

**REGULAR MEETING AGENDA
MAYOR AND COUNCIL
September 17, 2015**

Call to Order.

Statement of Compliance with Open Public Meetings Act: *This meeting complies with the Open Public Meeting Act by publication of this location, date and time in the Asbury Park Press and the LINK News on January 8, 2015 and by the posting of same on the municipal bulletin board and Borough Web Site.*

Flag Salute

Invocation

Roll Call

Administrator's Report:

Clerk's Report:

1. Consent Agenda:

- #2015-162 1.1 Resolution authorizing the payment of bills.
- #2015-163 1.2 Resolution authorizing renewal of liquor license #1338-33-001-005
- #2015-164 1.3 Resolution authorizing a Special Events permit for Twin Lights Ride

- 2. Minutes Approval of the Workshop Minutes of August 20, 2015
Approval of the Regular Meeting Minutes of August 20, 2015

- #2015-165 Resolution approving the Borough Administrator Employment Contract
- #2015-166 Resolution selecting Maria Gatta Community Park as proposed location for new municipal building

COMMITTEE REPORTS:

- Finance & Administration, Councilman Briskey, Chair
 - Health & Human Services, Council President Kahle, Chair
 - Public Works & Engineering, Councilman Gallo, Chair
 - Public Safety, Councilman Itrace, Chair
 - Planning & Development, Councilman Paglia, Chair
- #958 1. Introduction of the 2015 Oceanport Board of Education Bond Guaranty Ordinance
- Parks & Recreation, Councilman Patti, Chair

MAYOR MAHON'S REPORT:

Petitions from the public.

- #2015-167 Resolution authorizing the Governing Body to enter into Executive Session
Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)
AcuteCare Health Systems, 1075 Stephenson Avenue

Adjournment.

REGULAR MEETING MINUTES

Oceanport, New Jersey
September 17, 2015

The Regular Meeting of the Oceanport Mayor and Council was called to order on September 17, 2015 at 10:42 PM with the Statement of Compliance with the Open Public Meetings Act given by Mayor Mahon.

"Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 8, 2015, and by the posting of same on the municipal bulletin board and Borough Web Site."

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

INVOCATION: Borough Chaplain Wayne Smith, Retired Colonel, gave the invocation.

MEMBERS PRESENT: Councilpersons Briskey, Gallo, Kahle, Irace, Paglia, Patti and Mayor Mahon

OFFICIALS PRESENT: Borough Administrator, John Bennett, Borough Clerk, Jeanne Smith, and Borough Attorney, Scott Arnette

ADMINISTRATOR'S REPORT: Borough Administrator Bennett thanked the Recreation Committee, Jay Silverman and Michael MacStudy and the Volunteers who did an outstanding job on the Summers End. The Fireworks were outstanding a job well done. Also a special thank you to Buzz Baldanza for all of his hard work with the recovery of funds from FEMA to the Borough.

CLERK'S REPORT:

1. Consent Agenda:

- #2015-162** 1.1 Resolution authorizing the payment of bills.
- #2015-163** 1.2 Resolution authorizing renewal of liquor license #1338-33-001-005
- #2015-164** 1.3 Resolution authorizing a Special Events permit for Twin Lights Ride

The Clerk advised that there were 3 items on the consent agenda. The Clerk asked for a motion which was made by Councilman Gallo and seconded by Councilman Briskey.

The Clerk called roll:

AYES: Briskey, Gallo, Kahle, Irace, Paglia, and Patti
NAYES: None
ABSTAIN: None
ABSENT: None

2. Minutes Approval of the Workshop Minutes of August 20, 2015 Approval of the Regular Meeting Minutes of August 20, 2015

The Clerk asked for a motion approving the Workshop and Regular Meeting minutes of August 20, 2015 which was moved by Council President Kahle and seconded by Councilman Briskey.

The Clerk called roll:

AYES: Briskey, Kahle, Irace, Paglia, and Patti
NAYES: None
ABSTAIN: Gallo
ABSENT: None

- #2015-165** Resolution approving the Borough Administrator Employment Contract
- #2015-166** Resolution selecting Maria Gatta Community Park as proposed location for new municipal building

Ms. Smith stated based on workshop discussion, Resolution #2015-165 was to be tabled for a future meeting which was moved by Council President Kahle and seconded by Councilman Gallo

The Clerk called roll:

AYES: Briskey, Gallo, Kahle, Irace, Paglia, and Patti
NAYES: None
ABSTAIN: None
ABSENT: None

Ms. Smith stated that based on workshop session, it was decided that #2015-166 be pulled which was moved by Council President Kahle and seconded by Councilman Briskey.

The Clerk called roll:

AYES: Briskey, Gallo, Kahle, Irace, Paglia, and Patti
NAYES: None
ABSTAIN: None
ABSENT: None

COMMITTEE REPORTS:

COUNCILMAN BRISKEY: Councilman Briskey commented on his attendance at Summers End and was very impressed with the Fireworks, reported he attended the FMERA meeting and that Oceanport had a few residents attend. Councilman Briskey also reported that John Bennett will continue to monitor the Budget until year's end and that the expected cut-off date for budgeted items will be November 1st. Councilman Briskey asked the Council to consider the resignation of an employee and if there are any shortfalls to consider using those funds that would have been used for salary and healthcare benefits to cover such.

COUNCIL PRESIDENT KAHLE: Council President Kahle spoke about Fort Monmouth and reported she had a report from Richard Gruskos and the Water Watch Committee and the Environmental Commission today. Council President Kahle reported that right now FMERA is talking about Phase II Carve Outs. There is right now 35 different Carve Outs in our area that are environmentally impaired or unknown status. The Army is looking for purchases along with FMERA, but FMERA is reporting that they will only be the conveyor of information. So there will not be any more new testing, no more follow up. It will be buyer beware. So whoever buys the property will be responsible for their due diligence to see what has happened there and except responsibility for anything that is there on the property. Some sites have been remediated and some have not and some are still outstanding and just left there when the Army vacated. When the Army decided that they will not be taking care of the Fort anymore that is when all work was stopped on the base. The DEP is now going to make all environmental judgments on the Fort. What they are asking the DEP to do is to average the damage of the pesticide and environmental impact of the whole area. So if you have a big area and one area is zero there are no pesticides or no contamination and another area that has 20% and another that is 60%, they want all of that averaged in. You cannot average something that is 0%. So the Army asked the DEP if they would do that, the DEP said no. The Army now has come back and asked for reconsideration. They are looking at this and hopefully they are going to say no. Council President Kahle reported that all viable asbestos on the base will be removed from any building.

Council President Kahle further advised that Water Watch member Richard Gruskos requested to bring to Council's attention that there are a lot of historic buildings along the waterways and while not an environmental concern right now they will have to be brought up to a standard that while you may not have a school built on there or a park, it could be for walking. And though it will be capped per DEP regulations, they are asking that we look into that to make sure that we express an interest in any of the open space areas. We would not want to be put into a position where someone goes and purchases a piece of property or land and now we cannot purchase this property - mainly around the River Walk

area. These open space areas will add a lot to our property at the Fort if we are able to do the Riverwalk and keep the open space. The downside to any of this is with any of the historic landfills most of them are filled with construction debris but to be honest we don't really know what is in there. We will have to continue to monitor our waterways and make sure that nothing is seeping into our creeks or streams. Years ago when she was on the Environmental Commission when the Fort had an Advisory Commission, Monmouth Park and the Freeholders were interested in a lot of the properties, but right now there is now interest as we found out with the golf course and certain other properties. It might be in our best interest to look and see if there are any opportunities to get that property. Council President Kahle announced that she was just appointed to the Monmouth County Board of Health so if there are any concerns within the County feel free to reach out to her and reported that there were 28 salmonella outbreaks in August. Council President Kahle ended her report by thanking the Recreation Committee for a job well done with Summers End and the Oceanport Garden Club, Steve Boss and his family, Kim Descenza and her sons who helped count down to the Fireworks and thanked Kim for making all of the ribbons for the chili contest and the salsa contest, she did a great job.

COUNCILMAN GALLO: Councilman Gallo updated Council on garbage collection - complaints have significantly diminished and any complaints that we do get are addressed immediately. Councilman Gallo also thanked our Public Works Department who helped to set up and break down Summers End and the Recreation Committee.

COUNCILMAN IRACE: Councilman Irace reported that for Summer's End Mike and his crew did an excellent job and also thanked the Police, Fire and First Aid. Councilman Irace commented that he was unable to attend the FMERA meeting but thanked Cullin Wible for the video of the FMERA meeting which he was able to watch live. Councilman Irace along with Councilman Patti spoke about supporting our local businesses and encouraged support for Monmouth Park which has only four (4) more racing days left.

COUNCILMAN PAGLIA: Councilman Paglia invited comments from Council on the proposed amendments to the personnel policy that had been previously provided. Councilman Paglia reported on meeting with Borough Planner including status of the COAH 3rd round matter and anticipated resolutions for action in the near future. Mayor Mahon added that those items would be time sensitive and would have to move through Council and then Planning Board for certain items related to zoning. Councilman Paglia also reported that he would be attending next week the FMERA Housing Committee meeting and asked if it would be appropriate for him to bring up the Borough's interest in the FMERA library building. Mayor Mahon commented every opportunity. Councilman Paglia responded then he would take the opportunity to express the interest to the Committee. Mayor Mahon asked if the Borough Council should direct the Borough Administrator to prepare a letter of interest expressing the Borough's interest to which there were no objections by Council. Councilman Paglia also thanked the Recreation Committee for their hard work on Summer's End and thanked Cullin Wible for the streaming video which has received great feedback. Councilman Paglia further commented on the need for the public to continue participating and importance for communication and transparency. He continued stating that his term was done at the end of this year and that when he was called by Mayor Mahon asking if he was interested, the only reason he said yes was because he loves Oceanport and as much as he loves it he believes the Mayor loves it even more because of how much time and effort he has put into it and despite recent disagreements Councilman Paglia believes in Mayor Mahon and we're working to make sure the Governing Body is accountable and can deliver what the public wants. Councilman Paglia also noted that while John Bennett has been somewhat of a polarizing figure, he did not know him when he was sworn in but go to know him quickly and he has been very helpful because when you're appointed and you're a regular everyday resident you don't really get what's going on and both Jeanne Smith and John Bennett have been extremely helpful getting him updated and prepared. Councilman Paglia then told a story about opportunity for office equipment from Asbury Park Press to highlight some of the things that get accomplished on a day to day basis.

#958 1. Introduction of the 2015 Oceanport Board of Education Bond Guaranty Ordinance

Councilman Paglia called for the introduction of a Bond Guaranty Ordinance for the Oceanport Board of Education. He then asked the Clerk to read the proposed ordinance by title only. **"ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF OCEANPORT, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2015 (OCEANPORT BOARD OF EDUCATION PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY"** was read. Councilman Paglia moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at a Special Meeting of the Council on September 28, 2015 and to advertise same in accordance with the law. It was seconded by Council President Kahle.

The Clerk called roll:

AYES: Briskey, Gallo, Kahle, Irace, Paglia and Patti
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

COUNCILMAN PATTI: Councilman Patti reported on Summer's End which was a huge success and thanked the Parks & Recreation Committee for their hard work, the watching of the weather and making the decision to go to rain date, the unending fireworks and congratulated the volunteer Rec committee – wonderful group of people. Councilman Patti then reported that the Bocci Tournament was cancelled until further notice for this year, may come back in 2016; reported that Peninsula request for lights would have a total of 4 lights, would operate beginning in October at 7-7:30pm until 8:00 pm, insurance had been purchased and commented that he believed this was an administrative decision and should get this going and if there were any problems with regards to the lights, it will come back to Council and it can be addressed then. Councilman Patti also advised that the Rec Committee had discussed walking the parks and putting together a plan for each park.

MAYOR MAHON: Mayor Mahon had nothing to add to his workshop discussions but echoed the great job done for Summer's End, thanked Council President Kahle for carrying on his duties while he was travelling and thanked the Parks and Recreation Committee for a great job done.

PUBLIC:

Mayor Mahon then opened the meeting to anyone from the public who wished to be heard.

Ron Sickler, 45 Morris Place, asked Council President questions about environmental issues at Fort Monmouth including testing of the river bottom adjacent to the Fort Monmouth properties, testing done along the sides but not of the bottom; strong recommendation to have the bottom tested which the Borough would have to pay for as it was asked for it to be done and was told no, urged the Council to put forth a letter to the Borough's legislators State as well as at the Federal level for assistance with the changes going on in Oceanport. Mr. Bennett commented that Congressman Pallone has been very responsive and helpful in this matter and explained the dynamic between the Army, State, FMERA, etc. There was additional discussion on PCBs and the many sites including in Eatontown and the impacts once the land gets disturbed as the area becomes redeveloped.

Jay Coffey, 39 Oneida Avenue, asked additional questions about the pending employment agreement for the Borough Administrator, why it was being delayed further, how the contract will be negotiated if not discussed in Executive Session and done outside of a meeting being a violation of the Open Public Meetings Act which Mr. Arnette addressed stating that if the negotiations were done at the Committee level and then brought to the full Council would not be a violation of the Open Public Meetings Act. Mr. Coffey asked what Committee would be meeting to which the Mayor responded he had not yet designated that Committee which would be discussed. Mr. Coffey stated then there was no Committee yet, wasn't it the Finance Committee that discussed this contract. Mr. Bennett responded two weeks

ago it was the Finance Committee of the whole that did it without himself, Mr. Bennett was not present, and there were some items that were raised by the Council and the public and he was willing to acquiesce to some of the comments raised but he hadn't been a party to those discussions and so no one knew that he was willing to change because no one asked. Mr. Coffey stated he doesn't understand what's going on and why this has gone on so long because the 7, 8 people here that aren't talking to each other. Mayor Mahon responded that wasn't true, that there was plenty of conversation between the Council but as he pointed out that they as a body can't have a dialogue over email or where all 7 are clued in on the same information and then able to reply which was why it had to take place in executive session. Mr. Coffey continued yes, 42 closed sessions in 49 meetings. Mayor Mahon answered and the topics for 99% of them were Fort Monmouth. Mr. Coffey commented they can go into executive session any time they want. Mr. Arnette responded that there were discussions just before the meeting by some people that did not want to discuss it and then immediately come out, they wanted more time to think about the terms and what the changes might be which was the reason there was an election *not* to go into Executive Session and had nothing to do with who was here but everything to do with members of the Governing Body that did not want to go in, discuss and come out and vote. Mr. Coffey asked how many members of the Council knew that this item was going to be tabled before the meeting. Councilman Irace answered no. Mr. Coffey continued if that's the case then how did the deliberation happen. Mr. Arnette answered someone came to him and stated they would like to table this until the next meeting. Mr. Coffey asked why. Mr. Arnette because there were some conditions that were going to be modified, no discussion about the conditions. Mr. Coffey stated someone had to proffer changes to the contract. Mr. Arnette said or maybe someone proffered the idea that changes to the contract might be appropriate. Mr. Coffey said and it took place a millisecond before the meeting. Councilman Briskey spoke up and said that is true. Mr. Coffey continued so no one was on their cell phone talking beforehand one Council member to another, people show up, hottest topic and there's no idea of the changes. Mayor Mahon stated they would talk about it, give us an opportunity to get it right and what is the rush when they get 10 emails apiece about "hold up, wait until after the election" and if somebody has a concern and it's raised at the moment being discussed, when there's a motion and a second and a question on the motion at that very moment they can choose to table, choose to wait and get more information and allow the minority voice in any discussion to express their opinion. Mr. Coffey responded he just asked all the Council people and nobody... Mayor Mahon stated the answer you got was that it happened right here... 2 Councilmembers right there, Chris and Stu, and 2 Councilmembers had a conversation over there, Chris and Joe; Mayor spoke to the attorney and said there might be an executive session tonight. The attorney spoke to those gentlemen and said we're going to table it, because they haven't gotten to a comfort level - that's all. We're just humans, this isn't complicated, it's not Bayonne, it's not structured, we don't have a law department with 8 people working underneath us and we all worked somewhere else during the day today and didn't do Borough business while we were doing that but had discussions when we got here and invited anyone on Council to say otherwise. Councilman Briskey stated he was correct.

Lorraine Lynch, 29 Pocano Avenue, commented she didn't know what was so complimented about it. Councilman Patti responded that he had received 20-25 emails and made it a point to respond to each and every email, most of the emails with the exception of 2 either called for "don't vote for the contract", "why does he get so many days", "put a hold on this", "can you stop the process and delay it for a few weeks", some asked for a delay until after the election so they listened. Discussion ensued on the effort being put in to make this right; the terms; the problem being the town having difficulty with it; he himself is having a difficulty with it and wanted to table it as he would rather have a 6-1 vote or a 7-0 vote than a 4-3 vote and if they can't reach that accord then that was a problem because the public would come up and say have to get your house in order and that's what they're trying to do; that the last meeting they were there for 5+ hours and in his opinion they missed a couple things and wants the contract to be done right. Mrs. Lynch commented that she worked with one for a long time, she knows John, he's a nice guy but it's been 18 months without a contract. Mr. Bennett responded that his predecessor was 9 years without a contract. Mayor Mahon added that no contract is required at all by State statute. Councilman Irace commented but then you have to work under the terms of the regular employees, he needs a contract because he works different terms. Mrs. Lynch commented it just seemed like a long

time. Councilman Patti answered it was, he agrees, the contract shouldn't have been hanging around this long and was working on a solution and they want to get it right and would like to see the Council unite one way or another. Councilman Paglia added that he echoed the same thoughts – there was a Rice notice that had to be given in order to speak and were just getting this opportunity and last meeting went so late and the division on the Council was not on a personal level but was how the contract was done and if so they would like to negotiate in the proper manner. Discussion ensued on getting this done.

Cullin Wible, 67 Wolf Hill Avenue, stated that he was one of the people that had asked for the contract decision to be delayed, and for him it was frustrating was that the terms continued to evolve and what he wanted to see a discussion on it and so it wasn't about postponing it for a meeting but about the Council coming together to go over the terms in fairness to Mr. Bennett, then sharing it with the public. Mr. Wible continued to comment on the terms of the contract, when it was disclosed and the process not being open and transparent government. Mayor Mahon interjected that was when he got it from the attorney. Mr. Wible stated he wanted to see the Council put together the contract and give the town 2 weeks to review and then have a meeting where they can all speak as to whether or not they like the terms of the agreement and that an Executive Session should have been held long before it ever went to the public. Mr. Wible then thanked the Council for postponing and for listening; as to Mr. Coffey's point, that if people knew it was being postponed they would have this process and be able to make other plans and so he thinks maybe it was about being more public. Mr. Wible then commented on the list of the "to-do's" about the sound system it should also be added to do some maps of the Fort which comprises up to a third of the Borough and they are trying to figure out where those properties are that are being discussed; Councilman Paglia stated he would be at the Housing meeting and would speak to Regina at FMERA on that; Mr. Wible then commented on the pollution on the Fort discussion, the responsibility of the Army; the difficulty of proving that it was the Army's responsibility and the need to demonstrate flow of evidence over time, multiple tests, velocity, etc. and it was well worth it to allocate part of the budget to do the testing.

Councilman Paglia asked if they had kept it "as-was" it would have been sealed and done so what they did by carrying it over was giving the Council the opportunity to talk it over together and meet and get this right and they are trying to be transparent and backed the Mayor on this as he was one of the people that said we've got to get this right.

Councilman Irace commented that being said, there should be a commitment for the people to have a chance to see before they come out and hand out in 10 seconds. Councilman Patti said he'd like to know how that process would work. Mayor Mahon commented that's the process – it carries it to another meeting. Councilman Patti asked at the next meeting there was an Executive Session where we do this before 12 midnight and actually talk and have dialogue and that's what they show the public after they come to agreement and it was drafted. Councilman Irace said when we come out of executive the Council's not going to get to see it. Council President Kahle commented that there's the special meeting. Councilman Irace commented that he can't attend that meeting.

Lisa Hertzman, 59 Asbury Avenue, commented that if she understood it correctly, the Council wants to go back and agree to have those negotiations, whether that's 20 minutes or an hour and was told correct. Ms. Hertzman commented further on the Council's communication, letting the public know, not just having executive sessions and coming out without the public knowing. Mayor Mahon advised that executive sessions were always held in conjunction with a regular meeting so there won't be just an executive session where the public is not permitted; there would be a meeting and then during it go into executive so the notice is the same. Ms. Hertzman said yes, she understood and then suggested that the public be told up front what meeting the contract would be discussed at and was assured that was the case. Ms. Hertzman asked when would they be noticed of that and was told it may be tonight.

As no one else from the Public wished to be heard, the public portion of the meeting was closed.

Mayor Mahon asked if there was any further discussion on an executive session. Mr. Arnette stated that they want an executive session for next meeting to work out final issues regarding the contract,

and then after that, they don't want to act on that until the next meeting? Councilpersons Patti and Briskey answered correct. Councilman Paglia asked then that would be October 15th. There was discussion on which meeting to hold the executive session and the steps thereafter. Mayor Mahon stated they briefly spoke about Committee and what he would like to do was appoint the Council President, the Chairman of Finance & Administration to join the Mayor with the attorney in negotiating the balance of the issues and once resolved put in draft form, shared with the Council and when the Agenda goes out have the draft contract attached with the resolution that way it was public the entire way through and don't need executive session and it seems clear that the outstanding items were the issues of total vacation time versus PTO and term of severance which was already resolved – term was 3 months instead of a year; and outside employment; then resolved in Committee and bring it back, gets advertised in same manner as tonight, the contract was there and for the public the elements that will change from what they currently have tonight are pretty much those 3 elements and flex time. As there was no objection by Council the contract negotiating was referred to the Committee who would bring back in time for the October 1, 2015 meeting.

Andrea Abbott, 1294 Eatontown Boulevard, and asked for clarification on the process as she was not able to hear in the back. Mr. Arnette advised the meeting would be on October 1st. Ms. Abbott asked so that's when there will be an executive session. Mayor Mahon responded, no – the matter has been referred to a Committee for final resolution, the Committee will negotiate the final terms between now and October 1st and their work will be done and shared with the Council several days prior to the October 1st and if it meets with general agreement it would be advertised in accordance with the normal Council advertisement process – the agenda and resolutions which go up about 36 hours before the meeting.

#2015-167 Resolution authorizing the Governing Body to enter into an Executive Session

At 11:55PM the Mayor asked for a motion on **Resolution #2015-167** authorizing the Governing Body to enter Executive Session to discuss Litigation/Potential Litigation (AcuteCare Health Systems, 175 Stephenson Ave). Motion was made by Councilman Gallo seconded by Councilman Briskey.

The Clerk called roll:

AYES: Briskey, Gallo, Kahle, Irace, Paglia and Patti

NAYES: None

ABSTAIN: None

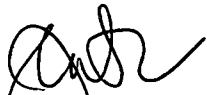
ABSENT: None

The Clerk stated that the motion carried.

At 12:09 p.m. the Council returned from Executive Session and re-opened the Regular Meeting on a motion by Council President Kahle which was seconded by Councilman Patti and approved by Council.

As there was no further business, the meeting was adjourned at 12:11 a.m. on a motion by Council President Kahle seconded by Councilman Briskey and approved by Council.

Respectfully submitted,



JEANNE SMITH
BOROUGH CLERK

ADMINISTRATOR'S REPORT 09-17-2015

BBB BOAT RAMP FACILITY (ongoing) Ramp and floating dock have been completed. The project came in on time and under budget! We have sold 66 permits so far for the use of the ramp. (Seasonal – Residents -30, Non-residents -42. Daily -9) Total revenues to date - \$2505.00. 9/1/15 - \$2675. 9/17/15 - \$2925.

BUILDINGS (ongoing)

1. **BBB Pavilion:** Closed for 2 weeks while miscellaneous improvements performed, i.e., bathroom floors, main room and kitchen. Tile floor installed in bathroom, kitchen and walkway. Carpet tiles received and scheduled for installation week of 02/23/2015. Carpet tiles installed and window trim has been completed. Defibrillator purchased and installed. Building has been painted and curtain rods are being installed. Indoor bathroom has been revised by Borough plumber and institutional fixtures have been replaced. Refrigerator has been purchased and was delivered and installed. Outdoor bathrooms have a water pressure problem which is currently being addressed. Kitchen build-out has been designed and we are awaiting additional cost estimate. Unfortunately, the contractor we were attempting to use has not given an updated price. We have secured an estimate from Kelly Builders and expect to move forward with the installation of the snack bar. The tank and pump to correct the water pressure will be installed in the kitchen cabinet. Price received from, Kelly Builders. Will attempt to get price for sinks and counters. Need to explore getting more handicapped spaces and a railing for the handicapped individuals to have access to the building. ***Have requested the Borough Engineer to get prices for additional Handicapped parking and a railing going up the ramp. Plumbing inspector has required another sink (total of 5). We are getting the prices and hopefully will order the cabinets this week.***
2. **Port Au Peck Firehouse:**
Lobby doors. - Fire Chief reports the work has been completed and looks great. Some additional work will need to be done to finalize the project. The balance of the Capital will be used for this and additional funds may need to be allocated next year if the Fire Company advances the funds to complete the project. ***Continue to work with Chief Sherman in making plans for the completion of this project.***
3. **DPW Facilities.** . Overhead door has been installed and the electric motors for both doors are also in. The roof is complete with gutters and drains. Siding has been installed with all walls being repaired. Electric quotes being secured and will proceed to get new service for the building inside and out. The move to the office building is complete and the DPW staff reports to the new building for work daily. Trucks have been moved to the yard at the Fort. ***Borough electrician will be proceeding to get some preliminary electrical work done including a new panel in Building 900.***
4. **Community Center/Library –**
County has approved the change in scope of work for a single handicap accessible restroom in place of the existing storage area used by Recreation. Matter has been referred to Borough Engineer and Borough Architect to move forward with improvements. Agreement with the County accepting the Grant has been returned to the County. Architect will be proceeding to get specs drawn for bidding the work. Architect has submitted proposal for project management and work is proceeding. Bids have been received for the inside work for the ADA bathrooms. They are presently being reviewed by

the Borough Attorney and should be on for award at the meeting of September 3rd. This project is paid in full by the CD Grant from the County. **Contract awarded. Work to commence next month. Recreation to be notified to remove their materials from the supply room.**

5. Police Headquarters Request for extension in the lease has been sent to FMERA. The extension has been endorsed by Bruce Steadman and been forwarded to the FMERA Board for action. **Still awaiting action of FMERA.**
6. Old Boro Hall – all pictures have been removed from the old boro hall and been inventoried by summer help. They will be hung around the Borough in the buildings owned by the boro so they will not be damaged or lost. Additional boxes of files are being removed and we are in the process of emptying everything from the building. **Pictures have been hung in BBB Pavilion and the Old Wharf Building. Curtains have been furnished by the Garden Club at their expense. They have also purchased a TV and Stand for the building.**

COAH – I have been informed by special council, Andrew Bayer, that he has filed a declaratory action in Superior Court New Jersey to determine that Oceanport has satisfied its obligation to provide its fair share of the region's affordable housing, providing Oceanport with immunity from constitutional compliance, exclusionary zoning or builders' remedy litigation (collectively, "Mt. Laurel Litigation"), and authorizing Oceanport to use its affordable housing trust funds for any purposes authorized under law. A conference in this matter has been scheduled with the Judge.

A combined Fairness and Compliance Hearing has been scheduled in the settlement for September 9, 2015. The purpose of the combined Hearing is to determine if a settlement between the Borough and Fair Share Housing Center is fair and reasonable to the region's low and moderate income households. **Judge Perri granted the Borough immunity from any Builder's Remedy suits until December 8th. This was the result of the Declaratory Judgment filed by Andrew Bayer. The Judge also approved our prior round fair share plan. This is the case handled by Jeff Surenian. We are now awaiting a schedule from Judge Perri with respect to the timing of submissions on the 3rd round. The Council will be adopting certain resolutions and ordinances which are being prepared by the Borough Planner in accordance with the directions of the Court.**

FEMA CLAIMS (ongoing) still pending, meeting has been scheduled with representatives from the State as to why we have not been paid to date. Meeting was held with representative from the State. Project worksheet for Protective Measures is nearing finalization and will result in an approximate \$300,000 reimbursement less payments received (approx. \$50,000) Check in the amount of \$129,000 received for protective measures. We have received notification that the sum of \$1,461,580.29 has been obligated for the Borough of Oceanport for the DPW Building and Police Trailers. A portion of this money is for the temporary relocation and balance is to be put toward permanent location. Additional monies remain pending. Approximately \$80,000 has been received for police department relocation. OEM Director has informed me that he has been successful in securing an additional credit for the debris pickup from SSS. We were originally being assessed for a \$500,000 overpayment, which has now been reduced by approximately \$200,000. A repayment schedule has been worked out with the State for the balance. **Additional claims submitted and being reviewed. The First Aid did pay over \$42,000 to the Borough for cleaning of the building following the storm. We have traced the money in and the payments out to the vendor. It would appear an amendment needs to be files by the OEM Director who is in the process of doing so. We are hopeful we can recover 90% of the money for the First Aid.**

FORT MONMOUTH: An update to any of the pending projects will be given at the meeting. The status on the report remains the same as the last meeting.

Fort Monmouth Marina – Notice of violation from DEP was served on concessionaire. Attorneys for concessionaire are attempting to resolve differenced directly with the state. Construction of the non-impacted areas is proceeding. Notice of violation from DEP has been served on the Federal Government. All parties are engaged in attempts to resolve all outstanding issues. Sewer problem resulted in the restaurant being closed for 2 nights. Matter has been corrected and place reopened. Closing delayed until NFA (No further Action) letter received from the DEP to the Army. Army to meet with Tidelands concerning other issue relating to the bulkhead.

Ebola – NJ Department of Human Services has requested to temporarily extend the EBOLA quarantine at Fort Monmouth through September 15, 2015. Quarantine is for asymptomatic, out-of-state travelers exposed to EBOLA Virus only. Request approved by FMERA. ***Building has been decommissioned and the rooms are being dismantled. This item will now be removed from the report.***

RPM – A purchase and sale agreement has been reached between FMERA and RPM for the sale of the Officer Housing parcel located near the main gate of the fort on Oceanport Avenue. Planning Board approval for the North and South portion of the project has been secured. Ready to close as soon as FMEREA closes with the Army. Should be approximately November 1st. ***Contractor has contacted the Building Department and set up a meeting for Friday to discuss work to be done on South Post.***

Fitness Center – The Purchase and Sale agreement has been signed. Due Diligence has begun. It is anticipated the closing will take place on or about ***January 1st***. ***Building will not open until closing. The property will require a re-use amendment.***

Chapel – One bids was received on the Chapel and the school attached to the Chapel on June 19th. The Assembly of God (currently in Shrewsbury) has received the OK from the Real Estate team. Site Plan is to be submitted to the Oceanport Planning Board.

Dance Hall – Bids were received on June 26th. Two (2) bids were received. One is a taxable use and the other a non-taxable use. It is expected to have an early 2016 closing. ***This will take an amendment to the reuse plan as this building was originally scheduled for demolition. Contract negotiations will begin with the recommended purchaser soon. The recommended purchaser is a taxable use. For a micro-brewery and café.***

Nursing quarters – Bids were received on this property (next to the old hospital). On June 19th. Five (5) bids were received. The evaluation team is to review and report to the Real estate committee. ***Evaluation complete. Will report to the Real Estate committee next week. The recommended party is an experienced residential developer. The project is for profit and therefore will be taxable.***

Russell Hall – Three (3) proposals were submitted in interest for Russell Hall. One by the Borough. The recommended investor is looking to close by the end of the calendar year. The proposal deals with incubator Hi-tech companies and are expected to bring a number of jobs to Oceanport from out of State. This will be taxable. I met with one of the bidders, (Tether View) who will be applying to appear before Council to present what they want to do with the property. They will be using 2/3 of the building for their own company and seek to rent out the other 1/3 to incubator Hi-tech companies. Contract negotiations have already begun.

Prevailing Wage changes – A ruling by the Attorney General changed the status of the use of prevailing wage at the Fort. Only on those properties which are owned by FEMERA are subject to the mandate of paying the prevailing wage.

The following properties will be going out to bid in the near future.

1. **Allison Hall** – Bid to be going out between now and spring of 2016. Ongoing marketing and evaluation taking place as to appropriate use. Allison Hall is a 36,665 sf, circa 1928 building that served as the Fort's first permanent hospital. It was converted to office use when Patterson Hospital was constructed in 1962. The Reuse Plan proposes that Allison Hall be renovated for office use. Staff believes that Allison Hall should be repurposed for an alternate commercial use. One possible option is to incorporate the structure into the vision for a boutique hotel planned for the Parker's Creek waterfront. Staff further recommends combining Allison Hall with the adjacent land and buildings to the north so that Allison Hall would have frontage on the creek and its future waterfront promenade. Since this will be a use different than in the Reuse Plan the RFOTP will alert prospective purchasers that the change in use will be subject to Board Approval of a Reuse Plan amendment or a variance.
2. **The Lodging Area**- consists of eight buildings located in Oceanport, adjacent to Parker's Creek in the northeast quadrant of the Main Post. Two of the buildings were used by FEMA in 2013 and 2014 to house families displaced by Sandy. Two others are historic properties. One Building is pledged to the Affordable Housing Alliance for supportive housing under one of FMERS's Legally Binding Agreements. The reuse Plan designates these buildings for reuse as housing and the remainder of the Lodging Area to be replaced by a boutique hotel and spa and a waterfront promenade. Two parties have expressed interest in purchasing the Lodging Area for retention and reuse, one for health, wellness and conference uses, and the other for a non-profit use. Neither would utilize the property for permanent housing. Staff believes that it is appropriate to retain some or all of the existing buildings for one or more of these uses, but specifically excluding permanent residences. Any development of the property must include the planned waterfront promenade.
3. **Barkers Circle** - .Bid going out between now and spring of 2016. This is in the reuse Plan for residential. The Reuse Plan calls for the renovation of three of the five Barker Circle buildings into 75 units of housing, with the two remaining buildings (Building 206 and 208) adapted as municipal offices for the Borough of Oceanport. The Borough has advised that it does not need either building for public purposes, so staff is proposing to make Buildings 206 and 208 available for private development, preferably for non-residential use. The Fire House is projected for continued use as a fire house in the Reuse Plan, but is no longer needed for that purpose; the Oceanport Police Department is subleasing the Fire House from FMERA on an interim basis through 2016. Kaplan Hall is designated for civic use in the Reuse Plan. Staff proposes to combine Barker Circle, the Fire House and Kaplan Hall in a Request for Offers to Purchase (RFOTP). A provision will be included to permit the withdrawal of the Fire House if it is needed for continued public use.
4. **The Commissary**- Bid has been received from 1 company. It is a hi-tech company and anticipated to be converted to offices. Proposal being reviewed as to compliance. No recommendation as yet. One of the newer buildings on the Fort, the 53,700sf Commissary was completed in 1998. The reuse Plan envisions the Commissary as a future retail building that could serve the residential and commercial occupants of the Oceanport Education/Mixed Use Neighborhood. The use as an officer/RD use is not consistent with the Reuse Plan, however staff believes it is more suited for Rand D than retail given its location and the change of the area since the inception of the Plan.

5. **Squires Hall** – .Bid should be going out before the end of the year.

The redevelopment for uses other than currently contemplated in the Reuse Plan is subject to separate Board approval of a Reuse Plan amendment or a variance. To approve a Reuse Plan amendment, the Board would first approve the transmission of the proposed amendment to the three host municipalities for the municipalities to have an opportunity to provide comments and then would approve the responses to any comments and the proposed amendment itself.

We have been notified by FMERA that they are willing to reopen the discussions on permanent locations for the Police and DPW operations. They also would like to restart the discussion on the Borough acquisition of real estate in exchange for services-in-kind, cash, or a combination thereof.

The first meeting of the ad hoc committee was held Monday the 14th. Bill McVitty, President of the Board of Education and Mark Lower attended together with the Mayor, and Council President Kahle and Administrator Bennett. The meeting went well and a bus tour of the Oceanport section of the Fort has been set for Saturday October 24 at 10 am. Buses will be supplied by FMERA.

GRANTS

Recreation Committee is requesting that the Borough apply for a County Park Grants for improvement of the tennis courts at Community Center Park - Application due in September. Application being prepared for submission. *Public Hearing held and application submitted for the Community center tennis Courts.*

We are in receipt of the Dr. Pepper recycling grant which will provide for 36 recycling bins to be located throughout the town. Bins have been received and a media announcement is being prepared in accordance with the grant requirements.

Clean Communities Grant amount awarded for 2015 \$13,892.53.

Application pending for "Safe Street" Grant so we can hire a police officer.

HEALTH BENEFITS: All conversions of health and dental have been completed. The 8 HSA accounts have been funded by the town.

PERSONNEL: *We are currently advertising and accepting applications for a Construction Code Official. We have received 7 applications. Interviews will be set up next week and a recommendation will be presented to Council by the next meeting. This is a part-time position with no benefits.*

We have received the resignation of a member of the DPW. An advertisement will be placed. We are going to start by seeing if we can find a part-time seasonal employee and see how they work out.

We have received an application for unemployment from a retired police officer. Since they have been retired since 9/30/12 and receive a pension we will be opposing the application for unemployment.

PORTABLE GENERATOR PROJECT - ongoing

Kick off meeting was held 01/14/2015. Agreement has been signed and returned. Funding for this project (over and above the grant amount) will be funded through a bond ordinance. The Board of Education has agreed to contribute – amount to be determined upon final cost estimate. Updated cost estimates are presently being prepared by the Borough engineer. July 7th report has been filed.

Storm Water Management Update – Meeting held with DEP, DPW and Borough Engineer to assure compliance with state requirements of our storm water management plan. County has been contracted to do the required street sweeping on East Main Street and Main Street. (This previously was done by Rumson who stopped doing it).

VEHICLES:

Diesel retro-fit of current vehicles to be scheduled.

Police vehicles and public works vehicles as approved in the budget have been identified and will be funded through the MCIA lease purchase program. Total cost estimated at \$416,000. Closing is scheduled for October 21, 2015.

WOODBINE CEMETERY: To date, no application filed with Cemetery Board as of **September 15, 2015.**

RECREATION – The Peninsula Soccer Club has been approved by the Recreation Committee for use of Maria Gatta Park again this fall. The club would like to bring in portable lighting during late October and November so they are able to practice until 8 pm. The recreation committee has approved this. Unless there is an objection I will notify the Club this is acceptable as long as the lights are placed not to shine in any residences. And must be removed at the end of the season. ***Need answer on tis request.***

SHARED SERVICES WITH SEA BRIGHT- I have a proposal for an amended agreement with the Borough of Sea Bright to keep their Court in Oceanport. It is a benefit to both communities. There was discussion of Sea Bright joining with another municipality. In order to keep the Court here a small adjustment in the annual rent will need to be made as to what is paid by Sea Bright. Matter was referred to the Borough Attorney who will present the new agreement at tonight's meeting. ***Contract modified and extended.***

I have been contacted by the Borough of Sea Bright that they are interested in purchasing a hot patch machine together with Oceanport. I will proceed to get the costs and present this new shared services proposal to the Council.

Another opportunity for shared services for a hot patch machine with another municipality has presented itself. This will be renting equipment that they own. I am proceeding with this to determine the time we need such a machine and the work that can be performed by our DPW. Once those decisions are made we can determine if we should continue to rent or purchase with another town.

MISC.

There is presently an Ordinance that prohibits cars from parking on the front lawns of homes. There have been several long term violations. Before having the Code Enforcement proceed, we need direction if we want the cars off the lawns and placed on the narrow streets.

The Corrective Action Plan for the audit recommendations has been prepared by the new CFO as the former one did not prepare it before he left. It will be presented to Council for action by the next meeting. Under the DCA rules that will be timely. All actions will be completed by the end of the year.

VILLAGE CENTER – There are a total of 36 residential units in the Center. Currently 24 are rented.

Emergency Alert System – I have checked with the OEM Director and been informed as follows. There is no Tornado Warning, there is a Severe Weather Warning. There is no activation for Fire and First Aid at this time and most likely will not be unless there is a total failure of the present County paging system and the "I am responding system" within the fire department. For the FD, it's basically a backup for failures at this point.

The system does not have calls for the schools, other than "no School" which has been replaced by the modern Reverse Call system operated by the schools. Also, The Director has provided Emergency Alerting System radio receivers to each public building under the Storm Ready program, which included both schools. They should still have the radios in the main office areas. These radios were set to activate on an alert from the National Weather Service for any weather emergency approaching Oceanport and national; emergency. If from the storm and the many changes which have happened since Sandy and replacements are needed, these radio cost no more than \$40.00 so they are easy to replace. This is the fast notice the schools could possibly get.

The Director is waiting for the company to do the upgrade of the system to allow Internet access. The system was recently tested from the PD and there was a problem with 2 pole positions, which will be sent to the company for a solution that can be done "in house". That could be as simple as the new antenna needs to be adjusted, power interruption of another issue that is undetermined.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR SEPTEMBER 17, 2015**

**RESOLUTION #2015-162
09-17-15**

WHEREAS, the Governing Body of the Borough of Oceanport has reviewed the vouchers submitted in support of the bill list dated September 17, 2015; and

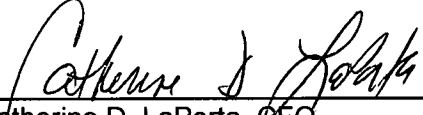
WHEREAS, the Governing Body has determined that the bill list as prepared comports with the vouchers submitted by various vendors; and

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of September 17, 2015.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oceanport hereby authorizes payment of all bills on the bill lists dated September 17, 2015 subject to the Borough's Chief Financial Officer certifying there is sufficient funds for the payment of same.

CERTIFICATION OF FUNDS

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

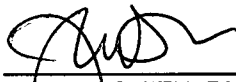

Catherine D. LaPorta, CFO

Motion: *Gallo*

Second: *Briskey*

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Briskey	(<i>X</i>)	()	()	()
Gallo	(<i>X</i>)	()	()	()
Kahle	(<i>X</i>)	()	()	()
Irace	(<i>X</i>)	()	()	()
Paglia	(<i>X</i>)	()	()	()
Patti	(<i>X</i>)	()	()	()
Mahon	()	()	()	()

I certify that the foregoing Resolution #2015-162 was adopted by the Borough Council of the Borough of Oceanport at their meeting held on September 17, 2015

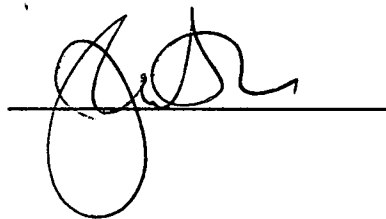

JEANNE SMITH, RMC
BOROUGH CLERK

**BOROUGH OF OCEANPORT
BILL LIST**

SEPTEMBER 17 2015

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$ 95,723.54 19th Pay
2014 EXPENDITURES	
CAPITAL TRUST TOTAL	\$ 3,500.00
DOG REGISTRY TOTAL	
ESCROW TRUST TOTAL	\$ 6,283.75
OPEN SPACE TRUST TOTAL	\$ 910.60
TRUST OTHER TOTAL	\$ 1,766.33
2014 VOUCHERS PAID	\$ 228,774.41
2014 VOUCHERS PAID THIS MEETING	\$ -
TOTAL	\$ 228,774.41
2015 VOUCHERS PAID	\$ 16,436,650.67
2015 VOUCHERS PAID THIS MEETING	\$ 163,159.95
TOTAL	\$ 16,599,810.62

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



A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a series of loops and a horizontal line extending to the right.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE APPROVAL AND RENEWAL OF LIQUOR LICENSE #1338-33-001-005
FOR 2015-2016 AND AUTHORIZING THE MUNICIPAL CLERK TO ISSUE A 2015-2016
PLENARY RETAIL DISTRIBUTION LIQUOR LICENSE TO
OCEANPORT LIQUOR LICENSE LLC**

**Resolution #2015-163
09-17-2015**

WHEREAS, application for renewal of Liquor License #1338-33-001-005 for the year 2015-2016 have been submitted; and

WHEREAS, no objections to said renewal have been filed; and

WHEREAS, the proper Borough and State fees have been paid by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of the Oceanport that the following licensees be granted renewals of their liquor licenses for the year commencing July 1, 2015 and expiring June 30, 2016:

LICENSE #	TYPE	LICENSE NAME/TRADE NAME
1338-33-001-005	Plenary Retail Consumption	Oceanport Liquor License LLC

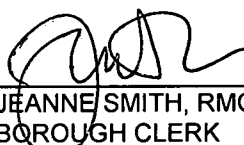
BE IT FURTHER RESOLVED that the Municipal Clerk is authorized to issue 2015-2016 liquor licenses to the above named licensees.

Motion: *Gallo*

Second: *Briskey*

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Briskey	(☒)	()	()	()
Gallo	(☒)	()	()	()
Kahle	(☒)	()	()	()
Irace	(☒)	()	()	()
Paglia	(☒)	()	()	()
Patti	(☒)	()	()	()
Mahon	()	()	()	()

I certify that the foregoing Resolution #2015-163 was adopted by the Borough Council of the Borough of Oceanport at their meeting held on September 17, 2015



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A SPECIAL EVENTS PERMIT TO BE ISSUED
TO BIKE NEW YORK FOR AN EVENT TO BE HELD
SEPTEMBER 27, 2015 WITHIN THE BOROUGH OF OCEANPORT**

**Resolution #2015-164
09-17-2015**

WHEREAS, Bike New York has made application for a Special Events Permit to hold the 2015 Twin Lights Bike Ride with a course that includes portions of Borough roadways; and

WHEREAS, as required by ordinance the Police Department has reviewed the application and have recommended that the application be approved.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that a Special Events Permit be issued to Bike New York for the 2015 Twin Lights Bike Ride in accordance with the application made and recommendation by the Traffic Safety Unit upon receipt of appropriate permit fee to be paid by Applicant.

Motion: *Gallo* Second: *Briskey*

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Briskey	(☒)	()	()	()
Gallo	(☒)	()	()	()
Kahle	(☒)	()	()	()
Irace	(☒)	()	()	()
Paglia	(☒)	()	()	()
Patti	(☒)	()	()	()
Mahon	()	()	()	()

I certify that the foregoing Resolution #2015-164 was adopted by the Borough Council of the Borough of Oceanport at their meeting held on September 17, 2015



JEANNE SMITH, RMC
BOROUGH CLERK

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

**Resolution #2015-167
09-17-2015**

WHEREAS, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Borough Attorney that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport that the Council shall go into executive session to discuss the following items:

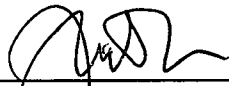
Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)
AcuteCare Health Systems, 1075 Stephenson Avenue

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

Motion: *Gallo* Second: *Briskey*

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Briskey	(☒)	()	()	()
Gallo	(☒)	()	()	()
Kahle	(☒)	()	()	()
Irace	(☒)	()	()	()
Paglia	(☒)	()	()	()
Patti	(☒)	()	()	()
Mahon	()	()	()	()

I certify this to be a true copy of Resolution #2015-167 approved by the Oceanport Borough Council at the Regular Meeting held September 17, 2015.



JEANNE SMITH, RMC
BOROUGH CLERK