BOROUGH OF OCEANPORT MAYOR & COUNCIL
WORKSHOP ● AGENDA
Clement V. Sommers Municipal Building
910 Oceanport Way, Oceanport, NJ 07757

FEBRUARY 12, 2026 at 7:00 PM

1. **Meeting Called to Order**

2. **Statement of Compliance with Open Public Meetings Act**: This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 15, 2026 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

3. **Flag Salute, Statement to the Public**: Often times it may appear that the Mayor & Council take action with very little comment and in many cases by unanimous vote. Many items are of routine business that are placed on a Consent Agenda as they do not require additional discussion. Items not of a routine nature are first listed for discussion at a Workshop meeting prior to being listed for action at a Regular Meeting. Where appropriate, items are referred to a Council Committee for further study and investigation before being returned with a recommendation for the full Council to consider. The members of the Borough Council work via committees along with the Mayor, Borough Clerk and Administration to assure that the members fully understand the matter. There are occasions where matters are presented to the Mayor & Council for discussion and action at the same meeting when of a timely nature.

4. **Roll Call**

5. **Proclamations**

   Shore Regional Soccer, Field Hockey, Cross Country Championship Teams

6. **Administrator's Report**

7. **Discussion**

   Regarding Opposition to the NJDEP REAL Rules - Donna Phelps

   Vacating Paper Streets Within the Borough - Mayor Tvrdik

   Changes to the Ordinance regarding: Swimming Pools, Plot Plan Checklist, Architectural Standards / Guidelines, Building Height - Councilwoman Cooper

8. **PUBLIC COMMENT - Action Items Only**: At this time, comments are invited on action items only. Upon being recognized by the Mayor, anyone wishing to address the Governing Body, please state your name and address. No member of the public may address or question individual Governing Body members or administration. Although public participation is welcomed and encouraged, the governing body may, through the Mayor or presiding officer, terminate remarks to and/or by any individual not keeping with the conduct of a proper and efficient meeting. The Borough bears no responsibility for comments made by members of the public. In order to permit the fair and orderly expression of public comment, questions from the public will be responded to, if feasible, after the public comment portion of the meeting is closed.

9. **Action Items - Consent Agenda**

   Resolution #2026-63 - Payment of Bills

Resolution #2026-64 - Authorizing 2026 Budget Appropriation Reserve Transfer

Resolution #2026-65 - Authorizing Change Order #1- Final - Abandoned Hydrant Removal Project

Resolution #2026-66 - Tax Sale Certificate 25-00004

Resolution #2026-67 - Authorizing Application for Local Recreation Improvement Grant

Resolution #2026-68 - Opposing the NJDEP REAL Rules

Resolution #2026-69 - Awarding a Contract for Drainage Improvements Phase A - to Monarch Excavation

Resolution #2026-70 - Tax Collector's Annual Report for 2025

Resolution #2026-71 - Approving Mediation Agreement With Fair Share Housing Center

Resolution #2026-72 - Authorizing a Stipend to a Municipal Employee to Serve as Wellness Champion

10. **First Reading Ordinances**

Ordinance #1119 — Affordable Housing Ordinance Implementing the Fourth Round Housing Plan Element and Fair Share Plan

Ordinance #1120 - Amending Chapter 390-14 -Zoning R-5 Affordable Housing Overlay (R-5) Zone

11. **Second Reading & Public Hearing Ordinances**

Ordinance #1118 - Reducing Speed Limit along Port-Au-Peck Avenue from 40 MPH to 25 MPH

12. **New Business**

13. **Mayor Tvrdik's Report**

14. **Adjourn to Executive Session**

Resolution #2026-73 - Authorizing an Executive Session, February 12, 2026 - Matters Relating to the Employment Relationship- ***Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege-Affordable***
and Matters Relating to Collective Bargaining and Contract Agreements

15. **Return From Executive Session**

16. **Adjournment**

Outlook

FW: NJDEP Resilient Environments and Landscapes (REAL)

From Donna Phelps <dphelps@oceanportboro.com>
Date Wed 2/11/2026 8:02 AM
To Stephanie Kramer <skramer@oceanportboro.com>
Cc Katie Cassidy <kcassidy@oceanportboro.com>

Can you please include under my discussion item on this? Thanks.

From: William White <William.White@collierseng.com>
Sent: Tuesday, February 10, 2026 4:30 PM
To: Donna Phelps <dphelps@oceanportboro.com>
Subject: NJDEP Resilient Environments and Landscapes (REAL)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Donna,

I did not forget. I highlighted what I thought was of most importances to the residents:

The **Resilient Environments and Landscapes (REAL)** rules modernize NJDEP's land-use, flood hazard, coastal, wetlands, and stormwater regulations to account for **sea-level rise, stronger storms, and future flood risk.**

Key Regulatory Changes

1. **Climate-Adjusted Flood Elevation (CAFE)**
   - Requires building **up to 4 ft above** FEMA's Base Flood Elevation in tidal/coastal areas.
   - Applies to **new construction**, **substantial improvements**, and **reconstruction.**
2. **Expanded Flood Hazard Areas**
   - Flood maps now include **future conditions** and **sea-level rise projections.**
   - More parcels fall into regulated zones, triggering DEP review.
3. **Stricter Coastal Zone Standards**
   - Tighter limits on development in high-risk coastal areas.
   - More rigorous alternatives analysis for projects near water bodies.
   - Increased scrutiny on redevelopment of older, low-lying neighborhoods.
4. **Wetlands & Stormwater Updates**
   - Stronger protections for freshwater and coastal wetlands.
   - Stormwater rules emphasize **infiltration, retention, and green infrastructure.**
   - Municipal projects must meet higher design standards.
5. **Grandfathering Window**
   - **180-day legacy period** for applications deemed complete before **July 20, 2026.**
   - After that, all new applications must comply with REAL.

Impacts on Shore Towns

1. **Higher Construction & Redevelopment Costs**
   - Elevation requirements increase costs for homeowners and developers.
   - More complex engineering and stormwater designs required.
2. **More Projects Require NJDEP Permits**
   - Expanded flood zones mean:
     - More Flood Hazard Area (FHA) permits
     - More Coastal Area Facility Review Act (CAFRA) triggers
     - More wetlands delineations and verifications
3. **Constraints on Rebuilding Older Housing Stock**
   - Many shore towns have dense, pre-FEMA neighborhoods.
   - REAL may limit:
     - Rebuilding after storms
     - Expanding existing homes
     - Converting seasonal homes to year-round use
4. **Municipal Infrastructure Must Be Upgraded**
   - Roads, pump stations, utilities, and bulkheads must meet higher resilience standards.
   - Stormwater systems may require redesign to meet infiltration/retention rules.
5. **Increased Administrative Workload**
   - More coordination with NJDEP.
   - More variance/hardship requests.
   - Greater need for professional surveys, modeling, and environmental assessments.
6. **Long-Term Benefits**
   - Reduced flood losses.
   - More resilient housing stock.
   - Lower long-term municipal recovery costs.

Bill

William White, PE, PP, CFM, CME, CPWM

Sr. Project Manager | Municipal

Principal

william.white@collierseng.com

Direct: 732-704-5978 | Main: 877 627 3772

101 Crawfords Corner Road Suite 3400 | Holmdel, New Jersey 07733

Kevin E. Kennedy, Esq.

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Admitted to Practice
NJ & Washington DC

Mailing Address:
165 Highway 35
Red Bank, NJ 07701

January 28, 2026

VIA E-MAIL: (skramer@oceanportboro.com)
Borough of Oceanport
Attn: Stephanie Kramer, Borough Clerk
315 E. Main Street
Oceanport, NJ 07757

Re: Oceanport Planning Board
Annual Review
Swimming Pools
Potential Classification as Pervious Material

Dear Ms. Kramer:

Please be advise that I am writing to you on behalf of the Oceanport Planning Board. In that regard, I would ask that you please note the following:

1. At the January 27, 2026, Board meeting, the Planning Board Members discussed the following:

    a. Recognition that areas of the water surface of swimming pools are currently considered as impervious; and

    b. Whether areas of the water surface of swimming pools should be considered pervious. (Obviously, pool coping and pool patios would continue to be defined as impervious).

2. It is believed that most surrounding towns have already adopted similar Ordinances.

3. Thus, on behalf of the Planning Board, I would ask that you please forward the within communication to the Governing Body for further review/discussion/consideration.

Obviously, if you have any questions or comments, please feel free to contact me at the office.

Very truly yours,

Kevin E. Kennedy

Kevin E. Kennedy

KEK/gf
S:\KevinKennedyLaw\Municipal\Oceanport Planning Board\General\2026\01.28.26 - To S. Kramer - Annual Review - Swimming Pools - Potential Classification as Pervious Materials Ltr.docx

cc: Patricia Cooper, Council Liaison to Planning Board (ccooper@oceanportboro.com)
James Whitson, Chair (jwhitsonjr16@aol.com)
William White, PE, PP, CME, CFM, CPWM, Board Engineer (William.White@collierseng.com)
Stephanie Kramer, Board Secretary (skramer@oceanportboro.com)

**For distribution to the Planning Board Members*

Kevin E. Kennedy, Esq.

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February 10, 2026

VIA E-MAIL: (skramer@oceanportboro.com)
Borough of Oceanport
Attn: Stephanie Kramer, Board Secretary
910 Oceanport Way
Oceanport, NJ 07757

Re: Oceanport Planning Board
Annual Review
Building Height

Dear Ms. Kramer:

Please be advise that I am writing to you on behalf of the Oceanport Planning Board. In that regard, I would ask that you please note the following:

1. At the January 27, 2026, Board meeting, the Planning Board Members discussed various Building Height related issues - including the following:

    a. Recognition that the Borough generally measures Building Height from the crown of the road at the center of the property;

    b. Concern as to whether the said process should be changed/re-examined;

    c. Recognition that recently enacted NJDEP Regulations (REAL Flood Regulations) will significantly change and require structures in the inundation area to be elevated about an additional 4 feet to 5 feet higher than currently required;

d. Recognition that, as a result of the new regulations, there will now be significantly different standards between Federal Flood Requirements and State Flood Requirements;

e. Recognition that the new NJDEP Regulations will have a significant impact upon many homes within the Borough of Oceanport (which are not currently located in the Federal Flood Zone but will be located in the so-called State inundation area);

f. Recognition that the new regulations could have a significant impact on the Borough's overall streetscape;

g. Recognition that because of the new NJDEP Regulations, most waterfront communities will likely need to consider or otherwise should consider re-examining height-related Ordinances; and

h. Recognition that perhaps it would be appropriate to consider changes to the Height Ordinance in a global context (regarding Municipal preferences – i.e. incorporating Municipal preferences and the new regulations).

2. Thus, it was suggested that the Borough Council further review/research the matter so as to determine if the allowable height, and the process for determining the same, should be further reviewed/changed.

3. There was also a discussion regarding some built-in limitations associated with the existing Height restrictions which, as referenced, are generally measured from the crown of the road at the center of the property. Specifically, there was a concern that there is an apparent 40-ft. Height limitation for elevated structures damaged as a result of Hurricane-Super-Storm Sandy; but a 35-ft. Height limitation for new construction. There was a concern that with prevailing Base Flood Elevation requirements, Applicants might not have sufficient room to build a traditional home, leaving Applicants to design structures with flat roofs, which are viewed, by some, as generally less aesthetically pleasing (than structures with pitched roofs). As such, there was a discussion as to whether the Borough should consider incorporating some type of "scalability" feature into the Ordinance, so that all homes will have the same relative scale, so that the Height determination is not entirely dependent upon whether the measuring point is in a deep hollow dip in the land or some other type of elevated point. In furtherance thereof, there was a concern that the Borough consider whether such a "scalability" feature should be incorporated into the Height Ordinance so as to make fair, appropriate, and aesthetically appealing adjustments.

4. Accordingly, I would ask that you please forward the within communication to the members of the Governing Body for further review / discussion / consideration.

Obviously, if you have any questions or comments, please feel free to contact me at the office.

Very truly yours,

Kevin E. Kennedy

Kevin E. Kennedy

KEK/gf
S:\KevinKennedyLaw\Municipal\Oceanport Planning Board\General\2026\021026 Kramer building height.docx

cc: Patricia Cooper, Council Liaison to Planning Board (ccooper@oceanportboro.com)
James Whitson, Chair (jwhitsonjr16@aol.com)
William White, PE, PP, CME, CFM, CPWM, Board Engineer (William.White@collierseng.com)

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January 28, 2026

VIA E-MAIL: (skramer@oceanportboro.com)
Borough of Oceanport
Attn: Stephanie Kramer, Borough Clerk
315 E. Main Street
Oceanport, NJ 07757

Re: Oceanport Planning Board
Annual Review
Architectural Standards/Guidelines

Dear Ms. Kramer:

Please be advise that I am writing to you on behalf of the Oceanport Planning Board. In that regard, I would ask that you please note the following:

1. At the January 27, 2026, Board meeting, the Planning Board Members discussed the following:

    a. The apparent lack of architectural standards/guidelines for the design of residential homes within the Borough; and

    b. Whether the Borough Council should consider the imposition of certain architectural standards/guidelines.

2. It is believed that the said regulations could provide the Borough with greater control over the architectural/aesthetic façades/materials, so as to ensure that new homes/substantially renovated homes are designed in accordance with prevailing community standards.

3. The Board Members are aware that some other towns have established such standards, particularly in the context of historic zones, etc.

4. Recognizing that the issue can be potentially sensitive for some, and further recognizing that architectural/aesthetic standards change over time, it is nonetheless requested that the Borough Council further review the matter.

5. Thus, I would ask that you please forward the within communication to the members of the Governing Body for further review/consideration.

Obviously, if you have any questions or comments, please feel free to contact me at the office.

Very truly yours,

Kevin E. Kennedy

Kevin E. Kennedy

KEK/gf
S:\KevinKennedyLaw\Municipal\Oceanport Planning Board\General\2026\01.28.26 - To S. Kramer - Annual Review - Architectural Standards-Guidelines Ltr.docx

cc: Patricia Cooper, Council Liaison to Planning Board (ccooper@oceanportboro.com)
James Whitson, Chair (jwhitsonjr16@aol.com)
William White, PE, PP, CME, CFM, CPWM, Board Engineer (William.White@collierseng.com)
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**For distribution to the Planning Board Members*

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January 28, 2026

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Borough of Oceanport
Attn: Stephanie Kramer, Borough Clerk
315 E. Main Street
Oceanport, NJ 07757

Re: Oceanport Planning Board
Annual Review
Plot Plan Checklist (Grading Plan)
Proposed Amendment

Dear Ms. Kramer:

Please be advise that I am writing to you on behalf of the Oceanport Planning Board. In that regard, I would ask that you please note the following:

1. In the recent past, the Board Members have had many conversations regarding the Borough's Site Plan Checklist requirements and the Borough's Plot Plan Checklist requirements.

2. Specifically, the topics generally include whether the Borough/Board should consider amending the Plot Plan Checklist to require Applicants (who are, among other things, seeking an Impervious Coverage Variance) to submit a Grading Plan, with associated topographic information.

3. The most recent discussion occurred at the January 27, 2026, Board meeting.

4. At that time, the Board Members authorized my office to send a letter to the Governing Body requesting that the Borough Council consider amending the Plot Plan Checklist so as to require the submission of a Grading Plan (only if the Application requires Impervious Coverage Variance relief).

5. It is believed that such an Ordinance change will prevent Applicants and the Applicants' professionals from appearing at one Public Hearing, only to be told to return at a future/second meeting (with professionals) after a Grading Plan has been submitted (thereby ultimately saving the Applicant time and money).

6. I would therefore ask that you please forward to the Governing Body for further review and consideration.

Obviously, if you have any questions or comments, please feel free to contact me at the office.

Very truly yours,

Kevin E. Kennedy

Kevin E. Kennedy

KEK/gf
S:\KevinKennedyLaw\Municipal\Oceanport Planning Board\General\2026\01.28.26 To S. Kramer - Annual Review - Plot Plan - Grading Plan Checklist Requirements Proposed Amendment Ltr. .docx

cc: Patricia Cooper, Council Liaison to Planning Board (ccooper@oceanportboro.com)
James Whitson, Chair (jwhitsonjr16@aol.com)
William White, PE, PP, CME, CFM, CPWM, Board Engineer (William.White@collierseng.com)
Stephanie Kramer, Board Secretary (skramer@oceanportboro.com)

**For distribution to the Planning Board Members*

RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING PAYMENT OF BILL LIST FOR FEBRUARY 12, 2026

Resolution #2026-63
2/12/2026

WHEREAS, the Governing Body has considered the payment of said bills as set forth at its public meeting of February 12, 2026.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list for **$4,354,136.70**

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
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O'Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-63 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026

____
STEPHANIE KRAMER
ACTING BOROUGH CLERK

BOROUGH OF OCEANPORT
BILL LIST

12-Feb-26

PAYEE	AMOUNT	
PAYROLL ACCOUNT	$205,657.96	PR #3
MANUAL CHECKS		
Oceanport BOE - DEBT SERVICE	$220,857.20	
EXTRA SPACE STORAGE	$2,818.00	
LEAF	$245.30	
LEAF	$245.30	
FMERA - REFUND	$1,101,098.19	
GRANT FUND	$33,152.03	
CAPITAL TRUST TOTAL	$475.00	
DOG REGISTRY TOTAL	$0.00	
OPEN SPACE TRUST TOTAL	$1,042.05	
SUI	$15.39	
UCC TRUST	$535.00	
TRUST OTHER TOTAL	$362.97	
ESCROW TRUST TOTAL	$13,815.25	
NON BUDGETARY	$2,592,910.04	
2025 VOUCHERS PAID THIS MEETING	$49,603.93	
2026 VOUCHERS PAID THIS MEETING	$131,303.09	
TOTAL	**$4,354,136.70**	

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

Donna M. Phelps

List of Bills - (All Funds)

Vendor		Description	Payment	Check Total
		Current Fund		
1007 - ACTION UNIFORMS, LLC	PO 21580	Uniform Purchase Kozak & Henry	332.00	
	PO 21766	#62, #63 Uniforms	4,108.98	4,440.98
1984 - ALLAIRE CHEM DRY	PO 21642	CLEAN CARPETING THROUGHOUT BOROUGH HALL	1,161.20	1,161.20
1658 - AMAZON CAPITAL SERVICES, INC	PO 21975	ADMINISTRATOR SUPPLIES	158.56	
	PO 21990	CLERK SUPPLIES	47.98	206.54
2012 - ATLANTIC SECURITY & FIRE, INC	PO 22108	ACCESS CONTROL MONITORING -1/1/26-3/31/2	96.00	96.00
1972 - AUTOMATED BUILDING CONTROLS	PO 22140	REPAIR NO HEAT	523.29	523.29
2029 - BLOODGOOD LAW ENFORCEMENT TRAINING GROUP	PO 18908	TRAINING COURSE	390.00	390.00
1516 - CANON FINANCIAL SERVICES, INC	PO 22085	PD COPIER SERVICE - FEB 2026	79.46	79.46
1987 - CINTAS CORPORATION NO 2	PO 22136	CLEANING MATS BOROUGH HALL AND POLICE	332.52	
	PO 22141	CLEANING MATS BOROUGH HALL AND POLICE	282.01	
	PO 22217	RUG CLEANING BOROUGH HALL JANUARY 2026	270.85	885.38
1807 - COLLIERS ENGINEERING & DESIGN	PO 22065	PB ENGINEERING- NICODEMUS AVE	14,308.15	
	PO 22066	FMERA MOU FIRE HYDRANT ABANDONMENT	4,583.39	
	PO 22067	DESIGN SERVICES - ELECTRICAL GRID	14,068.75	
	PO 22068	2025 ROAD PROGRAM -1/8/26	2,497.43	
	PO 22070	2024 ROAD PROGRAM -1/8/26	1,297.50	
	PO 22071	GENERAL ENGINEERING -DECEMBER 2025	6,300.00	43,055.22
2102 - DCH FORD OF EATONTOWN	PO 21993	PD TOW IN	476.76	476.76
1097 - ENTENMANN ROVIN CO, INC.	PO 20852	55, 60 Badge Wallets	359.50	359.50
1767 - EVERON, LLC (90-0008456)	PO 22200	FIRE MONITORING - 01/30/26-02/27/26	74.25	74.25
2376 - FIRE SECURITY TECHNOLOGIES INC	PO 21570	INSPECT AND TEST FIRE ALARM SYSTEMS	5,038.00	5,038.00
2190 - FIS ON SITE SERVICE LLC	PO 20259	COOLANT LEAK - 38-75	2,042.21	2,042.21
1109 - FMERA	PO 22079	BLDG 977- 12/1/2025-1/5/2026- POLICE	2,923.29	
	PO 22080	RT 537 -12/1/25-12/31/25	273.26	
	PO 22081	BLDG 900 -12/1/2025-12/31/2025 - DPW	458.06	
	PO 22082	BLDG 901 - 12/1/2025-1/5/2026 - BORO HAL	1,473.12	5,127.73
1991 - FRANK SKOVRAN JR	PO 22271	Reimbursement Firearms Keys	35.94	35.94
1128 - GOODYEAR AUTO SERVICE CENTER	PO 20654	TIRE REPAIR CAPTAINS CAR	808.04	808.04
1941 - GOTO TECHNOLOGIES USA, INC	PO 22115	MONTHLY SERVICES - 1/21/26-2/20/26	199.00	199.00
1889 - GREAT AMERICA FINANCIAL SERVICES	PO 22086	MONTHLY RENTAL	159.00	159.00
1209 - GROFF TRACTOR MID ATLANTIC	PO 21845	PQT062716 ARTIC SECTIONAL BLADE PARTS	1,834.44	1,834.44
1143 - I.D.M. MEDICAL SUPPLY INC	PO 22040	FAS OXYGEN - DECEMBER 2025	392.50	392.50
1649 - INTRON TECHNOLOGY, LLC	PO 22094	PHONE SERVICE- JANUARY	1,545.48	
	PO 22095	IT Managed Services & Softwares	4,211.00	
	PO 22096	IT Managed Services - PD	2,719.25	
	PO 22098	IT Equipment- CLERK	837.00	9,312.73
1685 - JANITOR SUPPLY CORP	PO 22135	SUPPLIES	139.98	139.98
1153 - JERSEY CENTRAL POWER & LIGHT	PO 22076	200-000-957-015 -12/4/25-12/30/25	1,624.70	
	PO 22077	200-000-956-009 -12/1/25-12/31/25	1,460.57	
	PO 22195	200-00-857-007 - 12/19/25-1/19/26	5,870.44	8,955.71
2402 - JERSEY CENTRAL POWER & LIGHT	PO 22255	OCEANPORT MUNICIPAL COMPLEX	43,418.67	43,418.67
1499 - KEVIN E KENNEDY, ESQ	PO 22260	PB - MEETING FILE DECEMBER	500.00	
	PO 22261	PB Legal - General Services	3,180.00	3,680.00
1476 - KING SECURITY	PO 22000	PAP ALARM MONITORING	384.00	384.00
1182 - LAURA McCRAE	PO 22155	BULLETIN - WINTER BULLETIN 2025	475.00	475.00
1185 - LAWES COAL CO INC	PO 21850	93645 SCAG BLOWER	836.90	836.90
1814 - LEAF	PO 22262	LEAF CONTRACT- COURT	985.33	985.33
1189 - LIFESAVERS, INC	PO 22214	AED Pads	233.75	233.75
2166 - MONMOUTH & OCEAN COUNTIES TAX COLLECTOR'	PO 22113	LAPORTA MEMBERSHIP	80.00	80.00
1445 - Monmouth County SPCA	PO 22001	ANIMAL CONTROL SERVICES - NOVEMBER 2025	446.25	446.25
1538 - MONMOUTH COUNTY TREASURER	PO 21976	BULK PICK UP - NOVEMBER	191.74	
	PO 21976	BULK PICK UP - NOVEMBER	730.25	921.99
1222 - MONMOUTH COUNTY TREASURER	PO 22100	COUNTY OPEN SPACE TAXES ADDED OMITTED -	10,900.58	
	PO 22101	COUNTY HEALTH TAXES ADDED OMITTED - 1ST	1,193.43	
	PO 22102	COUNTY LIBRARY TAXES ADDED OMITTED - 1ST	4,697.18	
	PO 22103	COUNTY TAXES DUE ADDED OMITTED- 1ST QRT	72,225.75	
	PO 22104	COUNTY HEALTH TAXES - 1ST QRT 2026	16,801.03	
	PO 22105	COUNTY LIBRARY TAXES - 1ST QRT 2026	61,437.19	
	PO 22106	COUNTY OPEN SPACE TAXES - 1ST QRT 2026	145,581.29	
	PO 22107	COUNTY TAXES DUE - 1ST QRT 2026	964,302.67	1,277,139.12
1237 - MUNICIPAL CLERKS ASSOCIATION OF MONMOUTH	PO 22088	2026 MEMBERSHIP DUES - LAPORTA	100.00	
	PO 22089	2026 MEMBERSHIP DUES - KRAMER/CASSIDY	200.00	300.00
1245 - NJ AMERICAN WATER CO	PO 22175	OLD WHARF #2- 12/12/25-1/13/26	26.00	
	PO 22176	OLD WHARF #1 -12/12/25-1/13/26	208.14	
	PO 22177	HYDRANT SERVICE 12/27/25-1/27/26	9,900.99	
	PO 22178	BLACKBERRY BAY -12/12/25-1/13/26	75.01	
	PO 22179	PORT AU PECK FIRE HOUSE -12/12/25-1/13/2	248.30	

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
	PO 22180 CHARLES PARK -12/12/25-1/13/26	26.00	
	PO 22181 MUNICIPAL COMPLEX #1 - 12/12/25-1/13/26	479.28	
	PO 22182 910-930 OCEANPORT WAY IRRG 12/12/25-1/13	26.00	10,989.72
1245 - NJ AMERICAN WATER CO	PO 22183 MUNICIPAL COMPLEX #2 - 12/12/25-1/13/26	238.27	
	PO 22184 FIRE - 12/12/25-1/13/26	274.12	512.39
1245 - NJ AMERICAN WATER CO	PO 22185 24 PORT AU PECK -12/12/25-1/13/26	208.14	
	PO 22186 LIBRARY -12/12/25-1/13/26	36.04	
	PO 22187 OLD WHARF - 12/13/25-1/13/26	75.01	
	PO 22188 380 PORT AU PECK 2 -12/12/25-1/13/26	26.00	345.19
1248 - NJ LEAGUE OF MUNICIPALITIES	PO 22093 2026 MEMBERSHIP DUES	724.00	724.00
1251 - NJ NATURAL GAS CO	PO 22167 21 MAIN - 12/16/25-1/13/26	1,359.78	
	PO 22168 315 E. MAIN - 12/16/25-1/14/26	511.07	
	PO 22169 433 MYRTLE -12/16/25-1/14/26	1,518.22	
	PO 22170 FAS UTILITIES -12/16/25-1/13/26	1,238.87	
	PO 22171 LIBRARY - 12/16/25-1/13/26	408.10	
	PO 22172 930 OCEANPORT WAY -12/16/25-1/15/26	1,824.54	
	PO 22173 910 OCEANPORT WAY - 12/16/25-1/15/26	1,561.93	
	PO 22174 920 OCEANPORT WAY - 12/16/25-1/15/26	1,259.78	9,682.29
1261 - OCEANPORT BOARD OF EDUCATION	PO 22210 FEBRUARY 2026 TAX REMITTANCE	987,033.42	987,033.42
1520 - PASHMAN STEIN WALDER HAYDEN, PC	PO 22154 GENERAL LEGAL -DECEMBER 2025	2,890.50	2,890.50
1938 - PRIMEPOINT, LLC	PO 22157 PAYROLL SERVICES- 12/31/25-1/30/26	871.60	871.60
1286 - PRO JANITORIAL SERVICES, LLC	PO 22205 CLEANING SERVICES - FEBRUARY	3,000.00	3,000.00
1791 - READY FRESH	PO 22267 WATER DELIVERY SERVICE - JANUARY	96.44	96.44
1879 - RESERVE ACCOUNT - POSTAGE METER	PO 22087 POSTAGE REFILL	1,000.00	1,000.00
1528 - RUTGERS UNIVERSITY	PO 21795 FERTILIZER TRAINING 12/05/2025	145.00	
	PO 22127 SHOP REPAIRS FOR SMALL ENGINES (IN PERSO	885.00	1,030.00
1315 - SEABOARD WELDING SUPPLY, INC.	PO 21994 MONTLY RENTAL CYLINDER OXYGEN, ARGON	43.75	43.75
1320 - SHORE BUSINESS SOLUTIONS,INC	PO 22114 COPIER - ADMIN	20.58	
	PO 22161 CONTRACT USAGE- COURT	8.40	
	PO 22215 DPW COPIER EXPENSES JANUARY 2026	46.53	75.51
1323 - SHORE REGIONAL HIGH SCHOOL	PO 22209 FEBRUARY 2026 TAX & DEBT SERVICE	327,440.00	327,440.00
1337 - SUBURBAN DISPOSAL	PO 22099 COLLECTION - DECEMBER 2025	39,500.00	39,500.00
2314 - TAX COLLECTORS & TREASURERS ASSOCIATION	PO 22084 2026 MEMBERSHIP- SUTTON/LAPORTA	250.00	250.00
1348 - THE HOME DEPOT CREDIT SERVICES	PO 22213 SUPPLIES	559.86	559.86
1358 - TREASURER: COUNTY OF MONMOUTH	PO 22042 SCAT 4TH QTR BILLING - 2025	1,705.00	1,705.00
1369 - TRIUS, INC	PO 21844 PLOW PARTS	1,994.38	1,994.38
1373 - TWO RIVER WATER RECLAMATION	PO 22206 PORT AU PECK FIRE HOUSE - 1ST QTR 2026	100.00	
	PO 22207 BLACKBERRY BAY - 1ST QRT 2026	100.00	
	PO 22208 POLICE - 1ST QTR - 2026	100.00	300.00
1387 - VERIZON	PO 22074 910 OCEANPORT WAY FIRE MONITORING -1/12/	180.97	
	PO 22075 910 OCEANPORT WAY INTERNET - 1/13/26-2/1	168.19	
	PO 22197 POLICE FIOS - 12/25/25-12/24/26	310.94	660.10
1388 - VERIZON WIRELESS	PO 22196 POLICE WIRELESS - 12/24/25-1/23/26	323.56	323.56
2390 - Walter R. Earle Burlington Inc	PO 21828 PALLET OF COLD PATCH	1,120.00	1,120.00
1396 - WILLIAM RESNYK	PO 22259 Reimbursement firearms mailing	126.51	126.51
	Capital Fund		
1807 - COLLIERS ENGINEERING & DESIGN	PO 22069 JCPL BLANKET DRAWDOWN	475.00	475.00
	OPEN SPACE TRUST		
1027 - BARCO PRODUCTS	PO 21571 REPLACEMENT GARBAGE CAN LIDS MARIA GATTA	705.45	705.45
1685 - JANITOR SUPPLY CORP	PO 22134 SUPPLIES	336.60	336.60
	SUI Trust		
1330 - STATE OF NEW JERSEY	PO 22078 REIMBURSEMENT CHARGE	15.39	15.39
	UCC Trust		
2100 - ALLEGRA MARKETING, PRINT & MAIL	PO 22097 UCC SUPPLIES	325.00	325.00
2205 - MICHAEL THULEN	PO 22201 REIMBURSEMENT - MEALS	60.00	60.00
2298 - MUNCO	PO 22092 MEMBERSHIP - CONSTRUCTION OFFICIAL	100.00	100.00
1926 - NJAFM	PO 22091 MEMBERSHIP SUBSCRIPTION 2026	50.00	50.00
	OTHER TRUST		
1778 - FRANK LIPPOLIS	PO 22203 REIMBURSEMENT - FOOD 01/26/26 STORM	241.92	241.92
1262 - OCEANPORT FIRST AID SQUAD	PO 22156 REIMBURSEMENT	121.05	121.05
	DEVELOPERS ESCROW TRUST		
2400 - ALYSSA RESCINIO	PO 22248 ESCROW REFUND	340.00	340.00
1807 - COLLIERS ENGINEERING & DESIGN	PO 18256 PLOT PLAN REVIEW - CATALOG #7764520001	125.00	

List of Bills - (All Funds)

Vendor	Description		Payment	Check Total
	PO 20589	PB Engineering - HOPKINS	190.00	
	PO 22225	PB Engineering - 3 POCANO AVE	570.00	
	PO 22226	PB Engineering - CHAVLOVICH	380.00	
	PO 22228	PB Engineering - HAAS	285.00	
	PO 22229	PB Engineering - MCGANN	522.50	
	PO 22231	PB Engineering- NURSES QUARTERS	902.50	
	PO 22235	PB ENGINEERING- AMERICAN WATER	2,251.25	5,226.25
1807 - COLLIERS ENGINEERING & DESIGN	PO 22236	PB Engineering	4,002.50	
	PO 22241	PB Engineering - SOMERSET PULTE	587.50	4,590.00
1807 - COLLIERS ENGINEERING & DESIGN	PO 22242	PB Engineering - THE LOFT PARTNERSHIP	1,007.50	
	PO 22243	PB Engineering - 222 MONMOUTH BLVD	142.50	
	PO 22244	PB Engineering - ZARATE	190.00	
	PO 22265	PB Engineering - TANCORRA	285.00	1,625.00
1499 - KEVIN E KENNEDY, ESQ	PO 22283	PB LEGAL- 6 BLUE POINT COVE ROAD, MOCCI	90.00	
	PO 22284	PB LEGAL- HAAS	105.00	195.00
1520 - PASHMAN STEIN WALDER HAYDEN, PC	PO 22153	AFFORDABLE HOUSING COUNCIL	1,496.50	1,496.50
2399 - PS BUILDERS LLC	PO 22110	COAH REFUND	342.50	342.50
TOTAL				2,823,214.75

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-000-011	CASH OPERATING			0.00	2,773,817.06
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	2,475.02			
01-201-20-120-200	MUNICIPAL CLERK OE	8,166.25			
01-201-20-130-200	FINANCIAL ADMINISTRATION OE	987.10			
01-201-20-145-200	COLLECTION OF TAXES OE	125.00			
01-201-25-240-200	POLICE OE	799.22			
01-201-25-255-200	FIRE HYDRANT SERVICE OE	9,900.99			
01-201-25-260-200	FIRST AID ORGANIZATION OE	1,238.87			
01-201-26-300-200	STREETS & ROADS OTHER EXPENSES	885.00			
01-201-26-300-289	STREETS & ROADS OFFICE SUPPLIES	46.53			
01-201-26-305-200	SANITATION-TRASH REMOVAL OE	32,000.00			
01-201-26-306-200	RECYCLING OE	7,500.00			
01-201-26-310-200	PUBLIC BUILDINGS & GROUNDS OE	3,830.71			
01-201-26-310-252	REPAIRS & EQUIPMENT	170.25			
01-201-31-430-203	TELEPHONE/INTERNET	2,205.58			
01-201-31-430-204	WATER/SEWER	2,246.31			
01-201-31-430-205	NATURAL GAS	8,443.42			
01-201-31-430-207	STREET LIGHTING	5,870.44			
01-201-43-490-200	MUNICIPAL COURT OE	993.73			
01-201-44-900-913	JCPL MUNICIPAL COMPLEX	43,418.67			
01-203-20-100-200	(2025) ADMINISTRATIVE & EXECUTIVE OE		1,863.56		
01-203-20-120-200	(2025) MUNICIPAL CLERK OE		47.98		
01-203-20-130-200	(2025) FINANCIAL ADMINISTRATION OE		189.50		
01-203-20-155-200	(2025) LEGAL SERVICES OE		2,890.50		
01-203-20-165-200	(2025) BOROUGH ENGINEER OE		6,300.00		
01-203-21-180-200	(2025) PLANNING BOARD OE		3,680.00		
01-203-25-240-200	(2025) POLICE OE		5,667.24		
01-203-25-260-200	(2025) FIRST AID ORGANIZATION OE		392.50		
01-203-25-260-205	(2025) VEHICLE MAINTENANCE		808.04		
01-203-25-265-209	(2025) REPAIRS & MAINTENANCE		2,042.21		
01-203-26-300-200	(2025) STREETS & ROADS OTHER EXPENSES		1,025.65		
01-203-26-300-273	(2025) SUPPLIES		3,828.82		
01-203-26-300-277	(2025) BITUMINOUS CONCRETE		1,120.00		
01-203-26-310-200	(2025) PUBLIC BUILDINGS & GROUNDS OE		1,915.71		
01-203-26-310-252	(2025) REPAIRS & EQUIPMENT		5,945.29		
01-203-27-335-340	(2025) ANIMAL CONTROL		446.25		
01-203-31-430-201	(2025) ELECTRICITY		7,245.98		
01-203-31-430-207	(2025) STREET LIGHTING		967.02		
01-203-31-465-200	(2025) SANITATION DUMPING FEES		730.25		
01-203-44-900-910	(2025) BOROUGH ROADS		2,497.43		
01-204-55-000	Accounts Payable			1,297.50	
01-206-55-000-046	REGIONAL SCHOOL TAX			327,440.00	
01-207-55-000-045	LOCAL SCHOOL TAX			987,033.42	
01-208-55-000-039	COUNTY TAX PAYABLE			964,302.67	
01-208-55-000-041	COUNTY OPEN SPACE TAX			145,581.29	

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-208-55-000-042	COUNTY HEALTH TAX			16,801.03	
01-208-55-000-043	COUNTY LIBRARY TAX			61,437.19	
01-209-55-000-035	DUE COUNTY-A.&O. TAXES			72,225.75	
01-209-55-000-036	DUE COUNTY-A.&O. OPEN SPACE			10,900.58	
01-209-55-000-037	DUE COUNTY-A.&O. HEALTH			1,193.43	
01-209-55-000-038	DUE COUNTY-A.&O. LIBRARY			4,697.18	
TOTALS FOR	**Current Fund**	**131,303.09**	**49,603.93**	**2,592,910.04**	**2,773,817.06**
02-160-05-000-001	DUE TO/FROM CURRENT FUND			0.00	33,152.03
02-213-40-700-025	CLEAN COMMUNITIES			191.74	
02-213-40-700-074	FMERA FIRE HYDRANT ABANDONMENT			4,583.39	
02-213-40-700-075	FMERA ELECTRICAL GRID			14,068.75	
02-213-40-700-076	FMERA - NICODEMUS AVE			14,308.15	
TOTALS FOR	**FEDERAL AND STATE GRANTS**	**0.00**	**0.00**	**33,152.03**	**33,152.03**
04-101-01-100-011	CAPITAL CASH - TD			0.00	475.00
04-215-55-973-D00	2017 #973 VARIOUS CAPITAL IMPROVEMENTS			475.00	
TOTALS FOR	**Capital Fund**	**0.00**	**0.00**	**475.00**	**475.00**
06-101-01-100-011	OPEN SPACE CASH - TD			0.00	1,042.05
06-270-00-500-020	RESERVE FOR OPEN SPACE			1,042.05	
TOTALS FOR	**OPEN SPACE TRUST**	**0.00**	**0.00**	**1,042.05**	**1,042.05**
14-101-01-100-101	Cash SUI Trust			0.00	15.39
14-270-55-600-155	Reserve for SUI			15.39	
TOTALS FOR	**SUI Trust**	**0.00**	**0.00**	**15.39**	**15.39**
18-101-01-100-101	CASH UCC TRUST			0.00	535.00
18-270-55-600	RESERVE FOR UCC TRUST			535.00	
TOTALS FOR	**UCC Trust**	**0.00**	**0.00**	**535.00**	**535.00**
60-101-01-100-101	CASH-OTHER TRUST - TD			0.00	362.97
60-270-55-600-170	RESERVE FOR STROM RECOVERY			362.97	
TOTALS FOR	**OTHER TRUST**	**0.00**	**0.00**	**362.97**	**362.97**
61-101-01-100-101	CASH-DEV.ESCROW/TD			0.00	13,815.25
61-270-55-600-205	RES.FOR DEV.ESCROW			13,815.25	
TOTALS FOR	**DEVELOPERS ESCROW TRUST**	**0.00**	**0.00**	**13,815.25**	**13,815.25**

Total to be paid from Fund 01 Current Fund	2,773,817.06
Total to be paid from Fund 02 FEDERAL AND STATE GRANTS	33,152.03
Total to be paid from Fund 04 Capital Fund	475.00
Total to be paid from Fund 06 OPEN SPACE TRUST	1,042.05
Total to be paid from Fund 14 SUI Trust	15.39
Total to be paid from Fund 18 UCC Trust	535.00
Total to be paid from Fund 60 OTHER TRUST	362.97
Total to be paid from Fund 61 DEVELOPERS ESCROW TRUST	13,815.25
	2,823,214.75

Pending Payments (*Not Finalized*)

All Funds

Month of February

From 02/01/2026 to 02/28/2026 With a Line Amount > 10000.00

Date	ENTRY	ACCOUNT	PO	Check #	VENDOR/DESCRIPTION	DEBIT	CREDIT	CR ACCOUNT
02/05/2026	73297	02-213-40-700-075	22067		FMERA- 400 AREAPARALLEL BUILD VARIOUS	14,068.75		
						14,068.75	-	
02/05/2026	22067		22067		COLLIERS ENGINEERING & DESIGN		14,068.75	02-160-05-000-001
						-	**14,068.75**	
02/05/2026	73299	02-213-40-700-076	22065		ENGINEERING & DESIGN SERVICES - NICODEMUS	14,308.15		
						14,308.15	-	
02/05/2026	22065		22065		COLLIERS ENGINEERING & DESIGN		14,308.15	02-160-05-000-001
						-	**14,308.15**	
02/05/2026	73872	01-201-44-900-913	22255		OCEANPORT COMPLEX	43,418.67		
						43,418.67	-	
02/05/2026	22255		22255		JERSEY CENTRAL POWER & LIGHT		43,418.67	01-101-01-000-011
						-	**43,418.67**	
02/05/2026	73230	01-208-55-000-039	22107		COUNTY TAXES DUE - 1ST QRT 2026	964,302.67		
						964,302.67	-	
02/05/2026	22107		22107		MONMOUTH COUNTY TREASURER		964,302.67	01-101-01-000-011
						-	**964,302.67**	
02/05/2026	73232	01-208-55-000-043	22105		COUNTY LIBRARY TAXES - 1ST QRT 2026	61,437.19		

Pending Payments (*Not Finalized*) continued...

Date	ENTRY	ACCOUNT	PO	Check #	VENDOR/DESCRIPTION	DEBIT	CREDIT	CR ACCOUNT
						61,437.19	-	
02/05/2026	22105		22105		MONMOUTH COUNTY TREASURER		61,437.19	01-101-01-000-011
						-	**61,437.19**	
02/05/2026	73231	01-208-55-000-041	22106		COUNTY OPEN SPACE TAXES - 1ST QRT 2026	145,581.29		
						145,581.29	-	
02/05/2026	22106		22106		MONMOUTH COUNTY TREASURER		145,581.29	01-101-01-000-011
						-	**145,581.29**	
02/05/2026	73233	01-208-55-000-042	22104		COUNTY HEALTH TAXES - 1 QRT 2026	16,801.03		
						16,801.03	-	
02/05/2026	22104		22104		MONMOUTH COUNTY TREASURER		16,801.03	01-101-01-000-011
						-	**16,801.03**	
02/05/2026	73234	01-209-55-000-035	22103		COUNTY TAXES DUE ADDED OMITTED - 1ST QRT 2026	72,225.75		
						72,225.75	-	
02/05/2026	22103		22103		MONMOUTH COUNTY TREASURER		72,225.75	01-101-01-000-011
						-	**72,225.75**	
02/05/2026	73237	01-209-55-000-036	22100		COUNTY OPEN SPACE TAXES ADDED OMITTED - 1ST QRT 2026	10,900.58		
						10,900.58	-	
02/05/2026	22100		22100		MONMOUTH COUNTY TREASURER		10,900.58	01-101-01-000-011

Pending Payments (*Not Finalized*) continued...

Date	ENTRY	ACCOUNT	PO	Check #	VENDOR/DESCRIPTION	DEBIT	CREDIT	CR ACCOUNT
						-	**10,900.58**	
02/05/2026	73610	01-207-55-000-045	22210		FEBRUARY 2026 TAX REMITTANCE	987,033.42		
						987,033.42	-	
02/05/2026	22210		22210		OCEANPORT BOARD OF EDUCATION		987,033.42	01-101-01-000-011
						-	**987,033.42**	
02/05/2026	73611	01-206-55-000-046	22209		FEBRUARY 2026 TAX REMITTANCE	327,440.00		
						327,440.00	-	
02/05/2026	22209		22209		SHORE REGIONAL HIGH SCHOOL		327,440.00	01-101-01-000-011
						-	**327,440.00**	
02/05/2026	73238	01-201-26-305-201	22099		COLLECTION	32,000.00		
						32,000.00	-	
02/05/2026	73239	01-201-26-306-201	22099		RECYCLING	7,500.00		
						7,500.00	-	
02/05/2026	22099		22099		SUBURBAN DISPOSAL		39,500.00	01-101-01-000-011
						-	**39,500.00**	
						2,697,017.50	**2,697,017.50**	

February Totals

Totals by Account for February

ACCOUNT	ACCOUNT TITLE	LY BUDGET	CY BUDGET	NON BUDGET	PENDING CR
01-101-01-000-011	CASH OPERATING				2,668,640.60
02-160-05-000-001	DUE TO/FROM CURRENT FUND				28,376.90
01-201-26-305-201	SANITATION-TRASH REMOVAL		32,000.00		
01-201-26-306-201	OTHER EXPENSES		7,500.00		
01-201-44-900-913	JCPL MUNICIPAL COMPLEX		43,418.67		
01-206-55-000-046	REGIONAL SCHOOL TAX			327,440.00	
01-207-55-000-045	LOCAL SCHOOL TAX			987,033.42	
01-208-55-000-039	COUNTY TAX PAYABLE			964,302.67	
01-208-55-000-041	COUNTY OPEN SPACE TAX			145,581.29	
01-208-55-000-042	COUNTY HEALTH TAX			16,801.03	
01-208-55-000-043	COUNTY LIBRARY TAX			61,437.19	
01-209-55-000-035	DUE COUNTY-A.&O. TAXES			72,225.75	
01-209-55-000-036	DUE COUNTY-A.&O. OPEN SPACE			10,900.58	
02-213-40-700-075	FMERA ELECTRICAL GRID			14,068.75	
02-213-40-700-076	FMERA - NICODEMUS AVE			14,308.15	
Totals		**-**	**82,918.67**	**2,614,098.83**	**2,697,017.50**

Range Total

Totals by Account for Range

ACCOUNT	ACCOUNT TITLE	LY BUDGET	CY BUDGET	NON BUDGET	PENDING CR
01-101-01-000-011	CASH OPERATING				2,668,640.60
02-160-05-000-001	DUE TO/FROM CURRENT FUND				28,376.90

Range Total continued...

ACCOUNT	ACCOUNT TITLE	LY BUDGET	CY BUDGET	NON BUDGET	PENDING CR
01-201-26-305-201	SANITATION-TRASH REMOVAL		32,000.00		
01-201-26-306-201	OTHER EXPENSES		7,500.00		
01-201-44-900-913	JCPL MUNICIPAL COMPLEX		43,418.67		
01-206-55-000-046	REGIONAL SCHOOL TAX			327,440.00	
01-207-55-000-045	LOCAL SCHOOL TAX			987,033.42	
01-208-55-000-039	COUNTY TAX PAYABLE			964,302.67	
01-208-55-000-041	COUNTY OPEN SPACE TAX			145,581.29	
01-208-55-000-042	COUNTY HEALTH TAX			16,801.03	
01-208-55-000-043	COUNTY LIBRARY TAX			61,437.19	
01-209-55-000-035	DUE COUNTY-A.&O. TAXES			72,225.75	
01-209-55-000-036	DUE COUNTY-A.&O. OPEN SPACE			10,900.58	
02-213-40-700-075	FMERA ELECTRICAL GRID			14,068.75	
02-213-40-700-076	FMERA - NICODEMUS AVE			14,308.15	
Totals		**-**	**82,918.67**	**2,614,098.83**	**2,697,017.50**

RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING 2026 BUDGET APPROPRIATION RESERVE TRANSFERS

Resolution 2026-64

02/12/2026

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 reserves be authorized pursuant to N.J.S.A. 40A:4-58:

		AMOUNT	**ACCOUNT**
FROM:			
	DPW S/W	$7500.00	01-203-26-302-100
	TOTAL	**$7,500.00**	
TO:	DPW O/E	$7,500.00	01-203-26-302-200
	TOTAL	**$7,500.00**	

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

Motion: Second:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O'Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-64 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026

____

STEPHANIE KRAMER
ACTING BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING CHANGE ORDER #1-FINAL - CONTRACT FOR ABANDONDED HYDRANT REMOVAL PROJECT

Resolution #2026-65
02/12/2026

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 T.R. Weniger, Inc. for the final as-built quantity adjustments of the above named project; and

WHEREAS, the original contract of $51,670.00 will be decreased by $1,790.00 for an adjusted contract amount of $49,880.00; and

WHEREAS, the Borough Council is satisfied that the requested change is necessary.

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

1. Change Order #1-Final between the Borough of Oceanport and T.R. Weniger, Inc. for the FMERA Abandoned Hydrant Removal Project is hereby approved.

2. The Mayor or Borough Clerk are hereby authorized to sign the change order on behalf of the Borough.

Motion: Second:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O’Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-65 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026

____
STEPHANIE KRAMER
ACTING BOROUGH CLERK

101 Crawfords Corner Road
Suite 3400
Holmdel New Jersey 07733
Main: 877 627 3772

Colliers
Engineering & Design

January 28, 2026

VIA EMAIL
Honorable Mayor and Council
Borough of Oceanport
910 Oceanport Way
P. O. Box 370
Oceanport, NJ 07757

Partial Payment No. 1- Final, Change Order No. 1 – Final
Abandoned Hydrant Removal Project
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPB-0199

Dear Mayor and Council,

We are writing this letter to certify that T.R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ 08854, contractor for the above-referenced project, has completed the work listed on the enclosed Partial Payment Certificate No. 1- Final and is entitled to payment in the amount of $49,880.00. Also attached, please find Change Order No. 1– Final for the final as-built quantity adjustments. Change Order No. 1 – Final results in a net decrease of ($1,790.00) for revised contract total of $49,880.00. Certified payrolls and manning reports for the covered period are also attached for reference.

Prior to release of the final payment, the contractor shall forward an acceptable original Maintenance Bond for 15% of the final adjusted contract amount for the period of two years.

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

Sincerely,

Colliers Engineering & Design, Inc.

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

WHW/rb

Enclosure
cc: Donna Phelps, Administrator (via email)
Stephanie Kramer, Deputy Borough Clerk (via email)
Katie LaPorta, CFO (via email)
T.R.Weniger, Inc. (via email)

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Colliers Engineering & Design

FMERA ABANDONED HYDRANT
BOROUGH OF OCEANPORT
PARTIAL PAYMENT CERTIFICATE NO. 1 - FINAL
FOR WORK COMPLETED THROUGH 01/23/2026
PROJECT NO. OPB-0199

ITEM NO.	DESCRIPTION (BASE BID)	QUANTITY		UNIT PRICE	CONTRACT TOTALS	QUANTITY THIS EST.	AMOUNT THIS EST.	QUANTITY PREV EST.	AMOUNT PREV EST.	QUANTITY TO DATE	AMOUNT TO DATE
	BASE BID 1										
1	CLEARING SITE AND MOBILIZATION										
A	Clearing Site	1	LS	$ 3,000.00	$3,000.00	1.00	$3,000.00	0.00	$ -	1.00	$3,000.00
B	Mobilization	1	LS	$ 3,000.00	$3,000.00	1.00	$3,000.00	0.00	$ -	1.00	$3,000.00
2	MAINTENANCE AND PROTECTION OF TRAFFIC										
A	Maintenance and Protection of Traffic	1	LS	$ 3,000.00	$3,000.00	1.00	$3,000.00	0.00	$ -	1.00	$3,000.00
B	Uniformed Police Officers	1	ALL	$ 5,000.00	$5,000.00	0.00	$0.00	0.00	$ -	0.00	$0.00
3	HYDRANT REMOVAL AND ABANDONMENT	43	UT	$ 690.00	$29,670.00	52.00	$35,880.00	0.00	$ -	52.00	$35,880.00
4	RESTORATION, CLEAN-UP AND DEMOBILIZATION	1	LS	$ 3,000.00	$3,000.00	1.00	$3,000.00	0.00	$ -	1.00	$3,000.00
5	MISCELLANEOUS WORK ALLOWANCE	1	ALL	$ 5,000.00	$5,000.00	0.00	$0.00	0.00	$ -	0.00	$0.00
	REMOBILIZE/SECURE ROAD OPENING PERMIT	1	LS	$ 2,000.00	$ 2,000.00	1.00	$2,000.00	0.00	$ -	1.00	$2,000.00
	TOTALS				**$51,670.00**		**$49,880.00**				**$49,880.00**
	REVISED CONTRACT TOTAL				**$49,880.00**						

LESS 20% RETAINAGE:	$ -
SUBTOTAL AMOUNT DUE:	$ 49,880.00
LESS PREVIOUS PAYMENTS:	$ -
TOTAL AMOUNT DUE:	$49,880.00
PERCENTAGE COMPLETE:	100%

I hereby certify that all items, units, quantities and prices of work and material shown in this progress estimate are correct; that the work has been performed and materials supplied and completely paid for in full in accordance with the terms of the contract documents involved; that the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by this estimate; and that no part of the "Total Amount Due" has been received:

Timothy Weniger, Jr.   1-27-26

T.R. WENIGER, INC.   DATE:

1/28/2026

COLLIERS ENGINEERING & DESIGN, INC.   DATE:

CHANGE ORDER NUMBER - 1
FINAL

Project	**FMERA ABANDONED HYDRANT**
Project No.	**OPB-0199**
Municipality	**BOROUGH OF OCEANPORT**
County	**MONMOUTH**
Contractor	**T.R. WEINGER, 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)

- **Final As-Built Quantity Adjustments**

Increased Items

Item No.	Description	Quantity (+/-)	Unit Price	Amount
3	HYDRANT REMOVAL AND ABANDONMENT	9 UT	$ 690.00	$ 6,210.00
	Total Increase			**$ 6,210.00**

Decreased Items

Item No.	Description	Quantity (+/-)	Unit Price	Amount
2B	UNIFORMED TRAFFIC DIRECTORS	-1 ALL	$ 5,000.00	$ (5,000.00)
5	MISCELLANEOUS ALLOWANCE	-1 ALL	$ 3,000.00	$ (3,000.00)
	Total Decrease			**$ (8,000.00)**

Supplemental Items

Item No.	Description	Quantity (+/-)	Unit Price	Amount
	Total Supplemental Items			**$ -**

Amount of Original Contract	$ 51,670.00	Increase	$ 6,210.00
Change Order No. 1 Amount	$ (1,790.00)	Decrease	$ -8,000.00
		Supplemental	$ 0.00
Adjusted Amount Based on Change Order No. 1	**$ 49,880.00**	**Total Change**	**$ -1,790.00**
% Change in Contract [(+) Increase or (-) Decrease]	-3.46%		

1/28/2026

Colliers Engineering & Design (Engineer) — (Date)

Borough of Oceanport (Presiding Officer) — (Date)

Timothy Weniger, Jr.

1-27-26

T.R. Weniger, Inc. (Contractor) — (Date)

NJ Department of Labor & Workforce Development

Payroll Certification for Public Works Projects

for Contractor and Subcontractor's Weekly and Final Certification

SUBMIT form via the NJ Wage Hub (*njwages.nj.gov*) or use other submission methods in the portal.

IMPORTANT: For purposes of law, you must *also* submit this form to the appropriate public body or lessor, either via the NJ Wage Hub or other methods.

Name of ☑ Contractor or ☐ Subcontractor T. R. Weniger, Inc. F.E.I.N. 22-3112834	Business Address 1900 New Brunswick Avenue Piscataway, NJ 08854	Project Name Abandoned Hydrant Removal Contract I.D. or Project I.D. 84041
Payroll No. #1 · Date Wages Due & Paid 01/16/2026 · Week Ending Date 01/11/2026 or ☐ Final Certification	Project Location FMERA-Borough of Oceanport, NJ	Contractor Registration # 12977

1. Employee Name and Address	2. Work: Job Title (e.g., apprentice, journeyman, foreman)	2. Work: Work Classification/ Occupational Category (e.g., carpenter, mason, plumber)	3. Demographics: Sex (M=Male F=Female N=Non-Binary)	Race (See Key)	Ethnicity (H=Hispanic N=Non-Hispanic)	Overtime or Straight Time	4. SU 11	MO 05	TU 06	WE 07	TH 08	FR 09	SA 10	5. Total Hours	6. Hourly Rate of Pay	7. Gross Amt. Earned: This Project	This Week	8. Deductions: FICA	Federal Tax	State Tax	Other Health Ins	(specify) 401k	Total Deductions	9. Net Wages Paid for Week	10. Total Fringe Benefit Cost/Hour
Johnson, Charles 854 Riverside Drive Hillsborough, NJ	J	H/H Labor "B"	M	W	N	S		8	8					16	91.03	1,456.48	2,725.75	208.52	259.74	146.32	0.00	327.09	941.67	1,784.08	0.00
						O																			
Lewis, Kevin 548 Pittstown Rd Pittstown, NJ	J	H/H Labor "B"	M	W	N	S		4	4					8	91.03	728.24	3,386.88	230.72	311.18	171.60	370.85	135.48	1,219.83	2,167.05	0.00
						O																			
Lewis, Kevin 548 Pittstown Rd Pittstown, NJ	J	Operator	M	W	N	S		4	4					8	102.12	816.96	3,386.88	230.72	311.18	171.60	370.85	135.48	1,219.83	2,167.05	0.00
						O																			
Locke, Kyle 304 Rock Road Milford, NJ	J	H/H Labor "B"	M	W	N	S		8	8					16	91.03	1,456.48	3,168.50	213.08	220.50	142.07	383.31	316.85	1,275.81	1,892.69	0.00
						O																			
Wells, Kevin 7 Wichser Lane Warren, NJ	J	H/H Labor "B"	M	W	N	S		8	8					16	91.03	1,456.48	3,994.00	305.54	751.77	268.71	0.00	0.00	1,326.02	2,667.98	0.00
						O																			
Weniger, Christopher 6 Riverside Terr Hillsborough, NJ	J	H/H Labor "B"	M	W	N	S		8	8					16	91.03	1,456.48	3,548.16	271.44	380.00	168.90	0.00	354.82	1,175.16	2,373.00	0.00
						O																			
Weniger, Daniel 18 Margaret Street Green Brook, NJ	F	Operator	M	W	N	S		8	8					16	102.12	1,633.92	3,416.64	225.97	274.69	162.65	462.82	239.16	1,365.29	2,051.35	0.00
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Hours worked each day

KEY **W**= White; **B**= Black or African American;
A= Asian; **N**= American Indian or Native Alaskan;
I = Native Hawaiian or Pacific Islander; **M**= 2 or More

See following page for instructions

☐ Check if additional sheets attached

MW-562 (6/23)

I, the undersigned, do hereby state and certify:

(1) That I pay or supervise the payment of the persons employed by T. R. Weniger, Inc.
(Contractor or Subcontractor)
on the ~~Abandoned Hydrant Removal~~ Oceanport,NJ
(Project Name & Location)
that during the payroll period beginning on (date) 01/05/26, and ending on (date) 01/11/26, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of the aforenamed Contractor or Subcontractor from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq. and Regulation N.J.A.C. 12:60 et seq. and the Payment of Wages Law, N.J.S.A. 34:11-4.1 et seq.

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered with the United States Department of Labor, Bureau of Apprenticeship and Training and enrolled in a certified apprenticeship program.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS OR PROGRAMS

☐ In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above-referenced payroll, payments of fringe benefits have been or will be made when due to appropriate programs for the benefit of such employ-ees, as noted in Section 4(c) at right.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

✓ Each laborer or mechanic listed in the above-referenced payroll has been paid as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) at right.

(5) N.J.S.A. 12:60-2.1 and 5.1 – The Public Works employers shall submit to the public body or lessor a certified payroll record each pay period within 10 days of the payment of wages.

✓ By checking this box and typing my name below, I am electronically signing this application. I understand that an electronic signature has the same legal effect as a written signature.

Name Laurie Weniger

Title President Date (mm/dd/yy) 01/16/26

THE FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION.
– N.J.S.A. 34:11- 56.25 ET SEQ. AND N.J.A.C. 12:60 ET SEQ. AND N.J.S.A. 34:11-4.1 ET SEQ.

4(c) Benefit Program Information in AMOUNT CONTRIBUTED PER HOUR (Must be completed if 4(a) is checked)
To calculate the cost per hour, divide 2,000 hours into the benefit cost per year per employee.

Program Title, Classification Title, or Individual Workers	Health/ Welfare	Vacation/Holiday	Apprenticeship/ Training	Pension	Other Benefit Type and Amount (e.g., training, long-term disability or life ins.)	Name & Address of Fringe Benefit Fund, Plan, or Program Administrator	USDOL Benefit Plan Filing Number/EIN	Third-Party Trustee &/or Contract Person

NJ Department of Labor & Workforce Development

Payroll Certification for Public Works Projects

for Contractor and Subcontractor's Weekly and Final Certification

SUBMIT form via the NJ Wage Hub (*njwages.nj.gov*) or use other submission methods in the portal.

IMPORTANT: For purposes of law, you must *also* submit this form to the appropriate public body or lessor, either via the NJ Wage Hub or other methods.

Name of ☑ Contractor or ☐ Subcontractor	Business Address	Project Name
T. R. Weniger, Inc.	1900 New Brunswick Avenue Piscataway, NJ 08854	Abandoned Hydrant Removal
F.E.I.N. 22-3112834	Project Location: FMERA-Borough of Oceanport, NJ	Contract I.D. or Project I.D.: 84041
Payroll No. #2 / Date Wages Due & Paid 01/30/2026 / Week Ending Date 01/25/2026 or ☑ Final Certification		Contractor Registration # 12977

1. Employee Name and Address	2. Work: Job Title (e.g., apprentice, journeyman, foreman)	Work Classification/ Occupational Category (e.g., carpenter, mason, plumber)	3. Demographics: Sex (M=Male F=Female N=Non-Binary)	Race (See Key)	Ethnicity (H=Hispanic N=Non-Hispanic)	Overtime or Straight Time	4. SU 25	MO 19	TU 20	WE 21	TH 22	FR 23	SA 24	5. Total Hours	6. Hourly Rate of Pay	7. Gross Amt. Earned: This Project	This Week	8. Deductions: FICA	Federal Tax	State Tax	Other Health Ins	(specify) 401k	Total Deductions	9. Net Wages Paid for Week	10. Total Fringe Benefit Cost/Hour
Johnson, Charles 854 Riverside Dr Hillsborough, NJ	J	H/H Labor "B"	M	W	N	S			5					5	91.03	455.15	2,970.51	227.26	290.05	163.47	0.00	356.46	1,037.24	1,933.27	0.00
						O																			
Lewis, Kevin 548 Pittstown Rd Pittstown, NJ	J	Operator	M	W	N	S			5					5	102.12	510.60	3,278.10	250.78	352.72	163.36	0.00	131.12	897.98	2,380.12	0.00
						O																			
Pochick, Steven 106 Mountain Pkwy Green Brook, NJ	J	H/H Labor "B"	M	W	N	S			5					5	91.03	455.15	2,900.51	221.90	449.55	162.62	0.00	290.05	1,124.12	1,776.39	0.00
						O																			
Weniger, Christopher 6 Riverview Terr Hillsborough, NJ	F	H/H Labor	M	W	N	S			5					5	94.33	471.65	2,531.96	193.69	189.61	101.74	0.00	253.20	738.24	1,793.72	0.00
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Hours worked each day

KEY W= White; B= Black or African American;
A= Asian; N= American Indian or Native Alaskan;
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See following page for instructions

☐ Check if additional sheets attached

MW-562 (6/23)

I, the undersigned, do hereby state and certify:

(1) That I pay or supervise the payment of the persons employed by T. R. Weniger, Inc.
(Contractor or Subcontractor)
on the ~~Abandoned Hydrant Removal~~ Oceanport,NJ
(Project Name & Location)
that during the payroll period beginning on (date) 01/19/26, and ending on (date) 01/25/26, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of the aforenamed Contractor or Subcontractor from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq. and Regulation N.J.A.C. 12:60 et seq. and the Payment of Wages Law, N.J.S.A. 34:11-4.1 et seq.

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered with the United States Department of Labor, Bureau of Apprenticeship and Training and enrolled in a certified apprenticeship program.

(4) That:
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS OR PROGRAMS

☐ In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above-referenced payroll, payments of fringe benefits have been or will be made when due to appropriate programs for the benefit of such employ-ees, as noted in Section 4(c) at right.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☑ Each laborer or mechanic listed in the above-referenced payroll has been paid as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) at right.

(5) N.J.S.A. 12:60-2.1 and 5.1 – The Public Works employers shall submit to the public body or lessor a certified payroll record each pay period within 10 days of the payment of wages.

☑ By checking this box and typing my name below, I am electronically signing this application. I understand that an electronic signature has the same legal effect as a written signature.

Name Laurie Weniger

Title President Date (mm/dd/yy) 01/30/26

THE FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION.
– N.J.S.A. 34:11-56.25 ET SEQ. AND N.J.A.C. 12:60 ET SEQ. AND N.J.S.A. 34:11-4.1 ET SEQ.

4(c) Benefit Program Information in AMOUNT CONTRIBUTED PER HOUR (Must be completed if 4(a) is checked)
To calculate the cost per hour, divide 2,000 hours into the benefit cost per year per employee.

Program Title, Classification Title, or Individual Workers	Health/ Welfare	Vacation/Holiday	Apprenticeship/ Training	Pension	Other Benefit Type and Amount (e.g., training, long-term disability or life ins.)	Name & Address of Fringe Benefit Fund, Plan, or Program Administrator	USDOL Benefit Plan Filing Number/EIN	Third-Party Trustee &/or Contract Person

FORM AA-202
REVISED 11/11

State Of New Jersey

Department of Labor & Workforce Development
Construction EEO Compliance Monitoring Program

MONTHLY PROJECT WORKFORCE REPORT - CONSTRUCTION

For instructions on completing the form, go to:
https://www.nj.gov/treasury/contract_compliance/documents/pdf/forms/aa202ins.pdf

3. F ID or SS Number 22-3112834

1.Name and address of Prime Contractor
T. R. Weniger, Inc.
(NAME)

2. Contractor ID Number 12977

4. Reporting Period 12/04/25 - 12/31/25 - NO WORK

1900 New Brunswick Avenue
(ADDRESS)

5. Public Agency Awarding Contract BoroughofOceanport
Date of Award 12/04/2025

Piscataway NJ 08854
(CITY) (STATE) (ZIP CODE)

6. Name and Location of Project FMERA **County** Monmouth
7. Project ID Number 84041

8. CONTRACTOR NAME (LIST PRIME CONTRACTOR WITH SUBS FOLLOWING)	9. PERCENT OF WORK COMPLETED	10. TRADE OR CRAFT	CLASSI-FICATION (SEE REVERSE)	11. NUMBER OF EMPLOYEES A. TOTAL	B. BLACK	C. HISPANIC	D. AMERICAN INDIAN	E. ASIAN	F. FEMALES	12. TOTAL NO. OF MIN. EMP.	13. WORK HOURS TOTAL WORK HOURS	A. MIN. W/H	B. FEMALE W/H	14. % OF WORK HRS A. % OF MIN. W/H	B. % OF FEMALE W/H	15. CUM. WORK HRS TOTAL WORK HOURS	A. MIN. HOURS	B. FEMALE HOURS	16. CUM. % OF W/H A. % OF MIN. W/H	B. % OF FEM. W/H
T R Weniger Inc	%	Operato	J																	
			AP																	
T R Weniger Inc	%	Laborer	J																	
			AP																	
T R Weniger Inc	%	Truck	J																	
		Driver	AP																	
			J																	
			AP																	
			J																	
			AP																	

17. COMPLETED BY (PRINT OR TYPE)

Laurie A. Weniger — President
(NAME) (SIGNATURE) (TITLE)

732 4,966,298 01/16/2026
(AREA CODE) (TELEPHONE NUMBER) (EXT.) (DATE)

DEPT. OF LABOR & WORKFORCE DEVELOPMENT CONSTRUCTION EEO COMPLIANCE MONITORING PROGRAM

FORM AA-202
REVISED 11/11

State Of New Jersey

Department of Labor & Workforce Development
Construction EEO Compliance Monitoring Program

MONTHLY PROJECT WORKFORCE REPORT - CONSTRUCTION

For instructions on completing the form, go to:
https://www.nj.gov/treasury/contract_compliance/documents/pdf/forms/aa202ins.pdf

3. F ID or SS Number 22-3112834

1. Name and address of Prime Contractor
T. R. Weniger, Inc.
(NAME)

2. Contractor ID Number 12977

4. Reporting Period 01/01/26- 01/31/26 - FINAL

1900 New Brunswick Avenue
(ADDRESS)

5. Public Agency Awarding Contract BoroughofOceanport
Date of Award 12/04/2025

Piscataway (CITY) NJ (STATE) 08854 (ZIP CODE)

6. Name and Location of Project FMERA **County** Monmouth

7. Project ID Number 84041

8. CONTRACTOR NAME (LIST PRIME CONTRACTOR WITH SUBS FOLLOWING)	9. PERCENT OF WORK COMPLETED	10. TRADE OR CRAFT	CLASSI-FICATION (SEE REVERSE)	11. NUMBER OF EMPLOYEES A. TOTAL	B. BLACK	C. HISPANIC	D. AMERICAN INDIAN	E. ASIAN	F. FEMALES	12. TOTAL NO. OF MIN. EMP.	13. WORK HOURS TOTAL WORK HOURS	A. MIN. W/H	B. FEMALE W/H	14. % OF WORK HRS A. % OF MIN. W/H	B. % OF FEMALE W/H	15. CUM. WORK HRS TOTAL WORK HOURS	A. MIN. HOURS	B. FEMALE HOURS	16. CUM. % OF W/H A. % OF MIN. W/H	B. % OF FEM. W/H
T R Weniger Inc	100%	Operato	J	2	0	0	0	0	0	0	29	0	0	0	0	29	0	0	0	0
			AP																	
T R Weniger Inc	100%	Laborer	J	6	0	0	0	0	0	0	87	0	0	0	0	87	0	0	0	0
			AP																	
T R Weniger Inc	%	Truck	J	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Driver	AP																	
			J																	
			AP																	
			J																	
			AP																	

17. COMPLETED BY (PRINT OR TYPE)

Laurie A. Weniger (NAME) — Laurie A Weniger (SIGNATURE) — President (TITLE)

732 (AREA CODE) 4,966,298 (TELEPHONE NUMBER) (EXT.) 01/28/2026 (DATE)

DEPT. OF LABOR & WORKFORCE DEVELOPMENT CONSTRUCTION EEO COMPLIANCE MONITORING PROGRAM

RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #25-00004 FOR
BLOCK 58 LOT 14.01 KNOWN AS 31 WERAH PLACE

Resolution #2026-66
2-12-26

WHEREAS, at the Borough Tax Sale held on October 2, 2025, a lien was sold on Block 58 Lot 14.01, otherwise known as 31 Werah Place; and

WHEREAS, this lien, known as Tax Sale Certificate 25-00004 was sold to Pro Cap 8 FBO Firstrust Bank at an interest rate of 18%; and

WHEREAS, the owner has redeemed Certificate 25-00004 in the amount of $1,147.87.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of $1,147.87 payable to Pro Cap 8 FBO Firstrust Bank, PO Box 774, Fort Washington, PA 19034-0774 for the redemption of Tax Sale Certificate 25-00004.

Motion: Second:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O'Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-66 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026

____
STEPHANIE KRAMER
ACTING BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING SUBMITTAL OF A GRANT APPLICATION THROUGH THE NJ DEPARTMENT OF COMMUNITY AFFAIRS LOCAL RECREATION IMPROVEMENT GRANT PROGRAM

Resolution #2026-67
2/12/2026

WHEREAS, the Borough of Oceanport desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately $75,000 to continue the improvements at Trinity Park (Phase II) to expand the current outdoor gym with the addition of a fit station which aligns with recommendations for a well-rounded workout featuring opportunities for users to train aerobic fitness, muscle fitness, core, balance and flexibility, also allowing users of all abilities to exercise together for a total estimated cost of $117,464.99.

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

1) the Borough of Oceanport does hereby authorize the application for the Local Recreation Improvement Grant; and

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Oceanport and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Motion: Second:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O’Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-67 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026.

____
STEPHANIE KRAMER
ACTING BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
OPPOSING THE NJDEP "REAL" RULES IN THEIR CURRENT FORM

Resolution #2026-68
2/12/2026

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") has adopted amendments to its land use and coastal regulations known as the Resilient Environments and Landscapes ("REAL") rules, as part of the New Jersey Protecting Against Climate Threats ("NJPACT") initiative; and

WHEREAS, the REAL rules significantly expand NJDEP regulatory authority over development, redevelopment, reconstruction, and land use within coastal, flood hazard, and environmentally sensitive areas throughout the State of New Jersey; and

WHEREAS, the Borough of Oceanport is a small, low-lying, and densely developed coastal municipality situated along the Shrewsbury River and its tributaries, with limited remaining undeveloped land, such that expanded flood and inundation designations inherently affect a disproportionately large percentage of Borough properties compared to inland communities; and

WHEREAS, the Governing Body of the Borough of Oceanport recognizes the importance of environmental stewardship, climate resilience, and public safety, and supports reasonable, science-based measures to protect residents, infrastructure, and natural resources; and

WHEREAS, the REAL rules are intended to impose resilient construction and land-use requirements in areas projected to experience future inundation, relying on climate-adjusted flood elevation and coastal inundation mapping, including NJDEP's Coastal Flood Exposure Area ("CAFE") mapping, which extends beyond current FEMA floodplain designations; and

WHEREAS, the REAL rules are fundamentally based on modeled sea-level rise and storm surge projections extending to the year 2100, approximately seventy-four (74) years into the future, and apply those projected conditions immediately to present-day land-use, development, and redevelopment decisions; and

WHEREAS, the Governing Body is concerned that applying regulatory standards today based on long-term projections rather than present or near-term conditions fails to reflect the typical lifecycle of residential structures, infrastructure investments, and property ownership in established communities such as Oceanport; and

WHEREAS, independent academic and scientific discussions, including analyses associated with Rutgers University and related climate research forums, have noted that some earlier sea-level rise modeling assumptions used by NJDEP—such as projections approaching five (5) feet by the year 2100—represented upper-end probabilistic outcomes, with estimated likelihoods as low as approximately seventeen percent (17%) under moderate emissions scenarios; and

WHEREAS, climate science projections inherently involve uncertainty due to variables including future greenhouse gas emission pathways, ice sheet behavior, and localized land elevation changes, none of which can be predicted with a high degree of certainty over multi-decade time horizons; and

WHEREAS, the Governing Body is concerned that anchoring binding land-use regulations to low-certainty, long-range projections, without incorporating probability thresholds or phased implementation tied to observed conditions, may result in premature and disproportionate regulatory burdens; and

WHEREAS, NJDEP's REAL rules are expected to substantially expand the areas treated as flood-regulated within coastal communities, and based on preliminary mapping and analysis, may affect a substantial majority of properties within the Borough of Oceanport due to its coastal location, floodplain exposure, and developed footprint; and

WHEREAS, such expanded regulatory designations may trigger higher required building elevations above FEMA Base Flood Elevations, restrictions on basements and subgrade construction, limitations on substantial improvements, increased construction costs, and higher flood insurance premiums for property owners; and

WHEREAS, New Jersey's 2023 flood risk disclosure law requires sellers and landlords to disclose known flood risks, and the expansion of REAL-related inundation zones may materially affect property values, marketability, financing, and long-term ownership costs within the Borough; and

WHEREAS, the Governing Body is further concerned that expanded flood mapping and regulatory classifications may impact eligibility for disaster assistance and insurance programs, while simultaneously eroding the Borough's ratable base that supports essential municipal services; and

WHEREAS, taken together, the combined effects of expanded inundation zones, elevated construction standards, and mandatory disclosures are likely to constrain redevelopment, increase housing costs, and adversely affect the long-term economic vitality of Oceanport as a built-out coastal community; and

WHEREAS, the Governing Body believes that a more incremental, transparent, and collaborative approach—developed with meaningful input from municipalities, counties, engineers, planners, property owners, and legislators—would better achieve climate resilience goals while avoiding unintended and disproportionate impacts on established coastal communities; and

WHEREAS, the Governing Body further believes that any regulatory framework of this magnitude should be supported by independent economic, social, and fiscal impact analyses, as well as clear legislative oversight and consideration of potential impacts on municipal land-use authority;

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

1. The Governing Body hereby formally opposes the NJDEP REAL regulations in their current form.

2. The Governing Body respectfully urges the Governor of the State of New Jersey, the New Jersey Legislature, and the NJDEP to withdraw the REAL rules and suspend their implementation pending further legislative review and revision.

3. The Governing Body calls upon the State to engage in a collaborative, stakeholder-driven process that meaningfully includes coastal municipalities such as Oceanport in the development of climate resilience policies.

4. The Governing Body requests that any revised regulations utilize shorter, phased planning horizons, incorporate probability-based risk assessment, rely on finalized and transparent mapping, and provide clear standards to ensure predictability for property owners and local governments.

5. The Governing Body further urges the completion of independent cost-benefit, economic, and fiscal impact analyses prior to the adoption of any new or revised regulations of similar scope.

6. A certified copy of this Resolution shall be transmitted to State Senator Vin Gopal; Assemblywoman Marjorie Donlon; Assemblywoman Luanne Peterpaul; the Commissioner of the New Jersey Department of Environmental Protection; the Governor of the State of New Jersey; and the Borough's federal legislative representatives, including United States Senator Andy Kim.

Motion: Second:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O'Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-68 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026.

____

STEPHANIE KRAMER
ACTING BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING A CONTRACT FOR FORT MONMOUTH DRAINAGE IMPROVEMENTS PHASE A
BETWEEN THE BOROUGH OF OCEANPORT AND MONARCH EXCAVATION.

Resolution #2026-69
2/12/26

WHEREAS, the Borough of Oceanport advertised bids for the Drainage Improvements Phase A between the Borough and the Fort Monmouth Economic Revitalization Authority (FMERA) approved and adopted by Resolution #2025-205 and Resolution #2025-207 and

WHEREAS, the said bid solicitation process was effectuated in accordance with prevailing provision of the Local Public Contracts Law, pursuant to N.J.S.A 40A:11-1 et seq.; and

WHEREAS, in response to the subject bid solicitations process, the Borough of Oceanport received thirteen (13) bid; and

WHEREAS, the lowest responsible bid submitted by Monarch Excavation of Lincroft, New Jersey hereinafter referred to as "Contractor" was a base bid of $646,662.67; and

WHEREAS, the Borough Engineer's recommendation is to award the base bid for a contract total in the sum of Six Hundred Forty Six Thousand, Six Hundred Sixty-Two Dollars and Sixty Seven Cents ($646,662.67); and

WHEREAS, the Contractor has complied with the mandatory requirements of N.J.S.A. 40A:11-23.2; and

WHEREAS, FMERA has reviewed and approved same,

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

1. That the Borough of Oceanport is hereby authorized to award the contract for drainage improvements – Fort Monmouth Phase A to Monarch Excavation of Lincroft, New Jersey subject to the conditions set forth herein.
2. That said Contract shall be in the total sum of Six Hundred Forty Six Thousand, Six Hundred Sixty-Two Dollars and Sixty Seven Cents ($646,662.67).
3. That the within award of Contract shall be contingent upon the Contractor submitting an Appropriate Performance Security, which guarantees shall be approved as to form by the Borough Attorney.
4. That the Mayor and Clerk are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Resolution - including but not limited to the Contract subject to the review of said Contract by the Borough Attorney.

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, certify that there are sufficient uncommitted funds available in the Fort Monmouth Drainage Improvement Account in the amount of $646,662.67 for the stated purpose subject to approval of Resolution #2025-205.

____
Catherine D. LaPorta, CFO

Motion: Second:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O'Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-69 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026.

____
STEPHANIE KRAMER
DEPUTY BOROUGH CLERK

101 Crawfords Corner Road
Suite 3400
Holmdel New Jersey 07733
Main: 877 627 3772
http://colliersengineering.com

Colliers Engineering & Design

February 4, 2026

VIA EMAIL

Mayor and Council Members
Borough of Oceanport
910 Oceanport Way
P.O. Box 370
Oceanport, NJ 07757

Recommendation of Award
Fort Monmouth Drainage Improvements - Phase A
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No.: OPB-0204

Dear Mayor and Council Members,

Bids for the above-referenced project were received at the Borough Hall on Tuesday, February 3, 2026 at 11:00 A.M. A total of Thirteen (13) bids were received at the bid opening. All were found to be in order with the exception of L & L Paving Co., Inc., which had a mathematical error in their calculation of the Total. This does not affect the order of the bidders.

The results of the bidders at the bid opening are as follows:

BIDDERS	BASE BID
Monarch Excavation	$646,662.67
James R Ientile	$722,150.00
AB Kurre Contracting, Inc.	$731,565.50
Vaughan Construction	$753,214.50
Messercola Excavating	$756,697.00
PM Construction Co.	$858,125.00
Z Brothers Concrete Construction, Inc.	$869,733.95
Underground Utilities Corp.	$934,891.00
L & L Paving Co., Inc.	$965,741.30
MSP Construction	$1,048,848.16
Montana Construction Corp., Inc.	$1,060,579.00

Colonnelli Bros., Inc.	$1,287,615.00
Seacoast Construction Inc.	$1,352,765.35

Mathematical Error

We have reviewed the bid package submitted by Monarch Excavation. and find that the price appears reasonable for this project. We have worked with this contractor and know that they are experienced and qualified to perform this type of work.

Subject to approval from the Borough Attorney and verification that funds are available for construction, Colliers Engineering & Design, Inc. recommends that the Borough award a contract to Monarch Excavation for the Base Bid Proposal in the amount of **$646,662.67.**

We have enclosed a bid tabulation for review by you and the Borough Attorney. In accordance with the Local Public Contracts Law, the Award of Contract must be made within sixty (60) days from the date of opening of the bids. The **original** bid documents will be hand delivered to the Clerk's office.

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

Sincerely,

Colliers Engineering & Design, Inc.

William H. R. White, III, PE, PP, CME, CFM, CPWM
Oceanport Borough Engineer

WHW/
Enclosures
cc: Donna Phelps, Borough Administrator (w/bid tab via email)
Stephanie Kramer, Borough Clerk (w/bid tab via email)
Katie LaPorta, CFO (w/bid tab via email)
Andrew Bayer, Esq., Borough Attorney
Laura Drahushak, Director of Legal Affairs, FMERA
Regina McGrade, Administrative Manager FMERA

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RESOLUTION ACCEPTING TAX COLLECTOR'S ANNUAL REPORT
FOR THE YEAR ENDING DECEMBER 31, 2025

RESOLUTION #2026-70
2/12/26

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Oceanport that the following Collector's Annual Report of Receipts for the Year Ending December 31, 2025, be hereby acknowledged and accepted as submitted.

Monmouth Alliance-In Lieu of Taxes	$	5,006.00
Oceanport Assoc-In Lieu of Taxes		116,920.67
KKF University-In Lieu of Taxes		325,623.71
Return Check Fee		160.00
Interest		67,864.62
2026 Taxes Prepaid		245,530.94
2025 Taxes		30,622,586.44
2024 Taxes		305,250.41
2023 Taxes		9,263.49
2022 Taxes		6,860.85
Cost of Advertising (including TWRWA)		1,046.98
Outside Liens Redeemed		71,567.92
Municipal Lien Redeemed		86,889.31
Premium Collected from Tax Sale		15,500.00
6% Penalty		8,813.12
Due to TRWRA		4,125.60
Total	$	31,893,010.06

Motion: Second:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O'Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-70 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026

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STEPHANIE KRAMER
ACTING BOROUGH CLERK

BOROUGH OF OCEANPORT
RESOLUTION APPROVING MEDIATION AGREEMENT WITH FAIR SHARE HOUSING CENTER

Resolution #2026-71
2/12/26

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act") establishing the statutory calculation of the state-wide fair share obligation for the Fourth Round of affordable housing for the time period 2025-2035; and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide its calculation of every municipality's Fourth Round fair share affordable housing obligations based upon the criteria on the Amended FHA and the DCA issued a report on October 18, 2024 (the "DCA Report") wherein it supplied its calculation of the fair share affordable housing obligation for all municipalities, including the Borough of Oceanport; and

WHEREAS, the DCA Report calculated Oceanport's Fourth Round fair share obligations as follows: Present Need (Rehabilitation) Obligation of 0 units and a Fourth Round Prospective Need (New Construction) Obligation of 61 affordable housing units; and

WHEREAS, the Borough filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action bearing the caption, In the Matter of the Borough of Oceanport, Superior Court of New Jersey, Law Division, Docket No. MON-L-239-25 on January 21, 2025; and

WHEREAS, the Borough filed its Housing Element and Fair Share Plan on June 4 2025 (the "HEFSP") setting forth its strategy to meet its Fourth Roud affordable housing obligation; and

WHEREAS, FSHC filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 31, 2025; and

WHEREAS, the Borough negotiated a Mediation Agreement with Fair Share Housing Center through the Program in order to satisfy its Fourth-Round affordable housing obligation and to maintain immunity from builder's remedy litigation through 2035;

WHEREAS, the Borough Council of the Borough of Oceanport believes it is in the best interest of the Borough to approve the Mediation Agreement thereby protecting the Borough from exclusionary zoning litigation for the next ten years.

NOW, THEFORE, BE IT RESOLVED By The Borough Council of the Borough of Oceanport, County of Monmouth, State of New Jersey, that it hereby approves the Mediation Agreement with Fair Share Housing Center in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED the Mayor is authorized to execute the Mediation Agreement on behalf of the Borough.

Motion: Second:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O'Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-71 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026

____

STEPHANIE KRAMER
ACTING BOROUGH CLERK

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM

In the Matter of the Application of the Borough of Oceanport, County of Monmouth
Docket No. MON-L-239-25

WHEREAS, the Borough of Oceanport (the "Borough" or "Oceanport") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act") on January 21, 2025; and

WHEREAS, the Court entered an order on April 1, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 61 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Borough having filed its HEFSP on May 29, 2025 ("Adopted HEFSP"); and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 30, 2025; and

WHEREAS, the Borough and FSHC have agreed to amicably resolve the issues set forth in the challenge through this mediation agreement and present this agreement for review by the Program and referral to the Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, which if approved will result in a compliance certification for the Borough for the Fourth Round;

THEREFORE, the Borough and FSHC agree:

Fair Share Obligations

1. The Borough's Present Need or Rehabilitation Obligation is 0, the Borough's Prior Round Obligation (1987-1999) is 149, the Borough's Third Round Obligation (1999-2025) is 142, the Borough's Fourth Round Prospective Need (2025-2035) is 61.

Satisfaction of Fair Share Obligations

2. The Borough does not have a present need obligation to address in the Fourth Round.
3. The Borough's Prior Round Obligation is 149 and the Borough's Third Round obligation is 142. These obligations have been combined and adjusted, resulting in a Realistic Development Potential ("RDP") of 33, and an Unmet Need of 258, which shall be addressed with the following mechanisms:

MECHANISM	TYPE	UNITS	BONUS	TENURES	STATUS
Oceanport Village	Family	12	9	Rental	Complete
Oceanport Manor	Family	9		Rental	In Progress
Borough Hall Redevelopment	Family	3		Rental	Complete
RDP Total: 33		**24**	**9**		
Old Wharf Inclusionary Zoning		TBD			Adopted
East Main Street Overlay Zoning		TBD			Adopted
Monmouth Park Racetrack Overlay Zoning		TBD			Adopted
Officer Housing	Family	16		Rental	Complete
Officer Housing	Special Needs	16 beds		Rental	Complete

Lodging Area	Family	36			Complete
Baker Circle		15			Zoned
AcuteCare	Age-restricted	17			Complete
Nurses Quarters		7			Approved
Oceanport Gardens	Age-restricted	6			
Lunch Break	Family	24		Rental	Proposed
Habcore	Supportive Housing	16		Rental	Proposed
Habcore	Veterans Supportive Housing	9		Rental	Proposed
Unmet Need Total: 142		**142**	**N/A**		

a. The 47 Unmet Need credits previously allocated in the 400 Area of Fort Monmouth have been replaced by 55 credits across the following three projects:

   i. Lunch Break – 24 family rental units

      1. This site will contain ten (10) two-bedroom units, ten (10) three-bedroom units, and four (4) four-bedroom units in a two-story building on the County leased property.

   ii. Habitat for Humanity – At least 6, and up to 8, for sale units from 4 two-family for-sale homes

      1. This project has been allocated towards Fourth Round Unmet Need, with the 6-unit gap being filled by 6 age-restricted units in Oceanport Gardens.

iii. Habcore: 25 supportive housing units with nine set aside for veterans

b. As to funding for the three projects that are replacing the 400 Area on Fort Monmouth, the State of New Jersey has made representations that they will provide funding for these projects, and there is $15 million in the current fiscal year budget for these projects. The parties agree that by March 15, 2026 the Borough will provide updated information for each of these projects as required by N.J.A.C. 5:93-5.5, to the extent it can obtain such information from the State of New Jersey.

c. Oceanport Manor includes 12 total affordable units. The remaining credits have been applied to the Prior and Third Round Unmet Need.

4. The Borough's Fourth Round Prospective Need Obligation is 61. The Borough has adjusted this obligation with a VLA, resulting in an RDP of 0 and an Unmet Need of 61.

MECHANISM	TYPE	UNITS	BONUS	TENURES	STATUS
Habitat for Humanity	Family	Up to 8		For-sale	Proposed
Monmouth Park	Age-restricted	18		Rental	Proposed
Oceanport Gardens	Special Needs	10		Rental	Complete
Unmet Need Total: 36		**36**	**N/A**		

a. FSHC identified a potential additional site for overlay zoning for additional opportunities for family housing, Block 127 Lot 4, an approximately 29-acre office park at the edge of the Borough off Route 36. The Borough has represented that it is currently investigating potential use of part or all of this site for public use. The parties agree that at the midpoint review this site will be reevaluated for potential overlay zoning if not needed for public use.

b. The Borough has identified that there will be about a $1.75 million non-residential fee payment resulting from the Netflix development. The parties agree to cooperate on developing an updated spending plan by March 15, 2026 that identifies the use of these funds first to account for any remaining needs not provided for by the $15 million state appropriation for the three aforementioned projects, and then if additional funding is left over for additional affordable housing opportunities in the Borough such as additional partnerships with Habitat for Humanity.

c. Monmouth Park is an age-restricted rental community of 298 units including 60-70 affordable units proposed by JEMB for the west side of Monmouth Park's parking lot, encompassing approximately 30 acres. Due to the cap on age-restricted units, only 18 credits may be applied toward the Fourth Round Unmet Need.

Unit Type and Income Distribution Requirements

5. The Borough and FSHC agree that the Borough's HEFSP as presented above satisfies the following standards set forth in P.L. 2024, c. 2, including but not limited to, with respect to the following, and that the Borough shall maintain satisfaction with such requirements for the Fourth Round:

    a. Age Restricted Cap. The Borough agrees that it shall not exceed the age-restricted cap found in N.J.S.A. 52:27D-311(l), which requires age-restricted units to be capped at 30 percent of the overall Fourth Round affordable housing units that address the Fourth Round Prospective Need obligation exclusive of any bonus credits.

b. Family units. Pursuant to N.J.S.A. 52:27D-211(l), the Borough shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits created to address its Fourth Round Prospective Need affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to Section 21 of P.L.1985, c.222 (C.52:27D-321).

c. Rental and family rental units. Pursuant to N.J.S.A. 52:27D-311(l), at least 25 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its Prospective Need affordable housing obligation shall be addressed through rental housing, including at least half as available to families with children.

d. Very low-income units. Pursuant to N.J.S.A. 52:27D-329.1, 13 percent of all affordable units referenced in this Agreement addressing the Borough's Prospective Need obligation shall be very low-income units for households earning 30 percent or less of the regional median income, with half of the very low-income units being available to families.

e. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311(a) and (b), and all other applicable law.

f. All Prior Round and Third Round compliance shall continue to meet with the applicable percentages and standards for bonuses, family and senior housing, rental and family rental, very low-income units, and adaptability set forth in any prior settlement agreement between FSHC and the Borough, statutory requirements, and the Prior Round and Third Round regulations.

6. In all developments that produce affordable housing, the Borough and FSHC agree that, unless varied by a prior court order of the trial court, the below terms shall apply:

   a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, length of affordability controls, and phasing of affordable units.

   b. The applicability of the updated form of UHAC versus the prior form of UHAC shall be as set forth in the statute and most current form of UHAC adopted by HMFA. Any terms of a prior agreement, judgment, or grant of substantive certification as to prior round of obligations modifying UHAC as to affordability controls longer than the now current regulations or as to very low-income units shall remain in effect as to those prior rounds of obligations.

   c. The Borough agrees that in order to meet the low-income and very low-income requirement of the Fair Housing Act, it shall adopt an ordinance requiring for all affordable housing developments in its HEFSP that 50 percent of the affordable units within each bedroom distribution shall be required to be for low-income households earning 50 percent or less of the regional median income, including 13 percent of the affordable units within each bedroom distribution shall be required to be for very low-income households earning 30 percent or less of the regional median income.

   d. The Borough agrees to review its Affordable Housing Ordinance and other ordinances to ensure that it complies with the most up to date requirements of

UHAC and revise those ordinances accordingly as part of its Fourth Round HEFSP and implementing ordinances.

e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law The affirmative marketing plan shall include the following community and regional organizations: FSHC; the Latino Action Network; the New Jersey State Conference of the NAACP; the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, and Greater Long Branch Branches of the NAACP; and the Supportive Housing Association.

Process for Approval and Implementation

7. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, the municipality and FSHC recognize that the Program and/or county level housing judge must still review this agreement and the resulting HEFSP and implementing ordinances and resolutions for compliance with the Fair Housing Act prior to issuing a compliance certification, as follows:

   a. The Borough and FSHC shall present this mediation agreement to the Program member for review upon full execution by both parties.

   b. The Program Member shall review the agreement and if satisfied with compliance with the Fair Housing Act shall refer this matter to the Mount Laurel judge for review and entry of certification of compliance, conditioned on adoption of all implementing ordinances and resolutions.

c. The Borough shall adopt all implementing ordinances and resolutions no later than March 15, 2026, including but not limited to the outstanding items identified in the next paragraph. No later than 48 hours after adoption or March 15, 2026, whichever is sooner, the Borough shall file the information required by Paragraph 8 and any other adopted ordinances and resolutions on eCourts.

d. No later than April 15, 2026, the Borough and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the Court's review or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.

e. Both parties agree to implement the terms of this Agreement. If the Program, county level housing judge, or any appellate court rejects this Agreement, the parties reserve their right to rescind any action taken in anticipation of the Program's approval and return to status quo ante. All parties shall have an obligation to fulfill the intent and purpose of this Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any Program or court ruling or judgment. The terms of this agreement may be enforced through an enforcement motion in this declaratory judgment or a separate action before the Program or the Superior Court, Law Division.

8. The Borough and FSHC agree that following conditions remain to be met prior to March 15, 2026 as conditions of compliance certification, and that the municipality shall provide these documents to FSHC in draft form for comment by February 15, 2026.

a. The Borough will provide compliance documentation for the following completed Unmet Need mechanisms, including deed restrictions, sample certificates of occupancy, and proof of affirmative marketing:

    i. Officer Housing (Fort Monmouth)
    ii. Lodging Area (Fort Monmouth)
    iii. AcuteCare (Fort Monmouth)

b. The Borough will provide the site plan approvals for the following Unmet Need mechanisms:

    i. Nurses Quarters (Fort Monmouth)

c. The Borough will adopt a Fourth Round Spending Plan in accordance with the terms in Paragraphs 3b and 4c, as well as P.L. 2024, c. 2 and N.J.A.C. 5:99.

d. As to the three projects that are replacing the 400 Area on Fort Monmouth as part of the Borough's Third Round Plan (Lunch Break, Habcore, and Habitat for Humanity), these projects are in a fairly unique position because the state has made representations that they will fund them, and there is $15 million in the current fiscal year budget for these projects. The parties agree that by March 15, 2026 they will work in good faith to update information for each of these projects as required by N.J.A.C. 5:93-5.5.

e. The Borough will update and adopt its affordable housing ordinance, development fee ordinance, affirmative marketing plan, and other administrative documents in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. 5:99 before March 15, 2026.

9. The Borough and FSHC recognize that substantial changes in circumstances affecting the Borough's RDP are possible pursuant to the holding in Fair Share Housing Center v. Cherry Hill, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the Borough shall have one hundred twenty (120) days to present to the trial court and FSHC a plan to address such change in circumstances on notice and opportunity to be heard from FSHC. The Borough agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.
10. The Borough’s Compliance Certification shall be subject to required ongoing monitoring as follows:
    a. The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality’s affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.
    b. The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type,

tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.

c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Borough or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter. As part of the midpoint review, the Borough shall reevaluate, and FSHC reserves all rights to respond to that reevaluation, the potential for overlay zoning of Block 127 Lot 4 to allow family inclusionary development.

11. This Agreement may be executed in counterparts, all of which together shall constitute the same agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended or altered in any way except by a writing signed by each of the parties. Each party acknowledges that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Unless otherwise specified, it is intended

that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections. No member, official or employee of the municipality shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

On behalf of the Borough of Oceanport:

Date:

On behalf of Fair Share Housing Center:

Date:

RESOLUTION AUTHORIZING A STIPEND TO A MUNICIPAL EMPLOYEE TO SERVE AS WELLNESS CHAMPION PURSUANT TO A GRANT FROM THE CENTRAL JERSEY HEALTH INSURANCE FUND

Resolution #2026-72
2/12/2026

WHEREAS, the Borough of Oceanport ("Municipality") participates in the Central Jersey Health Insurance Fund ("CJHIF"); and

WHEREAS, the CJHIF has awarded the Municipality a 2025 wellness grant to support employee health and wellness initiatives; and

WHEREAS, the grant includes funding to designate a municipal employee to serve as a **Wellness Champion** to coordinate and promote wellness activities for municipal employees; and

WHEREAS, Donna M. Phelps, a municipal employee, has agreed to serve as the Municipality's Wellness Champion and perform the duties required under the CJHIF wellness grant program; and

WHEREAS, the CJHIF grant provides for a stipend in the amount of **One Thousand Dollars ($1,000.00)** to compensate the Wellness Champion for these additional responsibilities; and

WHEREAS, the stipend shall be funded entirely through the CJHIF wellness grant and shall not require the use of municipal tax revenues;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oceanport, that:

1. Donna M. Phelps is hereby designated as the Municipality's **Wellness Champion** in accordance with the Central Jersey Health Insurance Fund wellness grant requirements; and
2. The payment of a **$1,000.00 stipend** to said employee is hereby authorized for service as Wellness Champion; and
3. Said stipend shall be paid from the CJHIF wellness grant funds and shall be subject to applicable payroll deductions and reporting requirements; and
4. The Mayor and/or Business Administrator/Clerk are hereby authorized to take all actions necessary to effectuate this resolution; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Central Jersey Health Insurance Fund, the Payroll Officer and any other parties as required.

Motion: Second:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O'Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-72 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026.

____

STEPHANIE KRAMER
ACTING BOROUGH CLERK

BOROUGH OF OCEANPORT
ORDINANCE #1119-
AFFORDABLE HOUSING ORDINANCE IMPLEMENTING THE FOURTH ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act") establishing the statutory calculation of the state-wide fair share obligation for the Fourth Round of affordable housing for the time period 2025-2035; and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide its calculation of every municipality's Fourth Round fair share affordable housing obligations based upon the criteria on the Amended FHA and the DCA issued a report on October 18, 2024 (the "DCA Report") wherein it supplied its calculation of the fair share affordable housing obligation for all municipalities, including the Borough of Oceanport; and

WHEREAS, the DCA Report calculated Oceanport's Fourth Round fair share obligations as follows: Present Need (Rehabilitation) Obligation of 0 units and a Fourth Round Prospective Need (New Construction) Obligation of 61 affordable housing units; and

WHEREAS, the Borough of Oceanport (the "Borough" or "Oceanport") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action bearing the caption, In the Matter of the Borough of Oceanport, Superior Court of New Jersey, Law Division, Docket No. MON-L-239-25 on January 21, 2025; and

WHEREAS, the Borough having filed its Housing Element and Fair Share Plan on June 4 2025 (the "HEFSP"); and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 31, 2025; and

WHEREAS, the Borough having entered into Mediation Agreement with Fair Share Housing Center which requires the Borough to adopt Fourth Round implementing ordinances in conformance with current statutes and regulation; and

WHEREAS, the Borough Council of the Borough of Oceanport believes it is in the best interest of the Borough to adopt the Fourth Round implementing ordinances in order to obtain compliance certification from the Program/Court thereby protecting the Borough from exclusionary zoning litigation for ten years until 2035.

NOW, THEFORE, BE IT RESOLVED By The Borough Council of the Borough of Oceanport, County of Monmouth, State of New Jersey, that it hereby repeals Chapter 108 Affordable Housing ,Article I Fair Share Provisions and Affordability Controls Sections 108-1 through Section 108 2 and Section 108-4 through Section 108-21 and replaces it with the following:

§108-1

A. Introduction & Applicability

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in Borough of Oceanport consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-302 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP").
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The Oceanport Borough Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
    a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP.
    b. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
    c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

§108-2

B. Definitions

As used herein the following terms shall have the following meanings:

"Accessory apartments" means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as "accessory dwelling units".

"Act" means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-302 et seq.

"Adaptable" means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

"Administrative agent" means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

"Affirmative Marketing Plan" means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

"Affirmative Marketing Process" or "Program" means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

"Affordability assistance" means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

"Affordability average" means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

"Affordable" means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

"Affordable housing development" means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

"Compliance certification" means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a "judgment of compliance" or "judgment of repose." The term "compliance certification" shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

"Construction" means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

"County-level housing judge" means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

"DCA" and "Department" mean the State of New Jersey Department of Community Affairs.

"Deficient housing unit" means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

"Department" means the New Jersey Department of Community Affairs.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

"Development fee" means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

"Dispute Resolution Program" means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

"Division" means the Division of Local Planning Services within the Department of Community Affairs.

"Emergent opportunity" means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

"Equalized assessed value" or "EAV" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b,and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-302 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“HMFA” or “the Agency” means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1)there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

> Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;
>
> Hotels, motels, vacation timeshares, and child-care facilities; and
>
> The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units are were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

“Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

"RCA administrator" means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

"RCA project plan" means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

"Receiving municipality" means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Recreational facilities and community centers" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

"Regional contribution agreement" or "RCA" means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

"Regional median income" means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

"Rehabilitation" means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

"Residential development fee" means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

"Spending plan" means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

"UHAC" means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

"UHORP" means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

"Unit type" means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

"Very-low-income household" means a household with a household income less than or equal to 30 percent of the regional median income.

"Very-low-income housing" means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

"Very-low-income unit" means a restricted unit that is affordable to a very-low-income household.

"Veteran" means a veteran as defined at N.J.S.A. 54:4-8.10.

"Veterans' preference" means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

"Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

§108-3

C. Monitoring and Reporting Requirements

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:

    a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml.

    b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.

c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

§108-4

D. Municipality-wide Mandatory Set-Aside

1. A development, other than single-family family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20%.
2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
3. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
5. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
7. In the event that the inclusionary set-aside of 20% of the total number of residential units does not result in a full integer, the developer shall round the set-aside upward to construct a whole additional affordable unit.

§108-5

E. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-302 et seq.). Per the definition of “New Construction,” this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50
75	75
90	100

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
   a. Design of 100 percent affordable developments:
      i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
      ii. Each bedroom in each restricted unit must have at least one window.
      iii. Restricted units must include adequate air conditioning and heating.
   b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
      i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
      ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
      iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
      iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
      v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
      vi. Each bedroom in each restricted unit must have at least one window.

vii. Restricted units must be of the same unit type as market-rate units within the same building.

viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:

i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.

ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.

iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.

iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).

vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

vii. Each bedroom in each restricted unit must have at least one window; and

viii. Restricted units must include adequate air conditioning and heating.

4. Utilities.

a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.

b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).

5. Low/moderate split and bedroom distribution.

a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.

b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.

c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.

d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:

   i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;

   ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;

   iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units.

   iv. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units.

   v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units.

   vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.

e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

6. Accessibility requirements.

   a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. “Ground floor” means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

   b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:

i. An adaptable toilet and bathing facility on the first floor;

ii. An adaptable kitchen on the first floor;

iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;

iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;

v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and

vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

(a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

(b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

(c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

(d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.

(e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.

vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

§108-6

F. Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, “All parties shall be

entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.

2. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).

   a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:

      i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

      ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.

      iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.

      iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.

      v. Occupancy shall not be restricted to youth under 18 years of age.

      vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.

      vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:

         (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;

         (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).

      viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.

ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.

x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:

(a) An Affirmative Marketing Plan in accordance with D1 above; and

(b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

xi. The sponsor/owner shall complete annual monitoring as directed by the MHL.

§108-6

G. Regional Income Limits.

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

H. Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income.
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units

must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.

6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.

7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:

   a. A studio or efficiency unit shall be affordable to a one-person household;

   b. A one-bedroom unit shall be affordable to a one and one-half person household;

   c. A two-bedroom unit shall be affordable to a three-person household;

   d. A three-bedroom unit shall be affordable to a four and one-half person household; and

   e. A four-bedroom unit shall be affordable to a six-person household.

8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:

   a. A studio or efficiency unit shall be affordable to a one-person household;

   b. A one-bedroom unit shall be affordable to a one and one-half person household; and

   c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.

9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.

10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for

tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.

11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled “Housing in Northeast urban, all urban consumers, not seasonally adjusted.” Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

§108-7

I. Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
    a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-,low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
    b. There shall be a regional preference for all households that live and/or work in Housing Region 4 comprising Monmouth, Mercer and Ocean Counties.
    c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
    d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.

5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.

6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.

7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.

8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

J. Selection of Occupants of Affordable Housing Units.

1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.

2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

K. Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

   a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;

   b. Provide a bedroom for every two adult occupants;

   c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and

   d. Avoid placing a one-person household into a unit with more than one bedroom.

L. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.

2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
    a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
    b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

§108-8

M. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
    a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
    b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.

i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.

ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3

c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:

i. those that render the unit suitable for a larger household or the addition of a bathroom.

ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);

d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

N. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.

2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible

low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

   a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;

   b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or

   c. The household is currently in substandard or overcrowded living conditions;

   d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

O. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

   With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

P. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.

2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.

3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.

4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.

5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.

7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

   a. Sublease or assignment of the lease of the unit;

   b. Sale or other voluntary transfer of the ownership of the unit;

   c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or

   d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

Q. Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.

2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.

3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
    a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed $30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

R. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
    a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
    b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
    c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
    a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

c. The household is currently in substandard or overcrowded living conditions;

d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

§108-9

S. Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.

2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.

3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:

a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.

b. The oversight of the Affirmative Marketing Plan and affordability controls.

c. When applicable, overseeing and monitoring any contracting Administrative Agent.

d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.

e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.

f. Coordinating meetings with affordable housing providers and administrative agents, as needed.

g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.

h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.

i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.

j. Listing on the municipal website contact information for the MHL and Administrative Agents.

§108-10

T. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
    a. Administrative agent fees related to rental units shall be paid by the developer/owner.
    b. Administrative agent fees related to initial sale of units shall be paid by the developer.
    c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
    d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
    a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
    b. Affirmative marketing:
        i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
        ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
    c. Household certification.
        i. Soliciting, scheduling, conducting and following up on interviews with interested households.
        ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
        iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
        iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the firm, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.

v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.

vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.

d. Affordability controls.

i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.

ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.

iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.

iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.

e. Records retention.

i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.

ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.

f. Resales and re-rentals.

i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.

ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.

g. Processing requests from unit owners.

i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.

ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.

iii. Notifying the municipality of an owner's intent to sell a restricted unit.

iv. Making determinations on requests by owners of restricted units for hardship waivers.

h. Enforcement.

i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;

iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and

v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

U. Responsibilities of The Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:

a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.

b. The total number of units in the project and the number of affordable units.

c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.

d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.

e. A projected construction schedule.

f. The location of any common areas and elevators.

g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.

2. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:

a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.

b. Provide to the administrative agent a description of any applicable fees.

c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.

d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.

e. Provide to the administrative agent a proposed form of lease for any rental units.

f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive that the tenant selection criteria for applicants for non-restricted units.

g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.

3. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:

   a. Proposed pricing for all units, including any purchaser options and add-on items.

   b. Condominium or homeowner association fees and any other applicable fees.

   c. Estimated real property taxes.

   d. Sewer, water, trash disposal, and any other utility assessments.

   e. Flood insurance requirement, if applicable.

   f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

§108-11

V. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

   a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

   i. A fine of not more than $500 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
   ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
   iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be $5,000, the fine for the second offense of noncompliance shall be $10,000, and the fine for each subsequent offense of noncompliance shall be $15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
   a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality , including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
   b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.

e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.

f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

8. Appeals

   a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

BE IT FURTHER RESOLVED Article II Development Fees, Sections 108-22 through108-31 are hereby repealed and replaced with the following:

§108-12

W. Development Fees.

1. Purpose

   a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

§108-13

2. Basic Requirements

   a. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.

   b. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

§108-14

3. Residential Development Fees

   a. Imposed fees

      i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.0% of the equalized assessed value for residential development, provided no increased density is permitted..

      ii. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b. Eligible exactions, ineligible exactions and exemptions for residential development

i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.

ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.

iii. Nonprofit organizations constructing residential projects which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.

iv. Federal, state, county and local governments shall be exempted from paying a development fee.

v. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

§108-15

4. Non-Residential Development Fees

a. Imposition of fees

i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

ii. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b. Eligible exactions, ineligible exactions and exemptions for non-residential development

i. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.

ii. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

d. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

e. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

§108-16

5. Collection Procedures

a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

c. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.

d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.

e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.

f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

g. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).

h. Fifty percent (50%) of the residential development fee shall be collected at the time of issuance of the construction permit. However, in no event shall the Borough collect more than $5,000 at the time of issuance of the construction permit in connection with a residential development fee. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

i. The non-residential development fee shall be collected at the time of issuance of the certificate of occupancy.

6. Appeal of development fees

   a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

   b. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing Trust Fund

   a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

   b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

      i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;

      ii. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;

      iii. Rental income from municipally operated units;

      iv. Repayments from affordable housing program loans;

      v. Recapture funds;

      vi. Proceeds from the sale of affordable units; and

      vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.

   c. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.

   d. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:

      i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;

      ii. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;

      iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;

      iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;

      v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;

      vi. Revocation of compliance certification or a judgment of compliance and repose;

      vii. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;

viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.

e. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

§108-18

8. Use of Funds

a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.

c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.

i. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

ii. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

d. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

§108-19

9. Monitoring
    a. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.
10. Ongoing Collection of Fees
    a. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
    b. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).
11. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

Repealer

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date

This ordinance shall take effect upon its passage and publication, as required by law.

APPROVED ON FIRST READING

DATED:

STEPHANIE KRAMER

Acting Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED:

STEPHANIE KRAMER

Acting Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS__________DAY OF _____________

THOMAS J. TVRDIK

Mayor

AN ORDINANCE OF THE BOROUGH OF OCEANPORT
ORDINANCE #1120

TO AMEND CHAPTER 390-14 "Zoning", TO ADD
THE R-5 AFFORDABLE HOUSING OVERLAY (R-5 AHO) ZONE.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that Chapter 390 (Zoning) of the Code of the Borough of Oceanport is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter 390-14* of *Zoning* to add a Section 390-14.D R-5 Affordable Housing Overlay District (R-5 AHO).

Unless otherwise indicated these regulations and standards are the only standards that apply to this zoning district.:

SECTION 1

That Chapter 390, Zoning, Section 390-14.D R-5 Affordable Housing Overlay (R-5 AHO) shall be added as follows:

390-14 D R-5 Affordable Housing Overlay (R-5 AHO)

a. Purpose: The R-5 AHO Zone is intended to provide an option through overlay zoning for 100% affordable housing residential units.

b. Location. The R-5 AHO Zone is applicable to Block 110, Lot 17.

c. Permitted uses. The following principal uses shall be permitted provided all units are affordable to very-low, low and moderate income households in accordance with the Borough's Affordable Housing Ordinance:

1. Two-Family Residences.
2. Supportive and Special Needs housing.

d. Accessory Uses Permitted. Accessory uses and structures customarily incidental and subordinate to any permitted principal use or structures.

e. Development Standards

1. Maximum units: Up to Eight (8) units within up to four (4) two-family structures.

2. Maximum height: 2.5 stories or 35 feet.

3. Maximum building coverage: 65%

4. Maximum lot coverage: 80%

5. Minimum front yard setback: 30 feet

6. Minimum side yard setback: 10 feet

7. Minimum rear yard setback: 10 feet

8. Affordable Housing.

   a. Affordable units in said projects must be affordable to very-low- and moderate-income households in accordance with the Borough's Affordable Housing Ordinance, the Borough's Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and applicable New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.

   b. The affordable housing shall include standards for the split between low and moderate income housing providing a minimum of thirteen percent (13%) of the affordable units within each bedroom distribution as very low-income units at thirty percent (30%) of the median income, thirty-seven percent (37%) of the affordable units within each bedroom distribution as low-income units, with the fifty percent (50%) balance of units within each bedroom distribution allowed to be moderate-income units

Effective Date
This ordinance shall take effect upon its passage and publication, as required by law.

APPROVED ON FIRST READING
DATED:

STEPHANIE KRAMER
Acting Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING
DATED:

STEPHANIE KRAMER
Acting Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS_________DAY OF ____________
THOMAS J. TVRDIK
Mayor

BOROUGH OF OCEANPORT
ORDINANCE NO: 1118

ORDINANCE REDUCING SPEED LIMIT OF PORT-AU-PECK AVENUE FROM 40 MPH TO 25 MPH BETWEEN BRANCHPORT AVENUE AND MRYTLE AVENUE

WHEREAS, the Borough of Oceanport (the "Borough") has established speed limits for certain streets or parts of streets within the Borough through the adoption of § 64-24 and Schedule XIX (§ 64-51) of the Borough Code, including speed limits for Port-Au-Peck Avenue; and

WHEREAS, the speed limit along Port-Au-Peck Avenue between Branchport Avenue (CR 29) and Myrtle Avenue (CR 29A) is currently 40 miles per hour; and

WHEREAS, the Borough commissioned a Speed & Safety Investigation dated October 31, 2025, by Colliers Engineering & Design ("Colliers"), to assess the need to lower the speed limit along Port-Au-Peck Avenue between Branchport Avenue (CR 29) and Myrtle Avenue (CR 29A) within the Borough; and

WHEREAS, based on its engineering study, New Jersey State laws, and Manual on Traffic Control Devices ("MUTCD") guidelines, Colliers recommended the speed limit along Port-Au-Peck Avenue between Branchport Avenue (CR 29) and Myrtle Avenue (CR 29A) be reduced from 40 miles per hour to 25 miles per hour; and

WHEREAS, pursuant to numerous statutory schemes, including but not limited to N.J.S.A. 39:4-197, N.J.S.A. 39:4-8, and MUTCD § 2B.21, the Borough is authorized to lower the speed limit on the relevant part of Port-Au-Peck Avenue; and

WHEREAS, the Borough Council believes that for reasons of it is in the best interest of the Borough for reasons of public safety and welfare to reduce the speed limit along Port-Au-Peck Avenue between Branchport Avenue (CR 29) and Myrtle Avenue (CR 29A) from 40 miles per hour to 25 miles per hour.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport, County of Monmouth State of New Jersey that Chapter 64 of the Borough Code, Article XI "Speed Limits", Section 64-24 "Speed Limits for Certain Streets Designated", and Section 64-51 Schedule XIX "Speed Limits" is hereby amended as follows:

Name of Street	Speed Limit	Location
Port Au Peck Avenue	25 mph	Between Branchport Avenue and Myrtle Avenue

BE IT FURTHER ORDAINED that all signs, posts, or other necessary materials be installed and paid for by the Borough. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

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

BE IT FURTHER ORDAINED that a copy of this ordinance be provided to the Chief of Police the Borough Engineer, Borough Administrator, and the New Jersey State Commissioner of Transportation.

APPROVED ON FIRST READING
DATED: January 22, 2026

STEPHANIE KRAMER
Acting Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING
DATED:

STEPHANIE KRAMER
Acting Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS_________DAY OF ____________
THOMAS J. TVRDIK
Mayor

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

Resolution #2026-73
02-12-26

WHEREAS, the Mayor & Council of the Borough of Oceanport are subject to the requirements of the Open Public Meeting Act N.J.S.A. 10:4-6 et seq.; and

WHEREAS, the Open Public Meetings Act of the State of New Jersey generally requires that all meetings of public bodies be open to the public; and

WHEREAS, the Open Public Meetings Act further provides that a public body may exclude the public from a portion of a meeting at which time the public body discusses items enumerated in the Open Public Meetings Act at N.J.S.A. 10:4-12b, which items are recognized as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Mayor & Council of the Borough of Oceanport to discuss certain matters in a meeting not open to the public consistent with N.J.S.A. 10:4-12b.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Oceanport, pursuant to the Open Public Meetings Act of the State of New Jersey, as follows:

1.) The Mayor & Council shall hold a closed meeting from which the public shall be excluded on **February 12, 2026**

2.) The general nature of the subjects to be discussed at said closed meeting shall be related to

______	N.J.S.A. 10:4-12(b)(1)	*Matters Required by Law to be Confidential*
______	N.J.S.A. 10:4-12(b)(2)	*Matters Where the Release of Information Would Impair the Right to Receive Funds*
______	N.J.S.A. 10:4-12(b)(3)	*Matters Involving Individual Privacy*
X	N.J.S.A. 10:4-12(b)(4)	*Matters Relating to Collective Bargaining and Contract Agreements*
______	N.J.S.A. 10:412(b)(5)	*Matters Relating to the Purchase, Lease or Acquisition of Real Property-Open Space*
______	N.J.S.A. 10:4-12(b)(6)	*Matters Relating to Public Safety and Property*
X	N.J.S.A. 10:4-12(b)(7)	*Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege-Affordable*
___	N.J.S.A. 10:4-12(b)(8)	*Matters Relating to the Employment Relationship*
______	N.J.S.A. 10:4-12(b)(9)	*Matters Relating to the Potential Imposition of a Penalty*

3.) The minutes of said closed meeting shall be made available for disclosure to the public consistent with N.J.S.A. 10:4-13, when the items which are subject of the closed session discussion are resolved and a reason for confidentiality no longer exists.

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

Motion: Second:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Deerin	( )	( )	( )	( )
Gallo	( )	( )	( )	( )
Keeshen	( )	( )	( )	( )
Manna	( )	( )	( )	( )
O'Brien	( )	( )	( )	( )
Cooper	( )	( )	( )	( )
Tvrdik	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2026-73 approved by the Oceanport Borough Council at the Regular Meeting held February 12, 2026

____
STEPHANIE KRAMER
ACTING BOROUGH CLERK