

**REGULAR MEETING AGENDA
MAYOR AND COUNCIL
December 15, 2016**

Call to Order.

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

Flag Salute

Invocation

Roll Call

MAYOR'S PROCLAMATION: Recognizing William McVitty

MAYOR'S PROCLAMATION: Oceanport First Aid "Call of the Year"

Administrator's Report:

CONSENT AGENDA:

- | | | |
|------------------|------|--|
| #2016-220 | 1.1 | Resolution authorizing payment of bills |
| #2016-221 | 1.2 | Resolution amending the 2016 budget to add an item of revenue: OEM Performance |
| #2016-222 | 1.3 | Resolution amending the 2016 budget to add an item of revenue: NJFRAMES Grant |
| #2016-223 | 1.4 | Resolution authorizing release of Performance Bond for Oceanport Center LLC |
| #2016-224 | 1.5 | Resolution authorizing redemption of Tax Sale Certificate #16-00019 |
| #2016-225 | 1.6 | Resolution authorizing redemption of Tax Sale Certificate #16-00011 |
| #2016-226 | 1.7 | Resolution affirming the Borough's Civil Rights Policy |
| #2016-227 | 1.8 | Resolution adopting MEL JIF recommended amendments to the personnel policy and employee handbook |
| #2016-228 | 1.9 | Resolution authorizing a waiver of §390-17(F) for 44 Algonquin Ave |
| #2016-229 | 1.10 | Resolution authorizing a Municipal Services Agreement with Kimberly Woods HOA |
| #2016-230 | 1.11 | Resolution authorizing budget appropriation transfers |

MINUTES: Approval of the Regular Meeting Minutes of November 3, 2016
 Approval of the Emergency Meeting Minutes of November 16, 2016
 Approval of the Executive Session Minutes of November 16, 2016

Nominees for Appointment to fill Borough Council Vacancy, Resignation of John A. Patti

Resolution #2016-231 Resolution appointing nominee to fill Borough Council Vacancy

COMMITTEE REPORTS:

- Public Safety, Councilman Briskey, Chair
- Finance & Administration, Council President Irace, Chair
- Planning & Development, Councilwoman Cooper, Chair
- Public Works & Engineering, Councilman Gallo, Chair
- Health & Human Services, Councilwoman Kahle, Chair
- Parks & Recreation, Councilman Patti, Chair

MAYOR COFFEY'S REPORT:

Petitions from the public.

Adjournment.

REGULAR MEETING MINUTES

Oceanport, New Jersey
December 15, 2016

The Regular Meeting of the Oceanport Mayor and Council was called to order on December 15, 2016 at 7:00 PM with the Statement of Compliance with the Open Public Meetings Act given by Mayor Coffey.

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

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

INVOCATION: Borough Chaplain Stacy Deerin gave the invocation.

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

MEMBERS ABSENT: None

OFFICIALS PRESENT: Borough Administrator, Ray Poerio, Borough Clerk, Jeanne Smith, and Borough Attorney, Scott Arnette

MAYOR'S PROCLAMATION: Mayor Coffey read a proclamation in its entirety recognizing William McVitty for his years of service on the Oceanport Board of Education since 2003, with two terms as Board President. Mr. McVitty will step down from his position on the Board on December 31st, 2016. The Mayor also expressed his thanks to Mr. McVitty's family for supporting Mr. McVitty during his 15 years of service to the Borough.

MAYOR'S PROCLAMATION: Mayor Coffey read a proclamation in its entirety recognizing the Oceanport First Aid Squad. The squad was honored in October for having the Call of the Year by the Emergency Services Council of New Jersey. The volunteers responded to a life threatening event for a Borough resident and saved the resident's life. The Mayor congratulated the First Aid Squad on their award and thanked them for their sacrifice and service for the residents of Oceanport.

Administrator's Report: Mr. Poerio stated he has authorized the repair for the siren located at Blackberry Bay Park. Councilman Briskey and Councilwoman Kahle reached a compromise for the use of the siren, and there will be further discussion regarding that. Mr. Poerio explained that the sirens are broken down into two usages: one for OEM and the other for the fire department. There was no desire to change the process for OEM. Regarding the fire department, there was concern about the frequency of the sirens. Mr. Poerio emailed the most recent policies to the Governing Body. He requested guidance from the Council regarding use of the sirens. Councilwoman Kahle asked if Mr. Poerio had investigated the situation with the pagers and communications. Mr. Poerio stated that during his research, he learned that Buddy Brocklebank leads the fire department with the number of responses by attending 110 out of 140 calls. Additional discussions will be held with the Sheriff's Department and County dispatch. After speaking with the Fire Chief, he stated that no one has reported not receiving a call. In the future, any missed calls should be reported to Mr. Poerio so that the problem can be addressed with the appropriate authority. Councilman Briskey advised Councilwoman Kahle that after the new officers are installed in January, there will be discussions and decisions made.

Mr. Poerio next discussed the topic of funding the municipal complex project for next year explaining the process, the need for temporary financing, the required down payment for bonding said funding and its subsequent impacts on taxes. After discussions with the CFO, FEMA specialist and bond counsel,

the recommendation is to have the Borough seek a waiver of the down payment from the Local Finance Board in order to avoid that spike. In order to appear before the Local Finance Board to seek the waiver, the Borough must introduce a bond ordinance for the full amount, which he hopes to present at the January 5th workshop meeting and introduction thereafter. Another issue was that the Borough owes approximately \$500,000 back to FEMA. He summarized that the Borough's total potential liability was \$1.2 million which after the proposed solutions by his team would now potentially reduce the Borough's liability to \$71,000. Councilwoman Kahle commended Mr. Poerio for his work on the waiver.

Mr. Poerio also reported that the bids received for the bulkhead improvements project were above the engineer's cost estimate. After discussions with the Borough Engineer and Councilman Gallo, the recommendation is to reject those bids and go out to bid again.

CONSENT AGENDA:

- | | | |
|------------------|------|--|
| separate | 1.1 | Resolution authorizing payment of bills |
| #2016-221 | 1.2 | Resolution amending the 2016 budget to add an item of revenue: OEM Performance |
| #2016-222 | 1.3 | Resolution amending the 2016 budget to add an item of revenue: NJFRAMES Grant |
| #2016-223 | 1.4 | Resolution authorizing release of Performance Bond for Oceanport Center LLC |
| #2016-224 | 1.5 | Resolution authorizing redemption of Tax Sale Certificate #16-00019 |
| #2016-225 | 1.6 | Resolution authorizing redemption of Tax Sale Certificate #16-00011 |
| #2016-226 | 1.7 | Resolution affirming the Borough's Civil Rights Policy |
| #2016-227 | 1.8 | Resolution adopting MEL JIF recommended amendments to the personnel policy and employee handbook |
| #2016-228 | 1.9 | Resolution authorizing a waiver of §390-17(F) for 44 Algonquin Ave |
| #2016-229 | 1.10 | Resolution authorizing a Municipal Services Agreement with Kimberly Woods HOA |
| #2016-230 | 1.11 | Resolution authorizing budget appropriation transfers |

The Clerk stated there were 11 items on the consent agenda. Councilman Briskey requested to take Resolution **#2016-220** separately. The Clerk asked for a motion to approve the remaining items which was made by Council President Irace and seconded by Councilwoman Kahle. Regarding Resolution **#2016-228**, Councilman Gallo commented that the area near 44 Algonquin Ave. will probably not be paved in the near future. The Mayor stated that the property owner agreed to indemnify the Borough. The Clerk called roll:

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

The Clerk stated that the motion carried.

- #2016-220** 1.1 Resolution authorizing payment of bills

The Clerk asked for a motion to approve Resolution **#2016-220**, authorizing payment of bills, which was moved by Council President Irace and seconded by Councilwoman Kahle. The Clerk called roll:

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

The Clerk stated that the motion carried.

Mayor Coffey asked Councilman Briskey if his no vote was due to the form of the resolution, to which he replied yes.

MINUTES: Approval of the Regular Meeting Minutes of November 3, 2016
Approval of the Emergency Meeting Minutes of November 16, 2016 **separate**
Approval of the Executive Session Minutes of November 16, 2016

The Clerk asked for a motion to approve the Regular Meeting Minutes for November 3, 2016, Emergency Meeting Minutes of November 16, 2016 and Executive Session Minutes for November 16, 2016. Councilman Briskey requested that the Emergency Meeting Minutes of November 16, 2016 be taken separately. Council President Irace made a motion to approve the November 3, 2016 Regular Meeting Minutes and the Executive Session Minutes of November 16, 2016, which was seconded by Councilwoman Kahle. The Clerk called roll:

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

The Clerk stated that the motion carried.

Approval of the Emergency Meeting Minutes of November 16, 2016

The Clerk asked for a motion to approve the Emergency Meeting Minutes of November 16, 2016, which was made by Council President Irace and seconded by Councilwoman Kahle. Councilman Briskey wanted the record to reflect that the meeting was conducted by telephone. Discussion ensued on the notice stating that quorum was established by teleconference and if it should specifically state that meeting was conducted by telephone after which consensus was to leave as worded. The Clerk called roll:

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

The Clerk stated that the motion carried.

Nominees for Appointment to fill Borough Council Vacancy, Resignation of John A. Patti

#2016-231 Resolution to fill Borough Council Vacancy. Mayor Coffey advised of three individuals submitted by the Republican Committee: Chris Paglia, Steve Solan and Robert Proto. He requested a motion to nominate one of the candidates. Council President Irace made a motion to nominate Robert Proto to fill the Council vacancy. As there was no second, the motion failed.

Council President Irace made a motion to nominate Steve Solan to fill the Council vacancy. As there was no second, the motion failed. No other nominations were made. There was discussion regarding the deadline and process for filling the vacancy.

COMMITTEE REPORTS:

PUBLIC SAFETY: Councilman Briskey thanked everyone for their trust and support in his reelection. The Public Safety Committee met to discuss hiring two Class II officers and posting the position of Police Chief. The siren and communication issues will be addressed in the New Year. He stated that Council President Irace attended the FMERA meeting on behalf of the Mayor. Councilman Briskey thanked him for getting FMERA to include firefighters and first aid members in the deer hunt on Ft. Monmouth. In mid-November, he attended the annual League of Municipalities conference, where he attended several informational sessions. He attended and enjoyed the PBA Christmas party. He wished everyone a Merry Christmas and Happy Hanukkah.

FINANCE AND ADMINISTRATION: Council President Irace reported that he attended the FMERA meeting on behalf of the Mayor. A lot of development is taking place in the Oceanport section of Ft. Monmouth. FMERA has executed contracts on the Officer Housing with RPM Development; the fitness center, where FM Partners is proposing to renovate and expand the facility; Russel Hall is leased to Tetherview Property and AP Development Partners will take over the Dance Hall and have proposed a brewery and an outdoor concert venue. FMERA has also entered into negotiations for development of the Chapel by Triumphant Life Church Assembly of God. Other projects include the Nurses' Quarters, the Marina, Squire Hall and Oceanport's proposed municipal complex. Activity has quickened since the County established a bond for Ft. Monmouth. FMERA would like to thank the Oceanport Police Department, Public Works, the Mayor and the Borough. He expressed his thanks to FMERA for the open dialogue.

PLANNING & DEVELOPMENT: Councilwoman Cooper apologized for missing the last meeting. She thanked Mayor Coffey for covering Ft. Monmouth properties, Borough Hall options and affordable housing issues for her at that meeting. The E. Main St. Streetscape project is almost complete. She thanked Mr. Poerio for his assistance in moving that along. Mr. Poerio stated the lighting may be completed in another two weeks. She also wished everyone a Merry Christmas and Happy Hanukkah.

PUBLIC WORKS: Councilman Gallo had polled the Council regarding a location for the Thin Blue Line, and the consensus was for it to be on Port Au Peck Ave. from Wolf Hill Ave. to Myrtle Ave. Mr. Poerio has prepared several choices with associated costs. Because the weather is colder, the project will be put off until warmer weather returns. Public Works and equipment are ready for snow removal; salt stored up with additional manpower and additional equipment on standby. Councilman Gallo reminded residents that when streets are snow covered, all cars must be off the roadways until the event is over. He also wished everyone a Merry Christmas and a happy holiday.

HEALTH AND HUMAN SERVICES: Councilwoman Kahle reported that the Drug Education Initiative Committee had a cyber safety presentation at Shore Regional, which was sponsored by the Oceanport PTO; Red Ribbon Week was held at Wolf Hill and Maple Place Schools with K-9s; they provided 650 bags with tulip bulbs for students to plant with their families with a pledge to live drug free. Oceanport Police took back 27 pounds of medication on National Drug Takeback Day. She advised that the Family Addiction Network meets every month at the West Long Branch Community Center and provides support for families whose lives have been touched by addiction. The November samplings for the Waterworks and Environmental Committee got mixed up and the results will not be relied upon. Turtle Mill Creek still has a high fecal count. She reported that Clean Ocean Action has been concentrating on the Navesink River, and they found that there were five water bodies feed into it and high fecal counts are likely from sanitary sewer leaks. She also wished everyone a Merry Christmas and a Happy New Year.

PARKS AND RECREATION: No report.

MAYOR COFFEY'S REPORT: Mayor Coffey stated that Mike MacStudy will be viewing Christmas decorations to decide the winner of the decorating contest for 2016. At the last meeting, the Governing Body went into Executive Session to discuss the parameters for negotiating prices with FMERA for the potential purchase of property at the Fort. A memorandum of understanding may be available for the January 1st Reorganization, which will start the public discussions, charrettes and final analysis of the municipal complex. One of the Mayor's goals for 2017 is to have all emergency services on the same page. He met with members of the fire department and will meet with first aid in January.

PETITIONS FROM THE PUBLIC: Mayor Coffey then opened the meeting to anyone from the public who wished to be heard.

Cullin Wible, 67 Wolf Hill Ave., asked about the process of replacing the Borough's Judge, whose term expires at the end of the year. Mr. Arnette stated that the Judge serves until a new Judge is appointed

and qualified. The appointment rests with the Mayor and must be made within 30 days of the vacancy. So, although the vacancy occurs on January 1st, the Judge will remain. Mr. Wible also asked about filling the Council vacancy. Mr. Arnette explained the Council has 30 days to vote on the names provided by the Republican Council. That expires January 3rd. After that, the Republican Committee has 15 days to choose someone and then it comes back to Council. If it comes back to the Council, it can name any Republican registered at the last election. Mr. Wible asked if the Republican Committee can submit three different names. Mr. Arnette replied they could not.

Mike Patterson, Fire Chief, thanked the Mayor, Council, Mr. Poerio, Ms. Smith and Ms. LaPorta and said he enjoyed working with everyone this year. Mr. Patterson stated that he was not invited to the Public Safety Committee meeting mentioned by Councilman Briskey. He stated that the Fire Committee does not need or want the sirens. Councilman Briskey stated that the Public Safety Committee meeting comprised of himself as chair, Council President Irace and Councilman Gallo and sirens were not discussed at that meeting. He stated that the Public Safety Committee has the siren advertised on the Internet and in their policies. It is still needed for storms and civil defense so it needs to be fixed. He stated if the fire department doesn't want to use it, that's their choice. Councilwoman Kahle asked if the fire department didn't want the sirens because their pagers and communications are working. Mr. Patterson said that's correct. The first time he heard about communication problems was from the Mayor. If someone is having a problem, he has to be notified. As far as he is aware, communication between fire, police and first aid is crystal clear.

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

As there was no further business, the meeting was adjourned at 7:52 PM on a motion by Council President Irace, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

JEANNE SMITH
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR DECEMBER 15, 2016**

**RESOLUTION #2016-220
12-15-16**

WHEREAS, the Governing Body of the Borough of Oceanport has reviewed the vouchers submitted in support of the bill list dated December 15, 2016; and

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

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill lists at its public meeting of December 15, 2016.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oceanport hereby authorizes payment of all bills on the bill list dated December 15, 2016 subject to the Borough's Chief Financial Officer certifying there is sufficient funds for the payment of same.

CERTIFICATION OF FUNDS

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



Catherine D. LaPorta, CFO

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-220 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

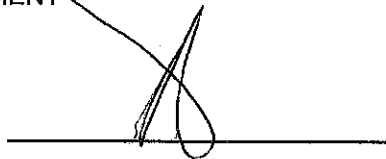
**BOROUGH OF OCEANPORT
BILL LIST**

15-Dec-16

PAYEE	AMOUNT
PAYROLL ACCOUNT	
	\$ 123,024.50 24TH PAY
OCEANPORT BOE	\$ 738,100.17
SHORE REGIONAL BOE	\$ 327,803.17
2016 EXPENDITURES	\$ -
CAPITAL TRUST TOTAL	\$ 7,638.75
DOG REGISTRY TOTAL	\$ 17.40
OFF DUTY TRUST	\$ 612.80
ESCROW TRUST TOTAL	\$ 4,150.00
OPEN SPACE TRUST TOTAL	\$ 3,819.60
2015 VOUCHERS PAID	238,982.00
2014 VOUCHERS PAID THIS MEETING	\$ -
TOTAL	\$ 238,982.00

2016 VOUCHERS PAID	\$ 22,628,132.75
2016 VOUCHERS PAID THIS MEETING	\$ 64,232.17
TOTAL	\$ 22,692,364.92

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

A handwritten signature in black ink, consisting of a large, stylized 'A' or similar character, is written over a horizontal line.

RESOLUTION OF THE BOROUGH OF OCEANPORT
Requesting approval of the Director of the Division of Local Government Services
Amending the 2016 Municipal Budget per NJSA 40A:4-87 for
2015 Department of Homeland Security Emergency Management Performance Grant

Resolution #2016-221
12-15-16

WHEREAS, N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oceanport hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$14,000.00 which item is now available as a revenue from 2015 Department of Homeland Security Emergency Management Performance Grant pursuant to provisions of statute, and

BE IT FURTHER RESOLVED, that a like sum of \$14,000.00 be and the same is hereby appropriated under the caption of DHS Emergency Management Performance Grant Program, \$14,000.00.

BE IT FURTHER RESOLVED, that the Chief Financial Officer file this resolution electronically with the Division of Local Government Services.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-221 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
Requesting approval of the Director of the Division of Local Government Services
Amending the 2016 Municipal Budget per NJSA 40A:4-87 for
New Jersey Fostering Regional Adaptation
through Municipal Economic Scenarios (NJ FRAMES)

Resolution #2016-222
12-15-16

WHEREAS, N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oceanport hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$41,040.00 which item is now available as a revenue from the NJ DEP – Office of Coastal Land Use Planning pursuant to provisions of statute, and

BE IT FURTHER RESOLVED, that a like sum of \$41,040.00 be and the same is hereby appropriated under the caption of NJ FRAMES Program, \$41,040.00.

BE IT FURTHER RESOLVED, that the Chief Financial Officer file this resolution electronically with the Division of Local Government Services.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-222 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED BY
OCEANPORT CENTER, LLC FOR VILLAGE CENTER ON BLOCK 88, LOT 26.01**

**Resolution #2016-223
12-15-16**

WHEREAS, Oceanport Center, LLC (Developer) posted Performance Bond Guarantees for improvements of the Village Center located on Block 88, Lot 26.01, Borough of Oceanport; and

WHEREAS, the Developer has requested release of the Performance Guarantees that was reviewed and approved by the Borough Engineer; and

WHEREAS, William White, Borough Engineer, Maser Consulting, has reviewed and does not object to the release of the performance guarantees totaling \$633,666.09 in the form of a bond in the amount of \$570,299.48 and a cash guarantee in the amount of \$63,366.61 in a letter report dated November 17, 2017 subject to the retention of the cash portion of the guarantee until the Developer has completed the replacement of dead or declining landscape material and the posting of a maintenance bond in the amount of \$255,510.52; and

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

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

1. Satisfaction and payment of all outstanding escrow and inspection charges attributable to this project;
2. Retention of the Cash Bond in the amount of \$63,366.61 until the Borough Engineer reports that the Developer has completed the replacement of dead or declining landscape materials;
3. Posting of a Maintenance Bond in the amount of \$255,510.52
4. Developer's continued conformance with all requirements of the approvals governing the project and the directives of the Borough Engineer;

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

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator and Borough Clerk are authorized to sign or issue any appropriate documentation necessary to effectuate the within resolution.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-223 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #16-00019
FOR BLOCK 110, LOT 6 KNOWN AS 93 MAIN STREET**

**Resolution #2016-224
12-15-16**

WHEREAS, at the Borough Tax Sale held on August 22, 2016, a lien was sold on Block 110 Lot 6, otherwise known as 93 Main St; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00019 was sold Tower as Cust for Ebury Fund 2 NJ LLC at an interest rate of 0% and a premium of \$1,400; and

WHEREAS, a representative for the owner has redeemed certificate 16-00019 in the amount of \$ 766.16.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$766.16 payable to Tower as Cust for Ebury Fund 2 NJ LLC, POBox 54908, New Orleans LA 70154 for the redemption of Tax Sale Certificate 16-00019.

BE IT FURTHER RESOLVED, that the CFO be authorized to issue a check in the amount of \$1,400 (Premium) to the aforementioned lienholder.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-224 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #16-00011
FOR BLOCK 44, LOT 8 KNOWN AS 23 MONMOUTH BLVD**

**Resolution #2016-225
12-15-16**

WHEREAS, at the Borough Tax Sale held on August 22, 2016, a lien was sold on Block 44 Lot 8 otherwise known as 23 Monmouth Blvd; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00011 was sold US Bank as cust for ActLien Holding Inc at an interest rate of 0% and a premium of \$1,400; and

WHEREAS, a representative for the owner has redeemed certificate 16-00011 in the amount of \$ 488.01.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$488.01 payable to US Bank as cust for ActLien Holding Inc, 50 S 16th St Suite 2050, Philadelphia PA 19102 for the redemption of Tax Sale Certificate 16-00011.

BE IT FURTHER RESOLVED, that the CFO be authorized to issue a check in the amount of \$1,400 (Premium) to the aforementioned lienholder.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-225 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

A RESOLUTION TO AFFIRM THE BOROUGH OF OCEANPORT'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

**RESOLUTION #2016-226
12-15-16**

WHEREAS, it is the policy of the Borough of Oceanport to treat the public, employees, prospective employees, appointees, volunteers and contractors consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Oceanport has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Borough of Oceanport that:

Section 1: No official, employee, appointee or volunteer of the Borough of Oceanport by whatever title known, or any entity that is in any way a part of the Borough of Oceanport, shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Oceanport's business or using the facilities or property of the Borough of Oceanport.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Oceanport to provide services that otherwise could be performed by the Borough of Oceanport.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complain so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Oceanport as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the Governing Body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Oceanport. This communication shall include a statement from the Governing Body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Oceanport's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Oceanport in order for the public to be made aware of this policy and the Borough of Oceanport's commitment to the implementation and enforcement of this policy.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-226 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AMENDING PERSONNEL POLICY AND EMPLOYEE HANDBOOK**

**RESOLUTION #2016-227
12-15-16**

WHEREAS, the Borough participates in the Municipal Excess Liability Joint Insurance Fund (MEL JIF); and

WHEREAS, the MEL JIF has made recommendations for updates to the Borough's Personnel Policy and Employee Handbook; and

WHEREAS, after review of the Personnel Policy and Employee Handbook the proposed amendments to both are attached hereto with additions underlined and deletions marked by strike through of the last policy version

NOW, THEREFORE BE IT RESOLVED BY THE Mayor and Council of the Borough of Oceanport that the proposed amendments to the Borough's Personnel Policy and Employee Handbook attached hereto will be effective immediately upon passage by the Governing Body.

BE IT FURTHER RESOLVED that updated copies of the Personnel Policy shall be distributed to managerial/supervisory employees.

BE IT FURTHER RESOLVED, that updated copies of the Employee Handbook shall be distributed to all employees

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-227 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

PROPOSED AMENDMENTS to Personnel Policy and Employee Handbook

A. Change One

SECTION ONE:

Anti-Discrimination Policy:

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

Americans with Disabilities Act Policy/New Jersey Pregnant Worker's Fairness Act:

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Borough of Oceanport does not discriminate based on disability pregnancy, pregnancy related medical condition or childbirth. The Borough of Oceanport will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as ADA Amendments Act.

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

The Borough Administrator ~~Clerk~~ shall engage ~~initiate~~ in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify reasonable accommodations or their respective physician. All decisions with regard to reasonable accommodation shall be made by the Borough Administrator ~~Clerk~~. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough of Oceanport to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting (local unit type) facilities. Any questions concerning proper assistance should be directed to the Borough Administrator.

B. Change Two

SECTION TWO

Workplace Policies:

Communication Media Policy: *

The Borough's Communication Media are the property of the Borough of Oceanport and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Borough of Oceanport. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough's local or wide-area networks."

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media. By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. The existence of passwords does not restrict or eliminate the (local unit type's) ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use Borough Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough's computing environment.

Employees may not install or Modify ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Social Media and its uses in government and daily life are expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by (CEO) may engage in social media activity during work time through the use of the Borough's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough Administrator. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough.

For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Borough Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough. Such unauthorized communications may result in disciplinary action.

Because (authorized) postings placed on the Internet through use of the Borough's Communication Media will display on the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Borough Administrator is prohibited

Employees must respect the laws regarding copyrights, trademarks, rights of public Borough and other third-party rights. Any use of the (local unit type's) name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough's employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Borough or the Borough's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities.

C. Change Three:

SECTION TWO

Workplace Policies:

Employee Dating Policy:

The Borough recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) the Borough Administrator.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title [or civil-service classification], makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the municipality.

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them. In Addition, management

reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate. Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations. Nothing in this policy alters an employee's at will status.

D. Change Four:

SECTION FIVE:

Managerial/Supervisory Procedures:

Employment Procedure:

- **Employability Proof:** After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (19) and to provide acceptable proof of right to employment in the United States.

E. Change Five:

Open Public Meetings Act Procedure concerning Personnel Matters:

Discussions by the Governing Body or any body of the Borough of Oceanport concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the Governing Body or any body of the Borough of Oceanport concerning such matters, the Clerk shall notify the affected person(s), ~~within a reasonable period of time~~, of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. ~~If the individual(s) does not request that the discussion be held in open session, the Governing Body or other body of the Borough of Oceanport may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.~~

F. Change Six:

The Borough's Employment Application to be modified to eliminate question concerning criminal background in compliance with New Jersey's Ban the Box Legislation.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A WAIVER OF §390-17(F) ACCESSORY STRUCTURES
FOR 44 ALGONQUIN AVENUE**

**RESOLUTION #2016-228
12-15-16**

WHEREAS, residents David Lesser and Jenna Levy-Lesser of 44 Algonquin Avenue desires to install Belgium block curbing along the front of his property where pavement ends as depicted on the conceptual sketch attached hereto; and

WHEREAS, Mr. Lesser applied for Zoning approval for the project and received a denial from the Zoning Officer based on §390-17(F) *Improvements shall not be placed or constructed within the Borough's right-of-way, i.e., sprinkler heads, decorative mailbox columns, pillars, fencing and any curbing, specialty or otherwise, such as Belgian block, not part of an approved development plan, a Borough road-improvement program or a right-of-way not having curbing without written permission from the Borough Council. Such items that are placed in the Borough rights-of-way shall not be the responsibility of the Borough should they be damaged, whether it be by snow plowing or otherwise;* and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Oceanport that the proposed Belgium block curbing proposed for 44 Algonquin Avenue as depicted on the attached conceptual sketch is hereby authorized subject to the following conditions:

1. Property Owners accepting full responsibility for the construction maintenance or failure of the proposed improvement and all existing improvements currently placed within the Borough's right of way.
2. The Property Owners entering into a hold harmless agreement with the Borough of Oceanport agreeing to release, indemnify and hold the Borough harmless from any loss damage or liability, including Attorney Fees and expenses of litigation or otherwise stemming from the performance, installation, maintenance, failure or existence of the work to be performed at that site.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-228 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING ENTRY INTO A MUNICIPAL
SERVICES AGREEMENT WITH KIMBERLY WOODS
PURSUANT TO N.J.S.A. 40:67-23.3, AND AUTHORIZING THE MAYOR
TO SIGN THE AGREEMENT**

**RESOLUTION #229
12-15-16**

WHEREAS, Pursuant to *N.J.S.A. 40:67-23.3*, the Borough of Oceanport has an obligation to provide certain services to qualified private residential communities within the Borough; and,

WHEREAS, the Borough of Oceanport has previously entered into a Municipal Services Reimbursement Agreement which established duties and obligations regarding municipal services rendered and/or not rendered by the Borough to Kimberly Woods for private residential community association property know as "Kimberly Woods Homeowners Association"; and,

WHEREAS, an Agreement has been reached consistent with the requirements of *N.J.S.A. 40:67-23.3* for the reimbursement of certain Municipal services to Kimberly Woods, the terms and conditions of which are outlined in the agreement attached hereto and made a part hereof; and,

WHEREAS, the Borough Council of the Borough of Oceanport hereby agrees with the entry into the agreement for the terms and conditions set forth in the attached Agreement.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Oceanport hereby authorizes the entry into the Municipal Services Reimbursement Agreement attached hereto, and authorizes the Mayor of the Borough of Oceanport to sign and execute the attached Municipal Services Reimbursement Agreement.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-229 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

MUNICIPAL SERVICES REIMBURSEMENT AGREEMENT

Pursuant to *N.J.S.A. 40:67-23.3*, the Borough of Oceanport, a corporate body politic having its principal place of business at 315 E. Main Street, Oceanport, NJ (hereinafter "the Borough") and the Kimberly Woods Homeowners Association, a New Jersey corporation in Oceanport, NJ (hereinafter "Kimberly Woods") have agreed to enter into this Municipal Services Reimbursement Agreement for the purpose of establishing duties and obligations regarding municipal services rendered and/or not rendered by the Borough to Kimberly Woods for the private residential community association property known as "Kimberly Woods Homeowners Association" in Oceanport, NJ. To that end, the parties hereto represent and warrant the following:

1. Kimberly Woods is hereby recognized by the Borough of Oceanport as a qualified private community as defined under the Municipal Services Act (Act"), *N.J.S.A. 40:67-23.3*. It is comprised of townhouse units and a set of private roadways.
2. The roads and streets within Kimberly Woods have not been offered for dedication by Kimberly Woods, nor have they been accepted by the Borough insofar as they do not meet municipal standards and specifications.
3. The fact that the roads and streets with Kimberly Woods are not dedicated does not prevent the Borough from reimbursing Kimberly Woods for the cost of certain municipal services.
4. Notwithstanding the fact that the roads and streets within Kimberly Woods are not dedicated, the Borough or its designee hereby agrees to remove all garbage and recycling placed out for collection in front of individual units on a regular schedule similar in form and fashion to the Borough in general.
5. The Borough will provide reimbursement to Kimberly Woods for the cost associated with the monthly electricity bills arising out of any streetlights, but not including the installation or maintenance of such lamps, that may be placed throughout Kimberly Woods. Kimberly Woods acknowledges they have more streetlights per linear mile of roadway than the Municipality. For the term of this agreement, the Municipality will reimburse Kimberly Woods 100% of the monthly electricity bills referenced herein. The Borough shall reimburse

Kimberly Woods for such electricity costs that were previously incurred and already invoiced to the Borough.

6. It shall be the responsibility of Kimberly Woods to provide the Borough with paid bills for said electricity on a quarterly basis and the Borough shall have forty-five (45) days from the date of the presentation within which to provide the referenced reimbursement. This reimbursement shall in no way confer to the Borough any ownership interest in the streetlights or the poles attached thereto.

7. Snow plowing and snow and ice removal services within Kimberly Woods shall be performed by Kimberly Woods or its designee and not the Borough of Oceanport. The Borough of Oceanport shall have no duty or responsibility of any sort for the snow or ice removal, or the sanding or salting of any roadway or other area within Kimberly Woods. The Borough shall reimburse Kimberly Woods in the amount of \$175 per plowing event, which shall be defined as a snowfall of 2 inches or more within the Borough of Oceanport.

8. The total amount to be reimbursed by the Borough to Kimberly Woods for past unreimbursed services will be paid in monthly installments until the balance is paid in full.

9. The Borough shall not be responsible for the enforcement of any Title 39 violations within Kimberly Woods, nor shall the Borough have any responsibility for the towing of motor vehicles within the property.

10. The Borough and Kimberly Woods agree that this Agreement may be terminated or amended by either party with thirty (30) days written notice to protect the rights of both parties in the event of any further change in law or other intervening circumstances.

Agreed to this _____ day of _____, 2016 by:

Attest:

Borough of Oceanport
John F. Coffey, II, Mayor

Jeanne Smith
Borough Clerk

Kimberly Woods Homeowners
Association President

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING BUDGET APPROPRIATION TRANSFERS**

**RESOLUTION #2016-230
12-15-16**

WHEREAS, it shall become necessary to expend for some of the purposes specified in the Budget an excess of the respective sums appropriated, and

WHEREAS, there is an excess in one or more appropriations over and above the amount deemed necessary to fulfill the purposes of such appropriations, and

WHEREAS, the transfers about to be authorized do not affect an appropriation to which or from which transfers are prohibited under the statutes.

NOW, THEREFORE BE IT RESOLVED the following transfers between appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

FROM:

1 Salary & Wage Adjustment Account	<u>1,300.00</u>	6-01-33-466-201
	1,300.00	

TO:

1 Collection of Taxes S/W	600.00	6-01-20-145-111
2 Assessment of Taxes S/W	<u>700.00</u>	6-01-20-150-111
	1,300.00	

BE IT FURTHER RESOLVED that a copy of this resolution be filed forthwith with the Borough Chief Financial Officer.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-230 approved by the Oceanport Borough Council at the Regular Meeting held December 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTING _____ TO FILL THE UNEXPIRED TERM
OF COUNCILMAN JOHN A. PATTI**

**Resolution #2016-231
12-15-16**

WHEREAS, it is necessary to fill the vacancy created on Council with the resignation of John A. Patti effective December 4, 2016; and

WHEREAS, pursuant to N.J.S.A. 40A:16-1 et seq., the vacancy was created prior to September 1st of the next to last year of the unexpired term ending December 31, 2018 and therefore the vacancy shall be filled until the next general election; and

WHEREAS, pursuant to N.J.S.A. 40A:16-1 et seq., the local Republican Municipal Committee shall submit to the Governing Body three (3) nominees within 15 days of the vacancy for consideration by the Governing Body should the Governing Body choose to fill the vacancy by appointment not less than 30 days from the date of vacancy; and

WHEREAS, the following individuals were submitted for consideration: Robert Proto, Christopher Paglia and Stephen Solan; and

WHEREAS, after review and consideration the Governing Body has determined that the individual best suited for the position is _____.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Oceanport that _____ is hereby appointed Councilperson to temporarily fill the vacancy until certification of the General Election November 7, 2017 effective upon passage of this resolution.

BE IT FURTHER RESOLVED that the Borough Clerk forward a copy of this resolution to the Monmouth County Clerk of Elections.

MOTION	for Robert Proto made by Council President Irace
SECOND	None
	Motion Failed

MOTION	for Stephen Solan made by Council President Irace
SECOND	None
	Motion Failed