	()
Kleiberg	(✓)	()	()	()	()
Halpern	(✓)	()	()	()	()
Kahle	(✓)	()	()	()	()
Savarese	()	()	()	(✓)	()
Tvrdik (Alt. 1)	(✓)	()	()	()	()
Motzenbecker (Alt. 2)	()	()	()	()	(✓)

This resolution was offered by Councilman Proto, seconded by Mr. Davis, and adopted on roll call by the following vote:

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	(✓)	()
Davis	()	()	()	()	()
Proto	()	()	()	()	()
Foster	()	()	()	(✓)	()
Kleiberg	()	()	()	()	()
Halpern	()	()	()	(✓)	()
Kahle	()	()	()	()	()
Savarese	()	()	()	(✓)	()
Tvrdik (Alt. 1)	()	()	()	()	()
Motzenbecker (Alt. 2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of February 12, 2019.


Jeanne Smith, Secretary

KEK/dmp
S:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Ft. Monmouth Reuse & Redevelopment Plan - Amendment #13\Resolution.doc



45 East Broad Street, 2nd Floor
 Hopewell, NJ 08525
 609-257-6705 (v)
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 info@kylemcmanus.com

To: Oceanport Borough Council

From: Elizabeth McManus, PP, AICP, LEED AP

Re: **Amendment #13 to the Fort Monmouth Reuse and Redevelopment Plan Planning Review**

Date: February 7, 2019

The following provides a planning review of FMERA's *Amendment #13 to the Fort Monmouth Reuse and Redevelopment Plan* (hereinafter the "Reuse Plan"), detailing its consistency with the Borough's master plan documents, identifying the impact of the development which the proposed change permits, and identifying questions and concerns which are relevant to planning in the Borough of Oceanport.

1.0 Site & Surrounding Area

- 1.1** Amendment 13 addresses land referred to as the Squier Hall Parcel. This 26.8 acre parcel is entirely within the Borough of Oceanport, along the northern municipal boundary formed by Parker's Creek. The Borough of Shrewsbury is located opposite of Parker's Creek. Additionally, the site is not far from the Borough's western boundary shared with the Borough of Eatontown.
- 1.2** The Squier Hall site has frontage along Sherrill Avenue and a limited amount of frontage along Russell Avenue.
- 1.3** The site is currently improved with the following:
- a.** Building #283 – this building is referred to as "Squier Hall" and consists of 76,538 s.f. This building is listed as a contributing building in the Fort Monmouth Historic district.
 - b.** Building #288
 - c.** Building #291
 - d.** Building #292
 - e.** Building #293
 - f.** Building #295
 - g.** Building #296



The floor area of the buildings on the site is 153,835 s.f. Squire Hall is 76,538 s.f. and the remaining buildings are 77,297 s.f.

2.0 The Reuse Plan

- 2.1** There are 419 acres of land within the Borough of Oceanport which are subject to the *Reuse Plan*. Adopted in 2008, the Reuse Plan provides for redevelopment of the Fort Monmouth property with approximately 1.75 million square feet of nonresidential space and 720 residential units.
- 2.2** The Reuse Plan, or its subsequent amendments, state the Squier Hall parcel would be used for as part of a “high tech green campus” composed of office and educational uses with the specific intention that it would provide opportunity to leverage existing high-tech facilities, infrastructure, and the intellectual capital of a skilled area work force. The Reuse Plan states the following about the Squier Hall site.
- a. Squier Hall (Building #283) may be reused as office space or for educational reuse
 - b. Buildings #291 and #295 would be reused for general administrative purposes.
 - c. Building #288 was intended for reuse as the County Homeless Shelter. However, Amendment #6 moved the shelter to another location.
 - d. Buildings #292, #293 and #296, would be demolished.

3.0 Overview of Amendment 13

- 3.1** The proposed amendment will serve as functional equivalent of overlay zoning. As such, the Amendment creates an additional option to how the parcel may be developed but does not eliminate the existing regulations. The developer will be required to select which option to utilize but will not be permitted to choose regulations from both options to create a third development scenario.
- 3.2** The amendment permits development of a college campus on the parcel, including uses such as classrooms, administrative offices, dormitories, an athletic facility, and performing arts center. Squire Hall would be retained; however, it would permit demolition of Buildings #288, #291, #293, #295 and #296. The following provides the uses proposed in Amendment 13:
- a. Squier Hall (Building #283): reuse for classroom space;
 - b. Residence hall: 5 story/ 65' high, not to exceed 95,000 square feet;
 - c. Academic lab building and visual arts center: 5 story/ 70' high;
 - d. Athletic center: 5 story/ 65' high;
 - e. Performing arts center: 2 story/ 80' high;
 - f. Parking garage: 5 story/ 72' high;
 - g. Surface parking lots;
 - h. Practice athletic fields and ancillary support sheds and field houses;
 - i. Nature preserve and nature trails; and



- j. Multi-use trail: 12-foot wide throughout the property that connects properties to the east and west.

3.3 The Amendment permits an additional 389,093 s.f. of nonresidential use than that permitted by the Reuse Plan. While the Amendment does not permit additional permanent housing, it does permit dormitory space for college students.

3.4 The amendment identifies regulations proposed to define and limit development on the parcels. These include, but are not limited to, the following:

- a. Maximum floor area ratio (FAR): 1.0
- b. Maximum lot coverage: 60%
- c. Minimum front yard setback: 20 feet
- d. Setback for surface parking lots: 5 feet
- e. Parking ratio: 0.25 spaces per seat in academic buildings

4.0 Comparison to Borough Policies

4.1 The site is within Oceanport's R-1 zoning district. This district principally permits single family detached homes with a building height of 2.5 stories. As such, the proposed uses are entirely inconsistent with the Borough's zoning.

4.2 The Borough adopted the *Fort to Village Plan* in 2008 as an amendment into the Borough's Master Plan in order properly plan for the redevelopment of Fort Monmouth. The Plan called for the Squier Hall parcel to be used as open space. Office and educational uses associated with the McAfee Corporate Campus were anticipated for nearby lots, rather than this particular area. The *Fort to Village Plan* states the following regarding this area: "The open space along Parker's Creek would be extended into the McAfee Corporate Campus and create a central park feature for the development." As such, the proposed development plan is entirely inconsistent with the Borough's Master Plan and serves only to increase the development intensity envisioned by the Borough.

5.0 Circulation Comments

5.1 The increased floor area from nonresidential uses will increase traffic along not only Sherrill Avenue, but surrounding streets within Fort Monmouth. Additionally, streets within the Borough used the access Fort Monmouth will experience increased traffic. This may include, but not be limited to, Oceanport Avenue and Main Street.

5.2 All vehicles will be required to utilize Sherrill Avenue to access the site. This street should be evaluated to determine if it can accommodate the increased vehicular traffic and what improvements are necessary to do so.

5.3 Prior to adopting the Amendment, a traffic study should be performed to identify the impact to streets within and outside of Fort Monmouth and within and outside of the Borough of Oceanport. This study



should identify the impact on traffic flow and safety, as well as intersection and other improvements that may be necessary to safely accommodate the increased traffic. The Reuse Plan should identify which party will be responsible for these circulation improvements and the timing for implementing them.

- 5.4** Pedestrian and bicycle facilities and improvements should be accommodated on the site and surrounding streets. Students commonly rely upon alternative forms of transportation (pedestrian, bicycle, mass transit) and it is critical that the campus properly accommodate the needs of any students present on the site. Pedestrian and bicycle facilities should connect this site as well as nearby destination uses and the surrounding communities.

6.0 Open Space and Environment Comments

- 6.1** The Amendment provides for a recreation trail and open space along Parkers Creek. This amenity should be available to the public so that it can benefit for not only the site users but the community at large.
- 6.2** The Amendment should identify the acreage that will be permanently preserved and the acreage that will be available for public use.
- 6.3** Prior to adopting the Amendment, an environmental impact report should be performed to identify the impact from the proposed development and what mitigation is necessary. In particular, this should account for impact to the environmental constraints associated with Parker's Creek. For example, it is unclear how stormwater management will be addressed on the site and what the environmental impact of the proposed impervious surfaces will be.

7.0 Infrastructure Comments

- 7.1** The ability of existing and planned infrastructure is deferred to the Borough Engineer and other Borough professionals, as may be appropriate.

8.0 Affordable Housing Comments

- 8.1** The Amendment has no impact on the Borough's affordable housing obligation or how it can be met.

9.0 Historic Preservation Comments

- 9.1** The Amendment calls for retention of the only building on the parcel which is identified as contributing to the Fort Monmouth Historic district – Squier Hall. The surrounding buildings will be demolished. All new construction on this parcel should be complementary in style to the historic architecture of Squier Hall.

10.0 Design Comments

- 10.1** The parking garage is planned to face Sherrill Avenue. Such buildings are commonly unsightly. Any structured parking should be screened from public view by location behind another building or being



wrapped by other uses (i.e. the parking garage is interior to a building with one or more uses which face the public realm).

- 10.2** The proposed setbacks are inadequate for the anticipated development. For example, a setback of only 5 feet for surface parking lots does not provide land enough to accommodate proper buffers, suggesting there will be little to no screening of parking lots. The proposed building setback should also be increased so as to provide additional open space and reduce the appearance of development intensity. Doing so is necessary so as not to conflict with the established character of the Borough and the existing and planned character of Fort Monmouth's redevelopment.
- 10.3** It is unclear if the proposed buildings, at heights of up to 80 feet, can be properly serviced by Oceanport Fire Department facilities and if personnel have the training to do so. Health and safety of site occupants and visitors may be jeopardized if the proper facilities and training are not provided.
- 10.4** The proposed buildings, with the tallest buildings ranging in height between 65 and 80 feet, far exceed building heights in Oceanport as well as the Fort. The visual impact of these buildings will be significantly exacerbated by the permitted setback of only 20 feet to Sherrill Avenue. The Reuse Plan should reduce the building heights and increase the required front yard setback. This concern should be further explored with an analysis of building heights in the surrounding area and a photo simulation depicting the appearance of the proposed development from various points along Sherrill Avenue.
- 10.5** The proposed development's intensity, with an FAR of 1.0, far exceeds that which characterizes the Borough of Oceanport. The Borough, as well as the surrounding municipalities, consist of low density neighborhoods and commercial districts. Note for example, the Borough permits an FAR of 0.3; the proposed FAR is more than three times this.
- 10.6** The proposed parking ratio of 0.25 spaces per seat in academic buildings may be inadequate to handle the parking demand generated by administrative space, dormitories, an athletic facility and performing arts center. This ratio specifically does not address parking demand generated by administrative space, dormitories, the athletic facility or the performing arts center. Of particular concern is the athletic center and the performing arts center which may attract out of town visitors that are not adequately accommodated in the proposed parking ratio. Prior to adopting the Amendment and determining the parking facilities and the parking requirements; a parking study should be conducted to determine the total parking demand and what changes to the development plan are necessary (including reduced intensity) in order to accommodate that demand.

C. Jeanne Smith, RMC

BOROUGH OF OCEANPORT

Michael P. Kelly
Chief of Police

Michael S. Chenoweth
Captain

Michael Fagiarone
Lieutenant



POLICE DEPARTMENT

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

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Fax

To: Jeanne Smith, Oceanport Borough Clerk; Donna Phelps; Oceanport Borough Administrator
Mayor Jay Coffey, Oceanport Borough Council Members

CC: Captain Michael Chenoweth, Oceanport Police Department

From: Chief Michael P. Kelly, Oceanport Police Department

Date: January 15, 2019

Re: Police Department Review of FMERA Reuse Amendment #13

I, Chief Michael P. Kelly, along with my staff have reviewed the FMERA Reuse Amendment #13 which represents changes to the plan impacting a parcel within the boundaries of Oceanport known as the "Squier Hall Parcel". We present the following comments, questions:

1. Will the Institution that utilizes the parcel have Private Security on site, or a College/University Public Safety Agency? If there is a Public Safety Agency, will that agency be certified and recognized as a viable Law Enforcement Agency to investigate and enforce state laws and Borough ordinances?

If there is not a Public Safety or Campus Police Force within the Educational institution, all investigative and law enforcement will fall within the purview of the Oceanport Police Department. This will increase our Department operations and direct patrol functions toward this proposed area.

The addition of buildings and the unknown numbers of students and staff will require not only physical security, but Homeland Security (Proactive Patrols/observational patrols), in regards to student and employee safety. The Police Department would have to plan for Active Shooter Training, Student relocation, staff and student training for critical incidents, and working with any private or public safety agency that the institution may contract with, or current rely on, as a security measure.

2 What will be the anticipated number of students and staff at this Institution? Will there be nighttime classes? Planning for an increase in approximate numbers of people within Oceanport during the day and/or night would increase the operational and patrol functioning of the Oceanport Police Department. Also needed, or presented, is a clear understanding of the number of residential units that would be in the 5 story residence hall. The amendment mentions 720 residential dwelling units, but is that the number of apartments the residential hall would have? Would these units be single or double occupant? A dorm type setting?

3. A traffic analysis/study would be required. The wording in the amendment under the Relationship to Reuse and Redevelopment Plan elements under the Traffic sub-heading, states, "*There may be an increase in traffic generated by the additional square footage associated with this amendment*". Based on my observations of the increase of traffic within the Fort since the opening of the County 537 spur, and experience as traffic safety officer and impacts of growth related to traffic safety, a traffic analysis study would be required due to the

increase of vehicle traffic and related pedestrian vehicle conflicts that would arise from the development of the Plan.

If anyone has any questions or clarifications in regards to what is listed here, please let me know.

Jeanne Smith

From: Kevin Hayes <khayes@longbranch.org>
Sent: Friday, January 11, 2019 10:48 AM
To: Jeanne Smith
Subject: Re: Time Sensitive - Request for Comments - FMERA Reuse Amendment #13

As requested, I have reviewed the proposed 13th amendment of the Fort Monmouth Reuse Plan. From my perspective as Borough Fire Marshal, I have no issues with permitting the alternative development outlined in the proposal on the Squier Hall parcel.

Kevin J. Hayes, Sr.
 Director-Department of Building & Development
 Fire Marshal
 City of Long Branch
 732-571-5664

From: Jeanne Smith <JSmith@oceanportboro.com>
Sent: Thursday, January 10, 2019 5:36 PM
To: Kevin Hayes; Michael Kelly-OPPD; 'Kendra Lelie (klelie@cchnj.com)'; 'William White (wwhite@maserconsulting.com)'; FA Capt; Fire Chief; O EM; 'rdbroege@jbslaw.us'
Subject: Time Sensitive - Request for Comments - FMERA Reuse Amendment #13

Hi, everyone.

Attached please find a copy of the proposed **13th Amendment** of the Fort Monmouth Reuse Plan. As some of you may recall from previous plan amendments in the past, each of the host towns are to provide comments to FMERA on the proposed amendment. The Governing Body believes it is important to gather input from all facets of our community as a policy, which is why this is being sent to your attention.

This amendment represents changes to the plan impacting a parcel within the boundaries of Oceanport known as the "Squier Hall Parcel".

Please review and provide your comments back to this office by January 23, 2019. As there is a limited review period, it is imperative that responses are received by this date. Your comments will be reviewed and discussed by the Governing Body with a final response to FMERA based on all comments received.

Please let me know if you'd like a hard copy. Thank you!

Jeanne Smith, RMC, QPA
 Borough Clerk
 Purchasing Agent
 Planning/Zoning Board Secretary
Borough of Oceanport
 315 E. Main Street

Oceanport First Aid Squad
 2 Pemberton Avenue
 Oceanport, New Jersey 07757
oceanportfas@gmail.com

To: Jeanne Smith, Oceanport Borough Clerk; Donna Phelps, Oceanport Borough Administrator; Mayor Jay Coffey, Oceanport Borough Council Members

From: Captain Kathy Kenny, Oceanport First Aid Squad

Date: January 22, 2019

Re: Oceanport First Aid Squad Review of FMERA Reuse Amendment #13

Oceanport First Aid has reviewed the FMERA Reuse Amendment #13 which represents Squier Hall Parcel and we have the following comments, questions:

1. The possibility of an addition of a college dorm with 720 rooms with an average of 2 per room plus college personnel could add 1500 people to this area. This is a 25% increase to the current population of Oceanport. The First Aid were dispatched to 600 plus calls in 2018. At a 25% increase this represents an additional 150 calls per year. This is a rough estimate which could in fact increase up to 50% totaling more than an additional 300 calls per year.
2. Will there be a health center located in one of the developed buildings? If there is a health center, how will it be staffed? What will be the hours it will be staffed? **Very important- Will they have the means to transport patients requiring medical assistance?** If health staff and transportation is not available, what is being proposed?
3. Will ALL buildings over one story have elevators?
Will buildings with more than one story have elevators large enough to accommodate a stretcher.
4. What kind of communication will we have with this entity?
5. Will we be called for standbys during sporting and/or performing arts events?
6. Will there be a back road for emergency personnel to access areas in the event of an incident?
7. What type of chemicals will be stored if it's a medical school? This will affect how we must respond in the event of a hazmat incident.
8. If we had to evacuate the school- where are we going?
9. Will the school have to supply their own EMS?
10. If we supply EMS- will they supply staff for us both day and night shifts?
11. I understand schools and colleges are tax exempt; will Squier Hall Parcel be donating to the volunteer first aid squad if we are responding to render first aid?

If there are any questions regarding the above concerns and questions, please feel free to contact me. You may contact me at my cell number 732-610-2220 or through email.

Respectfully submitted,

Kathy Kenny
 Captain

Jeanne Smith

From: Buzz Baldanza <OPD415@verizon.net>
Sent: Thursday, January 10, 2019 9:40 PM
To: Jeanne Smith
Subject: RE: Time Sensitive - Request for Comments - FMERA Reuse Amendment #13

First, we need to get a clear understanding of the anticipated number of students that would be attending this facility; daytime and nighttime. Next, a clear understanding of the number of residential units that would be in the 5 story residence hall. The amendment mentions 720 residential dwelling units, but is that the number of apartments the residential hall would have?

Is the school going to provide security, their own college police force or are they willing to fund positions on our police force. Having worked at Monmouth as a police officer before Oceanport, there is an impact on police operations. Depending on the setup, it could impact the Boro's Uniform Crime Reports.

Another concern is the impact to FD and EMS. WLBFD is consistently going on calls to Monmouth, often times to the resident halls. Our FD is having problems making daytime calls and so is the EMS. This could require the response of a paid staff or paid FD with a cost factor. Of 380 FD calls in WLB, the FD responded to MU 74 times, about 20%.

Paved Parking areas might have an impact on our CRS rating. There is a new product out for parking areas that allows the water to be absorbed that reduces storm water runoff. It might be good to require that if possible.

Flooding in that area shows that a Storm Surge from a Cat 1 storm would approach the property but not impact the buildings. However, a Storm Surge from a Cat 2 storm would overwhelm the property and impact buildings. 4 feet above current Mean Higher High Water would start to impact the property.

From: Jeanne Smith [mailto:JSmith@oceanportboro.com]

Sent: Thursday, January 10, 2019 5:37 PM

To: 'Kevin J. Hayes Sr. (khayes@longbranch.org)' <khayes@longbranch.org>; Michael Kelly-OPPD <mkelly@oceanportpolice.org>; 'Kendra Lelie (klelie@cchnj.com)' <klelie@cchnj.com>; 'William White (wwhite@maserconsulting.com)' <wwhite@maserconsulting.com>; FA Capt <facapt@oceanportboro.com>; Fire Chief <Firechief@oceanportboro.com>; O EM <OEM@oceanportboro.com>; 'rdbroege@jbslaw.us' <rdbroege@jbslaw.us>

Subject: Time Sensitive - Request for Comments - FMERA Reuse Amendment #13

Importance: High

Hi, everyone.

Attached please find a copy of the proposed **13th Amendment** of the Fort Monmouth Reuse Plan. As some of you may recall from previous plan amendments in the past, each of the host towns are to provide comments to FMERA on the proposed amendment. The Governing Body believes it is important to gather input from all facets of our community as a policy, which is why this is being sent to your attention.

This amendment represents changes to the plan impacting a parcel within the boundaries of Oceanport known as the "Squier Hall Parcel".



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

8.3.6.a

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

January 22, 2019

VIA EMAIL

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

Re: Proposed Amendment #13
Fort Monmouth Reuse and Redevelopment Plan
Borough of Oceanport, Monmouth County, New Jersey
MC Project No. OPP-001

Dear Board Members:

Our office has received a draft of the proposed Amendment #13 to the Fort Monmouth Reuse and Redevelopment Plan prepared by Phillips Preiss Grygiel, LLC, dated December 12, 2018. The Amendment pertains to the 26.8-acre Squier Hall parcel located in the Green Tech Campus District of Borough of Oceanport. The tract is bordered to the north by the Parkers Creek and to the south by Sherill Avenue.

The parcel currently contains Squier Hall (Building 283) along with Buildings 288, 291, 292, 293, 295 and 296. The Reuse Plan contemplates the reuse of Squier Hall (76,538 sf) for office/education, reuse of Buildings 291 & 295 for general administration, the reuse of building 288 as a County homeless shelter and demolition of Buildings 292, 293, & 296. Plan Amendment #6 relocated the homeless shelter to Murphy Drive.

Amendment #13 provides a zoning overlay to permit the demolition of Buildings 288, 291 & 295 thereby the only remaining building would be Squier Hall. The overlay would permit a college campus including the following:

- The reuse of Squier Hall (Building 283) for classroom space;
- A 5 story/ 65' high residence hall, not to exceed 95,000 square feet;
- A 5 story/ 70' high academic lab building and visual arts center;
- A 5 story/ 65' high athletic center;
- A 2 story/ 80' high performing arts center;
- A 5 story/ 72' high parking garage;
- Surface parking lots;
- Practice athletic fields and ancillary support sheds and field houses;
- A nature preserve and nature trails;



- The creation of a 12-foot wide multi-use trail throughout the property connecting to properties to the east and west;
- The maximum permitted floor area ratio (FAR) for the entire campus not to exceed 1.00;
- The maximum lot coverage for the entire campus not to exceed 60%;
- A minimum front yard setback of 20 feet with no maximum;
- A minimum 15-foot side yard setback;
- A minimum 25-foot rear yard setback;
- Surface parking areas should be set back from street-facing lot lines, as well as from interior or rear lot lines shared with adjacent uses at least 5 feet;
- Where more than 25 parking spaces are provided in any surface parking area, at least 2 percent of the interior area of the lot should be landscaped with trees and low plantings; and
- Where more than 50 parking spaces are provided in any surface parking lot, or where any parking spaces are located more than 125 feet from the primary building entrance, pedestrian walkway(s) should be provided through the parking lot, running either parallel or perpendicular to the primary building;
- A parking ratio of 0.25 stalls per seat for academic buildings; and
- Such other and additional uses that are encompassed by the definition of College Campus

For comparison purposes the Green Tech Campus Zone permits a maximum height for new buildings of 3 stories/45', with an exemption/grandfathering for adaptive reuse of existing structures. The zone also has a maximum floor area ratio of 0.3.

The State Development and Redevelopment Plan (SDRP) designates the area in question as a Metropolitan Planning Area (PA-1). The area is to "provide for much of the State's future redevelopment". The Amendment is consistent with the SDRP as it provides redevelopment in an area that has a good transportation network.

The current Zoning Map of the Borough of Oceanport designates this area of the Fort as R-1 Residential which permits single family dwellings, parks and playgrounds, Municipal buildings, library, and Public Schools. The Zone has a maximum permitted height of 35' and no floor area ratio requirement. The Borough's Master Plan amendment from 2008 entitled "From Fort to Village, a Vision of Oceanport's Fort Monmouth" envisioned this area as open space. It shall be noted that the FMERA Land Use Rules supersedes the Borough's Zoning and Master Plan.

Our office would like to discuss proposed Amendment #13 prior to the Board making a recommendation to Borough Council. There is a significant increase in density (FAR) and building height. Without seeing a conceptual plan there is concern the impact of building massing to the surrounding area.



Jeanne Smith, Planning Board Secretary
MC Project No. OPP-001
January 22, 2019
Page 3 of 3

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

Very truly yours,

MASER CONSULTING P.A.

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

William H.R. White, III, P.E., P.P., C.M.E.
Planning Board Engineer and Planner

WHW/nb

\\Hqfas1\general\Projects\Opp\Opp-001\Letters\2019\190118_whw_smith_amendment#13.docx

ORDINANCE

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 295 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "PROPERTY MAINTENANCE" PASSED AND APPROVED ON OCTOBER 3, 2013, AS LAST REVISED AND PASSED ON AUGUST 20, 2015

SECTION 1. BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that the following amendments be made to Chapter 295 entitled Property Maintenance:

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

§ 295-1 Adoption of Property Maintenance Code.

That a certain document, three copies of which are on file in the office of the Borough Clerk of Oceanport, being marked and designated as the International Property Maintenance Code, ~~2012~~2017 edition, or hereinafter published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Oceanport, in the State of New Jersey, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of Oceanport Borough are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 295-2 of this article.

295-2. Revisions

The following sections of the International Property Maintenance Code, ~~2012 Edition~~ are hereby revised:

Chapter 2 DEFINITIONS

Section 202 General Definitions

MUNICIPAL SEPARATE STORM SEWER SYSTEM - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough or other public body, and is designed and used for collecting and conveying stormwater.

SEEPAGE PIT - A chamber or tank constructed below grade for the purpose of re-charging water into the ground. The chamber may be pre-formed of composite materials or built to suit. The chamber shall hold at least 50 gallons and shall have perforated bottom and sides.

GROUNDWATER -- Water that is found underground in the cracks and spaces in soil, sand and rock.

STORMWATER - Water resulting from precipitation (including rain and snow) that runs off the surface of the land, is transmitted to the subsurface, and is captured by storm sewers or other drainage facilities.

SUMP PIT - A space into which a sump pump is installed, designed to provide sufficient depth and volume for proper performance of the pump.

SUMP PUMP DISCHARGE - The end of the pipe from the sump pump where water becomes unconfined and reverts to gravity flow.

SUMP PUMP - A pump, with related valves, pipe and fittings, installed for the purpose of evacuating water, usually from a basement area.

Chapter 5 Plumbing Facilities and Fixture Requirements

Section 508, Sump Pumps, is hereby added as a new section to read as follows:

Section 508 Sump Pumps

508.1 Installation. All residential and commercial structures having a storage or habitable area below grade may install there a Sump Pit and a Sump Pump upon approval by the Borough plumbing sub code official. All Sump Pumps shall be installed and inspected in compliance with the plumbing and building codes of the Borough and the requirements of this ordinance. All necessary permits must be obtained and fees paid before installation commences.

508.2 Location. A Sump Pump must discharge through permanent, rigid piping. The Sump Pump Discharge shall be located no less than ten feet from the building unless the Borough Engineer determines in advance in a particular case that compliance with this requirement is not practicable and for this reason approves in writing an alternative location.

508.3 Discharges. A Sump Pump shall not discharge water, either directly or indirectly: [i] into the sanitary sewer system; [ii] onto any public right of way (sidewalk or roads), unless approved in advance and in writing by the Borough Engineer; or [iii] into the municipal separate stormwater sewer system, unless also approved in advance and in writing by the Borough Engineer. In connection with any such advance approvals, the Borough Engineer may require that water be routed to a seepage pit with only the overflow discharging to the public right of way or municipal separate stormwater sewer system.

508.4 Approval by Engineer. In connection with required approvals by the Borough Engineer, the person requesting the approval shall make the request through submission of a Street/Right of Way Opening application. All recommendations for approval by the Borough Engineer shall be forwarded to the Borough Clerk for issuance of a street/right of way opening permit.

508.5 Inspections. The Borough reserves the right to use whatever tests are available to determine the existence of illicit connections. It also reserves the right to inspect properties in order to enforce these prohibitions. If a test is used which might cause some discomfort if an illicit connection exists, it shall be recognized that any discomfort, or other effect of the test, is of less value and importance than the effects of such illicit connection on the health, comfort and welfare of the residents of the Borough, and, consequently, there shall be no cause for action against the Borough in law or in equity.

508.6 Violations. Any owner or occupant of a property found to have caused or permitted a discharge or to have constructed, installed or permitted the construction or installation of a Sump Pump in violation of this chapter shall be subject to a minimum fine of \$100 per day for each day a violation continues beginning on the fourteenth day from service of notice of the violation. Each day a violation continues shall be deemed a separate offense.

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

APPROVED ON FIRST READING

DATED: February 21, 2019

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED:

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II

Mayor

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 331 "STREETS & SIDEWALKS" AND CHAPTER 331 "TREES" OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY FOR THE MAINTENANCE OF RIGHT OF WAYS

BE IT ORDAINED by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey that the following ordinance be and the same is hereby enacted:

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

SECTION ONE: Chapter 331 Streets and Sidewalks

ARTICLE III. Maintenance of Streets and Right-of-Ways

- A. **Curbs and sidewalks.** For any road maintained by the Borough or any other public entity that is lined with curbing and/or sidewalk, said curbing and/or sidewalk, regardless of the installer and absent of an agreement and resolution to assume responsibility, shall be maintained by the fronting property owner.
- B. **Trees, plantings and other objects.** For any road maintained by the Borough or any other public entity that is lined with trees, plantings or has any other object within its right-of-way, said trees, plantings or any other object, regardless of the installer and absent of an agreement and resolution to assume responsibility, shall be maintained by the fronting property owner.
- C. **Notice of violating conditions.** If any condition exists that violates this article, the Borough Code Enforcement Officer shall notify the owner, tenant or other person in possession of the property of such condition or conditions, in writing, by regular mail or personal delivery. The owner, tenant or person in possession of the property shall have 14 days from the date of such written notice to correct the condition or conditions so noticed. The Code Enforcement Officer shall reinspect the lands in question after the fourteen-day period has expired to determine if the condition or conditions have been abated or remedied.
- D. **Failure to abate or remediate conditions.** If the property owner of the lands in question fails to abate or remediate the condition or conditions noticed by the Code Enforcement Officer within 14 days of the notice, the following shall occur:
 - A. The Code Enforcement Officer shall have the authority to issue a complaint for the violation or violations of this article, which complaint shall be brought before the Municipal Court of the Borough of Oceanport.
 - B. If it is necessary to preserve the public health, safety or general welfare of the Borough, the Zoning Officer shall cause the condition or conditions complained about to be abated or remedied and shall certify the cost of abatement or remediation to the Council of the Borough of Oceanport. The amount of such abatement or remediation shall be paid by the owner, tenant or person in possession within 10 days of the date of the mailing by which the invoice is sent to the aforesaid person.
 - C. If the said invoice is not so paid, the amount so charged shall be added to and become a part of the taxes next to be assessed upon the lands in question and shall bear interest at the same rate as municipal real estate taxes, and shall be collected and enforced by the same officer and in the same manner as delinquent taxes.

IV. Violations and Penalties

Any person, firm or corporation violating any of the provisions of this chapter shall be

subject to a penalty as set forth in Chapter 1, § 1-15, General penalty.

SECTION TWO: Chapter 371 TREES

§ 371-2. Trimming or removal of public trees.

Any person, firm or corporation desiring for any lawful purpose to cut, prune, trim or remove any tree in a public highway in the Borough of Oceanport or to replace an existing tree or plant an additional tree within the public highway shall submit a request in writing to the Borough Clerk ~~apply for permission by~~ to the Shade Tree Committee or other official so designated by the Governing Body, ~~for permission to~~ do the particular act. The applicant shall, in writing, indicate the location and type of work, and the species of tree to be planted or destroyed. Upon approval of the application, ~~by the Shade Tree Committee or other official so designated by the Governing Body,~~ the Secretary thereof shall issue a permit, and thereafter, the work shall be performed and/or the tree planted in accordance with the instructions issued by and under the supervision of the Shade Tree Committee or other official so designated by the Governing Body. In the case of the replacement of existing trees or the planting of additional trees, after the maintenance period of one year has expired, the tree or trees, if satisfactory, will be accepted and classed as other trees existing along the public highways.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only, however to the extent of such conflict or inconsistency, it being the legislative intent that all other ordinances or parts of ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

BE IT FURTHER ORDAINED this amending ordinance shall become effective upon due passage and publication according to law.

APPROVED ON FIRST READING

DATED: February 21, 2019

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED:

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor

ORDINANCE #995**ORDINANCE OF THE BOROUGH OF OCEANPORT TO APPROVE THE TAX EXEMPTION AND AUTHORIZE THE EXEMPTION AND AUTHORIZE THE EXECUTION OF A FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF OCEANPORT AND OCEANPORT URBAN RENEWAL PRESERVATION, L.P.**

WHEREAS, pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended and supplemented (N.J.S.A. 55:14K-1 et seq.) (the "HMFA Law") Oceanport Urban Renewal Preservation, L.P. (the "Entity" or "Developer") proposes to acquire, rehabilitate and renovate a housing project composed of one hundred (100) affordable housing units for lower to middle income persons and one superintendent's unit (the "Project") within the Borough of Oceanport (the "Borough") on a site described as Block 121, Lot 5, as shown on the Official Tax Map of the Borough of Oceanport in the County of Monmouth and more commonly known as 274-278 East Main Street, Oceanport, New Jersey; and

WHEREAS, the Developer has provided an in depth proposal and application to the municipal governing body of the Borough of Oceanport (the "Governing Body") seeking a tax exemption; and

WHEREAS, the Developer has presented to the Governing Body a revenue projection for the Project, a copy of which is contained as an exhibit to the proposed financial agreement (the "Financial Agreement") attached hereto, that sets forth the total gross revenue to be received and costs to be expended by the Developer from the operation of the Project as estimated by the Developer; and

WHEREAS, the Governing Body has determined that the financial feasibility and viability of the Project is dependent upon financial assistance in the form of the payment to the Borough of an annual service charge in lieu of taxes in accordance with the HMFA Law; and

WHEREAS, the Governing Body has also determined that said documents support the benefit of granting a long term tax exemption; and

WHEREAS, the Developer has demonstrated to the satisfaction of the Governing Body that the granting of a long term tax exemption will improve the quality of life for the occupants of the Project and the quality of life for the Borough; and

WHEREAS, the Developer and the Borough shall incorporate the schedule of Annual Service Charges as set forth on Exhibit A which shall be finalized in the Financial Agreement in accordance with all relevant statutory law; and

WHEREAS, the Governing Body has thoroughly reviewed the Developer's submissions and supporting documents and determined that it is in the best interest of the Borough to grant a tax abatement to the Developer resulting in an annual service charge in the amount of not less than 4.5% of the annual certified project revenue for a 20 year term as set forth in the Financial Agreement; and

WHEREAS, the Project will be subject to the regulatory supervision of the Housing Mortgage Finance Agency ("HMFA" or the "Agency"); and

WHEREAS, the Governing Body has determined that the acquisition, preservation and operation of the Project by the Entity as an affordable housing project, subject to regulatory supervision of the Agency, shall assist the Borough in fulfilling its obligation to provide its fair share of the need for affordable housing as required by New Jersey laws and regulations and as required by the Borough's housing plan; and

WHEREAS, the Borough is entering into the Financial Agreement in reliance upon the commencement and completion of the Project; and

WHEREAS, the attached Financial Agreement represents an arm's length transaction between the parties and all promises and agreements, express or implied, payment of fees or other benefits, terms or conditions related thereto are incorporated therein as it concerns the project and the parties hereto as well as their agents and servants; and

WHEREAS, the Entity hereby certifies its compliance with the applicable municipal ordinances of the Borough, as well as the strictures of the HMFA Law.

NOW THEREFORE, BE IT ORDAINED by the Municipal governing body of the Borough of Oceanport that:

SECTION 1: PROVISIONS

1. The Governing Body hereby finds and determines that the proposed Project will meet or meets an existing housing need; and
2. The Governing Body does hereby make the determination and findings herein contained with the intent and purpose that Developer's mortgage lender shall rely thereon in making a mortgage loan to the Developer, to acquire and rehabilitate, own and operate the Project; and
3. The Governing Body does hereby adopt this Ordinance with the further intent and purpose that from the date of closing of title, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation for a term not to exceed 20 years in accordance with the HMFA Law, provided that payment of annual service charges for municipal services supplied to the Project are made to the Borough for the time in such amounts and in the manner set forth in Financial Agreement and there is not material breach of all other terms in the Financial Agreement; and
4. The Governing Body hereby authorizes and directs the Mayor and the Borough Clerk to execute the attached Financial Agreement, subject to modifications and revisions approved by the Mayor and Borough legal counsel; and
5. The Governing Body hereby directs the Borough Clerk to transmit a certified copy of this Ordinance and the Financial Agreement to the Director of the Division of Local Government Services.

SECTION 2: INCONSISTENCIES

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

SECTION 3: HEADINGS

All headings within this ordinance are for convenience only and are not deemed to be part of this ordinance.

SECTION 4: EFFECTIVE DATE

This ordinance shall take effect after final passage and upon expiration of twenty (20) days following publication unless otherwise provided by resolution of this Borough Council.

APPROVED ON FIRST READING

DATED: January 17, 2019

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: February 21, 2019

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II

Mayor



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • JANUARY 17, 2019

Regular Meeting

Maple Place School

7:00 PM

2 Maple Place, Oceanport, NJ 07757

1. **Call to Order:** Mayor Coffey called the meeting to order at 7:06 p.m.
2. **Statement of Compliance with Open Public Meetings Act:** Mayor Coffey stated "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 9, 2019, and by the posting of same on the municipal bulletin board and Borough Web Site."
3. **Flag Salute:** Mayor Coffey led the audience and members of the Council in the flag salute.
4. **Invocation:** Borough Chaplain Stacy Deerin gave the invocation.
5. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Present	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Joseph A. Irace	Councilman	Present	
Michael O'Brien	Councilman	Present	
Robert Proto	Councilman	Present	
Stephen Solan	Council President	Present	
Donna M. Phelps	Borough Administrator	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	

6. **Presentation of Holiday Decorating Contest Winners:**

BEST OVERALL - 38 Wolf Hill Ave
BEST TREE - 18 Iselin Ave
BEST YARD - 42 Pemberton Ave
BEST DOOR/WINDOWS - 30 Steeplechase Ct
BEST CONDOMINIUM/TOWNHOUSE - 54 Steeplechase Ct
MOST ORIGINAL - 31 Massaro St

Mayor Coffey announced the winners of the Holiday Decorating Contest and invited the winners present to come up and be recognized.

Councilman Deerin made a statement acknowledging the Borough's volunteers and thanking the Committee members for their hard work.

Parks & Recreation Committee Chair Therese Wollman presented Gift Cards to each of the winners present.

7. **Administrators Report:** Ms. Phelps reported that after legislation was enacted banning smoking in parks, Public Works installed signs at entrances to all Borough Parks advising smoking is prohibited and violators are subject to a fine. She also stated that the Green Acres Program evaluated the Boroughs parks, and found them to be well maintained. The Program made recommendations regarding signage. Green Acres reviewed the Borough's use of Old Wharf House as Borough Hall since 2014. Temporary usage of Green Acres property cannot extend beyond 2 years. However,

after discussions, the use has been extended to March 2020. Ms. Phelps reported that she spoke with Shrewsbury Borough's Interim Administrator regarding continued shared services agreement for use of the courtroom facilities. Ms. Phelps also spoke with Sea Bright's Administrator regarding the renewal of the Shared Services Agreement for their Court services. Sea Bright has been approached by Atlantic Highlands to provide their Court services, but Sea Bright's Administrator would prefer to stay with Oceanport unless there is significant savings.

Ms. Phelps spoke to the NJ Dept. of Treasury to get direction regarding the action the Borough needed to take in order to receive the dedicated funding from sports wagering at Monmouth Park and how to use the funds. The Treasury Dept. did not have a system in place.

Ms. Phelps attended the Monmouth JIF Reorganization meeting, which was followed by their Safety Luncheon, which focused on cyber attacks and included a presentation from Wall Township's Administrator regarding their recent ransom attack and the steps to restore order to the Township. Ms. Phelps will work with Monmouth JIF to see what actions can be taken to ensure the Borough is protected.

Ms. Phelps reported that the roof at Port-Au-Peck firehouse has been resealed and Public Works trimmed branches to mitigate the drain clogging problem. OEM used the Hook & Ladder firehouse during certain events and had a generator located there, which the Borough previously paid for repairs/maintenance. The generator needs repair, removal of old fuel and replacement of the fuel filter, which will be performed in January.

8. Consent Agenda:

- | | | |
|----------|-----|---|
| #2019-39 | 1. | Resolution authorizing payment of BILL LIST 01-17-2019 |
| #2019-40 | 2. | Resolution authorizing Tax Sale Redemption #18-00015 |
| #2019-41 | 3. | Resolution authorizing Tax Sale Redemption #16-00018 |
| #2019-42 | 4. | Resolution authorizing 2018 budget appropriation transfers |
| #2019-44 | 5. | Resolution appointing CJHIF Fund Commissioners |
| #2019-45 | 6. | Resolution appointing MCJIF Fund Commissioners |
| #2019-46 | 7. | Resolution appointing a Municipal Housing Liaison |
| #2019-47 | 8. | Resolution authorizing extension of grant agreement for Milton Ave Drainage Project |
| #2019-48 | 9. | Resolution extending Agreement with BOE for lawn and snow plowing services |
| #2019-49 | 10. | Resolution authorizing amendments to Police Department Rules & Regulation |

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

Councilman Proto made a motion to bifurcate the resolution into two votes with no objections.

SEPARATE:

- #2019-43 Resolution appointments to Boards & Committees

Council President Solan made a motion to amend the resolution to take the Water Watch Committee appointment separately and appoint Scott Marcantonio to Parks & Recreation Committee which was seconded by Councilman Deerin.

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

#2019-43a Resolution appointments to Boards & Committees

Councilman Deerin made a motion to appoint Patricia Cooper to the Water Watch Committee which received no second and the motion failed.

9. Minutes:

1. Approval of Special Meeting Minutes, Nov. 8, 2018

Ms. Smith advised that a correction was needed to page one to add the word "Deputy" to the resolution title appointing Ms. Phelps as Deputy Borough Administrator and asked for a motion to approve the minutes with that amendment.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSTAIN:	O'Brien

2. Approval of Executive Session Minutes, Nov. 8, 2018

RESULT:	ADOPTED [5 TO 0]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Richard Gallo, Councilman
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSTAIN:	O'Brien

3. Approval of Workshop Minutes, Dec. 13, 2018

RESULT:	ADOPTED [5 TO 0]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSTAIN:	O'Brien

4. Approval of Regular Meeting Minutes, Dec. 13, 2018

RESULT:	ADOPTED [5 TO 0]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSTAIN:	O'Brien

5. Approval of Executive Session Minutes, Dec. 13, 2018

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

6. Approval of Reorganization Minutes, Jan. 3, 2019

RESULT:	ADOPTED [5 TO 0]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Richard Gallo, Councilman
AYES:	Deerin, Gallo, Irace, O'Brien, Solan
ABSTAIN:	Proto

Ms. Smith advised the Governing Body that the Borough had received from FMERA the proposed Fort Monmouth Plan Amendment #13 which had been distributed to the Borough's professionals and appropriate departments for comment. She also advised that at the direction of Councilman Proto, Chair of Planning & Development, she had reached out to Beth McManus to see if she would provide the Borough with comments on the proposed amendment as the Borough's Planners, Clark Caton Hintz, had a conflict. Ms. McManus was available and had no conflict and was happy to serve. Comments are due back end of January in time for the February Workshop meeting.

Councilman Irace noted that this Amendment does not reflect recent discussions with FMERA and he will provide his concerns to Ms. Smith for inclusion in the response.

10. Executive Session:

#2019-50 Resolution authorizing an Executive Session

Matters Relating to Collective Bargaining Agreements N.J.S.A. 10:4-12(b)(4)

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

PBA Grievance - Contract Terms, Health Care

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

Oceanport Gardens Renewal Project

At 7:27 pm, the Mayor asked for a motion to approve **Resolution #2019-50**, authorizing the Governing Body to enter Executive Session.

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

At 7:38 pm, the Mayor & Council returned from Executive Session and the regular meeting was re-opened on a motion by Councilman Proto, seconded by Councilman Deerin and approved by Council.

11. First Reading Ordinances:

1. An Ordinance to Authorize a Financial Agreement in lieu of taxes for Oceanport Gardens Renewal Project

Councilman Proto called for the introduction of **"ORDINANCE OF THE BOROUGH OF OCEANPORT TO APPROVE THE TAX EXEMPTION AND AUTHORIZE THE EXEMPTION AND**

AUTHORIZE THE EXECUTION OF A FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF OCEANPORT AND OCEANPORT URBAN RENEWAL PRESERVATION, L.P. " and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Proto moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of February 21, 2019 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

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

12. Committee Reports:

1. Councilman Deerin, Parks and Recreation Liaison: Councilman Deerin reported that the tree removal project was completed under budget, fence estimates were received and are also under budget. The Borough should complete the Trinity and Community Center Park projects sometime in March. Councilman Deerin also noted that the Recreation Committee has 2 vacancies and encouraged younger residents to volunteer.
2. Councilman Gallo, Public Works and Engineering Liaison: Councilman Gallo reported that DPW is prepared for any type of snow event. He reminded residents that the Borough's Recycling Center will close at the end of January. In response to the residents' Facebook page, he advised that junk mail can be mixed with papers and put out to the curb.
3. Councilman Irace, Finance and Administration Liaison: Councilman Irace reported that the Committee has met with prospective developers at the former Ft. Monmouth. FMERA will be issuing Amendment # 14 which will affect Oceanport and include some positive and some unacceptable changes. He stated that work is continuing on the budget. Councilman Irace noted that the purse subsidy legislation has been held up in the Assembly. He discussed some options that the operators of Monmouth Park are considering for the next meet. Mayor Coffey noted that if the legislation passes, then Monmouth Park would be on par with neighboring states and expressed disappointment with the delay.
4. Councilman O'Brien, Health and Human Services Liaison: Councilman O'Brien stated that the Borough received a report from the SPCA which stated there were 31 responses to calls from Borough residents regarding trapped/injured animals. Since the SPCA provides this service at no cost to the Borough and is reliant upon donations, he encouraged residents to donate to this worthy cause.
5. Council President Solan, Public Safety Liaison: Council President Solan spoke of a charitable basketball game between the Oceanport PBA and Shining Stars Ambassadors, which benefits special needs communities. It will take place Saturday, Feb. 2nd at 7 p.m. at Maple Place. He encouraged residents to attend. Council President Solan reported that the Police Dept. responded to 11,548 calls in 2018, an average of 30 times a day. He extended his thanks to Chief Kelly and the entire Oceanport Police Dept. He also reminded everyone that the Fire Dept. and First Aid are always looking for volunteers. He thanked Ms. Phelps for her assistance with the generator repair. In addition, all AED devices in Borough buildings.
6. Councilman Proto, Planning and Development Liaison: Councilman Proto reported that the ordinance introduced earlier in the meeting would benefit Oceanport, summarized the terms of the agreement which provides for a 20-year PILOT – basically extending the current PILOT by 9

years and the owner will be investing up to \$3 million in upgrades, secures for Oceanport affordable housing and a financial boost of \$200,000 in the payment over the first 2 years and then increases over various years of the term; owner has agreed to install electronic crosswalk signs to increase safety. Additionally, Oceanport retains the right to claim credit for the units for future rounds.

Councilman Proto next gave a statement on the new borough hall project, reporting that in November the Council was brought up to speed being told that the project was millions of dollars over budget from what was originally authorized to be spent, several meetings with architect and made significant changes in order to bring total costs of project back down to the original authorized amount of \$11 million, largest change being the decision to cancel the proposed recreation center building. Last week the architect informed the Borough that he and his subcontractors were owed an additional \$100,000 in fees, request was made for documentation, received and another meeting was scheduled with architect, Mayor, himself, Ms. Phelps, Ms. Smith, and Ms. LaPorta. During meeting, review of correspondence showed that the previous Administrator was aware in summer of 2017 that the project was more than \$1 million over budget at that time; instead of informing the Mayor and any member of council, he continued to request changes and studies and increasing architect fees by not responding in a timely manner which has been confirmed by various emails. Councilman Proto believes those actions have caused an additional \$250,000 in expenses to the borough. Councilman Proto continued that as the budget spiraled out of control, his [previous Administrator] response was to look for ways to move as many items out of the construction column known as exclusions. They were treated as "off budget" items so basically other expenses were trying to be moved out of the budget and find ways to pay them a different way, different time in order to keep the \$11 million budget on target. The exclusions still needed to be paid for by the taxpayers. Repeated requests were made for status on the project both in public meetings and in private with a stock answer of "waiting on utilities". At no point in the 1 ½ years did he make the Mayor nor Council aware that it was millions over budget. One thousand emails between the BA and the architect during this period, and no one sitting up here from what he could see going through them was copied on a single one of them. When a majority of Council decided to fire the former BA several months ago was because they lost confidence in him and felt he wasn't competent enough to be Oceanport's BA. They did not have reason enough at that time to fire him *for cause* and believes these recent findings change that and requested that the Borough Attorney take what ever legal steps necessary to change the reason officially for his termination to be *for cause* and attempt to claw back any severance that was paid to him. Councilman Proto believes that there is evidence his actions rose from a level of incompetence to one of willful and deliberate deception and has not doubt that his concealment of pertinent information was intentional and unnecessarily cost the Borough a great deal of time and money which concluded his report.

Councilman Irace questioned if the Mayor had any comment on that. Mayor Coffey responded that he was not going to put himself in front of a bus and was not going to comment.

Councilman Irace expressed his outrage over the findings and how Council was treated after the firing of the former BA and was surprised that the Mayor had no reaction. There was a impassioned discussion between Mayor Coffey and Councilman Irace over the situation and what brought them to this point. It concluded with Councilman Irace stating that he was very upset that this was coming up now and asked the Mayor he didn't know any of this, its been over budget for a year and a half and no one's known about it. Mayor Coffey answered, he agreed with that.

- 13. Mayor Coffey's Report:** Mayor Coffey gave details on the upcoming fundraiser game between the Oceanport PBA and the Shining Stars on February 2 at 7pm at Maple Place School. Mayor Coffey acknowledged custodian Rick Long who had heart surgery that day.

Mayor Coffey also commented on the new municipal complex and the decision to eliminate the Recreation Center and while it would have been nice to have, it was not necessary for the operation of the borough and taking it away saved about \$2.5 million dollars whether done now or a year and half ago it wouldn't have made the final cut. He being a rec guy would have loved to have a 10,000 s.f. building, in 10 years from now someone will ask why we didn't keep that building and that fact is that we don't have the money and doesn't want 10 years from now people to say why did those idiots knock that building down. The reason its coming down is we can't afford to maintain it even if we wanted to its not within our budget. Mayor Coffey stated he *is* upset about the fact it is over budget but would not sit there and put himself in harms way with respect to a potential lawsuit.

Mayor Coffey commented next on the upcoming storm situation and Councilman Gallo says we're all set and historically the Borough's been fantastic with removing snow and doesn't expect anything to change with these events if they come to fruition.

Councilman Proto asked to be recognized and Mayor Coffey acknowledged.

Councilman Proto countered Mayor Coffey's comments regarding the rec center and whether it was done a year and half ago or now, if it had been done a year ago, 6 or 8 months ago they would have saved a lot of money. Mayor Coffey agreed – on the professional fees. Councilman Proto further stated that the architect had taken over \$100,000 to build a building that they are now in the position to have knocked down and it was known a year and a half ago that that building was in the \$2 million range and studies were continued to be asked of him.

14. Petitions from the public:

Mark Patterson, 40 Itaska Place, commented that the Council made a point to start the healing process and he didn't see that tonight, he saw them further ostracized Patty Cooper and then this Ray thing, and new information was found and they are taking it personal and want to go back on their deal. Mr. Patterson noted that should they decide to take the deal back he imagines it would cost the taxpayers money in the form of legal costs not to mention what legal costs might be associated from the ostrafication of the former BA through Facebook and feels that they are bordering on decrementing his character and asked that they move on.

Councilman Proto commented, so this body – your elected officials uncover information that they should keep it to themselves and not inform the taxpayers of the Borough for fear of further ostracizing one individual which Mr. Patterson rebutted that was not what he said, he said prevent legal costs – they were happy with the severance deal – Council objected – they were not happy – it was contractual and required by statute.

Councilman Proto posed if the information had been known months ago, the majority of Council would have had enough to fire him *for cause* and would have done that and believe the public would want us to do that. Discussion ensued.

Mr. Patterson asked about equipment – Channel 28. Council President Solan responded the meeting was being recorded and would be broadcast via what would be Oceanport's new YouTube channel.

Jeff Oakes, 51 Pemberton Ave., commented that the lynch mob mentality of the BA, regardless of whatever they say he did, he reminded the Council that they were the ones on watch when the accusations happened. Mr. Oakes also commented he thought it was a conflict for Councilman Solan to be running Channel 28 and when the feed is missing it comes back on the Council person. Mr. Oakes addressed Councilman Solan and asked where he posted the business from his report – the police stats. Councilman Solan responded Oceanport residents and a personal post. Discussion ensued on public information and sharing on Oceanport residents Facebook and not on the other town Facebook page, expressed disgust at the treating of Patty Cooper. There was a heated exchange regarding the proposed appointment to

Water Watch. Councilman Irace advised that there was a process through Call to Service and it was the first they had heard of the vacancy on Water Watch.

Mr. Oakes asked about the Drug Awareness and Resistance Education of school drug alcohol and education officer and were they going to keep teaching students this. Chief Kelly being present advised they were using a modified version that was more towards wise decision making with the bullying aspect, yes, the drug and alcohol aspect and the DARE program has moved away from what it was 15 years ago – has a different model. Mr. Oakes reiterated his concern with continuing this type of education and his opinion of the misrepresentation of the medical marijuana program and how it embarrasses the students in the program.

Rosanne Letson, 37 Morris Place, asked about the senior building and the new purchaser – would it remain a senior building. Mayor Coffey answered the project guarantees it would stay that way for the next 20 years, the owner was investing in the property and was a good deal tax wise. Ms. Letson asked if it was a deed restricted property and was told it was restricted but was not just for seniors but was based on income. Councilman Proto commented what had been important to him was that the new owner was world-renown and not just a fly-by-night coming in to slap paint on the wall. Council President Solan commented it insures truly affordable housing for the people that need it the most. Councilman Irace commented that it was also good for the revitalization of the downtown.

Gary LaBruno, 50 Wyandotte Ave, asked about the rules and regulations for the police department and asked how long they had been working on it. Chief Kelly advised one year ago he presented it to the then BA. Mr. LaBruno asked whose job would have it been to proofread. Mayor Coffey stated he had and Ms. Phelps. Mr. LaBruno pointed out section that remained incomplete, there was discussion and the Chief would make sure the Clerk had a clean copy.

Mr. LaBruno then commented on the new municipal complex, realize its over budget, but this town has been historically penny pinching, has been at the meetings, has heard the budget discussions, but the Borough has a lot of crumbling infrastructure and asked if there had been any process to look at just building one complete building. He has concerns that there are unknowns with the existing buildings and thinks it should be done right the first time. And as a growing town feels they should not be penny wise pound foolish.

Mayor Coffey responded that they had looked at it and he had been the one originally opposed to going to Fort Monmouth but building new would easily cost \$30 million and the rehabs of these buildings was at \$11 million. Mr. LaBruno asked if there was assurance that the buildings were sound and his fear was putting lipstick on a pig. Councilman Irace assured him they had looked at it. Discussion ensued on what other municipalities had done, that at \$11 million they were going to have a good product and there was about 8-10,000 additional unused space available to grow down the road. While it wouldn't be the Taj Mahal it would be functional and would last.

- 15. Adjournment:** As there was no further business, the meeting was adjourned at 8:35 PM on a motion by Councilman Irace, seconded by Councilman Deerin and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK