REGULAR MEETING AGENDA - AMENDED
MAYOR AND COUNCIL
August 07, 2014

Call to Order.

Statement of Compliance with Open Public Meetings Act: *This meeting complies with the Open Public Meeting Act by notification of this location, date and time to the Asbury Park Press and the Star Ledger on July 2, 2014 and by the posting of same on the municipal bulletin board and Borough Web Site.*

Flag Salute

Roll Call

Resolution appointing Gary Grimes to the position of Class A Police Officer of the Oceanport Police Department and administration of Oath of Office. #2014-151

Administrator's Report:

Clerk's Report:

1. Consent Agenda:

#2014-152 1. Resolution authorizing the payment of bills.
#2014-153 2. Resolution granting temporary permission for alcoholic consumption at Summer's End Festival
#2014-154 3. Resolution supporting Complete Streets Bike Lane Improvements
#2014-155 4. Resolution authorizing use of athletic facilities
#2014-156 5. Resolution extending agreement with FEMA for Fire Service calls
#2014-157 6. Resolution amending Contract with Monmouth County for Community Development Program
#2014-158 7. Resolution amending the postal address for the premises associated with Liquor License #1338-33-001-004
#2014-159 8. Resolution opposing an air permit for a crematory at Woodbine Cemetery
#2014-160 9. Resolution requesting a question be placed on the ballot for General Election 2014 concerning LOSAP participants
10. Approval of the Workshop Minutes of July 9, 2014
11. Approval of the Regular Meeting Minutes of July 9, 2014
12. Approval of the Executive Session Minutes of July 9, 2014

2. Police Report, June 2014

COMMITTEE REPORTS:

Parks & Recreation, Councilman Bertekap, Chair

Public Works & Engineering, Councilman Gallo, Chair

Public Safety, Councilman Irace, Chair

Health & Human Services, Council President Kahle, Chair

Finance & Administration, Councilman Lynch, Chair

1. Chief Financial Officer's report/Budget Review
2. Employee health and dental benefits
3. 2nd Reading and Public Hearing of an Ordinance Fixing the Salary Ranges for Certain Borough Officials, Officers and Employees

Planning & Development, Councilman Paglia, Chair

1. 2nd Reading and Public Hearing of an Ordinance Amending Chapter 295 – Parks and Playgrounds

REGULAR MEETING AGENDA - AMENDED
MAYOR AND COUNCIL
August 07, 2014

MAYOR MAHON'S REPORT:

1. Parks and Recreation Committee Appointment to fill vacancy
2. Resignation of OEM 3rd Assistant Emergency Management Director
3. Appointment of Unexpired Term, OEM 3rd Assistant Emergency Management Director
4. Fort Monmouth

Petitions from the public.

Executive Session:

#2014-162 1. Resolution authorizing the Governing Body to enter into Executive Session for:

Potential Property Acquisitions or Sales – N.J.S.A. 10:4-12(b)(5)
Fort Monmouth

Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
Fort Monmouth – Russell Hall Redevelopment Agreement
Fort Monmouth – Barker's Circle

Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)
Fort Monmouth

Adjournment.

REGULAR MEETING MINUTES

Oceanport, New Jersey
August 7, 2014

The Regular Meeting of the Oceanport Mayor and Council was called to order on August 7, 2014 at 10:15 P.M. 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 July 2, 2014, 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.

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

MEMBERS ABSENT: Councilman Bertekap (recovering from surgery- unable to attend)

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

#2014-151 Resolution appointing Gary Grimes to the position of Class A Police Officer of the Oceanport Police Department and administration of Oath of Office. #2014-151

Mayor Mahon nominated Gary Grimes to the position of Class A Police Officer of the Oceanport Police Department and asked for a motion from the Public Safety Chairman. Motion by Councilman Irace and seconded by Council President Kahle.

The Clerk called roll:

AYES:	Gallo, Irace, Kahle, Lynch, and Paglia
NAYES:	None
ABSTAIN:	None
ABSENT:	Bertekap

For the record, the officer was previously sworn; resolution is a formality and officer has already Joined the Police Department.

ADMINISTRATOR'S REPORT: Borough Administrator, John Bennett, had nothing further to add to his workshop discussion.

CLERK'S REPORT

1. CONSENT AGENDA:

#2014-152	1.	Resolution authorizing the payment of bills.
#2014-153	2.	Resolution granting temporary permission for alcoholic consumption at Summer's End Festival
Separate	3.	Resolution supporting Complete Streets Bike Lane Improvements
#2014-155	4.	Resolution authorizing use of athletic facilities
#2014-156	5.	Resolution extending agreement with FEMA for Fire Service calls
#2014-157	6.	Resolution amending Contract with Monmouth County for Community Development Program
#2014-158	7.	Resolution amending the postal address for the premises associated with

		Liquor License #1338-33-001-004
Separate	8.	Resolution opposing an air permit for a crematory at Woodbine Cemetery
Separate	9.	Resolution requesting a question be placed on the ballot for General Election 2014 concerning LOSAP participants
Separate	10.	Approval of the Workshop Minutes of July 9, 2014
Separate	11.	Approval of the Regular Meeting Minutes of July 9, 2014
Separate	12.	Approval of the Executive Session Minutes of July 9, 2014
Separate	13.	Resolution awarding the Contract for the 2014 Road Program
Separate	14.	Resolution urging the Governor to sign the Sports Wagering Bill

Mayor Mahon advised that Items 3, 8, 9, 10, 11 and 12 would be taken separately and that Item #s 13 and 14 added from the Workshop would also be taken separately. The Clerk asked for a motion which was made by Council President Kahle and seconded by Councilman Irace

The Clerk called roll:

AYES: Gallo, Irace, Kahle, Lynch, Paglia
NAYES: None
ABSTAIN: None
ABSENT: Bertekap

The Clerk asked for a motion on Item #3, **Resolution 2014-154**, Resolution Supporting Complete Streets Bike Lane Improvements. Motion made by Councilman Irace and seconded by Council President Kahle. Councilman Lynch amended the resolution to include "bike safety and awareness of regulations applicable to operating bikes." He would hope that signs be posted to the effect that bikes should ride in single file and abide by motor vehicle regulations. Motion on proposed amendment by Councilman Lynch and seconded by Councilman Irace.

The Clerk called roll as amended:

AYES: Gallo, Irace, Kahle, Lynch and Paglia
NAYES: None
ABSTAIN: None
ABSENT: Bertekap

The Clerk asked for a motion on Item #8, **Resolution 2014-159**, Resolution Opposing an Air Permit for a Crematory at Woodbine Cemetery. Motion by Council President Kahle and seconded by Councilman Paglia. Mayor Mahon stated that the following amendment was added during workshop meeting, "Whereas, no specific information on the height of the proposed smokestack nor the emissions have been distributed to the residents; and whereas, the application includes no monitoring, includes excessive hours and other concerns and no need has been established for the crematorium at Woodbine."

The Clerk called roll on the resolution as amended:

AYES: Gallo, Irace, Kahle, Lynch and Paglia
NAYES: None
ABSTAIN: None
ABSENT: Bertekap

The Clerk asked for a motion on Item #9, **Resolution 2014-160**, Resolution Requesting a Question be placed on the ballot for General Election 2014 Concerning LOSAP Participants. Motion by Councilman Irace and seconded by Council President Kahle.

The Clerk called roll:

AYES: Irace, Kahle, Lynch and Paglia
NAYES: None
ABSTAIN: Gallo
ABSENT: Bertekap

The Clerk asked for a motion on Item #10, #11 and #12, Approval of the Workshop, Regular and Executive Session minutes for July 9, 2014, which was moved by Councilman Irace and seconded by Councilman Gallo.

The Clerk called roll:

AYES: Gallo, Irace, Lynch and Paglia
NAYES: None
ABSTAIN: Kahle
ABSENT: Bertekap

The Clerk asked for a motion on Item #13, **Resolution 2014-163**, Contract Awarding the 2014 Road Program. Motion by Councilman Irace and seconded by Councilman Gallo.

The Clerk called roll:

AYES: Gallo, Irace, Kahle, Lynch and Paglia
NAYES: None
ABSTAIN: None
ABSENT: Bertekap

The Clerk asked for a motion on Item #14, **Resolution 2014-164**, Resolution Urging Governor to Sign Sports Wagering Bill. Motion by Councilman Irace and seconded by Council President Kahle.

The Clerk called roll:

AYES: Gallo, Irace, Kahle, Lynch and Paglia
NAYES: None
ABSTAIN: None
ABSENT: Bertekap

2. **Police Report, June 2014** - The Clerk stated that she was in receipt of the May 2014 Police Report which had been distributed and would be posted at Borough Hall.

COMMITTEE REPORTS:

COUNCILMAN GALLO: Councilman Gallo had no report.

COUNCILMAN IRACE: Councilman Irace had no report.

COUNCIL PRESIDENT KAHLE: Council President Kahle reported that the Cole Brothers Circus is scheduled for mid-August. She also wanted to thank the administration for the Library Opening Ceremony. The library was the first building that was relocated after Super Storm Sandy and the Borough hosted a ribbon cutting ceremony to celebrate it. She feels the library's new location is ideal for the community.

COUNCILMAN LYNCH: Councilman Lynch noted that Agenda items #1, Chief Financial Officer's Report/Budget Review, and #2, Employee Health and Dental Benefits, were discussed during workshop and would not require further discussion.

#933 2nd Reading & Public Hearing Ordinance Fixing the Salary Ranges for Certain Borough Officials, Officers and Employees

Councilman Lynch called for the 2nd Reading and Public Hearing of an amendment to the salary ordinance. He then asked the Clerk to read the affidavit of publication and proposed Ordinance by title only. **"AN ORDINANCE OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, SETTING THE SALARY RANGES FOR CERTAIN BOROUGH OFFICERS AND BOROUGH EMPLOYEES"** was published in The Link News on July 17, 2014. The Mayor opened the meeting for any public comments on this ordinance only.

Stuart Briskey, 46 Werah Place, inquired about the salary ranges for the Public Works Superintendent and General Forman. While these line items were not amended, the Mayor went on to explain that the lower range for the Superintendent allowed the Borough to pay a stipend to the engineer to provide the required license. The higher range was when the employee in that position holds the license himself. There being no other questions and hearing no objections, the Mayor closed the public hearing for this ordinance.

Councilman Lynch made a motion to adopt this Ordinance and advertise in accordance with the law. It was seconded by Council President Kahle.

The Clerk called roll:

AYES:	Gallo, Irace, Kahle, Lynch, Paglia
NAYES:	None
ABSTAIN:	None
ABSENT:	Bertekap

COUNCILMAN PAGLIA: Councilman Paglia reported that the site selection committee has asked the administration to survey department heads regarding the prospective needs of their respective departments. The results will be reported to the committee. He also reported on the Borough's Summers End Celebration scheduled for Saturday, September 6th at Blackberry Bay Park. Corn hole and Horseshoe contests will be held from 3-5pm. Please contact Jim Gallo and Lee Pool, respectively. Festivities go from 5-9pm with fireworks at 8:30. There will be lots of entertainment including bands, climbing walls, food vendors, balloon art, face painting, dance demonstrations and a kids' moon walk. Our 30th annual will be a fun family evening to come out and enjoy.

#932 2nd Reading and Public Hearing of an Ordinance Amending Chapter 279 – Parks and Playgrounds

Councilman Paglia called for the 2nd Reading and Public Hearing of an amendment to the Parks and Playground ordinance and asked the Clerk to read the affidavit of publication and proposed

Ordinance by title only. **"AN ORDINANCE OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER 279 – ENTITLED PARKS AND PALYGROUNDS"** was published in The Link News on July 17, 2014. The Mayor opened the meeting for any public comments on this ordinance only. There being none, the Mayor closed public hearing for this ordinance and closed the public hearing on a motion by Council President Kahle and seconded by Councilman Paglia.

Councilman Paglia made a motion to adopt this Ordinance and advertise in accordance with the law which was seconded by Council President Kahle.

The Clerk called roll:

AYES: Gallo, Irace, Kahle, Lynch, Paglia
NAYES: None
ABSTAIN: None
ABSENT: Bertekap

MAYOR MAHON: Mayor Mahon read, in part, an email he received from potential Branch Avenue residents expressing their concern about living in such close proximity to the proposed human crematory at Woodbine Cemetery. They are worried about this unhealthy environmental attribute and its impact on air quality The Mayor asked that the Borough Clerk keep this email on record and include with other comments being put together regarding opposition to the crematorium. This is a prime example of potential loss in property value, a valid issue, secondary to health concerns.

In the absence of Councilman Bertekap, Mayor Mahon reported a Parks and Recreation Committee Appointment to fill a vacancy. The mayor nominated Sheila Harrigan based upon the Committee's recommendation and asked Council President Kahle to make the motion to accept this recommendation. It was seconded by Councilman Irace.

The Clerk called roll:

AYES: Gallo, Irace, Kahle, Lynch, Paglia
NAYES: None
ABSTAIN: None
ABSENT: Bertekap

Mayor Mahon next advised that in June, 2014, the Borough received the resignation from OEM's 3rd Assistant Emergency Management Director, Former Fire Chief, Wes Sherman whom was no longer able to continue in that capacity. The Mayor would like to recognize Wes for his many years of service at a future Council meeting.

This resignation has created a vacancy of this Unexpired Term. Mayor Mahon appointed William Johnson to fill the unexpired term for the OEM's 3rd Assistant Emergency Management Director.

Mayor Mahon stated that he had nothing to add to the Fort Monmouth discussion that took place during workshop.

PUBLIC:

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

Buddy Brocklebank, 40 Sagamore Avenue, noted that the Fort Monmouth Marina is scheduled to open soon. However, when the sale and/or lease of that property was initially discussed, pollution issues were noted. He would like to know if these issues have been resolved.

The Mayor responded that there is an area in the parking lot that was formerly used for pesticide storage. This area is about the size of a shed one might have in the back yard and is currently segregated.

The Army has issued A Finding of Suitability to Lease the property for the current tenants. The pollution issue will be permanently rectified in prior to the sale of the property. This process will be performed by the Army and approved by the DEP.

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

#2014-162 Resolution authorizing the Governing Body to enter into an Executive Session

At 10:43 p.m. the Mayor asked for a motion on **Resolution #2014-162** authorizing the meeting to enter Executive Session for the purposes of matters required by law to be Confidential, Potential Land Acquisition or Sales (Fort Monmouth), Contract Negotiations (Fort Monmouth Russell Hall Redevelopment Agreement and Barkers Circle), Litigation / Potential Litigation (Fort Monmouth). Motion was made by Councilman Lynch and seconded by Councilman Paglia and approved by Council.

At 11:19 p.m. Council returned from Executive Session and adjourned the Regular Meeting on a motion by Councilman Irace which was seconded by Council President Kahle and approved by Council.

Respectfully submitted,

JEANNE SMITH
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT APPOINTING GARY GRIMES AS CLASS A OFFICER TO THE OCEANPORT POLICE DEPARTMENT

Resolution #2014-151
08-07-14

WHEREAS, the Governing Body of the Borough of Oceanport has determined that it is in the best interest of the Borough to appoint the following individual as Police officer of the Oceanport Police Department effective August 1, 2014.

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

Gary Grimes is hereby appointed Class A Police Officer Step 1

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are authorized to sign any and all documents necessary to effectuate the intentions of this Resolution.

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

Motion: Irace Second: Kahle

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-151 approved by the Oceanport Borough Council at the Regular Meeting held August 7, 2014

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR AUGUST 7, 2014

RESOLUTION #2014-152
08-07-14

WHEREAS, the Governing Body of the Borough of Oceanport has reviewed the vouchers submitted in support of the bill list dated August 7, 2014.

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 August 7, 2014

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oceanport hereby authorizes payment of all bills on the bill list dated August 7, 2014 subject to the Borough's Chief Financial Officer certifying there is sufficient funds for the payment of same.

CERTIFICATION OF FUNDS

I, Gregory S. Mayers, Chief Financial Officer, of the Borough of Oceanport, do hereby certify that funds are available for the purpose stated herein.

Gregory Mayers, CFO

Motion: Kahle Second: Irace

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-152 approved by the Oceanport Borough Council at the Regular Meeting held August 7, 2014

JEANNE SMITH, RMC
BOROUGH CLERK

BOROUGH OF OCEANPORT
BILL LIST

AUGUST 7 2014

PAYEE	AMOUNT		
PAYROLL ACCOUNT	$	114,880.14	15th Pay
	$	113,008.69	16th Pay
Postage by Phone	$	2,000.00	
NJPDES	$	2,000.00	
NJTFM	$	7,688.93	
2014 EXPENDITURES			
CAPITAL TRUST TOTAL	$	201,078.25	
DOG REGISTRY TOTAL	$	654.00	
ESCROW TRUST TOTAL	$	1,155.00	
OPEN SPACE TRUST TOTAL	$	3,774.80	
TRUST OTHER TOTAL	$	5,257.50	
SUI TRUST TOTAL	$	556.89	
2013 VOUCHERS PAID	$	254,186.78	
2013 VOUCHERS PAID THIS MEETING	$	4,224.36	
TOTAL	$	258,411.14	
2014 VOUCHERS PAID	$	11,744,670.08	
2014 VOUCHERS PAID THIS MEETING	$	1,386,446.73	
TOTAL	$	13,131,116.81	

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

John O. Bennett

RESOLUTION OF THE BOROUGH OF OCEANPORT
GRANTING TEMPORARY PERMISSION FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON OCEANPORT BOROUGH PROPERTY

Resolution #2014-153
8-7-14

WHEREAS, the New Jersey Alcoholic Beverage Control Act Title 33 provides for the regulation of alcoholic beverage within the State of New Jersey; and

WHEREAS, the Alcoholic Beverage Control Law provides for an Issuing Authority in each municipality, to issue, renew and transfer retail licenses and provide for enforcement of the alcoholic beverage law, ABC rules and regulations and local Ordinances pertaining to the control of alcoholic beverages; and

WHEREAS, the Issuing Authority in the Borough of Oceanport is the Governing Body of the municipality, which is vested with the authority to enforce the ABC rules and regulations and the local Ordinances pertaining to the control of alcoholic beverages within the Borough of Oceanport and has the authority to grant temporary permission for the possession and consumption of alcoholic beverages on Borough property; and

WHEREAS, the Borough of Oceanport has enacted Ordinances under Chapter 115, entitled "Alcoholic Beverages" dealing with the distribution and consumption of alcoholic beverage within the Borough; and

WHEREAS, the Borough is desirous allowing the limited private possession and consumption of alcoholic beverages at the Summer's End Festival, sponsored by the Oceanport Parks and Recreation Committee, within the Borough of Oceanport; and,

WHEREAS, the Summer's End Festival will be held upon the property and lands owned by the Borough of Oceanport known as Blackberry Bay Park, and the temporary permission for possession and consumption of alcoholic beverages for this event on Borough property will be during the hours of 3:00.p.m. to 11:00 p.m. only, by those individuals who are over the age of 21 and would otherwise be lawfully allowed to consume alcohol in a public licensed premises;

NOW THEREFORE BE IT, RESOLVED, that the Mayor and Council of the Borough of Oceanport hereby approve and give temporary permission for the possession and consumption of alcoholic beverages at the Summer's End Festival to be held on the land and property of the Borough of Oceanport known as Blackberry Bay Park on September 6, 2014 (rain date September 7, 2014), with the hours of possession and consumption within and upon the property of Blackberry Bay Park being between 3:00 p.m. and 11:00 p.m., by individuals of lawful drinking age; and

BE IT FURTHER, RESOLVED, that nothing contained herein nor the issuance of this temporary permission for the possession and consumption of alcoholic beverages at Blackberry Bay Park shall in any way hinder or inhibit the Borough of Oceanport Police or other law enforcement agencies from their lawful duties in keeping peace and order, only that it shall be lawful to have open containers of alcohol in an individuals possession for personal consumption at Blackberry Bay Park during the time period outlined within this Resolution.

Motion: Kahle Second: Irace

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-153 approved by the Oceanport Borough Council at the Regular Meeting held August 7, 2014

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
SUPPORTING MONMOUTH COUNTY COMPLETE STREETS BIKE LANE IMPROVEMENTS THROUGH VARIOUS MONMOUTH COUNTY MUNICIPLATIES

RESOLUTION #2014-154
08-07-14

WHEREAS, the County of Monmouth adopted the Complete Streets Policy on July 22, 2010; and

WHEREAS, the the benefits of Complete Streets include improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and mobility challenged, as well as those that cannot afford a car or choose to live car fee; providing connections to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities, promoting healthy lifestyles; creating more livable communities, reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

WHEREAS, numerous municipalities in Monmouth County, including the Borough of Oceanport have also adopted a Complete Streets Policy; and

WHEREAS, bicycle lanes, which promote road sharing, are a key component of a comprehensive complete streets initiative on both the local and County roads; and

WHEREAS, a road sharing initiative can be designed using existing county and local public right of way, using a combination of bike lane symbols, shared lane markings ("sharrows") and road signage along existing roadways and cartways, which will be both practical and cost effective, while increasing safety awareness for motorists, cyclists and pedestrians.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oceanport requests that Monmouth County act as the lead agency in support of a bike lane initiative that would increase the connectivity of Monmouth County municipalities using both local and County roads.

BE IT FURTER RESOLVED that a certified copy of this Resolution be sent to the Monmouth County Board of Freeholders, Borough of Red Bank, Borough of Little Silver, Borough of Fair Haven, Borough of Rumson, Borough of Eatontown, Borough of Sea Bright, Borough of Monmouth Beach, Borough of Atlantic Highlands, Borough of Highlands, Middletown Township and the City of Long Branch.

Motion: Irace Second: Kahle

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-154 approved by the Oceanport Borough Council at the Regular Meeting held August 7, 2014

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING USE OF ATHLETIC FACILITIES

Resolution #2014-155
08-07-14

WHEREAS, the Parks and Recreation Committee has recommended the following groups be approved for use of a Borough Field as follows:

First Assembly of God of Freehold: Blackberry Bay Park
Rumson Soccer Club: Maria Gatta Community Park

WHEREAS, as required by ordinance the Borough Council has considered the recommendations of said committee.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council that field usage by the aforementioned groups is hereby approved on the dates, fields and times so indicated on the applications submitted.

Motion: Kahle Second: Irace

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-155 approved by the Oceanport Borough Council at the Regular Meeting held Aug. 7, 2014.

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
FOR CONTINUATION OF AN AGREEMENT WITH FEMA FOR FIRE PROTECTION SERVICES TO HOUSING LOCATED ON FORT MONMOUTH

Resolution #2014-156
08-07-14

WHEREAS, the Borough of Oceanport by Resolution #12-189 authorized an agreement with FEMA to provide Fire Protection for housing at Fort Monmouth being used to house victims of Super Storm Sandy for a period expiring December 18, 2013; and

WHEREAS, FEMA requested a modification extending the agreement to June 17, 2014 which was authorized by the Borough by Resolution #2013-152; and

WHEREAS, FEMA has requested a second modification extending the agreement through the period ending September 30, 2014.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport that the agreement with FEMA for Fire Protection services be extended through to September 30, 2014.

Motion: Kahle Second: Irace

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-156 approved by the Oceanport Borough Council at the Regular Meeting held August 7, 2014

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AMENDMENT TO THE 2012-14 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

Resolution #2014-157
08-07-14

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

WHEREAS, an Agreement has been adopted under which the Borough of Oceanport and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough of Oceanport to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Oceanport, that the amendment to the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be and same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and same are hereby authorized to execute said amendment in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

Motion: Kahle Second: Irace

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-157 approved by the Oceanport Borough Council at the Regular Meeting held Aug. 7, 2014.

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT AMENDING THE POSTAL ADDRESS FOR THE LOCATION OF THE PLENARY RETAIL CONSUMPTION LIQUOR LICENSE #1338-33-001-004 OCEANPORT LIQUOR LICENSE LLC

Resolution #2014-158
06-19-14

WHEREAS, application was made and approved by Oceanport Liquor License, LLC, for a place-to-place transfer of Plenary Retail Consumption License #1338-33-001-004, D/B/A Marina at Oceanport, for a pocket license to be located at Fort Monmouth Marina, Oceanport Avenue, Fort Monmouth, New Jersey 07757; and

WHEREAS, the premises being located on Fort Monmouth property did not have an official postal address assigned to the premises; and

WHEREAS, the location has now been assigned an official postal address of 10 Riverside Avenue.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Oceanport, that the postal address for the premises associated with Plenary Retail Consumption License #1338-33-001-004, D/B/A Marina at Fort Monmouth is hereby amended to 10 Riverside Avenue, Oceanport, NJ 07757.

Motion: Kahle Second: Irace

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-158 approved by the Oceanport Borough Council at the Regular Meeting held August 7, 2014

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
OPPOSING AN AIR PERMIT FOR THE OPERATION OF ONE HUMAN CREMATORY
AT WOODBINE CEMETERY

RESOLUTION #2014-159
08-07-14

WHEREAS, the Borough has been notified by the NJDEP that an air permit has been applied for to operate One Human Crematory located at 14 Maple Avenue within the Borough of Oceanport; and

WHEREAS, the only notice of this application was a letter to the Mayor and a publication within the Home News Tribune (not circulated within the Borough); and

WHEREAS, such notice is deemed by the Mayor and Council to be insufficient for the general public to receive proper notice of this application, and

WHEREAS, the owners of Woodbine Cemetery had proposed a crematory in the past and the Borough and the residents of the Borough strenuously opposed same as the location is in a residential neighborhood with many homes in the area and a school in close proximity; and

WHEREAS, previously the legislature of the State passed legislation which was signed into law which afforded the Governing Body the right to determine whether a crematory would be permitted within a municipality; and

WHEREAS, such legislation was repealed by the legislature in 2011 and the jurisdiction of the actual placement is under the jurisdiction of the Cemetery Board; and

WHEREAS, no specific information on the height of the proposed smokestack nor the emissions have been distributed to the residents; and

WHEREAS, it is the position of this Governing Body that a public hearing should be held on the application for said air permit and the information widely distributed to the residents who would be the most likely affected by the discharge; and

WHEREAS, until such time as further information is forthcoming it is the position of the Mayor and Council that placing a smokestack for commercial purposes in a residential area is totally inappropriate.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport that they strenuously object to the issuance of an air permit by the NJDEP until such time as a public hearing can be held to review all the facts connected to the application.

BE IT FURTHER RESOLVED, that the placement of a smokestack for commercial purposes within a residential zone is not proper land use planning and could disrupt the quality of life for the residents in the area.

Motion: Kahle Second: Paglia

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-159 approved by the Oceanport Borough Council at the Regular Meeting held August 7, 2014

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING A REFERENDUM ON THE QUESTION AS TO WHETHER THE BOROUGH SHOULD CLARIFY THE LOSAP PROGRAM TO INCLUDE ALL VOLUNTEERS WHO SERVE THE RESIDENTS OF OCEANPORT WHETHER THEY ARE RESIDENTS OR NOT

Resolution #2014-160
08-07-2014

WHEREAS, the Borough adopted a Length of Service Award Program (hereinafter referred to as "LOSAP") following a referendum passed by the voters of the Borough held on November 2, 2004; and

WHEREAS, the referendum made reference to a draft ordinance on file as the basis for the LOSAP program; and

WHEREAS, said Ordinance defined an active member as individuals residing in the Borough of Oceanport; and

WHEREAS, said Ordinance was adopted by the Governing Body; and

WHEREAS, the Mayor and Council believe that the intent of the voters was to establish a program that would benefit all volunteers who serve the Borough's residents; and

WHEREAS, to accomplish this goal another referendum is sought from the voters to clarify the program is for all fire and first aid department volunteers that meet the legal requirements to qualify; and

WHEREAS, N.J.S.A. 19:37-1 provides that:

> "When the governing body of any municipality . . . desires to ascertain the sentiment of the legal voters of the municipality . . . upon any question or policy pertaining to the government or internal affairs thereof, and there is no other statute by which the sentiment can be ascertained by the submission of such question to a vote of the electors in the municipality . . . at any election to be held therein, the governing body may adopt at any regular meeting an ordinance or a resolution requesting the clerk of the county to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in the ordinance or resolution in concise form. Such request shall be filed with the clerk of the county not later than 81 days previous to the election."; and

WHEREAS, the governing body finds that it is appropriate to conduct a referendum on this question;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Oceanport in the County of Monmouth, New Jersey as follows:

1. The following public question shall be submitted to the voters of the Borough of Oceanport at the November 4, 2014 general election:

PUBLIC QUESTION

Shall the Mayor and Council of the Borough of Oceanport be authorized to clarify the existing Length of Service Award Program (LOSAP) includes all volunteers for Fire, Fire Police and Emergency Medical Service members.

2. The following statement interpreting the public question shall also be placed on the ballot:

INTERPRETIVE STATEMENT

If this question is approved by the voters, the Mayor and Council will amend the Volunteer Incentives Ordinance to clarify that the definition of an Active Member shall include all volunteers of the Fire, Fire Police and First Aid Squad whether residents or not.

The Oceanport Fire Department and Oceanport First Aid Squad are completely served by volunteer members who receive no other monetary compensation except for LOSAP for their dedicated service to the community. This service includes not only response to fire and first aid calls, where the safety and well-being of the volunteers and the public are at risk, but also the extensive training each member must continually maintain and the administrative functions of the fire department and first aid squad.

The Borough of Oceanport created a Length of Service Award Program (LOSAP) for members of the volunteer Fire Department and First Aid Squad which serve the Borough of Oceanport following the passage of such question by the voters on November 2, 2004. At the time the question was voted on, an ordinance was available for public inspection which stated that an Active Member of the Fire and First Aid Departments had to be a resident. Many of the volunteers who service the Borough of Oceanport perform the required amounts of service set forth in State law but are do not reside within the Borough of Oceanport. The passage of this question will permit all volunteers who meet the general requirements for LOSAP as set forth in New Jersey State Law (N.J.S.A. 40A:14-183 et. seq.) to qualify for LOSAP benefit.

3. The Borough Clerk is authorized and directed to submit a certified copy of this resolution to the Monmouth County Clerk and request that the public question and interpretive statement be placed on the November 4, 2014 general election ballot.

Motion: Irace Second: Kahle

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	( )	( )	(✓)	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-160 approved by the Oceanport Borough Council at the Regular Meeting held August 7, 2014

JEANNE SMITH, RMC
BOROUGH CLERK

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

Resolution #2014-162
08-07-2014

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:

1) **Potential Property Acquisitions or Sales – N.J.S.A. 10:4-12(b)(5)**

Fort Monmouth

2) **Contract Negotiations – N.J.S.A. 10:4-12(b)(4)**

Fort Monmouth – Russell Hall Redevelopment Agreement
Fort Monmouth – Barker's Circle

3) **Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)**

Fort Monmouth

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

Motion: Lynch Second: Paglia

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-162 approved by the Oceanport Borough Council at the Regular Meeting held August 7, 2014

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING A CONTRACT FOR THE 2014 ROAD PROGRAM

Resolution #2014-163
08-07-14

WHEREAS, the Borough of Oceanport advertised for bids for the 2014 Road Program; 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, the response to the subject bid solicitations process the Borough of Oceanport received two (2) bids; and

WHEREAS, the lowest responsible bid for the base bid was submitted by Fiore Paving Co., Inc. of Oceanport, New Jersey hereinafter referred to as "Contractor" in the sum of Three Hundred Eighty One thousand two hundred fifty four dollars and sixty four cents ($381,254.64); and

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

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 2014 Road Program To Fiore Paving Co., Inc. subject to the conditions set forth herein.
2. That said Contract shall be in the total sum of Three Hundred Eighty One thousand two hundred fifty four dollars and sixty four cents ($381,254.64); and
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 all bid security, except the security of the three (3) apparent lowest responsible bidders. Upon return of said security the bids of such bidder shall be considered withdrawn.

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

Motion: Irace Second: Gallo

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-163 approved by the Oceanport Borough Council at the Regular Meeting held August 7, 2014

JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
URGING GOVERNOR CHRIS CHRISTIE TO
SIGN SPORTS WAGERING BILL (S2250/A3476)

Resolution #2014-164
08-07-14

WHEREAS, the New Jersey Legislature has passed legislation **(S2250/A3476)** which will authorize Sports Wagering at certain locations within the State of New Jersey:

WHEREAS, the enactment of said legislation could prove to be beneficial to locations such as Monmouth Park Racetrack

WHEREAS, the Governing Body of the Borough of Oceanport is supportive of any and all necessary steps which will assist Monmouth Park to be maintained as landmark racing facility in the State.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council hereby urge Governor Chris Christie to sign the Sports Wagering Bill (S2250/A3476) as soon as possible.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Governor Chris Christie and the Legislative delegation representing the Borough of Oceanport.

Motion: Irace Second: Kahle

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Bertekap	( )	( )	( )	(✓)
Gallo	(✓)	( )	( )	( )
Irace	(✓)	( )	( )	( )
Kahle	(✓)	( )	( )	( )
Lynch	(✓)	( )	( )	( )
Paglia	(✓)	( )	( )	( )
Mahon	( )	( )	( )	( )

I certify this to be a true copy of Resolution #2014-164 approved by the Oceanport Borough Council at the Regular Meeting held Aug. 7, 2014.

JEANNE SMITH, RMC
BOROUGH CLERK