

## SPECIAL MEETING MINUTES

Oceanport, New Jersey  
May 12, 2016

The Special Meeting of the Oceanport Mayor and Council was called to order on May 12, 2016 at 7:00 PM with the Statement of Compliance with the Open Public Meetings Act given by Mayor Coffey.

"Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Star Ledger on May 6, 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 Chaplin Stacy Deerin gave the invocation.

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

**MEMBERS ABSENT:** Councilwoman Kahle

**OFFICIALS PRESENT:** Borough Administrator Ray Poerio, Borough Clerk, Jeanne Smith, and Borough Attorney, Scott Arnette, Borough Planner Elizabeth McManus

**Resolution #2016-101** Authorizing Application to Request Cancellation of Community Disaster Loan

Council President Irace briefly explained the loan that the Borough was required by the State to take after Superstorm Sandy to maintain stability with revenues and the process the Borough was pursuing to request converting it to a grant. Council President then made a motion to adopt this resolution which was seconded by Councilman Patti. The Clerk called roll:

AYES: Briskey, Irace, Cooper, Gallo and Patti

NAYES: None

ABSTAIN: None

ABSENT: Kahle

The Clerk stated the motion carried.

Mayor Coffey stated the next item was the matter of the Borough's COAH obligation/Judgment of Repose and invited Borough Planner Elizabeth McManus to appear and assist the Council with their determination on how to satisfy the affordable housing obligation consistent with the Judgment of Repose. Beth McManus gave a history of the Borough's affordable housing requirements and the events that led to this Special Meeting. Ms. McManus again reported that the three proposed locations are Pemberton Ave., the old municipal complex (corner of Myrtle Ave. and Monmouth Blvd.) and certain lot on Horseneck Point Rd. Members of the Governing Body had questions regarding the selection and approval of the Pemberton Ave. site. Discussion included whether or not the Planning Board should be reviewing the sites since they are the most knowledgeable regarding utilities needed, road improvements, subdivision of properties and other issues surrounding the proposed properties. Council members and the Borough Attorney discussed asking the Court for relief such as an extension. Beth McManus advised that the Court and Special Master will meet and focus on the Borough at the end of the month. If the Court decides not to grant an extension, the worst case scenario is that the Borough's immunity from builder's remedy lawsuits would be withdrawn.

There was discussion regarding the public notice requirement by the Planning Board if the Council voted to ask for their review and analysis of the properties and make a recommendation. Additional discussion followed regarding what the impact would be if required variances were rejected by the Planning Board. Councilman Patti made a motion to continue to comply with the Judgment of Repose and continue to cooperate with Habitat for Humanity and to seek an extension of the Judgment of Repose with sufficient time, not to exceed 45 days, for the Planning Board to conduct a proper analysis

of consistency with the Master Plan and make a recommendation to the Governing Body. The motion was seconded by Council President Irace. The Clerk called roll:

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

The Clerk stated the motion carried.

Mayor Coffey advised that he will deliver the message to the Court on May 25<sup>th</sup> that the Governing Board is requesting the extension in order to get a proper analysis and continue to comply with the Judgment of Repose. He stated if the Judge does not extend, another Special Meeting will be convened. There was discussion regarding the consequences of the removal of the Borough's immunity from builder's remedy lawsuits. Discussion followed regarding what material to provide to the Planning Board and scheduling a special meeting for the Planning Board before the May 25<sup>th</sup> meeting with the Judge. Further discussion occurred regarding the problems with each of the proposed sites. Councilman Briskey and Ms. McManus discussed the option of purchasing existing condominiums and income requirements. Councilman Briskey then had discussions with Mr. Arnette regarding appealing the Judge's ruling.

**PUBLIC HEARING:**

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

Cullin Wible, 67 Wolf Hill Ave., member of the Planning Board, but speaking as an individual, requested the Council provide sufficient information to the Planning Board to make an appropriate decision.

Ron Sickler, 45 Morris Place, commented on the Borough spending over \$800,000 for the COAH lawsuit and the possibility of spending another \$800,000 if another developer decides to file a lawsuit. He polled the Council members on whether they each had a particular site in mind when they came to the meeting. He stated that Council was shirking its responsibility by handing the decision off to the Planning Board. Mayor Coffey stated that if there was a tie vote, he would break the tie.

Roseann Letson, 37 Morris Place, stated that the Council was delaying in making a necessary decision. She stated her opposition to the Council's decision to send the matter to the Planning Board.

John Bonforte, 111 Horseneck Point Road, stated the residents of Horseneck Point Road are not against affordable housing, but it should be smart. He also commented on the risk of another builder's remedy lawsuit. Ms. McManus described the site and DEP's concerns regarding development because of the presence of wetlands. Discussion followed regarding subdivision of the proposed lots. He asked if there was an estimated cost to build two units on Horseneck. Ms. McManus replied that typically, if the Borough owns the property, they turn the property over to the affordable housing developer who in exchange constructs the affordable housing units and site improvements. Mr. Bonforte outlined the various site improvements that would be needed to develop the Horseneck property. He asked if environmental studies had been conducted. Ms. McManus stated the Borough is using the current DEP data. He expressed his opinion regarding the benefits of having affordable housing near transportation, shopping, etc.

Condra Kokolus, 7 Long Branch Ave., requested a definition of units, which was provided by Ms. McManus. Mr. Arnette indicated that the settlement agreement requires two units. A developer's agreement would be drafted and specify the council's preference of two single family houses. Mr. Kokolus asked about the area median income (AMI). Mr. McManus responded that annually COAH adopts low and moderate income standards for each county, and she advised that moderate income is 80 percent of the regional AMI and low income is 50 percent of the regional AMI and is broken down by household size. He requested information on the analysis of the use of the Pemberton site. Ms. McManus explained the process. He also asked if Myrtle Ave and Horseneck Point sites were analyzed

to the same depth as Pemberton. Mayor Coffey advised that due to time constraints, in depth analyses were not performed on those sites.

Robert Rodgers, 9 Kelsey Ct., Neptune, owner of property on Orchard St., gave a history of his ownership. He asked if certain areas near his property are still considered Green Acres. Mayor Coffey advised he would have to research it to get an answer.

Wally Smith, 19 Pemberton Ave., expressed his concern for the children who live on Pemberton. He stated that the Pemberton site is a parking lot for three buildings. If the lot is improved, children's lives will be endangered.

Joe Lombardo, 50 Iroquois Ave., First Aid Vice President and long-time volunteer, discussed the pros and cons of all three proposed sites. He stated there could even be oil tanks at the Pemberton site.

Joe Fornarotto, 13 Pemberton Ave., discussed the hazards of crossing E. Main St. from Pemberton to go to the park. He asked if anyone on the Council received a 200 foot notice. Councilman Patti stated he had received one and did not believe there was a conflict of interest. He stated his opposition to the Council's decision to send the matter to the Planning Board.

Roseann Letson, 37 Morris Place, asked what could be done with the old Borough Hall. Mayor Coffey outlined the possibilities from the sale of that property may be debited against the FEMA money available to the Borough. The Mayor stated there is a meeting with FEMA tomorrow to resolve the issue.

Joe Fornarotto, 13 Pemberton Ave., raised the issue of property available at Fort Monmouth. Mayor Coffey responded the Borough does not. The federal government owns the property and through FMERA, third parties will purchase property located in the Oceanport section.

John Bonforte, 111 Horseneck Point Road, stated that the residents on Horseneck are not against any of the other sites, just want to provide perspective from the Horseneck residents. He discussed previous developers who decided not to build because of the extensive site improvement costs.

Tara O'Sullivan, 452 Myrtle Ave., stated she had concerns about the old Borough Hall site because of so many unanswered questions.

John Feiter, 231 Monmouth Blvd., stated his concerns regarding the lack of certainty and that the Borough's services are going to be spread out. Mayor Coffey responded that the Borough is considering 13.25 acres on Fort property to consolidate about 90 percent of Borough facilities in Building 901. Mr. Feiter asked if the COAH units were rentals, purchases or voucher homes. Ms. McManus replied that the affordable housing units are either purchases or rentals and the unit is restricted, was not a voucher system. These two particular units are for sale units.

Mr. Arnette advised the immunity from builder's remedy lawsuits has not been removed.

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

Mayor Coffey advised the public that the next Mayor and Council meeting would be held at the Acute Care building on Fort Monmouth property because there is an event scheduled for Maple Place School on that date.

As there was no further business, the meeting was adjourned at 9:27 p.m. on a motion by Council President Irace seconded by Councilman Patti and approved by Council.

Respectfully submitted,

JEANNE SMITH  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING APPLICATION FOR COMMUNITY DISASTER LOAN CANCELLATION**

**RESOLUTION #2016-101  
05-12-16**

**WHEREAS**, due to the effects of Superstorm Sandy, the Federal Emergency Management Administration (FEMA) made available low interest loans to assist local government units in offsetting substantial revenue losses for continued operations of essential services until such time as recovery efforts lead to restored revenues sources; and

**WHEREAS**, FEMA approved a loan amount of \$1.154 million of which the Borough of Oceanport had need of \$300,000; and

**WHEREAS**, there is the potential for the loan and any interest incurred to be converted to a grant based on different criteria and the Borough desires to pursue this process.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Oceanport that the Chief Financial Officer is hereby authorized to execute and file the necessary documents to pursue the Community Disaster Loan cancellation process for the Borough's Community Disaster Loan for the principal amount of \$300,000 and interest accrued to date of \$4,678.50 and any additional interest accrued thereafter.

**BE IT FURTHER RESOLVED** that the Borough Clerk provide a copy of this Resolution to the Chief Financial Officer.

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 #2016-101 approved by the Oceanport Borough Council at the Special Meeting held May 12, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK