



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

AGENDA • NOVEMBER 4, 2021

Workshop

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Meeting Called to Order

II. Statement of Compliance with Open Public Meetings Act:

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

III. Flag Salute

IV. Roll Call

V. Administrator's Report

VI. Clerk's Report

Regular Meeting Items

1. Resolution authorizing payment of Bill List
2. Resolution authorizing Tax Sale Redemption #21-00003
3. Resolution authorizing Tax Sale Redemption #21-00010
4. Resolution renewing SCAT agreement with Monmouth County for 2021
5. Resolution authorizing 2021 budget appropriation transfers
6. Receipt & Acceptance of Minutes, Parks & Recreation Committee, Sept. 8, 2021
7. Workshop Minutes, October 7, 2021
8. Regular Meeting Minutes, October 21, 2021

VII. Discussion Items

1. Resolution appointing an Administrative Assistant for the Court Office
2. Resolution awarding contract for Community Center Park Improvements
3. Resolution rejecting bids for Old Wharf House Renovations
4. Ordinance for Electrical Vehicles
5. Telecommunication Installations - Environmental Advisory Committee
6. Proposed Ordinance Establishing an Environmental Commission, Councilwoman Walker

VIII. Mayor's Report

IX. Petitions from the Public

X. Adjournment

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING REDEMPTION OF TAX
SALE CERTIFICATE #21-00003 FOR BLOCK 10, LOT 20.05 KNOWN AS 71 IROQUOIS AVE**

Resolution

WHEREAS, at the Borough Tax Sale held on October 1, 2021, a lien was sold on Block 10 Lot 20.05 otherwise known as 71 Iroquois Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 21-00003 was sold to US Bank Cust/PC8Firstrust Bank at an interest rate of 18%; and

WHEREAS, the owner has redeemed certificate 21-00003 in the amount of \$490.89.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$490.89 payable to US Bank Cust/PC8Firstrust Bank, 50 South 16th St. Suite 2050, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate 21-00003.

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING REDEMPTION OF TAX
SALE CERTIFICATE #21-00010 FOR BLOCK 139, LOT 14 KNOWN AS 138 S PEMBERTON
AVE**

Resolution

WHEREAS, at the Borough Tax Sale held on October 1, 2021, a lien was sold on Block 7 Lot 2.01 otherwise known as 138 S Pemberton Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 21-00010 was sold to US Bank Cust/PC8Firsttrust Bank at an interest rate of 18%; and

WHEREAS, the owner has redeemed certificate 21-00010 in the amount of \$219.48.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$219.48 payable to US Bank Cust/PC8Firsttrust Bank, 50 South 16th St. Suite 2050, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate 21-00010.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF
OCEANPORT AND THE COUNTY OF MONMOUTH PROVIDING "SCAT" SERVICES FOR 2022**

Resolution

BE IT RESOLVED, by the Governing Body of the Borough of Oceanport that an Agreement between the Board of Chosen Freeholders of the County of Monmouth, and the Borough of Oceanport, for Special Citizens Area Transportation System (SCAT) for the year 2022 for one-full day per week at a cost of \$155.00 per week, be and the same is hereby approved and confirmed; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute said agreement on behalf of the Borough of Oceanport, and attested to by the Borough Clerk.

Monmouth County

Board of County Commissioners

DIVISION OF TRANSPORTATION

KATHLEEN LODATO

DIRECTOR

e-mail address

Kathleen.lodato@co.monmouth.nj.us



TRANSPORTATION LIASON

COMMISSIONER DIRECTOR

THOMAS A. ARNONE

e-mail address

Thomas.arnone@co.monmouth.nj.us

RECEIVED

OCT 26 2021

Borough of Oceanport

Dear Administrator,

October 21, 2021

Please find enclosed a copy of the Transportation agreement for the period of January 1, 2022 – December 31, 2022. This agreement provides Municipal sponsored food shopping transportation for the senior and disabled population of your town.

As Director I would like to inform you that I am able to offer you the same service that your residents have become accustomed to while stabilizing the cost for yet another year, there will be no increase in the transportation rate that you are currently paying, that price will remain stable for one more year, the length of this agreement.

With the prices raising for so many services within our State and with each Municipality suffering cutbacks I feel that it is the best time for all of us to united so that our Seniors who depend on us for so many if their transportation need still receive the best, we have to offer at a price that is affordable.

I look forward to a long working relationship with you and if I can be of any further assistance, please do not hesitate to call me. Please have the agreement placed on your agenda as soon as possible so that it can be voted on and signed, I would like all signed agreements returned no later than December 15, 2021 so that I may have them ready for signature by the Commissioner Director on December 21, 2021. If you cannot have your signed agreement back by December 15, 2021, it is very important that you call my office so that your transportation service is not interrupted.

Kathleen Lodato, Director

Monmouth County Division of Transportation

THIS AGREEMENT entered into **January 1, 2022** by and between the COUNTY OF MONMOUTH (hereinafter referred to as the COUNTY) and **BOROUGH OF OCEANPORT** hereinafter referred to as the MUNICIPALITY/AGENCY).

WHEREAS, the Monmouth County Board of County Commissioners has established the Special Citizens Area Transportation System (hereinafter referred to as SCAT); and

WHEREAS, the MUNICIPALITY has requested that the COUNTY provide service to eligible residents; and

WHEREAS, it is necessary to set forth the responsibilities of both parties in this agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained and for other good and valuable considerations, it is mutually agreed between the parties as follows: Services to be provided under this Agreement will include transportation to and from local food markets. Destinations and pick-up sites will be determined at the discretion of the SCAT coordinator. Ridership on SCAT vehicles shall include those persons 60 years of age and older, in accordance with the rules and regulations set forth in Title III of the Older Americans Act of 1965, as amended in 1978. Service will be provided without regard to disability, in compliance with the provisions of Section 504 of the Rehabilitation Act of 1973. Ridership will also be extended to disabled persons under 60 years of age as vehicle space and time is available. "Disabled" is defined, as per Title 17 of the New Jersey Administrative Code, as a person who may be classified as having a physical impairment which manifests itself in one or more of the following ways: non-ambulatory, semi-ambulatory, visually impaired, deaf or hearing impaired, having faulty coordination, or having reduced mobility, flexibility, coordination or perceptiveness due to age, physical or mental conditions.

1. Vehicles used to provide services under this agreement will be owned, operated, insured and maintained by the COUNTY. All vehicle drivers will have current Operator's and Commercial Driver's License (CDL).
2. Vehicles shall be housed at the COUNTY garage, Freehold Township, or at location agreed to by the parties concerned. The SCAT coordinator will attempt to schedule maintenance work at a time which will afford the least interruption to the normally established service schedules. The provision of auxiliary transportation in the event of major maintenance or accident will be at the discretion of the coordinator of the SCAT Program or his/her designee.
3. Service will be provided for either a half or a full day as specified in Appendix A to this agreement. The COUNTY reserves the right to re-schedule the days of services based upon the availability of vehicles. The days of operation may be re-scheduled by the SCAT coordinator as needed.
4. Additional days of extended service may be provided under this agreement with authorization of the MUNICIPALITY contingent upon the availability of drivers and vehicles and approval of the SCAT coordinator. The MUNICIPALITY will be charged at the rate of a full day of service, plus \$.18 per mile, door to door.
5. The SCAT coordinator may establish routes which would serve two or more MUNICIPALITIES on a given day as long as the existing level of service in the MUNICIPALITY is maintained or improved.
6. A local coordinator will be supplied by the contracting party, either municipal or private, to aid the SCAT coordinator in daily operations.
7. The MUNICIPALITY will be billed on a quarterly basis for services provided at the per diem rate as set forth in Appendix A. The SCAT coordinator will detail the dates as to when services were provided during the quarter. The MUNICIPALITY will make payments within 30 days of the billing date, providing that the billing is in conformity with this agreement. Such payment shall be made by check, and be made payable to the Treasurer, County of Monmouth.

8. Provision of service by the COUNTY under this agreement is conditional upon continued availability of funding through Title III of the Older Americans Act.
9. This contract will be in effect from **January 1, 2022** to **December 31, 2022**, or until a subsequent contract is executed.
10. Tolls and other over-the -road parking charges incurred by the vehicle in normal operation of the vehicle will be borne by the MUNICIPALITY which requires the vehicle to traverse toll roads or incur parking or other over-the-road costs provided that the vehicle driver furnishes a receipt substantiating such out-of-pocket cost the MUNICIPALITY. A copy of such receipts and record of payment by the MUNICIPALITY shall be furnished to the SCAT coordinator within seven (7) days after use of the vehicle by either the MUNICIPALITY or contracting parties.
11. The COUNTY reserves the right to alter this agreement or to increase the per diem rate for vehicle operation based on increased costs subject to forty-five (45) days' notice.
12. Either party may terminate this agreement upon sixty (60) days written notice to the other party. Notice shall be sent by certified mail return receipt requested to the Monmouth County Board of County Commissioners in the case of the County and the Municipal Clerk in the case of the municipality.

IN WITNESS WHEREOF, the parties hereto have caused those present to be signed by their respective authorized officers and their respective corporate seals to be hereunto affixed the day and year first above mentioned.

APPENDIX A

MUNICIPALITY:

BOROUGH OF OCEANPORT

Days of Service Per Week:

FULL DAYS 1 FULL DAY.

HALF DAYS

Charges:

RATE* FULL DAY \$155.00

RATE* HALF DAY _____.

*Rate is based on average daily passengers.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING 2021 BUDGET APPROPRIATION TRANSFERS**

Resolution

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

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

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

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

BUDGET TRANSFERS - 11/4

FROM:

	AMOUNT	ACCOUNT
COAH Legal	\$ (5,000.00)	01-201-20-155-219
Redevelopment Legal	\$ (5,000.00)	01-201-20-155-220
Water/Sewer	\$ (5,000.00)	01-201-31-430-204
Street Lighting	\$ (5,000.00)	01-201-31-430-207
Gasoline & Oil	\$ (5,000.00)	01-201-31-430-208
	\$ (25,000.00)	

TO:

Police Overtime	\$ 25,000.00	01-201-25-240-103
	\$ 25,000.00	

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

**OCEANPORT RECREATION COMMITTEE
MEETING MINUTES
September 8, 2021**

Minutes of the regular meeting of the Oceanport Recreation Committee held
on
Wednesday evening, September 8, 2021

In attendance: Members:
Jay Silverman
Jackie Patterson
Therese Wollman
Lexi Hetzel
Joanne Hunt
Scott Marcantanio
Beth Watkins
Dave Walker
Debbie Peterson
Scott Marcantanio
Greg Lockwood
Also Present Ritchie Arlt, DPW

Absent: Bill Deerin

Open Meeting/Flag Salute

Meeting called to order by Scott Marcantanio at 7:30pm. Motion to open the meeting was made by Jay Silverman and seconded by Therese Wollman.

Approval of Minutes

The August 11 meeting minutes were reviewed. The motion to approve the meeting minutes was made by Scott Marcantanio and seconded by Dave Walker. All were in favor.

Correspondence:

Joanne Hunt reported on the following correspondence:

Joanne Hunt received a resignation letter from Spencer Carpenter.

Joanne Hunt also received an email from Mayor Coffey with instructions for "Light up the Shore" on 9-11.

Kathy Conte (ice cream vendor) requested to be present at the September movie and Halloween. Note: The Committee agreed to the movie but did not want any vendors at the trunk or treat.

Public Comments: Motion to open to the public was made by Jay Greg Lockwood at 7:38 pm and seconded by Therese Wollman.

As there was no public present, in a motion made by Greg Lockwood and seconded by Therese Wollman, the meeting was closed to the public at 7:38 pm.

Recreation Coordinator Report- Joanne Hunt

Movie Night- September 18- “TROLLS”- this will start at 7:30 pm. For advertising- we the new Instagram account, banners, website, and Facebook.

Halloween- October 23- The Committee decided on a Trunk or treat with a set time of 11 to 1- at the new Borough Hall area. The discussion determined that there would not be a “Parade” but that we would select one best in show and then encourage prizes for the trunks.

Joanne will order back up Halloween candy and have bags with stickers and pencils ready to give out at the starting area. The new time would be better to keep flow moving.

Therese will order banners.

Revenue

2021 Boat Permits \$10,970.00

2021 Field Revenue \$ 22,720.00

New Field Requests:

Scouts- 9/25-26 BBB

Trinity Hall Team- Mon/Thurs. 3

3:30-5 pm at BBB Court 1- Sept 15 to October 8.

All were approved.

Council Liaison Report:

Bill Deerin was not present not present, no report

Steve Brisky reported on the following information:

Focus has been on BBB and Old Wharf (and all parks) to give more attention to detail.

At Blackberry Bay Park:

1. Bleachers were removed from the rink.
2. Dog obstacle removed.
3. Abandoned baseball/softball backstop removed.
4. Trying to stay on top of bathrooms.
5. Air conditioning in Pavilion was repaired. Each unit is on separate thermostat. Previous single thermostat was causing short circuiting.
6. Air Units inside pavilion were disassembled and cleaned by DPW personnel. Bathroom units are on the schedule.
7. Entrance and flagpole area were weeded, and flowers were planted. Mulch to follow.
8. Bulkhead hardware was checked and tightened where necessary.
9. Pool area has been maintained, although not groomed and detailed as the rest of the park.
10. Baseball fields have been groomed.
11. Tennis Nets have been secured after heavy wind days.

At Old Wharf Park:

1. Old Fire Alarm has been restored and old hardware was replaced.
2. Tons of debris, weeds, overgrowth, have been removed. Bushes and trees trimmed.
3. Sidewalks and curbs have been edged.

Summers End Update: Jay Silverman

Rock wall, rides, stage, and fireworks are all set.

“Radio Riot” Band confirmed

50/50- both first aid and fire can do it

No fire truck rides per Ritchie Arlt

There was a long discussion about the need for additional lights- Scott was able to secure them from football and

Envelopes-To date before expenses \$44,169.00. Barnabas \$2500.

2021 start surplus- \$32,600.25

Enzo’s and Mody ice cream confirmed

Alexa confirmed the fitness event

Jay Silverman will send information to public services.

Tent confirmed- will be delivered on Thursday- The Committee decided to move the location closer to the tennis court

Tables- we will try to minimize delivery- groups have been told to bring their own

Goal received for disc golf demo

Rides, fireworks, and all vendor paperwork completed.

DPW would like to use truck instead of dumpsters
 Port o Johns confirmed- delivery on Friday
 There will be no face painting
 Rock wall will arrive at 4 pm
 Band is confirmed- some minor paperwork issues but they will be processed.
 50/50 confirmed
 PA- Beth
 Joanne will create a notice for “Light Up the Shore” and glow sticks have been delivered. Bagpipers will play at 8:30 pm, 3 minutes of silence at 8:43 and fireworks at 8:40 lasting until exactly 9-11 pm.

Subcommittee Reports:

Subcommittee & Officer Review Panel- Scott Marcantano- no report.
 Debbie Peterson will take over tree lighting.
Nominations: Greg Lockwood- no report
Sonny Giordano Award- Greg Lockwood –no report
Egg Scramble- Dave Walker- no report.
Mini Golf- Joanne Hunt- no report
Memorial Day Parade Committee- No report
Movies- Wollman/Hunt- Previously discussed.
Summer’s End Report- Jay Silverman-Previously discussed
Halloween- Dave Walker/Joanne Hunt- previously reported.
Tree Lighting- Joanne Hunt stated there was no response regarding a tree from Council and she will update at next meeting.
Decorating Contest- Jay Silverman- no report
Disc Golf- Scott Marcantano/Alexa Hetzel- September 25th -all set. Scott has the equipment and hopefully we will draw some interest from Summer’s End.
Grants/Parks- Borough completed application for pickle ball courts and community garden. Joanne sent in letter of support for courts. The Committee was still in favor of 2022 Open Space grant application for Evergreen and Trinity.
Park Maintenance Reports- Scott Marcantano- Steve’s report was very helpful.

Finance Report- Greg Lockwood emailed the report.

Foundation balance: \$7623.00 – we need to decide what to do with this money. This needs to be discussed soon.

Old Business:

- Pickle Ball- grant application- there is a blueprint which Joanne can share in October.

- Field Ordinance- Joanne Hunt reported that this is on the website, and she will send the final ordinance to all for review.
- 2022 Open Space grant application-Previously discussed
- The RFP is out for the CC Park work from last Open Space Grant.
- Defibrillators- Jay Silverman asked Joanne Hunt to report battery date of 5/28/21 to Steve Briskey.

New Business:

Other New Business- Membership- There is now an opening- everyone should ask around for interest.

Scott Marcantanio and Jay Silverman commented on the County's report of approx. 1000 visitors/day at Wolf Hill Park!

There was no other new business.

Adjourn: Motion to adjourn was made by Therese Wollman and seconded by Scott Marcantanio at 9:13 pm. Next meeting: October 13, 2021, at BlackBerry Bay Park. Debbie Peterson will bring beverages.

Respectfully submitted, Joanne Hunt

Refreshment Schedule

Note- *December meeting is a potluck or dinner out

Debbie Peterson	10/13/21
Jackie Patterson.	11/10/21
Therese Wollman.	1/12/22
Lexi Hetzel	2/9/22
Spencer Carpenter	3/9/22
Greg Lockwood	4/13/22
Beth Watkins	5/11/22
Scott Marcantanio	6/8/22
Bill Deerin	7/13/22
Dave Walker	8/10/22

**BOROUGH OF OCEANPORT****MAYOR & COUNCIL****MINUTES • OCTOBER 7, 2021****Workshop****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Meeting Called to Order:** Council President O'Brien called the meeting to order at 7:00 PM
- II. **Statement of Compliance with Open Public Meetings Act:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Council President O'Brien led attendees and members of Council in the flag salute
- IV. **Invocation:** None
- V. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Absent	
William Deerin	Councilman	Absent	
Richard Gallo	Councilman	Present	
Bryan Keeshen	Councilman	Late	07:09 PM
Michael O'Brien	Councilman	Present	
Thomas Tvrdik	Councilman	Present	
Meghan Walker	Councilwoman	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	
Donna M. Phelps	Borough Administrator	Present	
Catherine D. LaPorta	Chief Financial Officer	Present	

VI. RESOLUTIONS:**#2021-201** Resolution authorizing payment of BILL LIST

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

#2021-202 Resolution authorizing solicitation of bids for Old Wharf House Renovations

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

- VII. **Administrator's Report:** Ms. Phelps reported on items including Shore Regional school bussing agreement for 2021-2022 and the amount of increase, changes in formula and that document would be updated to reflect Borough official signatures; opportunity to purchase a used garbage truck that needs some repairs from Shrewsbury that they were sending to auction for \$15,000 but have offered to Oceanport for \$10,000 – funds are available and would be useful for DPW's use; hiring process underway for administrative assistant in the court office and a recommendation for

appointment would likely be ready for the next meeting agenda; County road projects in Oceanport had a pre-construction meeting with work completion expected in Spring 2022. Ms. Phelps also reported that Oceanport's application for Community Development Block Grant funding for Old Wharf Park parking lot project had ranked #6 which typically results in funding – request had been for \$200,000 and CDBG representatives allocated \$189,392 which was the highest amount allocated out of all the projects. MEL JIF survey of buildings and parks and job safety observation of public works; some areas to address include surface cracks in Blackberry basketball court and Community Center tennis courts; eye protection signage and new eyewash bottles at DPW and secure vertical ladders; tree limbs to be cut back from play equipment at Community Center Park and grass to be removed from cushion material at Charles Park – she will work with the appropriate personnel to correct deficiencies; reported steps taken to apply for reimbursement of the fish kill expenses with a resolution requested for the next meeting to authorize the grant application.

Councilman Gallo asked where the County is paving along Oceanport Avenue, if the Borough could petition the State or Monmouth Park to redo the curbs and sidewalks along Oceanport Avenue which are atrocious. Ms. Phelps offered to reach out to the Borough Engineer to see what could be done.

Ms. Phelps invited Ms. LaPorta, CFO to provide an update on various finance items.

Ms. LaPorta advised that the State had approved the Borough's request for the dedicated trust funds for the fire prevention bureau; at the recommendation of Councilman O'Brien, she investigated membership and use of the Keystone Purchasing Network which she also had reviewed with the Borough Attorney and would request a resolution to approve participation at the next meeting. She also reported that the State had released the 2021 best practices questionnaire which she was working on with Ms. Phelps and Ms. Smith to complete for due date in November, poor scoring results impact the amount of State aid a town receives.

VIII. Clerk's Report:

1. Parks & Recreation Committee Resignation – Ms. Smith advised that Spencer Carpenter had resigned from the Committee and that they would be looking for new member. Call to Service application is available on the website for those interested in serving.
2. Correspondence from Board of Education – Ms. Smith advised that the Borough had received a thank you letter for the donated equipment and for the great working relationship over the 7 years sharing of the equipment.
3. General Election Update – Ms. Smith advised of recent updates including pay increases for poll workers and the need for poll workers, where to apply online; new in-person early voting at select locations from 10/23 to 10/31 – nearest location was in Little Silver.
4. **#2021-204** Resolution approving Special Event Permit for Residents of Burnt Mill Circle for a Block Party - *Added on Late*

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

5. **#2021-205** Resolution approving Special Event Permit for PTO Fall Festival - *Added on Late*

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

Regular Meeting Items:

1. Resolution Approving Issuance of Liquor License for The Loft Partnership
2. Resolution authorizing an MOU for Ballot Box Security Cameras
3. Resolution approving Special Event Permit for Residents of Oneida Ave for a Block Party
4. Resolution authorizing cancellation of grant balances
5. Resolution cancelling capital improvement authorization

6. Resolution cancelling capital grant balances
7. Approval of First Aid Membership Application, Crochet, Darlene
8. Approval of First Aid Membership Application, Crochet, Kyle
9. Receipt & Acceptance of Minutes, Historical Committee, Sept. 9, 2021
10. Receipt & Acceptance of Minutes, Historical Committee, Aug. 12, 2021
11. Receipt and Acceptance of Minutes, Parks & Recreation Committee, August 11, 2021
12. Mayor & Council - Workshop - Sep 2, 2021 7:00 PM
13. Mayor & Council - Regular Meeting - Sep 16, 2021 7:00 PM

Ms. Smith reviewed the regular meeting items. Councilman Gallo asked if the liquor license was for one of the ones already approved. Ms. Smith advised, yes, that was for the sale and this would be for the issuance. With no additional questions or objections, items were moved to the regular meeting for action.

IX. Discussion Items:

1. Telecommunication Installations - Environmental Advisory Committee – Councilwoman Walker asked to table the discussion on this item for her report at the Oct. 21, 2021 meeting.
2. Reinstatement of Environmental Commission, Councilwoman Walker – Councilwoman Walker led discussion on consideration of re-establishing the commission; reviewed the history of the change from a commission to a committee and respectfully requested that the Council consider reinstatement. Back in 2019 there was a huge outcry from the public opposing the change and with no real case made to dissolve the commission. A committee can be dissolved at anytime with no ordinance protecting it and requires no public hearing to do so; the Environmental Committee has expressed strongly that they do not receive site plan application until later in the process – really too late for them to weigh in on anything. Surrounding towns all have commissions. She doesn't know the reasoning as to why it happened and it doesn't seem reasonable and asked the Council to reconsider the matter.

Ms. Smith asked if she could offer some comments on the matter and given the ok. Ms. Smith expressed appreciation for the volunteers but cautioned that if it were considered to reinstate the commission that their role needed to be taken more seriously including compliance with sunshine law for meetings which commissions are required to comply including notices, agendas, minutes, etc. – something that was not being provided for on a regular basis; the annual report was also not being provided; there were occasions where commission member(s) would visit a planning board application site and represent themselves on behalf of the Borough. There was discussion on past practice, current preparation of agendas which are now being provided at the pressing of the Clerk and the need to train the new commission. Ms. Smith added that she's heard the complaint about the applications not being received timely but the commission only meets once a month and an application may sit there for a while until their next meeting right before a hearing takes place in a couple of weeks. There are some applications that really don't need environmental oversight such as shed which the Board moves through quickly but the environmental committee is given a courtesy copy because of the ordinance. Mr. Arnette added that being a commission does make available certain funding for education and programs not available to a committee. Discussion ensued after which it was decided that the Clerk and Borough Attorney would work together to draft an ordinance, distribute for possible introduction at the November meetings.

3. JIF Personnel Policy Updates, Borough Administrator – Ms. Phelps recounted her efforts to prepare an updated personnel policy in compliance with the Borough's insurance provider's requirements; thanked Councilmen O'Brien and Tvrdik for their assistance and thanked Ms. Smith for assistance with formatting the document; she asked that the Council review the document previously distributed to them before the next meeting with the hope that they would adopt the final version. She urged the importance of completing and having in place by November 1st to avoid problems and additional costs in the event there is some type of suit.
4. Check Valve Project & Grant Sources Further Discussion, Borough Administrator – Ms. Phelps led discussion on the check valve grant project; Millennium Strategies not available to prepare the cost/benefit analysis for the FEMA Hazard Mitigation Assistance Grant application but had recommended another firm for a cost of \$17,500; the grant is a cost-share program with approximate Borough costs of \$300,000; alternatively the Borough has funding from the American Rescue Act available – approximately \$600,000 leaving the Borough's cost for the balance of about \$500,000. There was discussion on which route to pursue, whether to proceed with the cost/benefit analysis, timing and deadlines, funding availability, whether ARA funds could be used for another project, was there value still for doing the check valve installations; 37 locations originally proposed; whether both grant programs could be used to fund the project and look at doing a smaller number of check valve installations.
5. Ordinance for Electrical Vehicles – Ms. Smith advised that the Mayor wanted the Council to have an opportunity to view the sample ordinance provided for Council's review which is being mandated by the State to be implemented and listed for discussion at next workshop meeting.
6. An Ordinance Providing for Investigative Procedures for Liquor Licensing – Ms. Smith summarized the request from the Police Department to adopt ordinance language providing rules and guidance for investigation of liquor license applications and applicants and consider introduction at the 10/21 meeting.

7. Potential Shared Service with County for Digital Tax Map Services, Borough Clerk – Ms. Smith summarized the potential program being offered by Monmouth County for a shared service to update the Borough's tax maps, discussed with Tax Assessor and would benefit the Borough in the short term to address issues with Fort Monmouth parcels and tax map updates. The County covers the costs except for custom requests by the municipality. It's a 5-year program but can be terminated early with notice. There were no objections and scheduled for regular meeting.
- X. **Mayor's Report:** Council President O'Brien reminded everyone of the upcoming Centennial Gala and encouraged residents to get there tickets now – some are still available. Also reminded residents to check the website for leaf collection schedule and to be sure that leaves do not have anything else in them such as tree branches.
- XI. **Petitions from the Public:** Council President O'Brien opened the meeting for petitions from the public. As there was no one from the public, Council President O'Brien closed that portion of the meeting.
- XII. **Executive Session:** At 8:04 PM Councilman Tvrdik made a motion to adopt the resolution to enter Executive Session which was seconded by Councilman Keeshen and received the following roll call.

#2021-203 Resolution authorizing an Executive Session

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

Staffing

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

At 8:06 pm, the Council returned from Executive Session and the workshop meeting was reopened on a motion by Councilman Gallo and seconded by Councilman Tvrdik and approved by Council.

- XIII. **Adjournment:** As there was no further business, the meeting was adjourned at 8:06 PM on a motion by Councilman Keeshen, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK

**BOROUGH OF OCEANPORT****MAYOR & COUNCIL****MINUTES • OCTOBER 21, 2021****Regular Meeting****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Mayor Coffey called the meeting to order at 7:00 PM
- II. **Statement of Compliance with Open Public Meetings Act:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Mayor Coffey led attendees and members of Council in the flag salute.
- IV. **Roll Call:**

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

- V. **GUEST: FMERA Staff Monthly Update:** Bruce Steadman, FMERA Executive Director, participating by phone, provided an update on Oceanport parcels and redevelopment projects approved – Barker's Circle, Allison Hall and lodging parcels, in planning or out for bid; advised that FMERA was able to payoff its obligation on time with the Monmouth County Improvement Authority.
- VI. **Engineer's Report:**
- 2021 Road Program – Borough Engineer William White provided an overview of the Gooseneck Point Road and Shore Road improvements planned as part of the 2021 road program. NJ American Water replacement of the water mains was contingent upon paving the entrance to Gooseneck Point Road which is why the partial re-pavement had been done for the section up to Blackberry Drive. The remainder of Gooseneck Point, about 1800 feet, will be reconstructed with all new curbs, storm drainage being replaced, remove old corrugated metal pipe that are failing inlets; some improvements required right of access entries that a couple residents have not responded to; not changing the profile, maintaining same road width; cul-de-sac will remain same size but will have curbs and new inlets, new drainage system.

Councilman Tvrdik asked what is the anticipated completion time. Mr. White responded about 4 months as long as there are no material delays and includes both roads.

Councilman Keeshen asked if they were using RCP or ADS and was told RCP – reinforced concrete pipe which will last longer and is more available currently.

Mayor Coffey asked what was the planned start date and the next steps. Mr. White responded that they would finalize plans after comments from this meeting and get it out to bid with start time in March/April, possibly February if winter is mild. Also dependent on the asphalt plant being open. Councilman Tvrdik commented that the original plan was to do these projects over 3 years but the plan now is to do it all in one project taking 4 months.

Mayor Coffey asked Mr. White to explain the process and approach to Shore Road. Mr. White responded that the section of road along the water needs to be elevated which will vary depending on the grades at each property. They have done a cap over it a couple times to make it passable for school bus, there's been a lot of construction in that area. The road is shot. Mr. White also discussed catch basins on Shore Road explaining that the east side of Shore Road had been upgraded and a new outfall put in and oversized it specifically to tie into the west side; there were 6 basins not working at all and there will be a total of 8 new catch basins installed.

Mayor Coffey opened the meeting to provide residents an opportunity to comment and ask questions.

Linda Kelly, 76 Gooseneck Point Road, asked questions about the length of time it's taken to get this project going, why the delays, applauded DPW for their efforts keeping potholes filled, expressed concern on the hazards of the road and the unsafe conditions and why can't it start now and not wait for the spring. It was explained that the project has to go out to bid, the timeframes involving bids and the available funding for the project based on the bid results.

Robert Portman, 29 Shore Road, expressed frustration on the issue which was not a new issue; recognizes that it is a low-lying area, complimented the road department; large timbers that float up onto roadway during flooding along with the potholes has made for a dangerous condition; commented that COVID played some part, but this has been going on since 2017 and earlier; he recounted various events of flooding, collapse of the check valves, roadway. Mayor Coffey commented that the Borough has been and continues to pursue grant funding to replace the check valves – something being discussed later in the meeting as part of ARP funds for this type project. Mayor Coffey added that this Council has expedited the project to get it done sooner. Mr. White added that the Borough purchased a jet truck in conjunction with Shrewsbury and have been regularly cleaning out the storm drains.

Robert Kelly, 76 Gooseneck Point Road, affirmed Mr. Portman's comments; commented that Shore Road in a storm at night is dark, you can't see the water coming up and difficult to know when to leave; he asked questions about the width of the road – currently narrow at end near cul-de-sac but will be made consistent width with rest of roadway. Mr. Kelly also expressed concern about how contractor trucks ride up on lawns because the road is too narrow; asked if there would be sidewalks that would make the roadway even more narrow on Gooseneck? Councilman Tvrdik responded that there was no sidewalks, just curbing. There was discussion about what involves widening the roadway and the challenge with property owners.

Michael Dale, 44 Shore Road, commented that they've been living with this for a long time; asked if Shore Road would have concrete curbing and was told yes, it would be curb with a concrete swale/gutter; discussions held with the town for efforts to get the water to flow; didn't want the grades raised if not necessary. There was discussion on the challenge of raising the grade and the Borough Engineer's reluctance to raise the road too high which creates other issues. Mayor Coffey commented that he's not sure to what extent the Borough could individualize the grade but if the Borough can assist it should.

Steve Draper, 68 Gooseneck Point Road, having lived there for 40 years, discussed his unique situation being on the site of the original pumping station; the lagoon access and the history of Gooseneck Point being an area given to tides and storms. He commented that most of the trucks are voluntary – service trucks; commented at length on the road width complaints and didn't want to see more encroachment, there will always be wood, pieces of docks, etc. and doesn't know of a way to limit that, it is just the way it is. He also commented that the 25 miles an hour signs seem inconsequential to the next generation.

Lindsay Orosz, 49 Gooseneck Point Road, asked why these conversations were happening now when this was discussed back in 2020; many young families moving in; metal has come up in the flooding; and knows that the law provides for exigency procurements and why isn't this done yet; what is wrong and how can the residents help to get this moved along more quickly? She feels all she's hearing are a lot of excuses and wants to know what assurance do they have that this project will be done. Mayor Coffey responded that the plan is to have it done this Spring 2022; but there are no assurances because other emergencies may come up that funding may need to be reallocated but as it stands now, the project is planned and budgeted for this spring and this governing body has dedicated the resources to fix it, delays in the past may have been because it is such a large project. Ms. Orosz reiterated that they are willing to do what needs to be done to get the project done and is concerned that the project not be delayed any longer.

Chris Johnson, 67 Gooseneck Point Road, commented his frustration on the poor roadway and asked what can be done to get the one individual holding off on permissions in order as he knows legal matters take a long time. Mr. White responded that Mr. Johnson's site was on a separate system.

There was discussion on Mr. Kelly's comments that Shore Road was dark and whether a streetlight be put in – some residents do not want a light on the darkness view as well as no electrical wiring to there.

Mitch Ross, 8 Shore Road, expressed his concerns on the safety of the road, his wife who has torn her knee while walking on the road; and his family's inability to walk the neighborhood. He urged the Borough to get the project done sooner than later.

Marianne Pederson, 69 Gooseneck Point Road, spoke on behalf of a neighbor who wasn't able to attend because she had hurt her leg and was unable to walk; Ms. Pederson urged everyone that this is more than just water and curbs, this was about people and urged that the Borough get the project done quickly.

Mitch Weiner, 189 Comanche Drive, stated he wasn't part of the group but asked when his road was scheduled to be done. Mr. White answered it was a part of the same project to be done in the spring.

Peter Tsairas, 80 Gooseneck Point Road, new to the neighborhood, commented on the speeding that is happening on the road despite the potholes and asked why couldn't a 15 MPH sign be put up. Mayor Coffey commented that it was a town-wide issue, the Borough had 2 signs donated this year and more to be purchased next year, but the problem is from Oceanport residents, not those cutting through, told of his own experience with a resident tailgating. There was additional discussion on the issue.

Mr. Tsairas also appealed to the Governing Body to limit maintenance crews from working on Saturdays.

Councilman Tvrdik advised for the residents, like previous road programs, they have allowed the contractor to begin at 7am in order to get the project finished sooner and wanted the residents to be aware.

VII. Administrators Report:

1. 2021 Best Practices Questions – Ms. Phelps explained the purpose of the best practices questionnaire used by the State to score municipalities with amount of State aid impacted by the score. Based on questions answered by Ms. LaPorta, Ms. Smith and herself, the Borough scored a 20.5 out of possible 23 points. The Borough did not score for on items related to exempt employees using comp time in same period; an accumulated absence policy, an anti-nepotism policy and no public electric vehicle charging stations on municipal property. State requirements are that the questions be discussed by the Governing Body. Mayor Coffey asked the Council if they had looked at the content and had an opportunity to review it which all present affirmed.

Ms. Phelps also reported on recent inspection by PEOSHA who met with DPW Superintendent. The inspector was impressed with the public works garage and the area containing the vehicles and plow equipment, overall nothing glaring.

Ms. Phelps advised that in response to Councilman Gallo's requests, she provided photos of the deteriorating curbing and sidewalks on Oceanport Avenue to Rt. 36 to the County to see if they could be of assistance in conjunction with the milling and paving project the county will be doing in the spring. There has been no word but she will keep them posted.

The County has notified that the Borough's application for the pickle ball courts and community garden project is complete, notice of awards usually comes out in January.

Two bids were received for the Community Center Park project – they came in higher than anticipated – originally estimated for \$350,000 with a portion covered by a \$150,000 grant from the county; the lowest base bid came in at \$416,835 by Precise Construction and the other by Vulcan Construction at \$433,512. Councilman Keeshen asked if the bid was done as lump sum or unit prices – and was told unit prices. Prices for materials have gone up due to shipping problems. Discussion ensued on whether to modify the project at all and rebid or find the funding to do the project the right way. Ms. LaPorta advised that there were projects planned for this year that did not happen so there was sufficient funding available from the Open Space Fund for the base bid. Discussion ensued after which it was decided to award the base and do the dugout roofs another time.

Councilman Tvrdik brought up a resident question that was raised about portable bathroom or community center to have a bathroom and was there anything in the bid for that. Mr. White answered no, the community center already has an ADA outdoor accessible bathroom. Ms. Smith confirmed there are keys available to use that bathroom.

- ## VIII. Clerk's Report:
- Ms. Smith reminded everyone of the upcoming Veteran's Day ceremonies and that invitations were going out. Confirmed receipt of monthly report from the DPW Superintendent. Ms. Smith also reviewed the proposed rates for health insurance renewal for 2022 with an overall reduction of 1.52%, and the issuance of a dividend is anticipated in the amount of \$129,382.

IX. Consent Agenda:

- | | | |
|-----------|-----|---|
| #2021-206 | 1. | Resolution authorizing payment of BILL LIST |
| #2021-207 | 2. | Resolution Approving Issuance of Liquor License for The Loft Partnership |
| #2021-208 | 3. | Resolution authorizing an MOU for Ballot Box Security Camera |
| #2021-209 | 4. | Resolution approving Special Event Permit for Residents of Oneida Ave for a Block Party |
| #2021-210 | 5. | Resolution cancelling capital grant balances |
| #2021-211 | 6. | Resolution cancelling capital improvement authorization |
| #2021-212 | 7. | Resolution authorizing cancellation of grant balances |
| #2021-213 | 8. | Resolution authorizing membership application with Keystone Purchasing Network |
| #2021-214 | 9. | Resolution authorizing purchase of garbage truck from Shrewsbury Boro |
| | 10. | Approval of First Aid Membership Application, Crochet, Darlene |
| | 11. | Approval of First Aid Membership Application, Crochet, Kyle |
| | 12. | Receipt & Acceptance of Minutes, Historical Committee, Aug. 12, 2021 |
| | 13. | Receipt & Acceptance of Minutes, Historical Committee, Sept. 9, 2021 |
| | 14. | Receipt & Acceptance of Minutes, Historical Committee, Sept. 23, 2021 |
| | 15. | Receipt and Acceptance of Minutes, Parks & Recreation Committee, August 11, 2021 |

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

X. Minutes:

1. Mayor & Council - Workshop - Sep 2, 2021 7:00 PM

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

2. Mayor & Council - Regular Meeting - Sep 16, 2021 7:00 PM

RESULT: TABLED UNTIL NEXT MEETING

XI. Resolutions:

- #2021-215** Resolution authorizing NJSAGE Grant application for Fish Kill expenses

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

- #2021-216** Resolution amending Personnel Policy for updated JIF policies

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

- #2021-217** Resolution appointing Chris A. Henry, Jr. as Patrolman I

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

- #2021-218** Resolution appointing Relief Crossing Guard Darlene Crochet

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

#2021-219 Resolution appointing Brian Trivett as seasonal labor for the Public Works Dept

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

#2021-220 Resolution appointing Tyler Poyner as seasonal labor for the Public Works Dept

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

#2021-221 Resolution authorizing competitive contracting for 2022 services

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

XII. First Reading Ordinances:

#1046 Introduction of An Ordinance Providing for Investigative Procedures for Liquor Licensing

Councilman Tvrdik called for the introduction of "AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 115 "ALCOHOLIC BEVERAGES", LAST REVISED MARCH 18, 2021 FOR THE ESTABLISHMENT OF INVESTIGATIVE PROCEDURES"" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdik moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of November 4, 2021 and to advertise same in accordance with the law, which was seconded by Councilwoman Walker.

RESULT: APPROVED OF FIRST READING [UNANIMOUS] **Next: 11/4/2021 7:30 PM**
MOVER: Thomas Tvrdik, Councilman
SECONDER: Bryan Keeshen, Councilman
AYES: Gallo, Keeshen, Tvrdik
ABSENT: Deerin, O'Brien, Walker

XIII. Second Reading & Public Hearing Ordinances: None

XIV. Committee Reports:

1. Councilman Deerin, Parks & Recreation - Absent
2. Councilman Gallo, Public Works & Engineering – Reminded residents to follow the leaf schedule and to be sure to keep sticks separate for the trash collector
3. Councilman Keeshen, Public Safety – Welcomed and congratulated Chris Henry aboard; reported that a multi-agency drill was held this month thanks to Councilman Tvrdik which was successful; reminded residents to watch their speed, especially as clocks changes and less light when schools get out.
4. Councilman O'Brien, Finance & Administration - Absent
5. Councilman Tvrdik, Planning & Development – Welcomed Chris Henry as well as Brian Trivett and Tyler Poyner; provided an update on development including the Loft building nearing completion with the developer beginning a new project – Barker's Circle before the Planning Board next month; the Board has approved the Site Plan for the Warehouse parcel development project after

2 meetings – includes (3) units just under 30,000 sf. each with warehouse space and flex space; the last phase of the site will include 2 1-story buildings for office and tech research.

6. Councilwoman Walker, Health & Human Services – Absent. Mayor Coffey read her provided report which included Oceanport schools seeking public participation for strategic planning of the district, construction continues into the school year with windows complete at Maple Place and interior doors near completion; back to school night details; Environmental and water watch committees are looking forward to updates on the check valve project for flood mitigation – an important project for public health and safety as well as property values; looks forward to discussion of reinstating the environmental commission at the 11/4 workshop and perhaps first reading at the regular meeting later that same night; water watch and Oceanport paddle club have been connected to keep apprised of water quality issues and both committee have been strongly encouraged to submit minutes to the Borough Clerk.

XV. Mayor Coffey's Report:

1. Planning Board Appointment: Maura Kelly, Alternate II, unexpired term ending 12/31/2021 – Mayor Coffey announced his appointment of Maura Kelly to the Planning Board. Councilman Tvrdik welcomed her as did Ms. Smith.
2. Check-Valve Project – Mayor Coffey discussed the available ARP funding and his belief that the money is available and an appropriate project would be the check valve project as flooding impacts 40% of the streets in the Borough and invited Mr. White's input/analysis for the areas of most impact – Genesee, Monmouth Boulevard, Seneca, Driveway, Shore Road to name some. Mayor Coffey commented that he would like to expedite the project as the funds are available and do 6-8, maybe 10 as a test run for the larger overall project. He questioned Councilman Gallo who had expressed concern about the project. Councilman Gallo advised he didn't have a problem with the project but wanted to revisit the total of 37. Mayor Coffey continued that there's \$300,000 and with the change in material costs, it may cover 7 and recommended that they bid it out as (1) valve for the base bid with an alternate for #s 2-10 and if there's enough money do the 10. Councilman Keeshen asked if there were multiple vendors. Mr. White responded there are 2 main vendors but some other off shoots. He recommended that they also pursue the valve type that makes it accessible to DPW for regular maintenance. Councilman Keeshen asked if the Borough could buy the valves and just bid out the installation. Mr. White responded they would likely need to be bid out as well unless State contract used. Mayor Coffey added they just want to do it right.

Mayor Coffey announced that Recreation was still looking for trunkers for the Trunk or Treat event and provided details for the event coming up on Saturday.

Mayor Coffey lastly commented on what appears from Facebook, 1000 cats in town and 6,000 dogs but licenses for cats and dogs don't reflect that. The fees coming in for licenses are used to fund programs for animal control and he would be bringing more attention to it in his Mayor's message this month.

Mayor Coffey also reminded residents that leaf pickup is just for leaves as mandated by the Borough's compost permit; branches should be bundled for the garbage contractor and urged residents to keep the storm drains clear to avoid flooding.

Reminder – metal and bulk pickups need to be scheduled by contacting Borough Hall.

XVI. Petitions from the public: Mayor Coffey opened the meeting to petitions from the public.

Sheryl Fordin, 1075 Stephenson Avenue, appealed to the Council to aid with a TNR program for cats due to the large population of feral cats.

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

XVII. Adjournment: As there was no further business, the meeting was adjourned at 9:11 PM on a motion by Councilman Keeshen, seconded by Councilman Tvrdik and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENT OF ANNE TILLY AS AN ADMINISTRATIVE ASSISTANT FOR THE COURT
OFFICE**

Resolution

WHEREAS, there is a need in the Court Office for an administrative assistant to assist the Court Administrator with various duties; and

WHEREAS, Theresa Murrin had previously been serving in the position but resigned for another opportunity; and

WHEREAS, the Court Administrator and Borough Administrator have recommended that the position be filled by Anne Tilly,

NOW, THEREFORE, BE IT RESOLVED by the Oceanport Governing Body that Anne Tilly is hereby appointed as a permanent part time Administrative Assistant to the Court Office at a salary of \$18 per hour in accordance with the Salary ordinance effective November 8, 2021.

BE IT FURTHER RESOLVED, that the Borough Clerk forward a certified copy of this resolution to the Borough Administrator, Chief Financial Officer and the Payroll Department.

BE IT FURTHER RESOLVED, that this appointment is subject to compliance with Borough's Personnel Policies including background investigation.

From: [Donna Phelps](#)
To: [Jeanne Smith](#)
Cc: [Carol Smith \(carol.smith1@judiciary.state.nj.us\)](mailto:carol.smith1@judiciary.state.nj.us)
Subject: Anne Tilley - Administrative Assistant
Date: Wednesday, October 20, 2021 1:33:44 PM

Jeanne – Please have a Resolution for the November 4th meeting appointing Anne Tilly as a permanent part-time Administrative Assistant in the Court. She will work Mon., Wed., Thurs. 8:30 to 2:30 pm at \$18 per hour effective November 8, 2021. Thanks.

DONNA M. PHELPS

Administrator

Borough of Oceanport

910 Oceanport Way

Oceanport, NJ 07727

732-222-8221

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING A CONTRACT FOR THE COMMUNITY CENTER PARK IMPROVEMENTS
PROJECT TO PRECISE CONSTRUCTION INC.**

Resolution

WHEREAS, the Borough of Oceanport solicited bids for the Community Center Park Improvements project; 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 two (2) bids; and

WHEREAS, the Borough Engineer has reviewed the bids and recommends that the Borough proceed with award for the base bid only; and

WHEREAS, the lowest responsible, responsive bid for the base bid was submitted by Precise Construction Inc., 1016 Highway 33, Freehold, NJ 07728 hereinafter referred to as "Contractor" in the sum of Four hundred Sixteen thousand eight hundred thirty-five dollars and zero cents (\$416,835.00); and

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

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

1. That the Borough of Oceanport is hereby authorized to award the Community Center Park Improvements Project to Precise Construction Inc., 1016 Highway 33, Freehold, NJ 07728 subject to the conditions set forth herein.
2. That said Contract shall be in the total sum of Four hundred Sixteen thousand eight hundred thirty-five dollars and zero cents (\$416,835.00).
3. That the within award of contract shall be subject to the Borough's Chief Financial Officer certifying in writing that funds are available for the stated purposes.
4. That the within award of Contract shall be contingent upon the Contractor submitting Appropriate Performance Security, which guarantees shall be approved as to form by the Borough Attorney.
5. 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.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to return the bid security to the remaining unsuccessful bidder, within three (3) days of signed Contracts and the approval of the Contractor's Performance Guarantees.

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 Account #06-270-00-500-020 (Open Space Trust) in the amount of \$416,835.00 for the stated purpose.


Catherine D. LaPorta, CFO

331 Newman Springs Road
Suite 203
Red Bank New Jersey 07701
Main: 877 627 3772



October 21, 2021

VIA EMAIL

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

Community Center Park Improvements
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPB-0173

Dear Mayor and Council,

On Tuesday October 12, 2021 at 11:00 am, bids were received for the Community Center Park Improvements. We have reviewed the bids and found them to be in order with the exception of a mathematical error for Precise Construction's Base Bid Total. A bid summary is attached. A comparison of the bids is as follows:

BIDDER	BASE BID	ADD ALTERNATE	GRAND TOTAL
PRECISE CONSTRUCTION INC.	\$416,835.00	\$73,235.00	\$490,070.00
VULCAN CONSTRUCTION GROUP, INC.	\$433,512.54	\$8,000.00	\$ 441,512.54

Our office has worked with Precise Construction, Inc. on a number of projects over the years and found their work acceptable. We contacted the references for Vulcan Construction Group, Inc. as they are a relatively new firm and their references had no issues. Based upon our review of the above-referenced bid, it is our recommendation that the contract be awarded to Precise Construction, Inc, 1016 Highway 33, Freehold, NJ 07728 for the Base Bid only.

Any award shall be conditioned upon the review and approval of the bid documents by the Borough Attorney and the availability of funds.

Project No. OPB-0173
October 21, 2021
Page 2 | 2



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

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)

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

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

WHW/dmm
Enclosures

cc: Jeanne Smith, RMC, Borough Clerk (via email)
Scott Arnette, Esq., Borough Attorney (via email)

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Project Name: COMMUNITY CENTER PARK IMPROVEMENTS City, State: BOROUGH OF OCEANPORT, NEW JERSEY Project #OPB-0173				Vulcan Construction Group, Inc. 3 Hance Drive Cookstown, NJ 08511				Precise Construction, Inc. 1016 Highway 33 Freehold, NJ 07728			
Item	Description	UNIT	Qty	Unit Price	Item Total	Bid Total	Err.	Unit Price	Item Total	Bid Total	Err.
BASE BID 1											
1	SOIL EROSION AND SEDIMENT CONTROL MEASURES	LS	1	\$100.00	\$100.00	\$100.00		\$25.00	\$25.00	\$25.00	
2	POLICE TRAFFIC DIRECTORS	ALLOWANCE	1	\$2,000.00	\$2,000.00	\$2,000.00		\$2,000.00	\$2,000.00	\$2,000.00	
3	TRAFFIC CONTROL MEASURES AND DEVICES	LS	1	\$100.00	\$100.00	\$100.00		\$1,500.00	\$1,500.00	\$1,500.00	
4	CLEARING SITE	LS	1	\$70,000.00	\$70,000.00	\$70,000.00		\$38,000.00	\$38,000.00	\$38,000.00	
5	EXCAVATION, BORROW EXCAVATION AND GRADING, UNCLASSIFIED	LS	1	\$45,100.00	\$45,100.00	\$45,100.00		\$12,000.00	\$12,000.00	\$12,000.00	
6	BLACK VINYL CHAIN LINK FENCE, 8' HIGH	LF	200	\$45.00	\$9,000.00	\$9,000.00		\$110.00	\$22,000.00	\$22,000.00	
7	BLACK VINYL CHAIN LINK FENCE, 10' HIGH	LF	485	\$50.00	\$24,250.00	\$24,250.00		\$120.00	\$58,200.00	\$58,200.00	
8	BLACK VINYL CHAIN LINK FENCE, 1' IGH WITH NETTING, 12' HIGH	LF	330	\$50.00	\$16,500.00	\$16,500.00		\$185.00	\$61,050.00	\$61,050.00	
9	SINGLE GATE, 4' WIDE, BLACK VINYL CHAIN LINK FENCE, 8' HIGH	UN	4	\$1,000.00	\$4,000.00	\$4,000.00		\$1,250.00	\$5,000.00	\$5,000.00	
10	SINGLE GATE, 4' WIDE, BLACK VINYL CHAIN LINK FENCE, 8' HIGH WITH TRANSOM	UN	2	\$2,000.00	\$4,000.00	\$4,000.00		\$1,750.00	\$3,500.00	\$3,500.00	
11	DOUBLE GATE, 12' WIDE, BLACK VINYL CHAIN LINK FENCE, 8' HIGH	UN	2	\$2,000.00	\$4,000.00	\$4,000.00		\$3,200.00	\$6,400.00	\$6,400.00	
12	BASEBALL BACKSTOP	UN	1	\$10,000.00	\$10,000.00	\$10,000.00		\$21,500.00	\$21,500.00	\$21,500.00	
13	REINFORCED CONCRETE PAD, 6" THICK	SY	200	\$75.00	\$15,000.00	\$15,000.00		\$90.00	\$18,000.00	\$18,000.00	
14	CONCRETE SIDEWALK, 4" THICK	SY	70	\$70.00	\$4,900.00	\$4,900.00		\$63.00	\$4,410.00	\$4,410.00	
15	HMA MILLING, 3" OR LESS	SY	230	\$10.00	\$2,300.00	\$2,300.00		\$20.00	\$4,600.00	\$4,600.00	
16	HOT MIX ASPHALT 19M64 BASE COURSE, 3" THICK	TONS	250	\$250.00	\$62,500.00	\$62,500.00		\$115.00	\$28,750.00	\$28,750.00	
17	HOT MIX ASPHALT 9.5M64 SURFACE COURSE, 2" THICK	TONS	165	\$200.00	\$33,000.00	\$33,000.00		\$125.00	\$20,625.00	\$20,625.00	
18	8" X 18" CONCRETE VERTICAL CURB	LF	1145	\$50.00	\$57,250.00	\$57,250.00		\$22.00	\$25,190.00	\$25,190.00	
19	TRAFFIC MARKINGS LINES, 4"	LF	1040	\$14.00	\$14,560.00	\$14,560.00		\$2.00	\$2,080.00	\$2,080.00	
20	TRAFFIC MARKINGS SYMBOLS	SF	35	\$250.00	\$8,750.00	\$8,750.00		\$8.00	\$280.00	\$280.00	
21	REGULATORY AND WARNING SIGN	SF	95	\$43.50	\$4,132.50	\$4,132.50		\$15.00	\$1,425.00	\$1,425.00	
22	DETECTABLE WARNING SURFACE	SY	5	\$250.00	\$1,250.00	\$1,250.00		\$300.00	\$1,500.00	\$1,500.00	
23	HOME PLATE	UN	1	\$0.01	\$0.01	\$0.01		\$750.00	\$750.00	\$750.00	
24	SET OF 3 BASES AND PITCHING RUBBER	UN	1	\$0.01	\$0.01	\$0.01		\$1,750.00	\$1,750.00	\$1,750.00	
25	SET OF 3 HEAVY DUTY DRAG PLUGS	UN	1	\$0.01	\$0.01	\$0.01		\$375.00	\$375.00	\$375.00	
26	SET OF 3 IN-GROUND MOUNTS	UN	1	\$0.01	\$0.01	\$0.01		\$450.00	\$450.00	\$450.00	
27	ALUMINUM TEAM BENCHES, 10'	UN	2	\$1,500.00	\$3,000.00	\$3,000.00		\$1,450.00	\$2,900.00	\$2,900.00	
28	ALUMINUM TEAM BENCHES, 15'	UN	2	\$1,700.00	\$3,400.00	\$3,400.00		\$2,140.00	\$4,280.00	\$4,280.00	
29	ALUMINUM TEAM BENCHES, 6'	UN	2	\$1,700.00	\$3,400.00	\$3,400.00		\$1,150.00	\$2,300.00	\$2,300.00	
30	5' X 12' BLEACHERS	UN	2	\$1,000.00	\$2,000.00	\$2,000.00		\$3,500.00	\$7,000.00	\$7,000.00	
31	TOPSOILING, 4" THICK	SY	590	\$7.00	\$4,130.00	\$4,130.00		\$7.00	\$4,130.00	\$4,130.00	
32	INFIELD CLAY, 6" THICK, WITH TOPDRESSING	SY	1610	\$11.00	\$17,710.00	\$17,710.00		\$31.00	\$49,910.00	\$49,910.00	
33	PITCHING AND BATTING MOUND CLAY, VARIABLE THICKNESS	SY	60	\$100.00	\$6,000.00	\$6,000.00		\$58.00	\$3,480.00	\$3,480.00	
34	FERTILIZING AND SEEDING	SY	590	\$1.00	\$590.00	\$590.00		\$1.25	\$737.50	\$737.50	
35	STRAW MULCHING	SY	590	\$1.00	\$590.00	\$590.00		\$1.25	\$737.50	\$737.50	
TOTAL BASE BID 1 AMOUNT					\$433,512.54	\$433,512.54			\$416,835.00	\$416,835.00	
ALTERNATE A											
A1	PORTABLE PITCHING MOUND	UN	1	\$2,000.00	\$2,000.00	\$2,000.00		\$3,835.00	\$3,835.00	\$3,835.00	
A2	DUGOUT ROOF	UN	2	\$3,000.00	\$6,000.00	\$6,000.00		\$34,700.00	\$69,400.00	\$69,400.00	
TOTAL ALTERNATE A					\$8,000.00	\$8,000.00			\$73,235.00	\$73,235.00	
TOTAL BASE BID 1 + ALTERNATE A					\$441,512.54	\$441,512.54		Corrected	\$490,070.00	\$490,070.00	

**RESOLUTION OF THE BOROUGH OF OCEANPORT
REJECTING ALL BIDS FOR THE OLD WHARF HOUSE "ORDINARY MAINTENANCE AND
ADA TOILET UPGRADES FOR THE OCEANPORT SENIOR'S CENTER"**

Resolution

WHEREAS, the Borough of Oceanport authorized the receipt of bids for renovations of the Old Wharf House entitled "Ordinary Maintenance and ADA Toilet Upgrades for the Oceanport Senior's Center"; and

WHEREAS, one (1) bid was received on October 27, 2021, which bid was over the cost estimate and budget for the project; and

WHEREAS, N.J.S.A. 40A:11-13.2 states said rejection is just cause to reject all bids received for the Old Wharf House "Ordinary Maintenance and ADA Toilet Upgrades for the Oceanport Senior's Center" project; and

WHEREAS, it is the desire of the Borough to reject all bids received on October 27, 2021 for exceeding the cost estimate and re-evaluate the project.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport in the County of Monmouth, State of New Jersey that the Borough of Oceanport does hereby rejects all bids received for the Old Wharf House "Ordinary Maintenance and ADA Toilet Upgrades for the Oceanport Senior's Center" project for the reasons set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to return the bid security to all bidders.

BE IT FURTHER RESOLVED that certified copies of this Resolution be provided by the Borough Clerk to each of the following:

- A) Borough Engineer
- B) Chief Financial Officer/Purchasing Agent
- C) All rejected bidders as follows:
 1. McCauley Construction Company, Inc
48 Community Place, Unit C
Long Branch, NJ 07740



Iamello Architectural Studio LLC
22 The Fellsway Ocean, NJ 07712
Telephone 732-245-5404
Email: riamello53@gmail.com

7.3.a

October 28, 2021

Donna Phelps, Borough Administrator
Borough of Oceanport
910 Oceanport Way
Oceanport, NJ 07757

**Re: Bid Results/Recommendations for
Borough Senior Center Project
315 East Main Street
IAS Project # 2021-103**

Dear Donna:

We are writing to you with the results of the bid opening held on October 27, 2021 for the following project:

**Ordinary Maintenance and ADA Toilet Upgrades for
The Oceanport Senior's Center**

In attendance at the bid opening were:

- Donna Phelps, Borough Administrator
- Jeanne Smith, RMC, Borough Clerk, Planning/Zoning Board Secretary
- Katie LaPorta, CMFO, QPA
- Robert Iamello, AIA Architect, Iamello Architectural Studio, LLC

In addition to the Base Bid amount, bidders were requested to include Alternate prices for various items.

The following are the results of the bid, along with all Alternates, as discussed with all parties following the opening of the bids.

A review for material defects in the Bid Documents of the lowest bidder is to be verified by the Borough Attorney. Copies of the lowest bidder's Proposals, Forms, Bid Bonds, etc., have been forwarded to the Attorney by Jeanne Smith.

A total of one (1) base bid was received for this contract, including all Alternates as follows:

1. McCauley Construction Company Base Bid:	\$208,000.00
Alternate #1	\$ 27,500.00
Alternate #2	\$ 7,000.00
Alternate #3	\$ 22,000.00
Alternate #4	\$ 5,500.00
Alternate #5	\$ 15,000.00

Based on the above, the lowest bidder's bid falls well above the available budget of \$50,000 as established by the Borough. We are recommending rejecting the bid in



favor of a rebid that would include a reduced scope of Work. Perhaps bidding only the ADA Toilet Upgrades reserving the remainder of the Work for another time.

If you have any further questions regarding the above, please do not hesitate to contact our office.

Very truly yours,

Sincerely,
iamello Architectural Studio, LLC

A handwritten signature in blue ink that reads "Robert M. Iamello".

Robert M. Iamello, AIA
Principal

ORDINANCE

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

APPROVED ON FIRST READING

DATED:

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: November 4, 2021

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II

Mayor

DCA Model Statewide Municipal EV Ordinance

Click the link below to view the ordinance:

[DCA Model Statewide Municipal EV Ordinance](#)

Purpose and Background

This Model Statewide Municipal Electric Vehicle (EV) Ordinance published by DCA on September 1, 2021, was written with support from the Department of Environmental Protection (DEP) and Board of Public Utilities (BPU), to comply with P.L. 2021, c. 171, which Governor Phil Murphy signed into law on July 9, 2021.

The law requires that Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements related to EVSE in New Jersey's 565 municipalities. In order to implement this, the bill requires that DCA publish a model statewide municipal EV ordinance on its website. The model ordinance is required to include the installation and parking requirements detailed in the bill, as well as address installation, sightline, and setback requirements and other health- and safety-related specifications ("Reasonable Standards") for EVSE and Make-Ready parking spaces.

The intent of the model statewide ordinance is to ensure that municipalities are requiring installation of EVSE and Make-Ready parking spaces in a consistent manner and also to provide an ordinance that can be easily used by every municipality with no or minimal amendments by the municipality.

The model statewide ordinance is mandatory and becomes effective in all municipalities upon DCA publication. Municipalities are allowed to make changes to the "Reasonable Standards" portion of the ordinance through the normal ordinance amendment process, but may not change the parts of the ordinance that were required by the legislation (installation and parking requirements). For municipalities with existing EV ordinances, the statewide ordinance will supersede those requirements. The model statewide ordinance will enable EV adoption among residents who can't charge at home and will alleviate "range anxiety" by increasing the proximity of charging infrastructure and giving residents the confidence to drive electric.

See Press Release here: [Murphy Administration charges toward an electric vehicle future, including new effort to encourage EV charging infrastructure in every New Jersey municipality](#).

Resources

- [2019 NJ Energy Master Plan](#)
- P.L. 2021, c. 171
- DEP Drive Green website: <https://www.drivegreen.nj.gov/index.html>
- New Jersey Partnership to Plug-In
<https://www.nj.gov/governor/news/news/562019/20190603b.shtml>
- [EV Law \(P.L. 2019, c. 362\): https://www.njleg.state.nj.us/2018/Bills/PL19/362_.PDF](#)

Press Release

Questions

Contact: Maria Connolly
Maria.Connolly@dca.nj.gov

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Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800

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**AN ORDINANCE
AUTHORIZING AND ENCOURAGING
ELECTRIC VEHICLE**

SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES

[Note: Pursuant to P.L. 2021, c.171, all sections of this model ordinance become effective in each municipality upon its publication on the Department of Community Affairs' Internet website. Municipalities may make changes to the reasonable standards in the model ordinance as noted below through the normal ordinance amendment process. However, municipalities may not make changes to the legislatively mandated requirements in Sections C., D., and E.]

This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the **{name of municipality}** _____ of **{name of county}** _____.

WHEREAS, supporting the transition to electric vehicles contributes to **{name of municipality}** _____'s commitment to sustainability and is in the best interest of public welfare; and

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

WHEREAS, the **{name of municipality}** _____ encourages increased installation of EVSE and Make Ready parking spaces; and

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

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

WHEREAS, adoption of this ordinance will support the Master Plan of **{name of municipality}** _____ adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals **{list #s or names}** _____ of the Master Plan as well as the land

use, circulation, and *{other e.g., environmental, sustainability}* _____ elements of the Master Plan; and

WHEREAS, the *{name of municipality}* _____ encourages greater ownership and use of electric vehicles, thus the *{name of municipality}* _____ is amending the *{Zoning/Development Regulations/Land Use Ordinance}* _____ to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

NOW, THEREFORE, BE IT ORDAINED, by the *{Committee/Council}* _____ of the *{name of municipality}* _____ County of *{name of county}* _____, State of New Jersey as follows:

{Note: Title of the Ordinance, policy statements, and Purpose of the ordinance are optional sections and may be changed by the municipality.}

FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

A. Purpose

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

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

B. Definitions

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

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

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

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

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

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other

components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.). ***{Note: Definition is directly from legislation and cannot be changed.}***

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

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

C. Approvals and Permits

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

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The ***{administrative official/zoning officer and/or municipal engineer}*** _____ shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of ***{name of municipality}*** _____’s land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or

regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

- a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
 - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
 - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - c. a one-time written correction notice is not issued by the **{administrative official/zoning officer}** _____ within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

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

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

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
 - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.

- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- f. Notwithstanding the provisions of Section E above, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

E. Minimum Parking Requirements

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

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

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

{Note: Municipalities may deviate from the reasonable standards set forth in Section F to address installation, sightline, and setback requirements or other health- and safety-related specifications for EVSE and Make-Ready parking spaces. Nothing in this section of the ordinance shall be deemed to authorize a municipality to require site plan review by a municipal agency solely for the installation of EVSE or Make-Ready parking spaces.}

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.

2. Installation:

- a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
- b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
- c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

3. EVSE Parking:

- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. ***{Note: The use of time limits is optional and shall be determined by the owner.}***
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code or ***{Section _____}***. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

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

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

- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

4. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with **{name of municipality}** _____'s ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, **{name of municipality}** _____ shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs

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

6. Usage Fees

- a. For publicly-accessible municipal EVSE **{Optional}**: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be _____ for each hour that the electric vehicle is connected to the EVSE **{or per kWh}**.

- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECOND: SEVERABILITY

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

THIRD: REPEAL OF PRIOR ORDINANCES

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

FOURTH: EFFECTIVE DATE

{Note: This section is only applicable if the municipality amends the ordinance to change the reasonable standards.}

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

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the

OCEANPORT ENVIRONMENTAL ADVISORY COMMITTEE

**Municipal Building
910 Oceanport Way
Oceanport, New Jersey 07757**

19 August 2021

RECEIVED

AUG 23 2021

Borough of Oceanport

Mayor John F. Coffey, II
Borough Council
910 Oceanport Way
P.O. Box 370
Oceanport, NJ 07757

Re: Telecommunication Installations

Dear Mayor Coffey and Members of Council:

Over the past several months, the Members of the Oceanport Environmental Advisory Committee have been studying and discussing at meetings the position the Borough should take regarding telecommunication installations in Oceanport. Particularly there has been an interest based upon the pending 5G installation.

While initially, our discussion was somewhat limited, based upon the substantial amount of development activities and growth in Oceanport, it seems that a more comprehensive review, to include utilities as well as telecommunications, would be appropriate. Therefore, it is our recommendation that the Borough review its Ordinances and any specific guidelines for utilities and telecommunication installations in the Borough. The review should include, among other considerations, environmental and ecological effects of such installations.

We recognize that the jurisdiction of the Borough is limited as to such installations. However, we suggest that the Borough, at minimum, has an obligation to notify the residents of the Borough as to any such substantial installations. As part of our research, we have reviewed the position taken by other municipalities. There are some rather extensive ordinances.

Please let us have your thoughts, including recommending anything further that our Committee can do.

Sincerely yours,



Robert D. Broege, Chairman

RDB:sb

cc: Oceanport Environmental Advisory Committee