

**REGULAR MEETING AGENDA
MAYOR AND COUNCIL
January 5, 2017**

Call to Order.

Statement of Compliance with Open Public Meetings Act: *This meeting complies with the Open Public Meeting Act by notification on January 2, 2017 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.*

Flag Salute

Invocation

OATH OF OFFICE: NEW COUNCILPERSON

Roll Call

Administrator's Report:

CONSENT AGENDA:

- | | | |
|------------------|-----|---|
| #2017-036 | 1.1 | Resolution authorizing redemption of Tax Sale Certificate #16-00002 |
| #2017-037 | 1.2 | Resolution authorizing redemption of Tax Sale Certificate #16-00023 |
| #2017-038 | 1.3 | Resolution rejecting all bids for the 2016 Bulkhead Improvements project |
| #2017-039 | 1.4 | Resolution extending the contract with Nicholas H. Teetelli Consulting Services |
| #2017-040 | 1.5 | Resolution authorizing participation in the OEM DOD Surplus Equipment Program |
| #2017-041 | 1.6 | Resolution authorizing Interlocal Agreement with City of Long Branch for Fire Prevention Services |
| #2017-042 | 1.7 | Resolution awarding towing contracts for 2017 |

- MINUTES:**
- Approval of the Workshop Meeting Minutes of December 1, 2016
 - Approval of the Executive Session Minutes of December 1, 2016
 - Approval of the Regular Meeting Minutes of December 15, 2016

ORDINANCES:

- #970** Introduction of a Bond Ordinance for the Acquisition & Development of a Municipal Complex

#2017-043 Resolution authorizing Application to Local Finance Board for Approval of Down Payment Waiver

COMMITTEE REPORTS:

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

MAYOR COFFEY'S REPORT:

1. Appointment of Municipal Court Judge

Petitions from the public.

Adjournment.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #16-00002
FOR BLOCK 7, LOT 16 KNOWN AS 523 SHREWSBURY AVE**

**Resolution #2017-036
01-05-17**

WHEREAS, at the Borough Tax Sale held on August 22, 2016, a lien was sold on Block 7 Lot 16 otherwise known as 523 Shrewsbury Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00002 was sold Trystone Capital Assets LLC at an interest rate of 0% and a premium of \$300; and

WHEREAS, a representative for the owner has redeemed certificate 16-00002 in the amount of \$ 169.81.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$169.81 payable to Trystone Capital Assets LLC, POBox 1030, Brick NJ 08723 for the redemption of Tax Sale Certificate 16-00002.

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

Motion:

Second:

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

I certify this to be a true copy of Resolution #2017-036 approved by the Oceanport Borough Council at the Regular Meeting held January 5, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #16-00023
FOR BLOCK 125, LOT 2 KNOWN AS 16 FAIRFIELD AVE**

**Resolution #2017-037
01-05-17**

WHEREAS, at the Borough Tax Sale held on August 22, 2016, a lien was sold on Block 125 Lot 2 otherwise known as 16 Fairfield Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00023 was sold Tower as cust for Ebury Fund 2 NJ LLC at an interest rate of 0% and a premium of \$1,300; and

WHEREAS, a representative for the owner has redeemed certificate 16-00023 in the amount of \$ 2,215.16.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$2,215.16 payable to Tower as cust for Ebury Fund 2 NJ LLC, POBoc 54908, New Orleans LS 70154 for the redemption of Tax Sale Certificate 16-00023.

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	()	()	()	()
	()	()	()	()
Coffey	()	()	()	()

I certify this to be a true copy of Resolution #2017-037 approved by the Oceanport Borough Council at the Regular Meeting held January 5, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE REJECTION OF ALL BIDS FOR THE
2016 BULKHEAD IMPROVEMENTS**

**RESOLUTION #2017-038
01-05-2017**

WHEREAS, on November 5, 2016 the Borough publicly advertised for a bid for a contract for the Construction of 2016 Bulkhead Improvements; and

WHEREAS, on November 22, 2016 the Borough received six (6) bids for the project; and

WHEREAS, all bids substantially exceed the cost estimates for the goods and services for the project.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport that the bids received on November 22, 2016 for the aforementioned project are hereby rejected and bid bonds are to be returned.

BE IT FURTHER RESOLVED, that the Project Engineer is hereby authorized to rebid the project.

Motion:

Second:

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

I certify this to be a true copy of Resolution #2017-038 approved by the Oceanport Borough Council at the Regular Meeting held January 5, 2017

JEANNE SMITH, RMC
BOROUGH CLERK



Engineers
 Planners
 Surveyors
 Landscape Architects
 Environmental Scientists

Corporate Headquarters
 331 Newman Springs Road, Suite 203
 Red Bank, NJ 07701
 T: 732.383.1950
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 www.maserconsulting.com

December 19, 2016

Honorable Mayor and Council
 Borough of Oceanport
 315 East Main Street
 Oceanport, NJ 07757

Re: 2016 Bulkhead Improvements
 Borough of Oceanport, Monmouth County, New Jersey
Project No. OPB-151

Dear Mayor and Council:

On Tuesday, November 22, 2016, at 11:00 a.m., bids were received for the Borough's 2016 Bulkhead Improvements. We have reviewed the bids and found a few minor mathematical errors. A bid summary is attached. A comparison of the corrected bids is as follows:

CONTRACTOR	TOTAL PROPOSAL BID
EMPIRE CONSTRUCTION & PROPERTY MANAGEMENT GROUP, INC.	\$ 178,903.69
ALBERT MARINE CONSTRUCTION, INC.	\$187,190.00
COMPASS CONSTRUCTION, INC.	\$261,830.00
R. KREMER & SON MARINE CONTRACTORS, LLC	\$324,164.00
RICE ASSOCIATES, INC.	\$326,702.95
J.E. HANNON INC. T/A BIRD CONSTRUCTION	\$331,076.50

Our office contacted a number of the apparent low bidder's references and found their work to be acceptable and timely. The bids came in significantly higher than originally budgeted for. Our office has reviewed the bids with the Borough Administrator and we recommend rejection of all bids and that authorization is provided to rebid the project.

If you should have any questions or require additional clarification, please do not hesitate to contact me.

Very truly yours,

MASER CONSULTING P.A.

William H.K. White, III, P.E., P.P., C.M.E.
 Oceanport Borough Engineer

WHW:

Enclosures

Cc: Jeanne Smith, RMC, Borough Clerk (with enclosure and original bids)
 Scott Arnette, Esq., Borough Attorney (via email)

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BID SUMMARY SHEET FOR:
 (BOROUGH OF OCEANPORT)
 (2016 BULKHEAD IMPROVEMENTS)

				Empire Construction & Property Management Group, Inc. 14 Grove Street Middletown, NJ 07748				Albert Marine Construction, Inc. 65 Pennsylvania Avenue Waretown, NJ 08758				Compass Construction, Inc. PO box 191 New Egypt, NJ 08533			
Item	Description	UNIT	Qty	Unit Price	Item Total	Bid Total	Err.	Unit Price	Item Total	Bid Total	Err.	Unit Price	Item Total	Bid Total	Err.
BASE BID ITEMS															
1	Mobilization	LS	1	\$15,000.00	\$15,000.00	\$15,000.00		\$7,600.00	\$7,600.00	\$7,600.00		\$19,500.00	\$19,500.00	\$19,500.00	
2	Clearing Site	LS	1	\$2,400.00	\$2,400.00	\$2,400.00		\$9,020.00	\$9,020.00	\$9,020.00		\$9,900.00	\$9,900.00	\$9,900.00	
3	Anchored Vinyl Sheet Pile Bulkhead (Asbury Avenue)	LF	75	\$678.67	\$50,900.25	\$50,900.00	*	\$740.00	\$55,500.00	\$55,500.00		\$1,050.00	\$78,750.00	\$78,750.00	
4	Anchored Vinyl Sheet Pile Bulkhead (Itaska Place)	LF	65	\$690.77	\$44,900.05	\$44,900.00	*	\$732.00	\$47,580.00	\$47,580.00		\$1,050.00	\$68,250.00	\$68,250.00	
5	Anchored Vinyl Sheet Pile Bulkhead (Asbury Avenue)	LF	65	\$690.77	\$44,900.05	\$44,900.00	*	\$660.00	\$42,900.00	\$42,900.00		\$1,050.00	\$68,250.00	\$68,250.00	
6	Hot Mix Asphalt 9.5M64, Surface Course, 1 1/2" thick	Tons	3	\$433.33	\$1,299.99	\$1,300.00	*	\$375.00	\$1,125.00	\$1,125.00		\$195.00	\$585.00	\$585.00	
7	Hot Mix Asphalt 19M64, Base Course, 2" thick	Tons	4	\$375.00	\$1,500.00	\$1,500.00		\$375.00	\$1,500.00	\$1,500.00		\$190.00	\$760.00	\$760.00	
8	Dense-Graded Aggregate Base Course, 6" thick	SY	35	\$34.23	\$1,198.05	\$1,198.00	*	\$45.00	\$1,575.00	\$1,575.00		\$66.00	\$2,310.00	\$2,310.00	
9	18" Reinforced Concrete Pipe	LF	8	\$375.00	\$3,000.00	\$3,000.00		\$125.00	\$1,000.00	\$1,000.00		\$185.00	\$1,480.00	\$1,485.00	*
10	36" Reinforced Concrete Pipe	LF	24	\$250.00	\$6,000.00	\$6,000.00		\$360.00	\$8,640.00	\$8,640.00		\$290.00	\$6,960.00	\$6,960.00	
11	Topsoil, 6" thick	SY	430	\$6.53	\$2,807.90	\$2,810.00	*	\$9.00	\$3,870.00	\$3,870.00		\$4.00	\$1,720.00	\$1,720.00	
12	Fertilizing & Seeding, Type A-3	SY	430	\$2.32	\$997.60	\$1,000.00	*	\$2.00	\$860.00	\$860.00		\$0.50	\$215.00	\$215.00	
13	Guard Fence	LF	70	\$57.14	\$3,999.80	\$4,000.00	*	\$86.00	\$6,020.00	\$6,020.00		\$45.00	\$3,150.00	\$3,150.00	
TOTAL BASE BID AMOUNT					\$178,903.69	\$178,908.00			\$187,190.00				\$261,830.00		

BID SUMMARY SHEET FOR:
 (BOROUGH OF OCEANPORT)
 (2016 BULKHEAD IMPROVEMENTS)

				R. Kremer & Son Marine Contractors, LLC 253 Drum Point Road Brick, NJ 08723				Rice Associates, Inc. 10 Fairwaters Land Fair Haven, NJ 07704				J.E. Hannon Inc. T/A Bird Construction 105 Harbor Inn Road Bayville, NJ 08721			
Item	Description	UNIT	Qty	Unit Price	Item Total	Bid Total	Err.	Unit Price	Item Total	Bid Total	Err.	Unit Price	Item Total	Bid Total	Err.
BASE BID ITEMS															
1	Mobilization	LS	1	\$31,344.00	\$31,344.00	\$31,344.00		\$2,500.00	\$2,500.00	\$2,500.00		\$23,990.00	\$23,990.00	\$23,990.00	
2	Clearing Site	LS	1	\$21,100.00	\$21,100.00	\$21,100.00		\$36,337.00	\$36,337.00	\$36,337.00		\$19,845.00	\$19,845.00	\$19,845.00	
3	Anchored Vinyl Sheet Pile Bulkhead (Asbury Avenue)	LF	75	\$1,300.00	\$97,500.00	\$97,500.00		\$1,213.71	\$91,028.25	\$91,028.31		\$1,200.00	\$90,000.00	\$90,000.00	
4	Anchored Vinyl Sheet Pile Bulkhead (Itaska Place)	LF	65	\$1,300.00	\$84,500.00	\$84,500.00		\$1,352.08	\$87,885.20	\$87,885.20		\$1,200.00	\$78,000.00	\$78,000.00	
5	Anchored Vinyl Sheet Pile Bulkhead (Asbury Avenue)	LF	65	\$1,200.00	\$78,000.00	\$78,000.00		\$1,021.01	\$66,365.65	\$66,365.90	*	\$1,200.00	\$78,000.00	\$78,000.00	
6	Hot Mix Asphalt 9.5M64, Surface Course, 1 1/2" thick	Tons	3	\$120.00	\$360.00	\$360.00		\$526.67	\$1,580.01	\$1,580.00		\$362.00	\$1,086.00	\$1,086.00	
7	Hot Mix Asphalt 19M64, Base Course, 2" thick	Tons	4	\$130.00	\$520.00	\$520.00		\$546.88	\$2,187.52	\$2,187.50		\$368.00	\$1,472.00	\$1,472.00	
8	Dense-Graded Aggregate Base Course, 6" thick	SY	35	\$20.00	\$700.00	\$700.00		\$17.36	\$607.60	\$607.50	*	\$33.00	\$1,155.00	\$1,155.00	
9	18" Reinforced Concrete Pipe	LF	8	\$64.00	\$512.00	\$512.00		\$968.75	\$7,750.00	\$7,750.00		\$1,120.00	\$8,960.00	\$8,960.00	
10	36" Reinforced Concrete Pipe	LF	24	\$142.00	\$3,408.00	\$3,408.00		\$507.68	\$12,184.32	\$12,184.25		\$725.00	\$17,400.00	\$17,400.00	
11	Topsoil, 6" thick	SY	430	\$3.00	\$1,290.00	\$1,290.00		\$19.47	\$8,372.10	\$8,373.75	*	\$9.95	\$4,278.50	\$4,278.50	
12	Fertilizing & Seeding, Type A-3	SY	430	\$3.00	\$1,290.00	\$1,290.00		\$2.55	\$1,096.50	\$1,096.50		\$3.00	\$1,290.00	\$1,290.00	
13	Guard Fence	LF	70	\$52.00	\$3,640.00	\$3,640.00		\$125.84	\$8,808.80	\$8,808.95	*	\$80.00	\$5,600.00	\$5,600.00	
TOTAL BASE BID AMOUNT					\$324,164.00				\$326,702.95	\$326,704.86			\$331,076.50		

**RESOLUTION OF THE BOROUGH OF OCEANPORT
EXTENDING A NON-FAIR AND OPEN CONTRACT FOR ADMINISTRATIVE SERVICES RELATED TO
INSURANCE CLAIMS AND FEMA PUBLIC ASSISTANCE PROJECTS BETWEEN NICHOLAS
H. TEETELLI CONSULTING AND THE BOROUGH OF OCEANPORT**

**RESOLUTION #2017-039
01-05-17**

WHEREAS, the Borough of Oceanport retained Nicholas H. Teetelli Consulting Services pursuant to Resolution #2016-059 for the purposes of providing consulting services related to the Borough's insurance claims and FEMA Public Assistance projects resulting from Superstorm Sandy 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 contract period was for January 25, 2016 through January 25, 2017 and provided for up to a one year extension; and

WHEREAS, the Borough desires to extend this contract one time for the period January 27, 2017 through December 31, 2017; and

WHEREAS, Nicholas H. Teetelli of Nicholas H. Teetelli Consulting Services has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form which certifies that Nicholas Teetelli Consulting Services 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 Nicholas Teetelli Consulting Services from making any reportable contributions through the term of the contract, and;

WHEREAS, funds shall be available for the stated purpose in the 2017 municipal budget in the Superstorm Sandy account subject to adoption of the 2017 budget.

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

1. Nicholas H. Teetelli Consulting Services contract for administrative services related to the Borough's insurance claims and FEMA Public Assistance projects and its terms are hereby extended for a contract amount not to exceed \$40,000.00, at an hourly rate of \$65.00 per hour, for the period beginning January 26, 2017 through December 31, 2017.
2. Nicholas H. Teetelli Consulting Services is prohibited from making any contribution to a political or candidate committee during the term of this appointment.
3. That the within Resolution shall be subject to the Borough CFO certifying that funds are available for the stated purpose.

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.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport, hereby certify sufficient funds are available in Account #7-01-20-155-218 pending adoption of the CY 2017 Budget

Motion:	Second:			
ROLL CALL	YES	NO	ABSTAIN	ABSENT
Briskey	()	()	()	()
Cooper	()	()	()	()
Gallo	()	()	()	()
Irace	()	()	()	()
Kahle	()	()	()	()
	()	()	()	()
Coffey	()	()	()	()

CATHERINE D. LAPORTA, CFO

I certify this to be a true copy of Resolution #2017-039 approved by the Oceanport Borough Council at the Regular Meeting held January 5, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

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

**Resolution #2017-040
01-05-2017**

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Oceanport, in accordance with NJSA 40A:5-30.1, recognizes the value of this program and authorize it's participation and acquisition of property for the current year ending 12/31/2017 and that the Chief of Police and/or his designees is authorized to make acquisitions necessary to accomplish the public safety mission subject to approval by the Borough Administrator.

Motion:

Second:

I certify this to be a true copy of Resolution #2017-040 approved by the Oceanport Borough Council at the Regular Meeting held January 5, 2017

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

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING
INTERLOCAL SERVICES AGREEMENT FOR SHARED FIRE PREVENTION
SERVICES WITH THE CITY OF LONG BRANCH**

**Resolution #2017-041
01-05-2017**

WHEREAS, the “Shared Services and Consolidation Act” at N.J.S.A. 40A:65-1 et seq. (The “Act”) allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

WHEREAS, Oceanport and Long Branch desire to continue sharing Fire Prevention Services in order to conserve resources and to provide for a more efficient and more economically sound service; and

WHEREAS, the Borough Councils of both Oceanport and Long Branch find that it would be in the best interest of the parties that Fire Prevention Services for the Borough of Oceanport be provided by the City of Long Branch.

NOW THEREFORE IT IS HEREBY AGREED by and between the Mayor and Council of the Borough of Oceanport and the Mayor and Council of the City of Long Branch that the parties agree to enter into the shared services agreement attached hereto.

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign said shared services agreement for Fire Protection Services with Long Branch in accordance with the proposal offered by the City of Long Branch and after review and recommendation from Borough Counsel regarding said agreement.

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

I certify this to be a true copy of Resolution #2017-041 approved by the Oceanport Borough Council at the Regular Meeting held January 5, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**SHARED SERVICE AGREEMENT BETWEEN THE CITY OF LONG BRANCH AND THE
BOROUGH OF OCEANPORT FOR FIRE PREVENTION SERVICES**

THIS AGREEMENT made the 10th day of January, 2017 by and between the **CITY OF LONG BRANCH** and the **BOROUGH OF OCEANPORT**,

WITNESSETH

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et se. authorizes municipalities to contract with each other for shared services.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

1. **Nature and Extent of Services:** The City of Long Branch under the auspices of the of the Office of the Fire Marshal will provide fire prevention inspection services for the Borough of Oceanport in accordance with N.J. A.C. 5:70-1.1 (a), et. seq. of the New Jersey Uniform Fire Code and Borough of Oceanport Ordinance 223, including but not limited to inspections, re-inspections, issuances of permits, collection of fees and fines, administration of Rapid Entry System and provide fire prevention education in school program,
2. **Consideration:** In consideration for services to be rendered by the City of Long Branch on behalf of the Borough of Oceanport the annual fee shall be Six Thousand (\$6,000.00) Dollars per year for one year or all fees, local and life hazard use rebates, permit fees and other funds collected under the direction of the Uniform Fire Code, whichever is greater. An annual report on the monies collected shall be provided by January 30th for the previous year.
3. **Duration of the Contract:** The term of this agreement shall be for three (3) years with the stipulation that either party may withdraw from this agreement at the end of any calendar year provided it gives thirty (30) days written notice to the other party. The City of Long Branch reserves the right to terminate this agreement at any time if the Borough of Oceanport falls to pay it share for services rendered. This agreement will go into effect on January 1, 2017 through December 31, 2019 subject to the aforesaid provisions of termination.
4. **Arbitration:** Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled pursuant to the Laws of the State of New Jersey by arbitration in accordance with the rules, then existing, of the American Arbitration Association or similar arbitrator and judgment upon an award rendered pursuant to such arbitration may be entered in any court in the State of New Jersey having jurisdiction thereof. In the event of conflict between the Rules of the American Arbitration Association or any other chosen arbitrator and any statute of

the State of New Jersey, the parties agree to be bound by the law of the State of New Jersey.

5. **Agency Relationship:** It is hereby acknowledged that the City of Long Branch's Office of the Fire Marshal and all personnel within the office subject to this agreement are performing services under this agreement as a general agent for the Borough of Oceanport and shall have all powers of performance reasonably necessary and convenient to carry out the duties, obligations and responsibilities under the agreement and allowable by law.
6. **Enactment Procedures:** The City of Long Branch and the Borough of Oceanport hereby acknowledge that prior to execution of this agreement, the respective municipal bodies shall authorize the same through and by the procedures and standards for the adoption of ordinances and/or resolutions set forth more fully under the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq.
7. **Miscellaneous:** The Borough of Oceanport shall designate the Long Branch Office of the Fire Marshal as the "Local Enforcement Agency" or "LEA". The Long Branch Office of the Fire Marshal shall provide monthly activity reports and an annual report, in an approved format, to the Borough of Oceanport and advise the Fire Committee and Fire Chief as necessary. Any notice required under this agreement shall be served upon the City Clerk of the City of Long Branch and the Borough Clerk of the Borough of Oceanport, with a copy provide to the respective Borough Attorneys.

IN WITNESS WHEREOF, the undersigned have hereto set their hands and seals the day and year first above written,

BOROUGH OF OCEANPORT

CITY OF LONG BRANCH

BY: _____
JOHN F COFFEY II

BY: _____
ADAM SCHNEIDER, MAYOR

Dated: _____

Dated: _____

ATTEST:

JEANNE SMITH, RMC
BOROUGH CLERK

KATHY L. SCHMELZ, RMC
CITY CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING OF CONTRACT FOR TOWING SERVICES FOR 2017**

**Resolution #2017-042
01-05-2017**

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 Officer in Charge has recommended that Borough towing licenses be awarded to Procraft Auto Body, John's Auto and Truck Repair, LLC, Arties' Custom Styling, Brothers Towing and Central Towing and Recovery for 2017.

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 Procraft Auto Body, John's Auto and Truck Repair, LLC, Arties' Custom Styling, Brothers Towing 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	()	()	()	()
	()	()	()	()
Coffey	()	()	()	()

I certify this to be a true copy of Resolution #2017-042 approved by the Oceanport Borough Council at the Regular Meeting held January 5, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**BOROUGH OF OCEANPORT
ORDINANCE NUMBER #970**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND IMPROVEMENT OF PROPERTY, FACILITIES, AND BUILDINGS AND THE CREATION OF A NEW BOROUGH MUNICIPAL COMPLEX, BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING \$11,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,000,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough. For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$11,000,000 said sum being inclusive of all appropriations heretofore made therefor. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-7(d) and 40A:2-11(c) of the Local Bond Law (the "Local Bond Law"), as more fully described in Section 7(e) herein.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$11,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$11,000,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued, include but are not limited to, the acquisition and improvement of property, facilities, and buildings and the creation of a New Borough Municipal Complex to be located on a portion of Block 110, Lot 2 on the Official Tax Map of the Borough and more commonly known as a portion of the 900 Area of the Former Fort Monmouth, including but not limited to, the improvement of real property, the demolition of buildings, the improvement of buildings, including, but not limited to, Building 901 to be utilized for Borough Offices, the Municipal Court and the Borough Library, Building 918 to be utilized as a Senior/Community Center, and Building 977 to be utilized by the Police Department and Office of Emergency Management, the former kennel to be utilized as a Borough Storage Facility, and the buildings and facilities currently utilized by the Borough's Department of Public Works and all

associated landscaping, sidewalk, curbing, parking, lighting, electrical, communication, HVAC, park, or recreational improvements and any associated furnishings, computer hardware and software, technology and other equipment.

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, all demolition, disposal, testing, remediation, engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Borough and available for public inspection and hereby approved.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$11,000,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby, and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or

private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 31.04 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$11,000,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$2,200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the

health, welfare, convenience or betterment of the inhabitants of the Borough. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvement and services. The Local Finance Board, in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance was passed upon first reading. Pursuant to Local Finance Notice 2012-29, the Borough on November 1, 2012, December 5, 2012 and September 4, 2014, respectively, adopted emergency resolutions to provide immediate funds for the extraordinary expense of the Borough caused by Superstorm Sandy. The Borough is now making provision for a portion of such appropriation deemed capital in nature through this bond ordinance.

SECTION 8. Unless paid from other sources, the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the

requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: January 5, 2017**

**JEANNE SMITH,
Clerk of the Borough of Oceanport**

**ADOPTED ON SECOND READING
DATED: February 16, 2017**

**JEANNE SMITH,
Clerk of the Borough of Oceanport**

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2017.

**JOHN F. COFFEY, II,
Mayor of the Borough of Oceanport**

RESOLUTION OF THE BOROUGH OF OCEANPORT MAKING APPLICATION TO THE NEW JERSEY LOCAL FINANCE BOARD PURSUANT TO LOCAL FINANCE NOTICE 2012-29 THE APPROVAL OF A DOWN PAYMENT WAIVER PURSUANT TO N.J.S.A 40A:2-11(c) AND N.J.S.A 40A:2-7(d) FOR SUPERSTORM SANDY RENOVATIONS

**Resolution #2017-043
01-05-2017**

WHEREAS, the Borough Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey (the "Borough") desires to (i) adopt a bond ordinance (the "Ordinance") financing the acquisition of and improvement to property, facilities and buildings and the creation of a new Borough Municipal Complex at the former Fort Monmouth (the "Project") and providing for the issuance of one or more series of general improvement bonds of the Borough in the amount of \$11,000,000 (the "Bonds") and notes in anticipation thereof, and (ii) pursuant to Local Finance Notice 2012-29, seek the approval of a waiver of the down payment requirement, pursuant to N.J.S.A. 40A:2-11(c) and N.J.S.A. 40A:2-7(d), with respect to the Project and the Ordinance; and

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for such purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough; and

WHEREAS, the Borough Council desires to make application to the Local Finance Board for its approval of the adoption of the Ordinance and the capital authorizations contained therein; and

WHEREAS, the Borough believes that the maturity schedule contained in the Application to the Local Finance Board is in the best interest of the Borough.

WHEREAS, the Borough also believes such Project is necessary to meet an expenditure which is the result of a flood or other disaster and pursuant to Local Finance Notice 2012-29, the approval of a waiver of the down payment requirement, pursuant to N.J.S.A. 40A:2-11(c) and N.J.S.A. 40A:2-7(d), with respect to the Project and the Ordinance is necessary.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. The Application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel, Chief Financial Officer and Auditor, along with other representatives of the Borough, are hereby authorized to prepare such application, to file such application with the Local Finance Board, along with any supplemental questionnaires associated therewith and to represent the Borough in matters pertaining thereto, *nunc pro tunc*.

Section 2. The Clerk is hereby directed to prepare and file a copy of this Resolution and the Ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon a certified copy of the Ordinance.

Section 4. This Resolution shall take effect immediately upon its adoption.

The above resolution was adopted on the following roll call vote:

Motion:	Second:			
ROLL CALL	YES	NO	ABSTAIN	ABSENT
Briskey	()	()	()	()
Cooper	()	()	()	()
Gallo	()	()	()	()
Irace	()	()	()	()
Kahle	()	()	()	()
	()	()	()	()
Coffey	()	()	()	()

I certify this to be a true copy of Resolution #2017-043 approved by the Oceanport Borough Council at the Regular Meeting held January 5, 2017

JEANNE SMITH, RMC
BOROUGH CLERK