

**REGULAR MEETING AGENDA
MAYOR AND COUNCIL
January 7, 2016**

Call to Order.

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

Flag Salute

Invocation

Roll Call

Resolution #2016-038 authorizing the Governing Body to enter into Executive Session
Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)
Affordable Housing

Borough Planner – Clark Caton Hintz

1. Review of Affordable Housing
2. Resolution #2016-039 Committing to Move Forward with Habitat for Humanity

Administrator's Report:

Clerk's Report:

1. Consent Agenda:

- | | | |
|------------------|-----|--|
| #2016-035 | 1.1 | Resolution authorizing the payment of bills. |
| #2016-036 | 1.2 | Resolution rescinding 2015-201 and refunding payment to bank |
| #2016-037 | 1.3 | Resolution adopting OEM DDD plan for 2016 |

Committee Reports:

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

Mayor Coffey's Report:

Petitions from the public.

Resolution #2016-040 authorizing the Governing Body to enter into Executive Session
Personnel Matters – N.J.S.A. 10:4-12(b)(8)
Borough Administrator Position

Adjournment.

REGULAR MEETING MINUTES

Oceanport, New Jersey
January 7, 2016

The Regular Meeting of the Oceanport Mayor and Council was called to order on January 7, 2016 at 8:55 PM with the Statement of Compliance with the Open Public Meetings Act given by Mayor Coffey.

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

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

INVOCATION: Borough Chaplain Stacy Deerin gave the invocation.

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

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

Mayor Coffey presented Resolution #2016-038 advised that the Council would be going into executive session which would be brief.

Resolution #2016-038 authorizing the Governing Body to enter into Executive Session Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)

At 7:01 p.m. the Mayor asked for a motion on **Resolution #2015-038** authorizing the meeting to enter Executive Session for the purposes of Litigation/Potential Litigation related to the Borough's affordable housing plan which was moved by Councilman Patti and seconded by Councilman Briskey and approved by Council.

At 7:25 p.m. Council returned from Executive Session and the regular meeting was reopened on a motion by Council President Irace, seconded by Councilman Briskey and approved by Council.

Mayor Coffey invited Ms. McManus to provide a short summary to the public on the status of the Borough's Declaratory Judgment of Repose and the issue of the Pemberton Avenue property.

BOROUGH PLANNER – Clark Caton Hintz

1. Review of Affordable Housing – Borough Planner Elizabeth McManus provided the Governing Body and the public with a brief history of the development of the Borough's Affordable and Fair Share Housing Plan, its current status in the courts, the inclusion of the Borough's property located on Pemberton Avenue to be made available to a developer to develop 2 affordable units as part of the Borough's settlement to the builder's remedy lawsuit.

Mayor Coffey stated that a Resolution had been previously considered about the development of the Pemberton Ave property with objections received from the public, questions raised about other potential sites in the Borough to relocated the project, the impact on the Borough's litigation and a new resolution that identifies the Borough's commitment to providing a site without naming a specific site while other sites are considered.

Mayor Coffey opened the meeting to the public for questions:

PUBLIC:

George Moffatt, 20 Pemberton Ave, spoke of his involvement in the past in the Borough's urban renewal projects, commented on how these types of projects are always done on the west side of town, expressed concerns for developing the Pemberton Avenue site specifically on the removing of a parking area, its impact to the Rescue Squad, the narrowness of the road and parking issues. Mayor Coffey commented that was why the Borough was looking at other sites.

Mark Patterson, Burnt Mill Circle, asked if this would be accepted by the court. Mr. Arnette responded that he believed they would recognize the commitment by the Borough to comply. Mayor Coffey added why it was time sensitive.

Lisa Harvey, 59 Asbury Avenue, asked questions about the process of reviewing and selecting alternative sites and how public would be notified of future discussion and action on the subject.

As no one else from the public wished to be heard, Mayor Coffey invited discussion from the Council.

Councilman Patti asked about amendments to the Resolution which Mr. Arnette described the changes to the resolution.

2. Resolution #2016-039 Committing to Move Forward with Habitat for Humanity was moved by Councilman Patti, seconded by Council President Irace.

The Clerk called roll:

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

The Clerk stated motion carried.

ADMINISTRATOR'S REPORT: Mr. Bennett summarized his report provided previously including Main Street Conrail flooding issue, Social Security payments appeal, status of emergency alert system and repairs, status of E. Main Street Streetscape Phase III project soon to go out to bid, Councilwoman Kahle asked that the lighting by Jockey Club not be followed as it was installed wrong and different from rest of the street, the County's Tax Assessment Demonstration program, Borough buildings, grant application for fire breathing apparatus equipment, status of Woodbine Cemetery, purchasing salt from the County and that the Post Office would reopen on January 19th. Council President Irace added that Congressman Pallone's office was working on the Borough's behalf to make sure the Post Office services returned. Copy of report attached hereto.

CLERK'S REPORT:

1. Consent Agenda:

- #2016-035** 1.1 Resolution authorizing the payment of bills.
- #2016-036** 1.2 Resolution rescinding 2015-201 and refunding payment to the bank
- #2016-037** 1.3 Resolution adopting OEM DDD plan for 2016

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

The Clerk called roll:

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

The Clerk stated motion carried.

COMMITTEE REPORTS:

COUNCILMAN BRISKEY: Councilman Briskey offered congratulations to newly and re-elected officials, commented on the challenges the Borough was facing, the Social Security issue, the Conrail flooding issue and his goal to having the emergency alert system working by end of first quarter.

COUNCIL PRESIDENT IRACE: Council President Irace reported on Finance and Administration Committee's moving ahead with outstanding issues including employee benefit changes and status of employee manual, distributed a copy of the manual with original amendments by the Committee earlier in 2015 and asked for Council to review and use as a guide going forward, Councilman Patti asked if his comments were included. Council President Irace responded it did not but that he did have his comments. Council President Irace also commented on recent events involving Monmouth Park, the impacts on the industry statewide and pending bills which didn't seem to aid Monmouth Park. Councilwoman Kahle added that part of the problem was the money stays in Atlantic City when it should be distributed around the State. Discussion ensued.

COUNCILMAN COOPER: Councilwoman Cooper thanked everyone for the welcome, commented that the Planning and Development Committee had not had opportunity to meet yet but would be looking at the pros and cons of the affordable housing issue discussed earlier tonight and would have more to report after her first Planning Board meeting. Councilwoman Kahle asked if the ordinance in the package would go to the Planning Board and was advised it would after the Council introduced.

COUNCILMAN GALLO: Councilman Gallo reminded everyone to keep vehicles off the street so the plows can get down the road during snow events and that Christmas trees could go out with regular trash.

COUNCILMAN KAHLE: Councilwoman Kahle reported on the Monmouth County Board of Health and services they provide, the number of persons served, and her goal to have more services used by Oceanport residents. Councilwoman Kahle also reported that the Sustainable Jersey would be starting back up and topics to include backyard chickens.

COUNCILMAN PATTI: Councilman Patti congratulated Councilman Briskey on his re-election, commented on the history of the Briskey family in Oceanport and his hard work since joining Council. Councilman Patti commented on the resolution condemning terrorists attacks being shared by other municipalities; reported on another attack in Paris that had just happened; reported that the Grant application for Community Park was rejected and looking to revise the application for the next round although no feedback had been received from the County; calendar events for the Rec Committee are up on the website; decorating contest and winners to be celebrated at the next Council meeting. Councilwoman Kahle asked about the Community Center grant application and if it would include improvements for the tennis courts and was told not according to the grant sought but understood the next application was to be more extensive for other aspects of the park including the tennis courts.

MAYOR COFFEY: Mayor Coffey reported on items including negotiations for the expired PBA contract and a committee of Councilpersons Briskey, Irace and Kahle along with Mr. Bennett to which there were no objections; the technology committee to be restarted and working on getting meetings televised with Comcast, live streaming to continue in the meantime; call to service on the website for those interested in volunteering; his Vision Plan which he would present at the 21st meeting for everyone's consideration.

PUBLIC:

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

Cullin Wible, 67 Wolf Hill Avenue, asked about Resolution participating in the OEM DDD plan that provides for purchasing surplus equipment and asked what we're buying from the Department of Defense. Mr. Bennett and Mayor Coffey explained it provides opportunity to purchase through that program.

Mr. Wible also asked about the ordinance passed back in August concerning on street parking, resident feedback, and was left that it would be amended and asked if that had happened. Mr. Arnette responded that it hadn't been lost but was decided to wait and see how the ordinance worked and to date there has been no negative feedback. Mr. Bennett added there had been one continuing complaint about taxis through Code Enforcement but not aware of any others.

Roseanne Letson, 37 Morris Place, asked questions about her request for an ordinance concerning abandoned homes and stopping ability to break into abandoned homes which should be boarded up to keep out and would like to know how she pursues that further. Mayor Coffey advised of a statute that provides for a governing body a proposed ordinance to address that includes costs to register as abandoned. There was lengthy discussion including difference between abandoned and vacant and complying with property maintenance and her issue sounds more like a property owner and police problem than an ownership problem. Ms. Letson also asked about the Borough website and the confusion with meeting dates being in 2 locations. Mayor Coffey commented that he had discussed that with the Clerk just this morning and they were taking steps to improve the website. Ms. Letson asked about the social security issue and what it was. Mr. Bennett explained the issue in detail including the ability for police to opt out, former CFO withdrawing social security from some police employees and not others and the application to the IRS for refund of those monies. Ms. Letson asked about the buses and the racetrack and why wasn't someone from Oceanport on one of those Committees/Boards. Council President Irace responded that there had been Monmouth Park Task Force where they appeared before the State and our representatives, Federal and State, are to be our voice. Additional discussion ensued on the lack of support and the competition from surrounding states and what could be done. Ms. Letson asked questions about the Old Wharf restaurant site and what could go there. Ms. Letson asked if the Borough had a photographer or camera that could be lent to the Rec Committee to take pictures of the houses that won. Ms. Letson asked about the Fort updates which she sees in the Administrator's report but there'd been no discussion and was told there had been no action items and that there were upcoming items that would be reported later.

Ron Sickler, 45 Morris Place, asked if the referendum for the schools was still planned for March and was told yes, but based on ongoing discussions may be put off. Mr. Sickler also commented that something should be done to increase the volume of speakers so the audience could hear.

Karen Long, 32 Revere Drive, wanted brought to the Council's attention activity at the 275 Port Au Peck Avenue property; it's contaminated and children have been out there disturbing the soil and should be shut down. Ms. Smith advised of recent inquiry to the Planning Board and that a new application was being prepared for submittal. Ms. Long continued that they haven't been monitoring and performing their requirements for the site. Discussion ensued on how it needed to be verified that it wasn't being monitored and the appropriate agency with jurisdiction was the DEP.

Larry Russamano, 36 Revere Drive, commented that the site has asbestos, what disturbances had been made on the site. Discussion continued. Ms. Smith advised that when submitting to the Planning Board they will be required to provide Environmental compliance reports, that involve the DEP etc. which would be available to the public. Councilwoman Cooper assured Ms. Letson that she would look into it and keep her updated. Councilwoman Kahle expressed concern if there was disturbance on the property which would be protected by a temporary cap. Mr. Arnette asked if they were trespassing. Discussion ensued on who was on the property causing the disturbance and was said that it was the owner's family. Ms. Letson asked about the soil disturbance and its effect on the neighbors and was told DEP was the agency with jurisdiction and it should be reported to them as the Council did not have jurisdiction.

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

Mayor Coffey then advised the public that the Council would be entering Executive Session again and while the resolution said that formal action may be taken he advised that there would be no formal action taken upon return to the regular meeting.

**Resolution #2016-040 authorizing the Governing Body to enter into Executive Session
Personnel Matters – N.J.S.A. 10:4-12(b)(8)**

Mr. Bennett exited the meeting at 8:56 p.m.

At 8:56 p.m. the Mayor asked for a motion on **Resolution #2016-040** authorizing the meeting to enter Executive Session for the purposes of Personnel Matters related to filling the Borough Administrator position which was moved by Councilman Patti and seconded by Councilman Briskey and approved by Council.

At 9:13 p.m. Council returned from Executive Session and the regular meeting was reopened on a motion by Councilwoman Cooper, seconded by Councilman Patti and approved by Council.

Mayor Coffey advised that the Council had approved a Committee of himself, Councilman Patti and Councilwoman Cooper to continue the process of interviewing candidates for the Borough Administrator position.

As there was no further business, the meeting was adjourned at 9:15 p.m. on a motion by Council President Irace seconded by Councilman Briskey and approved by Council.

Respectfully submitted,

JEANNE SMITH
BOROUGH CLERK

ADMINISTRATOR'S REPORT 01-07-2016

BBB BOAT RAMP FACILITY- *We have started collecting fees for 2016. The costs are 2x what they were last year. All work is completed and the Engineer is working on the closeout so we can recover the monies from the grant from the County and have it deposited in the Open Space Fund.*

BUDGET – *Work continues on the 2016 Budget. All appropriations are ready to be reviewed by the Finance committee scheduled for later this month.*

BUILDINGS/CAPITAL PROJECTS (ongoing)

1. **BBB Pavilion.** *The railing will have to be a Capital project for next year as it is in excess of \$12,000. The railing for \$12,000 has been included in the first draft of the Capital Budget. This will be reviewed with the Budget committee after the 1st. The cabinets have been delivered and placed on the work schedule for DPW. The electrician and the plumber are also ready to go so we should have the kitchen completed by the end of the month. The Borough Engineer is getting an estimate as to how much it will cost to put the required improvements in as requested by the Planning Board. This Money will be held back and the balance will be paid to the subcontractor as soon as the contractor signs off. When the project is completed the Engineer will do the closeout and seek the payment of the grant from the County.*
2. **Port Au Peck Firehouse:** *The area behind the firehouse is in the process of being cleaned up. This is the anniversary year (100) of the Fire Company and every effort will be made to remove any non-fire department apparatus from the location. The Police Captain has agreed to assist in removing the vehicles and having them disposed.*
3. **DPW Facilities.** *DPW Employees have insulated building 900 and are currently sheet rocking the walls. Quotes are being obtained for heating of the building as the heaters supplied by FMERA/Army are not adequate to heat the building and will result in 7 vents cut into the new roof. Once quotes have been secured they will be reviewed with the Finance Committee. The Borough Clerk is also investigating the ability to use the State's Direct Install Program as done with other Borough buildings.*
4. **Community Center/Library –** *This project is to be paid in full by the CD Grant from the County. Contract awarded. The ADA bathroom project has been completed, walk through and punch list were performed this week and close out of the project is being prepared. The architect is seeking an expansion of the project for the outside sidewalk to be improved for ADA accessibility and if it can be covered under our existing grant.*
5. **Police Headquarters:** *Lease has been signed extending the lease for an additional 6 months until March, 2016. Presently being discussed is an extension of the lease or alternative location.*
6. **Old Borough Hall –** *The Engineer has completed all on site investigations and is in the process of completing reports and preparing specifications for bid.*
7. **OEM/FIRE CHIEF building –** *The bathrooms need work and the plumber is preparing an estimate.*

8. **E. MAIN STREET STREETScape IMPROVEMENTS** – *The Engineer has completed design 90% and is anticipated to be ready to go out to bid this month. I am meeting with the representatives from Suburban Engineers tomorrow to review the plans and specs.*

COAH – *Affordable Housing discussion is on the agenda for Council meeting tonight and preparation of Round 3 Plan is in progress by the Borough Planner.*

CONRAIL REMEDIATION – MAIN STREET – *A meeting has been scheduled with representatives from the DEP, Conrail and the Borough Engineer to determine a solution to the flooding and collection of standing water.*

EMERGENCY ALERT SYSTEM - *Repairs have been done to the two inactive sirens and the others have been checked. Eatontown loaned us their bucket truck for the day for this job to be completed. All wiring has been completed so activation can be done by the laptop from Police headquarters. I've been informed by the OEM Director that the estimated cost of repairs is approximately \$3,200 plus cost of bucket truck for 2 days. I have advised the Director to proceed with the work.*

FEMA CLAIMS (ongoing) *This item need to receive the highest priority for the New Year. We are seeking several hundred thousand dollars in additional reimbursement. A meeting with the OEM Director and the Finance Committee to ascertain the status of the outstanding claims is being coordinated for this month.*

FORT MONMOUTH:

Fort Monmouth Marina – No update

RPM – **Building Permits for the South Post** have been applied for from the Construction office. *The permits are still being processed and awaiting additional information.*

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 **March 1st**. Building will not open until closing. The property will require a re-use amendment.

Chapel – The property will be going out for bid again. No update.

Dance Hall – This will take an amendment to the reuse plan as this building was originally scheduled for demolition. Contract negotiations have begun with the recommended purchaser soon. The recommended purchaser is a taxable use. For a micro-brewery and café. **FMERA staff plans to present a recommendation at its January meeting.**

Nursing quarters – Bids were received on this property Evaluation complete. The recommended party is an experienced residential developer. The project is for profit and therefore will be taxable.

Russel Hall – No update.

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. **No update.**

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. **No update**
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. **No update**
4. **The Commissary-** FMERA was informed that the proposed buyer, Wayside Technology, has decided not to move forward with the purchase. A new RFOTP will be issued in the coming months. **No update.**
5. **Squires Hall – No update**

GRANTS

MC Open Space Grant - Community Center Tennis Courts application was denied.

Fire Prevention & Safety Grant Program - Our Grant Consultant is working with the Fire Chief to apply for a grant for the purchase of breathing apparatus.

HEALTH BENEFITS: This is scheduled to be discussed at the next Finance & Administration Committee scheduled for later this month.

PERSONNEL:

Building Department – pending permanent appointments for Construction Code and Building officials is scheduled for discussion at the next Finance & Administration meeting.

Personnel Manual – this has been scheduled for discussion at the next Finance and Administration Committee scheduled for later this month.

Public Works – *interview scheduled for the position of a part-time seasonal employee with no benefits.*

Social Security – *The Consultant for the Borough has discussed the matter with the IRS who advises that the response will be another 30 days and that our request is under review.*

PLANNING & DEVELOPMENT - 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. ***This topic is on for discussion for the next Planning and Development Committee's meeting.***

PORTABLE GENERATOR PROJECT – No update

SHARED SERVICES – *I have been notified by the County that we may utilize the County's salt dome and purchase our salt from the County for this year's storms. We have further notified the County of our interest in the acquisition of a front-end loader and truck should they declare such property to be surplus.*

VEHICLES:

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 28, 2015. Closing has taken place and the state contractors have sent quotes. Approval of the quotes is on the agenda for tonight. The DPW trucks will take 4-5 months to get. The Police vehicles will take less time. ***Vehicles ordered and delivery of cars expected by mid-February. Delivery of DPW trucks anticipated for June.***

WOODBINE CEMETERY: To date, no application filed with Cemetery Board as of ***January 6, 2016.***

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

**Resolution #2016-038
01-07-2016**

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)
Affordable Housing**

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

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-038 approved by the Oceanport Borough Council at the Regular Meeting held January 7, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
COMMITTING TO MOVING FORWARD WITH HABITAT FOR HUMANITY
FOR THE CONSTRUCTION OF TWO AFFORDABLE HOUSING UNITS WITHIN
THE BOROUGH OF OCEANPORT**

**Resolution #2016-039
01-07-16**

WHEREAS, the Borough of Oceanport was involved in litigation captioned *In the Matter of the Application of the Borough of Oceanport*, docketed under MON-L-96-13, under Civil Action/Mt. Laurel, in the Superior Court of New Jersey, Law Division, Monmouth County Vicinage; and

WHEREAS, the Borough of Oceanport had received an Order granting Prior Round Judgment of Compliance and Repose, signed by the Honorable Jamie S. Perri, JSC, on December 1, 2015; and

WHEREAS, the Borough of Oceanport was required to take certain actions including adopting a Resolution committing to moving forward with the Habitat for Humanity in the construction of two affordable units in the Borough of Oceanport; and

WHEREAS, it is the Borough's intention to comply with its obligations outlined in the Order granting Prior Round Judgment of Compliance and Repose, specifically, moving forward with Habitat for Humanity or a replacement developer for two affordable housing units within the Borough of Oceanport; and

WHEREAS, at the time that the two affordable units were suggested to be built on a lot located on the corner of Pemberton Avenue and Main Street, it was not made known that the location is poorly suited for the development of any housing given traffic patterns, parking and congestion issues that will result by the development of that property which is currently utilized by the First Aid Department, the Borough offices and Senior Citizens for parking;

NOW THEREFORE BE IT RESOLVED, that the Borough of Oceanport hereby commits to moving forward with Habitat for Humanity for the construction of two affordable units on Borough owned property within the Borough; and

BE IT FURTHER RESOLVED, that regardless of whether or not Habitat for Humanity will be the developer of the two affordable unit project, the Borough will enter into a Developer's Agreement with either Habitat for Humanity or a replacement developer within the time parameters set forth by the Court; and

BE IT FURTHER RESOLVED, that the Borough of Oceanport will require that the developer of the project initiate construction of the project within two years of the entry of the Judgment of Repose and will provide proof of the initiation of the project to the Court.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-039 approved by the Oceanport Borough Council at the Regular Meeting held January 7, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR JANUARY 7, 2016**

**RESOLUTION #2016-035
01-07-16**

WHEREAS, the Governing Body of the Borough of Oceanport has reviewed the vouchers submitted in support of the bill list dated January 7, 2016; and

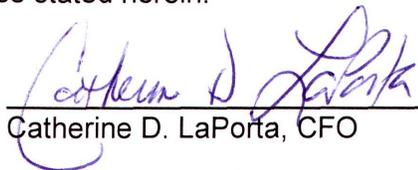
WHEREAS, the Governing Body has determined that the bill list as prepared comports with the vouchers submitted by various vendors; and

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of January 7, 2016.

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 January 7, 2016 subject to the Borough's Chief Financial Officer certifying there is sufficient funds for the payment of same.

CERTIFICATION OF FUNDS

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



Catherine D. LaPorta, CFO

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-035 approved by the Oceanport Borough Council at the Regular Meeting held January 7, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
 RESCINDING RESOLUTION #2015-201 DUE TO INCORRECT LIEN REDEMPTION
 AMOUNT AND AUTHORIZING A RETURN OF PAYMENT
 BLOCK 139, LOT 9 ALSO KNOWN AS 124 S. PEMBERTON AVE**

**Resolution #2016-036
 01-07-2016**

WHEREAS, the following property had a lien number 14-00022 attached for non-payment of sewer charges, and

WHEREAS, the Tax Collector notified the lienholder of the redemption, and

WHEREAS, the lienholder notified the Tax Collector of additional charges that should be collected.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport that the Tax Collector is hereby authorized to refund the mortgage company the amount below since the amount is incorrect for the proper redemption of lien 14-00022:

Block 139 Lot 9	Wells Fargo Home Mortgage 1 Home Campus F2302-032 MAC F2302-032 Des Moines IA 50328	\$3,093.78
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Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-036 approved by the Oceanport Borough Council at the Regular Meeting held January 7, 2016

 JEANNE SMITH, RMC
 BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
RECOGNIZING PARTICIPATION IN THE DOD 1033 PROGRAM**

**Resolution #2016-037
01-07-2016**

WHEREAS, Federal law permits the Secretary of the United States Department of Defense to transfer to federal and State agencies personal property of the Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities, under a program know as the 1033, through the Law Enforcement Support Office of the Defense Logistics Agency; and

WHEREAS, this initiative allows local law enforcement agencies to obtain, at little or no cost, equipment originally intended for use by the United States Armed Forces; and

WHEREAS, In this era of fiscal constraint, participation in the 1033 program allows local units to obtain equipment that they might not otherwise be able to afford, and to prepare for, respond to, and recover from incidents of terrorism and natural disasters, such as hurricanes and severe floods; and

WHEREAS, the equipment is provided through the 1033 program at no cost to municipal law enforcement agencies, these entities are responsible for costs associated with the maintenance, fueling , and upkeep of this equipment, and for specialized training for its operation; and

WHEREAS, taxpayers are the primary consumers and financiers of services provided by county and municipal law enforcement agencies and have the right to be assured that their money is being spent in an efficient and effective manner and the right to know the purposes for which public funds are utilized; and

WHEREAS, Civilian officials are also responsible for the acquisition of equipment necessary for local law enforcement agencies to carry out their responsibilities, yet current law does not require that they formally approve such acquisitions through the 1033 program. It is therefore appropriate to establish a system of local oversight for municipal law enforcement agencies that participate in and acquire equipment through the 1033 program and guidelines for the use of this equipment by those entities; and

WHEREAS, An application for the enrollment of a municipal law enforcement agency in any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a shall be approved by a resolution adopted by a majority of the full membership of the governing body of a local unit prior to the transmittal of any such application to the State Coordinator of any such program.

WHEREAS, the acquisition of any property by a municipal law enforcement agency enrolled in any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a shall be approved by a resolution adopted by a majority of the full membership of the governing body of a local unit.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Oceanport, in accordance with NJSA 40A:5-30.1, recognizes the value of this program and authorize it's participation and acquisition of property for the current year ending 12/31/2016 and that the Chief of Police and/or his designees is authorized to make acquisitions necessary to accomplish the public safety mission.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-037 approved by the Oceanport Borough Council at the Regular Meeting held January 7, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

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

**Resolution #2016-040
01-07-2016**

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:

**Personnel Matters – N.J.S.A. 10:4-12(b)(8)
Borough Administrator Position**

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

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-040 approved by the Oceanport Borough Council at the Regular Meeting held January 7, 2016

JEANNE SMITH, RMC
BOROUGH CLERK