

**REGULAR MEETING AGENDA
MAYOR AND COUNCIL
January 21, 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

WINNERS OF 2015 HOLIDAY DECORATING CONTEST WINNERS

Administrator's Report:

Clerk's Report:

1. Consent Agenda:

- | | | |
|------------------|------|--|
| #2016-041 | 1.1 | Resolution authorizing the payment of bills. |
| #2016-042 | 1.2 | Resolution authorizing redemption of Tax Sale Certificate #15-00001 |
| #2016-043 | 1.3 | Resolution awarding non-fair and open contract for Grant Writing & Management to Millennium Strategies |
| #2016-044 | 1.4 | Resolution appointing John Palmer as Construction Official |
| #2016-045 | 1.5 | Resolution appointing Django Wieggers as Building Inspector/Subcode Official |
| #2016-046 | 1.6 | Resolution appointing James McCarthy as Electrical Inspector/Subcode Official |
| #2016-047 | 1.7 | Resolution authorizing reimbursement for capital improvements |
| #2016-048 | 1.8 | Resolution establishing a temporary 2016 Capital Budget |
| #2016-049 | 1.9 | Resolution authorizing contract for NJ FRAMES Grant |
| #2016-050 | 1.10 | Resolution adopting the "Affirmative Marketing Plan" for the Borough of Oceanport |
| #2016-051 | 1.11 | Resolution awarding a contract for an Affordable Housing Administrator |
| #2016-052 | 1.12 | Resolution appointing a part time Public Works laborer |
| #2016-053 | 1.13 | Resolution awarding towing contracts for 2016 |

2. Minutes Approval of the Regular Minutes of October 15, 2015
 Approval of the Workshop Minutes of November 5, 2015
 Approval of the Regular Minutes of November 5, 2015

3. Ordinances:

- | | |
|----------|--|
| # | Introduction of an Affordable Housing Ordinance |
| # | Introduction of an Amendment to the Zoning Ordinance Establishing the RMW District |

4. Police Report, November, December 2015

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:

1. Proclamation Support for Law Enforcement

Petitions from the public.

Adjournment.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR JANUARY 21, 2016**

**RESOLUTION #2016-041
01-21-16**

WHEREAS, the Governing Body of the Borough of Oceanport has reviewed the vouchers submitted in support of the bill list dated January 21, 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 21, 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 21, 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 #2016-041 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #15-00001
FOR BLOCK 26, LOT 14 KNOWN AS 47 MOHICAN AVE**

**Resolution #2016-042
01-21-16**

WHEREAS, at the Borough Tax Sale held on November 16, 2015, a lien was sold on Block 26 Lot 14, otherwise known as 47 Mohican Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 15-00001 was sold to Tower as cust for Ebury Fund 2 NJ LLC at an interest rate of 0% and a premium of \$1,300; and

WHEREAS, the owner has redeemed certificate 15-00001 in the amount of \$ 499.51.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$499.51 payable to Tower as cust for Ebury Fund 2 NJ LLC, POBox 54908, New Orleans LA 70154 for the redemption of Tax Sale Certificate 15-00001.

BE IN FURTHER RESOLVED, that the CFO be authorized to issue a check in the amount of \$1,300 (Premium) to the aforementioned lienholder.

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 #2016-042 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING A NON-FAIR AND OPEN CONTRACT FOR
GRANT WRITING/GRANT MANAGEMENT BETWEEN
MILLENNIUM STRATEGIES AND THE BOROUGH OF OCEANPORT**

**RESOLUTION #2016-043
01-21-16**

WHEREAS, the Borough of Oceanport has a need to retain grant writing and grant management consulting services by means of a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.B; and,

WHEREAS, the Borough has determined that the value of the services will exceed \$17,500.00.

WHEREAS, the anticipated term of this contract is one (1) year and may be extended one (1) time as approved by this governing body; and

WHEREAS, Millennium Strategies has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form which certifies that Millennium Strategies has not made any reportable contributions to a political or candidate committee in the Borough of Oceanport in the previous one year, and the contract will prohibit Millennium Strategies from making any reportable contributions through the term of the contract, and;

WHEREAS, Millennium Strategies has submitted a proposal dated December 16, 2015:

1. Proposal for grant writing consulting services for a retainer of \$2,000 per month
2. Proposal for grant administration including but not limited to FEMA Public Assistance Consulting and Management of the Borough's FEMA Project Worksheets, Zoning Code Enforcement Grant, Hazard Mitigation Grants, at a rate of \$120 per hour for those expenses not eligible to be covered by a grant with an amount not to exceed \$30,000 for the year 2016.

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

1. Millennium Strategies be and is hereby appointed as Grant Writing and Administration Consultants for the year 2016 for an amount not to exceed \$54,000.
2. Millennium Strategies is prohibited from making any contribution to a political or candidate committee during the term of this appointment.
3. The Mayor and Borough Clerk are hereby authorized to enter into a contract on behalf of the Borough of Oceanport.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Political Contribution Disclosure Form be placed on file with said contract.

BE IT FURTHER RESOLVED that a summary of the above shall be published in The Link News as required by law within 10 days of its passage.

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 #2016-043 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTING JOHN PALMER AS CONSTRUCTION OFFICIAL**

**RESOLUTION #2016-044
01-21-16**

WHEREAS, there is a need to appoint a Construction Official as required by State Statute; and

WHEREAS, John Palmer has the required certifications from the State of New Jersey and has been serving as the Acting Construction Official for a term expiring February 4, 2016; and

WHEREAS, the Borough Administrator has recommended that John Palmer be appointed as Construction Official; and

NOW, THEREFORE, BE IT RESOLVED by the Oceanport Governing Body that John Palmer be appointed as Construction Official for a four (4) year term expiring February 3, 2020 in accordance with State Statute at a salary in accordance with the salary ordinance.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Chief Financial Officer, John Palmer and the Department of Community Affairs.

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 #2016-044 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
 APPOINTING DJANGO WIEGERS AS BUILDING INSPECTOR AND BUILDING SUBCODE
 OFFICIAL**

**RESOLUTION #2016-045
 01-21-16**

WHEREAS, there is a need to appoint a Building Inspector and Building Subcode Official as required by State Statute; and

WHEREAS, Django Wiegiers has the required certifications from the State of New Jersey and has been serving as the Borough's Acting Building Inspector and Acting Building Sub-code Official through a period that expires February 4, 2016; and

WHEREAS, the Borough Administrator has recommended that Django Wiegiers be appointed as the Building Inspector and Building Subcode Official.

NOW, THEREFORE, BE IT RESOLVED by the Oceanport Governing Body that Django Wiegiers be appointed as Building Inspector and Building Subcode Official for a four (4) year term expiring February 3, 2020 in accordance with State Statute at a salary in accordance with the salary ordinance.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Chief Financial Officer, Borough Administrator, Borough Clerk and payroll clerk.

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 #2016-045 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

 JEANNE SMITH, RMC
 BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
 APPOINTING JAMES MCCARTHY AS ELECTRICAL INSPECTOR AND ELECTRICAL
 SUBCODE OFFICIAL**

**RESOLUTION #2016-046
 01-21-16**

WHEREAS, there is a need to appoint an Electrical Inspector and Electrical Subcode Official as required by State Statute; and

WHEREAS, James McCarthy has the required certifications from the State of New Jersey and has been serving as the Borough's Acting Electrical Inspector and Acting Electrical Sub-code Official; and

WHEREAS, the Borough Administrator has recommended that Django Wieggers be appointed as the Electrical Inspector and Electrical Subcode Official.

NOW, THEREFORE, BE IT RESOLVED by the Oceanport Governing Body that James McCarthy be appointed as Electrical Inspector and Electrical Subcode Official for a four (4) year term expiring January 20, 2020 in accordance with State Statute at a salary in accordance with the salary ordinance.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Chief Financial Officer, Borough Administrator, Borough Clerk and payroll clerk.

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 #2016-046 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

 JEANNE SMITH, RMC
 BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REIMBURSEMENTS FOR CERTAIN CAPITAL IMPROVEMENTS**

**Resolution #2016-047
01-21-2016**

WHEREAS, the Borough of Oceanport approved a three year Capital Road Program as part of the 2015 budget; and

WHEREAS, said Program called for the reconstruction of Whitehall Circle to be done during the year 2017; and

WHEREAS, certain residents asked the Borough officials when their road was to be completed and they were informed that the work would not be done until 2017; and

WHEREAS, it was recommended by the Borough Engineer that due to the deteriorating conditions of the road that Whitehall Circle be repaired and reconstructed during the 2015 Road Program, and

WHEREAS, two property owners had already repaired the aprons to their driveways due to the fact that they were advised it would be two (2) additional years before the Borough would get to the project; and

WHEREAS, the property owners have furnished proof of payment of work that was done for the project.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Oceanport that the following property owners shall receive reimbursements for work performed on their driveway aprons in the following amounts:

Mary Ann Martin - \$2,800.00
23 Whitehall Circle

Mr. Miguel - \$2,500.00
35 Whitehall Circle

BE IT FURTHER RESOLVED, that the Borough Clerk distributed copies of this resolution to the following:

1. Mary Ann Martin
2. Mr. Miguel
3. Katie 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 #2016-047 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
ESTABLISHING TEMPORARY CAPITAL BUDGET FOR 2016**

**Resolution #2016-048
01-21-2016**

WHEREAS, the Division of Local Government Services requires the adoption of a Local Capital Budget; and

WHEREAS, the local capital budget for the year 2016 has not yet been adopted; and

WHEREAS, it is desired to adopt a temporary capital budget for the year 2016.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the following capital appropriations be made:

**TEMPORARY CAPITAL BUDGET
(CURRENT YEAR ACTION)
2016**

| Planned Funding Services for Current Year 2016 | | | | | | | | |
|--|--------------|----------|---------------|-------------|---------|--------------|--------------|--------------|
| | | Amounts | | Capital | | | | |
| | Estimated | Reserved | 2016 Budget | Improvement | Capital | Grants-in- | Debt | To Be Funded |
| Project | Total Cost | Prior | Appropriation | Fund | Surplus | Aid & | Authorized | in |
| | | Years | | | | Other Funds | | Future Years |
| Streetscape | \$390,000.00 | | | | | \$390,000.00 | \$390,000.00 | |
| | | | | | | | | |
| | | | | | | | | |
| Total All Projects | \$390,000.00 | - | - | - | - | \$390,000.00 | \$390,000.00 | - |

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 #2016-048 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A CONTRACT WITH THE STATE OF NEW JERSEY FOR THE
NEW JERSEY FOSTERING REGIONAL ADAPTATION through MUNICIPAL ECONOMIC
SCENARIOS (NJ FRAMES) PROJECT**

**RESOLUTION #2016-049
01-21-16**

WHEREAS, the Governing Body of the Borough of Oceanport desires to further the public interest by entering into a contract with the State of New Jersey in the amount of approximately \$41,040 to reimburse the Borough of Oceanport for grant administration activities in relation to the following project: New Jersey Fostering Regional Adaptation through Municipal Economic Scenarios (NJ FRAMES)

NOW, THEREFORE, BE IT RESOLVED that that the Mayor and Borough Clerk are hereby authorized to (a) execute a contract with the State in an amount not less than \$41,040 and not more than \$41,040, and (b) to execute any amendments thereto; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Oceanport authorizes and hereby agrees to support this project in compliance with the match requirements of the contract:

1. The availability of the match for such purposes is hereby certified.
2. 100% of the match will be made up of in-kind services. In-kind services are based on the involvement of the municipal administrators and engineers from each of the 15 Two Rivers Council of Mayors communities. This estimate was developed using conservative estimates of administrator and engineer salaries, and assumes 2.5% of their time will be spent on this project over the 3-year project period.
3. The Borough of Oceanport agrees to comply with all applicable federal, state, and municipal laws, rules, and regulations in its performance pursuant to the contract.

Motion:

Second:

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

I certify the foregoing to be a true copy of Resolution #2016-049 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

New Jersey Fostering Regional Adaptation through Municipal Economic Scenarios (NJ FRAMES)

This project – New Jersey Fostering Regional Adaptation through Municipal Economic Scenarios (NJ FRAMES) – will apply a comprehensive regional planning process in the Two Rivers region based on NOAA's *What Will Adaptation Cost? An Economic Framework for Community Infrastructure*¹ (hereafter, Framework). The Framework will use a scenario-based approach to assist communities in understanding and determining the full range of costs and benefits of different adaptation and resiliency planning decisions. Specifically, the project will implement the Framework, establishing a replicable version tailored to New Jersey, to: 1) identify appropriate science-based sea level rise and storm risk resilience and adaptation planning criteria and guidance; 2) apply such criteria and guidance consistently through a scenario planning approach in the Two Rivers Council of Mayors region; 3) provide the Two Rivers region with a cost-benefit analysis of the planning scenarios to guide their decision-making on resilience and adaptation measures; 4) develop a Regional Resilience and Adaptation Action Plan (RRAAP) based on the cost-benefit analysis to identify those resiliency and adaptation measures; 5) engage in a robust public stakeholder process to communicate the risk to their communities and engage in grassroots support for implementation of those actions, and; 6) share the outcomes of this project with decision-makers at all levels of government across the country.

SELECTION/AWARD NOTE:

NOAA is planning a press announcement regarding awards for late January 2016. NJDEP has received preliminary notification that funding will be provided for the project, and is beginning the contractual process for the project partners. Oceanport is the lead municipality for this project, and will be responsible for certain grant administration activities in coordinating efforts with all 15 municipalities which are involved. The grant award would be 1 of only 5 nationwide, out of over 140 applications received and evaluated by NOAA. The total available funding was \$5,000,000, and they received well over \$100,000,000 in grant requests. The award will be for a project in the amount of roughly \$900,000.

Project Partners:

- NOAA
 - NJDEP
 - Jacques Cousteau National Estuarine Research Reserve
 - The Rutgers Climate Institute (RCI)
 - The Louis Berger Group, Inc. (Louis Berger)
 - Borough of Oceanport (Lead/Coordinating Municipality)
 - Two Rivers Council of Mayors (All participating municipalities, as well as the Borough of Highlands)
-

**RESOLUTION
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH
STATE OF NEW JERSEY
ADOPTING THE 'AFFIRMATIVE MARKETING PLAN'
FOR THE BOROUGH OF OCEANPORT**

**Resolution #2016-050
01-21-16**

WHEREAS, in accordance with the regulations of COAH pursuant to N.J.A.C. 5:93-1, *et seq.*, and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Borough of Oceanport is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Borough of Oceanport, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 4, the COAH Housing Region encompassing the Borough of Oceanport.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Oceanport shall be marketed in accordance with the provisions herein unless otherwise provided in COAH's Rules at N.J.A.C. 5:93-1, *et seq.*
- B. The Borough of Oceanport has a Prior Round obligation and a Third Round obligation. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Borough's current Housing Element and Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Oceanport. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Oceanport, shall undertake all of the following strategies:
 - Publication of one advertisement in a newspaper of general circulation within the housing region.
 - Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
 - At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those

potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Oceanport is located in COAH Housing Region 4, consisting of Monmouth, Ocean, and Mercer Counties.

- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for low and moderate income units shall appear in the Monmouth Record and the Daily Herald.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Borough's Administrative Agent. All press releases and advertisements shall be approved in advance by the Borough's Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Direction to the units;
 - c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and
 - h. Application fees.
 4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Monmouth County and the other two of which shall be circulated primarily outside of Monmouth County but within the housing region.
 5. Four or more of following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:
 - a. 2 WCBS-TV
CBS Broadcasting Inc.
 - b. 4 WNBC
NBC Telemundo License Co. (General Electric)
 - c. 5 WNYW
Fox Television Stations, Inc. (News Corp.)
 - d. 7 WABC-TV
American Broadcasting Companies, Inc (Walt Disney)

- e. 9 WWOR-TV
Fox Television Stations, Inc. (News Corp.)
- f. 10 WCAU
NBC Telemundo License Co. (General Electric)
- g. 11 WPIX
WPIX, Inc. (Tribune)
- h. 13 WNET
Educational Broadcasting Corporation
- i. 58 WNJB
New Jersey Public Broadcasting Authority

G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

- 1. Oceanport Borough Municipal Building.
- 2. Oceanport Public Library.
- 3. Oceanport Borough Web Site.
- 4. Developer's Sales/Rental Office.
- 5. Monmouth County Administration Building.
- 6. Monmouth County Library (and branches).

Applications shall be mailed by the Administrative Agent to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Monmouth, Ocean, and Mercer Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

- 1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Monmouth County Board of Realtors
Ocean County Board of Realtors
Mercer County Board of Realtors

- 2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Monmouth, Ocean, and Mercer:

Welfare or Social Service Board
Rental Assistance Office (local office of DCA)
Office on Aging
Housing Authority
Community Action Agencies
Community Development Departments

- 3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.

- I. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 1 comprised of Monmouth, Ocean, and Mercer Counties
- J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- K. The Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- L. All developers/owners of low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.
- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

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 #2016-050 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

 JEANNE SMITH, RMC
 BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
 AUTHORIZING TWO (2) YEAR AGREEMENT WITH THE AFFORDABLE HOUSING
 ALLIANCE TO SERVE AS THE ADMINISTRATIVE AGENT FOR THE BOROUGH OF
 OCEANPORT AND ADMINISTER THE BOROUGH OF OCEANPORT'S AFFORDABLE
 HOUSING UNITS**

**Resolution #2016-051
 01-21-16**

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, hereinafter the "Act") the Municipality is implementing a program to provide affordable housing units to low- and moderate-income households desiring to live within the Municipality; and

WHEREAS, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the "Rules"); and

WHEREAS, Section 5:80-26.14 of the Rules provides that affordability controls may be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the Municipality has selected the Affordable Housing Alliance to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the municipality, unless otherwise specified, as included in this contract.

WHEREAS, the Borough desires to enter into a one (1) year contract with the Affordable Housing Alliance, a locally based non-profit corporation, to serve as its Administrative Agent and administer its affordable housing program; and

WHEREAS, costs associated with the contract shall be either paid by the developer, unit owner or landlord of the affordable housing unit/project or by the Borough in the case of a Borough program or a resale program unless otherwise specified by the Borough.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Oceanport in the County of Monmouth that the Mayor and Borough Clerk are hereby authorized and directed to execute said contract between the Borough of Oceanport and the Affordable Housing Alliance annexed hereto on behalf of the Borough.

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 #2016-051 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

 JEANNE SMITH, RMC
 BOROUGH CLERK

CONTRACT FOR THE ADMINISTRATION OF AFFORDABLE HOUSING UNITS

THIS AGREEMENT, entered into as of this the ____ day of _____, 20____,

BETWEEN

Borough of Oceanport, a municipality and instrumentality of the State, having offices at 315 East Main Street, Oceanport, New Jersey 07757, hereinafter called the "Municipality"; and

Affordable Housing Alliance, having offices at 59 Broad Street, Eatontown, NJ 07724, hereinafter called the "Administrative Agent."

WITNESSETH

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, hereinafter the "Act") the Municipality is implementing a program to provide affordable housing units to low- and moderate-income households desiring to live within the Municipality; and

WHEREAS, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the "Rules"); and

WHEREAS, Section 5:80-26.14 of the Rules provides that affordability controls may be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the Municipality has selected the Affordable Housing Alliance to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the municipality, unless otherwise specified, as included in this contract.

NOW THEREFORE, subject to COAH's approval, the Municipality and the Administrative Agent hereby agree to the following terms and conditions:

Section 1. Term

This Agreement shall become effective as of the 30th day of January, 2016, and shall have a term of one (1) year, terminating at the close of business on the 29th day of January, 2017, subject to the termination and renewal provisions set forth in *Section 4*, below.

Section 2. Applicability and Supersession

This Agreement shall define and govern all terms between the parties with respect to affordability controls for affordable housing units provided under the Act, and shall supersede all prior agreements or documents related thereto.

Section 3. Agency and Enforcement Delegation

The Municipality and the Administrative Agent acknowledge that under the Rules, the Administrative Agent is acting hereunder primarily as an agent of the Municipality. Anything

herein to the contrary notwithstanding, however, the Municipality hereby delegates to the Administrative Agent, and the Administrative Agent hereby accepts, primary responsibility for enforcing substantive provisions of the Act and the Rules. The Municipality, however, shall retain the ultimate responsibility for ensuring effective compliance with the Rules and the Administrative Agent will come under the supervision of the Municipal Housing Liaison.

Section 4. Termination and Renewal

- (1) The Agreement may be terminated by either party, by giving two (2) months advanced written notice to the other, to the address and in the form as set forth in Section 8, below, provided however, that no such termination may take effect unless and until an alternate Administrative Agent has been selected by the Municipality and approved by all required governmental authorities.
- (2) Unless terminated, this Agreement shall automatically be renewed for three (3) successive terms of one (1) years each.

Section 5. Assignment of Affordable Housing Units

For the term hereof, and without exception, this Agreement shall govern the provision of affordability control services for all affordable housing units located within the Municipality that fall under the jurisdiction of the Act, unless otherwise notified by the Municipality.

Section 6. Responsibilities of the Administrative Agent

The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in the Rules, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Oceanport and the provisions of N.J.A.C. 5:80-26.15;
 - (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH; and
 - (c) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (2) Household Certification
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan of Oceanport when referring households for certification to affordable units.
- (3) Affordability Controls
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing requests from unit owners
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements

resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems;

- (c) Notifying the Municipality of an owner's intent to sell a restricted unit; and
 - (d) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
- (a) Securing annually from municipalities lists of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to COAH as required.
- (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section 7. Responsibilities of The Municipality

The Municipality shall:

- (1) Provide to the Administrative Agent the name, title and telephone number of the municipal official designated as the Municipal Housing Liaison to the Administrative Agent on all matters related to this Agreement;
- (2) Ensure that applicable local ordinances are not in conflict with, and enable efficient implementation of, the Rules and the provisions of this Agreement;
- (3) Monitor the status of all restricted units in the Municipality's Fair Share Plan;

- (4) Compile, verify, and submit annual reports as required by COAH;
- (5) Coordinate meetings with affordable housing providers and Administrative Agents, as applicable;
- (6) Develop an Affirmative Marketing Plan and distribute to the Administrative Agent;
- (7) Ensure that all restricted units are identified as affordable within the tax assessor's office and any Municipal Utility Authority (MUA). The municipality and MUA shall promptly notify the Administrative Agent of a change in billing address, payment delinquency of two billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units; and
- (8) Provide all reasonable and necessary assistance to the Administrative Agent in support of efforts to enforce provisions of the Act, the Rules, deed covenants, mortgages, court decisions or other authorities governing the affordability control services to be provided under the Agreement.

Section 8. Notices

All notices and other written communications between the Municipality and the Administrative Agent shall be to the addresses and personnel specified below:

if to the Municipality:

Oceanport Borough Hall
315 East Main Street
Oceanport, NJ 07757

Attn: Borough Administrator

if to the Administrative Agent:

Affordable Housing Alliance
59 Broad Street
Eatontown, NJ 07724

Attn: Donna Blaze, Chief Executive Officer

Section 9. Non-Waiver of Conditions

The failure of either party to insist upon strict performance of any provision of this Agreement in any one or more instances shall not constitute a consent to waiver of or excuse for any other different or subsequent breach of the same or other provision, nor as a result shall either party relinquish any rights which it may have under this Agreement. No terms or provisions hereof shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the waiving party.

Section 10. Merger and Amendment

This written Agreement, together with its Exhibits, constitutes the sole agreement between the

parties with respect to the matters covered therein, and no other written or oral communication exists which shall bind the parties with respect thereto, provided however that this Agreement may be modified by written amendments clearly identified as such and signed by both the Municipality and the Administrative Agent.

Section 11. Partial Invalidation of Agreement

Should any provision of this Agreement be deemed or held to be invalid, ineffective or unenforceable, under present or future laws, the remainder of the provisions shall remain in full force and effect.

IN WITNESS WHEREOF, the Municipality and the Administrative Agent have executed this Agreement in triplicate as of the date first above written.

THE MUNICIPALITY OF Oceanport

BY _____
Name:
Title:

Affordable Housing Alliance

BY _____
Name:
Title:

ACKNOWLEDGEMENTS

On this the ____ day of _____, 20____ before me came _____ known and known to me to be the _____ of _____, the Municipality identified as such in the foregoing Agreement, who states that (s)he is duly authorized to execute said Agreement on behalf of said Municipality, and that (s)he has so executed the foregoing Agreement for the purposes stated therein.

NOTARY PUBLIC

On this the ____ day of _____, 20____ before me came _____, known and known to me to be the _____ of _____, the Administrative Agent identified as such in the foregoing Agreement, who states that (s)he has signed said Agreement on behalf of said Administrative Agent for the purposes stated therein.

NOTARY PUBLIC

**RESOLUTION OF THE BOROUGH OF OCEANPORT
 APPOINTING A PART TIME LABORER TO
 THE DEPARTMENT OF PUBLIC WORKS**

**Resolution #2016-052
 01-21-16**

WHEREAS, there is a need for part time help in the Public Works Department to assist with lawn care, general duties and parks maintenance; and.

WHEREAS, the position entails a maximum of 29 hours per week at a compensation in accordance with the salary ordinance and no additional benefits.

NOW THEREFORE BE IT RESOLVED, by the Borough Council that Frank Olivadotti is hereby appointed as part time Public Works laborer.

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

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 #2016-052 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

 JEANNE SMITH, RMC
 BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING OF CONTRACT FOR TOWING SERVICES FOR 2016**

**Resolution #2016-053
01-21-2016**

WHEREAS, the Borough of Oceanport has determined there is a need for towing and storage services pursuant to the Chapter 361 of the Code of the Borough of Oceanport; and

WHEREAS, the Police Chief as authorized by ordinance solicited proposals from qualified towers to perform said services to the Borough on a rotating basis; and

WHEREAS; the Police Chief has recommended that Borough towing licenses be awarded to Arties' Custom Styling, Procraft Auto Body and Brothers Towing, John's Auto and Truck Repair, LLC and Central Towing and Recovery for 2016.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that towing licenses for 2016 be awarded to Arties' Custom Styling, Procraft Auto Body and Brothers Towing, John's Auto and Truck Repair, LLC and Central Towing and Recovery; and

BE IT FURTHER RESOLVED that the Police Chief shall obtain the necessary certificates of insurance from said towing companies.

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 #2016-053 approved by the Oceanport Borough Council at the Regular Meeting held January 21, 2016

JEANNE SMITH, RMC
BOROUGH CLERK