

**REGULAR MEETING AGENDA
MAYOR AND COUNCIL
September 15, 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

Engineer's Report:

Administrator's Report:

Clerk's Report:

1. Consent Agenda:

- | | | |
|------------------|-----|--|
| #2016-175 | 1.1 | Resolution authorizing the payment of bills. |
| #2016-176 | 1.2 | Resolution authorizing use of athletic facilities |
| #2016-177 | 1.3 | Resolution supporting the 2016 Labor Day Drive Sober Get Pulled Over Crackdown |
| #2016-178 | 1.4 | Resolution authorizing refund of overpayment of taxes |
| #2016-179 | 1.5 | Resolution authorizing solicitation for RFQ/RFP for various professional services for 2017 |
| #2016-180 | 1.6 | Resolution authorizing redemption of Tax Sale Certificate #15-00010 |
| #2016-181 | 1.7 | Resolution authorizing execution of Memorandum of Understanding with Daniel Barcus |
| #2016-182 | 1.8 | Resolution deeming Blackberry Bay Park Project complete and accepted |
| #2016-183 | 1.9 | Resolution authorizing execution of Developer's Agreement with Affordable Housing Alliance |

2. Minutes Approval of the Executive Session Minutes of July 14, 2016
 Approval of the Workshop Minutes of August 18, 2016
 Approval of the Regular Minutes of August 18, 2016

ORDINANCES:

- | | |
|-------------|--|
| #967 | 2 nd Reading & Public Hearing of An Ordinance Amending Chapters 127 & 390 for the Keeping of Poultry and Fowl |
| #968 | 2 nd Reading & Public Hearing of an Ordinance Amending the Developer's Fee Ordinance |

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.

Adjournment.

REGULAR MEETING MINUTES

Oceanport, New Jersey
September 15, 2016

The Regular Meeting of the Oceanport Mayor and Council was called to order on September 15, 2016 at 7:00 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, Irace, Cooper, Patti and Mayor Coffey

MEMBERS ABSENT: Councilpersons Gallo, Kahle

OFFICIALS PRESENT: Borough Administrator, Ray Poerio, Borough Clerk, Jeanne Smith, and Borough Attorney, Scott Arnette

ADMINISTRATOR'S REPORT: Mr. Poerio provided both the Engineer's and Administrator's report. The bid specifications for road work and bulkhead projects are complete. Requests for bids will go out shortly. He stated that the generator specifications are near completion. The Borough Engineer, Mr. White, has completed the evaluation of the check valves, which will allow the Borough to apply for a grant to address tidal flooding. Mr. Poerio commended the OEM, Police Department and Public Works for their preparedness for the forecast of a severe storm. He noted Council President Irace's involvement in posting information for residents regarding the storm. The Summer's End Festival was a success. Over 40 candidates have applied for vacancies in the Police Department, and interviews are underway. The East Main Street Streetscape project will begin within the next two to three weeks. He reminded everyone to advise the Borough Clerk of their attendance at the NJ League of Municipalities Conference. Ms. Smith will be acting Borough Administrator while Mr. Poerio is at a conference September 23 through 28th.

Councilman Briskey asked specifically about a payment to State Unemployment on the Bill List. Mr. Poerio explained the unemployment payment was for the previous Borough Administrator, John Bennett.

CLERK'S REPORT:

1. Consent Agenda

- #2016-175** 1.1 Resolution authorizing the payment of bills.
- #2016-176** 1.2 Resolution authorizing use of athletic facilities
- #2016-177** 1.3 Resolution supporting the 2016 Labor Day Drive Sober Get Pulled Over Crackdown
- #2016-178** 1.4 Resolution authorizing refund of overpayment of taxes
- #2016-179** 1.5 Resolution authorizing solicitation for RFQ/RFP for various professional services for 2017
- #2016-180** 1.6 Resolution authorizing redemption of Tax Sale Certificate #15-00010
- #2016-181** 1.7 Resolution authorizing execution of Memorandum of Understanding with Daniel Barcus
- #2016-182** 1.8 Resolution deeming Blackberry Bay Park Project complete and accepted
- #2016-183** 1.9 Resolution authorizing execution of Developer's Agreement with Affordable Housing Alliance
- #2016-156** 1.10 Amendment to Resolution authorizing twinning with Penisten, France

The Clerk stated there were 9 items on the consent agenda with a request from Councilman Patti to add an additional item to amend Resolution #2016-156 for Twinning with Penisten, France changing

the structure of the committee to which there were no objections. As there were no questions, the Clerk asked for a motion to approve, which was made by Councilwoman Cooper and seconded by Council President Irace.

The Clerk called roll:

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

The Clerk stated the motion carried.

- 2. Minutes Approval of the Executive Session Minutes of July 14, 2016
Approval of the Workshop Minutes of August 18, 2016
Approval of the Regular Minutes of August 18, 2016

The Clerk called for a motion to approve Executive Session Minutes of July 14, 2016, Workshop Minutes of August 18, 2016 and Regular Minutes of August 18, 2016, which was made by Councilman Patti and seconded by Council President Irace.

The Clerk called roll:

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

The Clerk stated that the motion carried.

ORDINANCES:

- #967** 2nd Reading & Public Hearing of An Ordinance Amending Chapters 127 & 390 for the Keeping of Poultry and Fowl

Councilwoman Cooper made a motion to withdraw the ordinance in order for the amendments to be drafted in response to comments from the Planning Board and public, which was seconded by Council President Irace.

The Clerk called roll:

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

The Clerk stated that the motion carried.

- #968** 2nd Reading & Public Hearing of an Ordinance Amending the Developer's Fee Ordinance

Councilwoman Cooper called for the second reading and Public Hearing providing for an ordinance amending the Developer's Fee Ordinance. She asked the Clerk to read the affidavit of publication and the proposed ordinance by title only. **“AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 390 ZONING, ARTICLE X DEVELOPMENT FEES”** was published in the Link News on August 25, 2016.

The Mayor opened the meeting for any public comments on this ordinance only. There being none, the Mayor closed the public hearing. Councilwoman Cooper made a motion to adopt the ordinance and advertise in accordance with the law, which was seconded by Council President Irace.

The Clerk called roll:

AYES: Briskey, Irace, Cooper, Patti

NAYS: None

ABSTAIN: None

ABSENT: Gallo, Kahle

The Clerk stated the motion carried.

COMMITTEE REPORTS:

PUBLIC SAFETY: Councilman Briskey advised of a meeting with Conrail regarding the drainage problem. They brought proposed plans for the Borough to install a swale to alleviate the problem. The Borough declined because of the presence of a large gas main. Conrail will instead perform the work. He stated the Emergency Alert System is still only at 80 percent. Oceanport Hook & Ladder has started the Fire Explorer Program, which encourages 12 to 17 year old individuals to become volunteer firefighters. A fundraiser will be held Sunday, October 23rd, 8 AM to 12 Noon at the Hook & Ladder firehouse. He wished Chief Dan Barcus well in his retirement.

FINANCE AND ADMINISTRATION: Council President Irace also congratulated Chief Barcus on his retirement and wished him well. He then reported on two incidents that occurred at Monmouth Park. A jockey was seriously injured, and there was an incident which required police response. He commended the Oceanport Police Department and the Sheriff's Department for their well-coordinated efforts to maintain safety. There will be a ribbon cutting for the Rogue Hair Salon at the New Village Center on Saturday.

HEALTH AND HUMAN SERVICES: No report as Councilwoman Kahle was not in attendance

PUBLIC WORKS: No report as Councilman Gallo was not in attendance

PARKS AND RECREATION: Councilman Patti noted that Summer's End Festival was successful. Plans are already underway for next year's Festival. He, Councilwoman Cooper and Mr. Poerio have been working with Eagle Scouts, Hunter Ward and Lucas Kirchberger, to discuss the project to install an oval path around the perimeter at Boy Scout Park (Sommers Park) and beautification at the entrance. He's working with the Chief on swings and with Mr. Poerio swings and shade options at Charles Park. The Recreation Committee is working on the Halloween Party and Parade. He also thanked Chief Barcus for his service and wished him well.

PLANNING & DEVELOPMENT: Councilwoman Cooper reported that several variances were approved at the last Planning Board meeting. At the October 11th, 2016 Planning Board meeting the Board will be considering amendments to the Master Plan. She encouraged the public to attend the meeting and provide input. The Cable and Technology Committee has a meeting scheduled to discuss a TV channel for the Borough and the Verizon SNN network nodules. She also encouraged everyone to attend the opening of the Rogue Hair Salon and continue to patronize the business. She also thanked Chief Barcus for his service and wished him well.

PETITIONS FROM THE PUBLIC:

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

Cullin Wible, 67 Wolf Hill Ave., asked questions about #2016-183, authorizing the developer's agreement with the Affordable Housing Alliance. The property is at 25 Main Street, currently has six 6 and will be adding 6 more. The application was approved 10 years ago. Councilwoman Cooper

explained the addition will be at the back of the existing structure and there will be a total of 12 bedrooms. He also asked that the Master Plan be made available on line rather than only being available at Borough Hall. Council members agreed that Mr. Wible would assist Ms. Smith in posting the document.

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

MAYOR COFFEY'S REPORT: Mayor Coffey spoke about the proposed legislation on the November ballot that would allow gambling outside of Atlantic City. He described how gambling is permitted in surrounding States. He outlined the proposed locations in northern New Jersey, and stated the proposed legislation prohibits gambling within 72 miles (as the crow flies) of Atlantic City. Monmouth Park Racetrack will not receive any foreseeable benefit from the proposed legislation. He expressed his frustration at the lack of support from legislative representatives and the lack of specificity in the proposed legislation. He further expressed his displeasure with Sen. Jennifer Beck's comment regarding "crying over spilled milk" and invited Council members and the public to "toast" Sen. Beck with a glass of milk for her lack of support for Monmouth Park and Monmouth County. At a recent meeting of Monmouth County Mayors, other municipalities stated they will support Oceanport's position on the proposed legislation. Mayor Coffey stated a symposium will be scheduled at Monmouth Park to explain the situation to the public.

Mayor Coffey read a proclamation declaring September 15, 2016 as Chief Daniel Barcus Day, which detailed the Chief's extensive service and numerous awards to thank Chief Barcus for his faithful and outstanding service to the Borough. Chief Barcus accepted the proclamation and expressed his thanks and gratitude to the Governing Body, residents and fellow officers.

At 7:48 PM, the Mayor requested a brief recess in order to complete a resolution for the Council's consideration to oppose the November 8, 2016 ballot which was approved by Council and adjourned the meeting for a 12 minute recess.

#2016-184 Resolution OPPOSING THE NOVEMBER 8, 2016 BALLOTT INITIATIVE IN SUPPORTING MONMOUTH PARK AS A GAMBLING VENUE AND/OR REVENUE SHARING BETWEEN NEW JERSEY CASINOS, MONMOUTH PARK AND THE NEW JERSEY HORSERACING INDUSTRY

Mayor Coffey read Resolution #2016-184 in full for the record which was moved by Council President Irace and seconded by Councilwoman Cooper.

The Clerk called roll:

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

The Clerk stated that the motion carried.

As there was no further business, the meeting was adjourned at 8:04 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 PAYMENT OF BILL LIST FOR SEPTEMBER 15, 2016**

**RESOLUTION #2016-175
09-15-16**

WHEREAS, the Governing Body of the Borough of Oceanport has reviewed the vouchers submitted in support of the bill list dated September 15, 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 lists at its public meeting of September 15, 2016.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oceanport hereby authorizes payment of all bills on the bill list dated September 15, 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 #2016-175 approved by the Oceanport Borough Council at the Regular Meeting held September 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**BOROUGH OF OCEANPORT
BILL LIST**

15-Sep-16

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$ 103,981.46 18TH PAY

2016 EXPENDITURES - MANUAL CHECKS

US BANK OPERATIONS - 2015 CAPITAL LEASE	\$ 70,343.13
JP MORGAN CHASE BANK - 2005 BOND PRINCIPAL & INTERES	\$ 220,809.38
CITY OF LONG BRANCH FIRE MARSHALL	\$ 400.00
SHORE REGIONAL SEPTEMBER TAX LEVY	\$ 327,803.17
SHORE REGIONAL DEBT SERVICE	\$ 139,483.79
OCEANPORT BOE SEPTEMBER TAX LEVY	\$ 738,100.17

CAPITAL TRUST TOTAL	\$ 1,760.82
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DOG REGISTRY TOTAL	\$ 7.20
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ESCROW TRUST TOTAL	\$ 4,267.00
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OPEN SPACE TRUST TOTAL	\$ 103.60
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TRUST OTHER TOTAL	\$ -
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SUI TRUST	\$ 1,971.00
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2015 VOUCHERS PAID	\$ 228,774.41
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2015 VOUCHERS PAID THIS MEETING	\$ 4,380.00
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TOTAL	\$ 233,154.41
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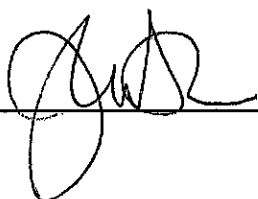
2016 VOUCHERS PAID	\$ 15,157,020.74
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MANUAL CHECKS	\$ 1,496,939.64
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2016 VOUCHERS PAID THIS MEETING	\$ 159,932.10
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TOTAL	\$ 16,813,892.48
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I CERTIFY THAT THE ABOVE ITEMS ARE TRUE AND CORRECT AS PRESENTED
TO THE MAYOR AND COUNCIL FOR PAYMENT



**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING USE OF ATHLETIC FACILITIES**

**Resolution #2016-176
09-15-16**

WHEREAS, the Parks and Recreation Committee has recommended the following group(s) be approved for use of a Borough athletic facility as follows:

Peninsula Soccer Club

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

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

Motion:

Second:

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

I certify this to be a true copy of Resolution #2016-176 approved by the Oceanport Borough Council at the Regular Meeting held September 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
SUPPORTING THE LABOR DAY DRIVE SOBER OR GET PULLED OVER
2016 STATEWIDE CRACKDOWN**

**Resolution #2016-177
09-15-16**

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$44 Billion a year; and

WHEREAS, 29% of motor vehicle fatalities in New Jersey in 2015 were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Labor Day Drive Sober or Get Pulled Over 2016 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 19 through September 5, 2016; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW THEREFORE, BE IT RESOLVED that the Borough of Oceanport declares it's support for the *Labor Day Drive Sober or Get Pulled Over 2016 Statewide Crackdown* from August 19 through September 5, 2016 and pledges to increase awareness of the dangers of drinking and driving.

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 #2016-177 approved by the Oceanport Borough Council at the Regular Meeting held September 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE BOROUGH CLERK TO ADVERTISE
REQUESTS FOR QUALIFICATIONS/PROPOSALS FOR VARIOUS PROFESSIONAL SERVICES
FOR THE PERIOD JANUARY 1, 2017 THROUGH DECEMBER 31, 2017**

**Resolution #2016-179
09-15-16**

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et. seq. commonly known as the “State Pay to Play” Law, enacted by the New Jersey State Legislature shall become effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20. et.seq., a municipality may not award a contract with a value in excess of \$17,500 to a business entity that has made a contribution within one year of the date the contract is to be awarded that is reportable by the recipient under P.L. 1973, c.83 (C.19.44A-1 et seq.) to a municipal political party committee in that municipality if a member of that party is serving in an elective public office when such a contract is awarded or to any candidate committee of any person who is serving in an elective public office of the municipality when such contract is awarded, unless the contract is awarded under a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et. seq.; and

WHEREAS, the Borough of Oceanport has need to engage various professional services including legal, financial, insurance, engineering, appraisers for tax assessments and other professional services and desires to do so through a fair and open process.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey that RFQ/RFPs for competitive contracting for the following professional services are hereby authorized:

1. Borough Attorney
2. Borough Auditor
3. Borough Bond Counsel
4. Borough Engineer
5. Borough Health Insurance Broker
6. Borough Planner
7. Borough Special Projects Engineer
8. Planning Board Attorney
9. Planning Board Engineer/Planner
10. Appraisal services for tax assessments as extraordinary, unspecifiable services; and
11. Other professional services and extraordinary unspecifiable services as the Council may deem appropriate to award pursuant to a fair and open process.

BE IT FURTHER RESOLVED, that the Borough Clerk is directed to advertise for RFQ/RFPs in accordance with Borough Code Chapter 35-8 and pursuant to N.J.S.A. 19:44A-20.4, 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 #2016-179 approved by the Oceanport Borough Council at the Regular Meeting held September 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #15-00010
FOR BLOCK 84, LOT 10 KNOWN AS 13 BELMAR AVE**

**Resolution #2016-180
09-15-16**

WHEREAS, at the Borough Tax Sale held on November 16, 2015, a lien was sold on Block 84 Lot 10, otherwise known as 13 Belmar Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 15-00010 was sold Public Tax Investments LLC at an interest rate of 0% and a premium of \$1,300; and

WHEREAS, a representative for the owner has redeemed certificate 15-00010 in the amount of \$ 514.16.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$4,309.01 payable to Public Tax Investments LLC, PO Box 1030, Brick NJ 08723 for the redemption of Tax Sale Certificate 15-00010.

BE IT 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 #2016-180 approved by the Oceanport Borough Council at the Regular Meeting held September 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING THE MAYOR TO THE SIGN THE MEMORANDUM
OF UNDERSTANDING BETWEEN POLICE CHIEF DANIEL BARCUS
AND THE BOROUGH OF OCEANPORT**

**RESOLUTION #2016-181
09-15-16**

WHEREAS, Daniel Barcus is the current serving Chief of Police for the Borough of Oceanport Police Department; and

WHEREAS, Chief Barcus has advised the Borough that he is desirous of retiring as of November 30, 2016; and

WHEREAS, the Borough of Oceanport and Police Chief Barcus have agreed to certain terms and conditions regarding his retirement that are contained within a Memorandum of Understanding, and

WHEREAS, the Borough of Oceanport and Police Chief Barcus wish to be bound by the terms and conditions contained within the Memorandum of Understanding that is attached hereto and made a part hereof,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport that they hereby agree to the terms and conditions set forth within the attached Memorandum of Understanding as related to Chief Barcus' retirement; and

BE IT FURTHER RESOLVED, that the Council hereby authorizes and directs the Mayor to sign the Memorandum of Understanding and to fulfill the Borough's duties and obligations under that Memorandum of Understanding.

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 #2016-181 approved by the Oceanport Borough Council at the Regular Meeting held September 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

MEMORANDUM OF UNDERSTANDING

The Borough of Oceanport is a Body Politic incorporated under the Law of the State of New Jersey and shall be referred to hereinafter as the "Borough".

Daniel Barcus, is an individual who is currently employed by the Borough of Oceanport as the Chief of the Oceanport Police Department and will be referred to hereinafter as the "Employee". Collectively, the Borough and the Employee will be referred to as the "Parties". The terms and conditions and duties and obligations of the Parties as set forth hereinafter are mutual, and good and sufficient consideration for the promises and obligations set forth are hereby acknowledged by the Parties.

The Parties agree that the Borough has a Police Department that has a Collective Bargaining Agreement, and that the Chief of Police is not a member of the Bargaining Unit that is covered by the Collective Bargaining Agreement.

- The Employee hereby agrees that he will file his papers for retirement on or before September 15, 2016, specifically identifying his date of retirement as November 30, 2016. If the retirement application papers are not filed on or before September 15, 2016, specifically identifying the date of retirement as November 30, 2016, the parties agree that all of the promises and agreements with the Employee, hereinafter identified, shall be rescinded by the Borough and rendered null and void *ab initio* from the date of signing of this Memorandum of Understanding.

- The Employee will not receive any raise after November 30, 2016 and will not receive any pro rated vacation days, personal days or any other benefit beyond that date.

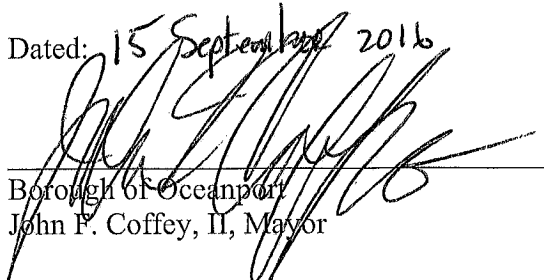
- The Employee has agreed to receive \$27,800.00 as reimbursement for any and all sick days and comp time he has accrued, extinguishing any claim for additional funds. The Borough

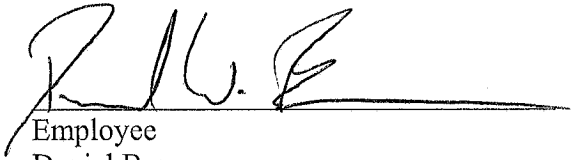
agrees to pay the sick days and comp time reimbursement in 2016. Also, the Employee has 5 personal days for which he will be paid at the appropriate rate, should they not be used by November 30, 2016.

- It is agreed between the parties that the Employee shall be allowed to opt out of the Borough's health insurance plan upon retirement if he secures a job that provides him with health insurance. Employee shall be allowed to opt back in at a future date, into whatever plan the Borough has in place at the time of the opt in and will remain in the Borough's health insurance plan subject to any modifications and adjustments to that plan as the Borough so decides for its employees. The opt out and opt in shall be allowed once. For the period of January 1, 2017 to December 31, 2021, should the Employee opt out of the Borough health insurance, he shall receive a \$3,500.00 stipend. During the period the Employee opts out of the Borough's health insurance from January 1, 2022 onward, Employee shall receive the standard yearly stipend for opting out as is set for other Borough employees, or as it may be modified from time to time.

- Should the employee take time off prior to November 30, 2016 as sick leave, Employee shall then comply with the Borough's sick leave policy as set forth in the Employee Handbook and shall provide a medical certificate or physician's note in such circumstances as required, indicating those absences are for sick leave. During the time of any sick leave the Employee shall be released from any official duties, obligations and/or responsibilities to the Borough.

Dated: 15 September 2016


Borough of Oceanport
John F. Coffey, II, Mayor


Employee
Daniel Barcus

**RESOLUTION OF THE BOROUGH OF OCEANPORT,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
DEEMING BLACKBERRY BAY PARK PROJECT
COMPLETE AND ACCEPTED**

**RESOLUTION #2016-182
09-15-16**

WHEREAS, the Borough of Oceanport awarded a contract to Catel, Inc., for the construction of a pavilion at the Blackberry Bay Park within the Borough of Oceanport; and

WHEREAS, at the request of Catel, Inc., the Borough entered into a three party agreement to pay Catel's main subcontractor, OldCastle Precast, Inc., directly, after receiving approval from Catel as the general contractor; and

WHEREAS, a few disputes had arisen between Catel and OldCastle, which the Borough was in no way a party to the claims or disputes; and

WHEREAS, the Borough informally mediated the dispute between Catel and OldCastle and reached an accord that has satisfied both Catel and OldCastle, and Releases have been exchanged between each other and to the Borough in exchange for final payments on the already completed project; and

WHEREAS, the construction of the project was completed on December 12, 2014, and but for the aforementioned disputes between Catel and OldCastle, the project would have been accepted by the Borough and the final payments would have been paid; and

WHEREAS, now that an accord and agreement has been reached between Catel and OldCastle, settling all disputes and releasing each other and the Borough of Oceanport, the project can be accepted by the Borough.

NOW THEREFORE BE IT RESOVED, that the Borough of Oceanport, in exchange for goods and services provided and in exchange for a Release of any and all claims, hereby agrees to pay the final payment of \$52,611.19 to OldCastle Precast, Inc., in full satisfaction of its contract and any claims that might flow therefrom for work that OldCastle performed at Blackberry Bay and in conjunction with the Blackberry Bay Pavilion Project; and

BE IT FURTHER RESOLVED, that the Borough of Oceanport in exchange for goods and services provided and in exchange for a Release of any and all claims, hereby agrees to pay the final payment of \$5,903.68 to Catel, Inc. in full satisfaction of its contract and any claims that might flow therefrom for work Catel performed at Blackberry Bay and in conjunction with the Blackberry Bay Pavilion Project; and

BE IT FURTHER RESOLVED, that the Borough hereby determines the construction to be complete and accepts the Blackberry Bay Pavilion pursuant to the recommendation of the Borough's Engineer, William H.R. White, III, P.E., and has received the post construction Engineer's certification from William H.R. White, III, P.E., which is attached to this Resolution and made a part hereof, and has received an as built drawing of the Pavilion at Blackberry Bay Park prepared by Charles V. Bell Associates, Inc.

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 #2016-182 approved by the Oceanport Borough Council at the Regular Meeting held September 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A DEVELOPER’S AGREEMENT BETWEEN THE BOROUGH OF OCEANPORT
AND THE AFFORDABLE HOUSING ALLIANCE**

**Resolution #2016-183
09-15-16**

WHEREAS, Southern Burlington County NAACP v. Tp. of Mount Laurel, 92 N.J. 158 (1983) (hereinafter “Mount Laurel”), the Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.*, the regulations adopted by the Council On Affordable Housing (hereinafter “COAH”), and other applicable laws require all New Jersey municipalities to create a realistic opportunity for the provision of low and moderate income housing; and

WHEREAS, it has been determined that the Borough Oceanport like all municipalities throughout the State of New Jersey must provide a realistic opportunity for the creation of housing affordable to low and moderate income households and conforming to the regulations of COAH, other assigned legal entities, the Superior Court of New Jersey and the Uniform Housing Affordability Controls (“UHAC”); and

WHEREAS, the Borough has instituted a declaratory judgment action in the Superior Court of New Jersey seeking a declaration that it has satisfied its affordable housing obligation for the third round period and it is seeking a judgment of repose from builder’s remedy litigation for a ten year period through that litigation; and

WHEREAS, to partially address its affordable housing obligation, the Borough and the Affordable Housing Alliance (“AHA”) have agreed to create to work together to create a rental community of 12 apartments on Block 110/Lot 18.01 referred to as the “Oceanport Apartments,” which contemplates the new construction of 6 rental units which will be added to 6 existing all of which will be affordable to certified low and moderate income households;

WHEREAS, the Mayor and Council believe it is in the best interest of the Borough of Oceanport to enter into a Developer’s Agreement with AHA in order to satisfy its constitutional obligation to provide for its fair share of affordable housing.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey that it hereby approves the Developer’s Agreement with the Affordable Housing Alliance and the Mayor is authorized to execute the Developer’s Agreement attached hereto.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to :

1. Affordable Housing Alliance
2. Elizabeth McManus, P.P.
3. Andrew Bayer, Special Affordable Housing Counsel

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 #2016-183 approved by the Oceanport Borough Council at the Regular Meeting held September 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
OPPOSING THE NOVEMBER 8, 2016 BALLOTT INITIATIVE IN SUPPORTING MONMOUTH PARK AS A
GAMBLING VENUE AND/OR REVENUE SHARING BETWEEN NEW JERSEY CASINOS, MONMOUTH
PARK AND THE NEW JERSEY HORSERACING INDUSTRY**

**RESOLUTION #2016-184
09-15-16**

WHEREAS, Monmouth Park is the most beautiful, historic and well-preserved facility of its type on the eastern seaboard; and

WHEREAS, New Jersey horseracing industry has survived and prospered due to the proximity of Monmouth Park to Monmouth County and the horse farms located therein; and

WHEREAS, on November 8, 2016 the voters of the State of New Jersey will be asked to consider a ballot initiative whereby our State's Constitution would be amended to allow for casino gambling to take place outside of Atlantic City imp articular in two separate municipalities, in two separate counties, both of which must be more than 72 miles from Atlantic City; and

WHEREAS, by virtue of the fact that the proposed Constitutional amendment contains a 72 mile restriction both Monmouth Park and Freehold Raceway are specifically precluded from availing themselves of the potential generating alternative revenue from casino gambling, notwithstanding the fact that both have a long and storied history of successfully catering to the needs of New Jersey's gambling public; and

WHEREAS, this Governing Body is of the opinion that the proposed Constitutional amendment is too restrictive and that Central Jersey's interests are ignored in favor of protecting and/or advancing North Jersey's and South Jersey's interests; and

WHEREAS, this Governing Body cannot support this proposed constitutional amendment unless it is amended to permit casinos or some form of alternative gambling revenue generation (e.g., slot machines, video lottery terminals) within Monmouth Park or to reflect that a specific sum of money will be provided to New Jersey thoroughbred horse racing sufficient to establish purses competitive with surrounding states as well as infrastructure costs associated with Monmouth Park and those attendant to New Jersey horse farms and breeders;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oceanport oppose the current proposed constitutional amendment and will only support the expansion of casinos and gambling outside of Atlantic City providing that any expansion will allow for casino gambling or some variation thereof within Monmouth Park or provide a dedicated revenue stream for Monmouth Park Racetrack and support of the horseracing industry in the State of New Jersey.

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward a certified copy of this Resolution to Governor Christie, President of the New Jersey State Senate, the Speaker of the General Assembly; Dennis Drazin, Esq., New Jersey Thoroughbred Horsemen's Association, New Jersey Breeder's Association; Monmouth County Legislative Delegation; Office of Monmouth County Council; the Monmouth County Freeholders and all other Monmouth County Municipalities.

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 #2016-184 approved by the Oceanport Borough Council at the Regular Meeting held September 15, 2016

JEANNE SMITH, RMC
BOROUGH CLERK

**BOROUGH OF OCEANPORT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

Resolution #2016-156 Amended

**A RESOLUTION OF THE BOROUGH COUNCIL OF OCEANPORT
SUPPORTING THE ESTABLISHMENT OF A SISTER CITY PROGRAM WITH
PÉNESTIN FRANCE**

WHEREAS, the establishment of a Twinning Program speaks directly to the Borough of Oceanport's overall community vision; and

WHEREAS, the residents of Oceanport have demonstrated a desire to learn more about the people of other communities throughout the world and enhance international communication and understanding; and

WHEREAS, the citizens of Oceanport wish to encourage educational, cultural, athletic, trade, tourism, business, technology, and governmental exchanges to help acquaint themselves with the diverse peoples of the world; and

WHEREAS, the Borough of Oceanport wants to provide its citizens with opportunities that may present themselves in the future regarding services and benefits from community projects of international scope; and

WHEREAS, Oceanport's Twin City, Pénestin, France (Pénestin) was carefully selected by the Ad Hoc Committee for Twinning to assure that these relationships will be educational, long-lasting and of maximum benefit for all; and

WHEREAS, Oceanport's relationship with Pénestin was based upon common interests and characteristics important to both Oceanport and with Pénestin; and

WHEREAS, the Borough of Oceanport pledges its support to its residents for their creation and maintenance of the relationship with Pénestin; and

WHEREAS, the Borough of Oceanport will coordinate the sponsorship of a Twin City with the Town of Pénestin;

WHEREAS, the proposal for a Twinning Program was presented to the City Council on July 21, 2016;

SECTION I : GOALS OF THE OCEANPORT TWINNING CITY PROGRAM

The establishment of the Twinning Program should serve the following goals between the residents of Oceanport and the citizens of Pénestin:

1. Build people-to-people relationships;
2. Provide educational opportunities;
3. Exchange of civic opportunities and relationships;
4. Promote business and tourism opportunities, including the exchange of business practices where applicable; and
5. Enhance the understanding of cultural awareness and sensitivity.

6. Establishment of educational communications between the school of Oceanport and the school of Pénestin.

SECTION 2: TWINNING CITY PROGRAM COMMITTEE & RESPONSIBILITIES

The Borough of Oceanport Twinning Program Committee responsible for the Twinning Program may will include:

- The Mayor;
- Executive representatives appointed by the Mayor;
- One member of the Oceanport Council;
- One member of the Board of Education;
- Student members from Shore Regional High School who reside in Oceanport (amount to be determined by the committee);
- Student members from Maple Place Middle School (amount to be determined by the committee);
- Residents of the Borough of Oceanport appointed by the Mayor and City Council; and
- Members with teaching credentials;

NOW, THEREFORE, THE COUNCIL OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, DOES HEREBY RESOLVE AS FOLLOWS: that the Council of the Borough of Oceanport hereby supports the establishment of a Twinning Program with Pénestin, the objectives of the Oceanport Twinning Program, and the establishment of future objectives consistent with Twinning and the town of Pénestin.

RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY this 15TH day of SEPTEMBER 2016.

Motion:

I certify this to be a true copy of amended Resolution #2016-156 approved by the Oceanport Borough Council at the Regular Meeting held September 15, 2016

Second:

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

 JEANNE SMITH, RMC
 BOROUGH CLERK