

**REGULAR MEETING AGENDA
MAYOR AND COUNCIL
April 20, 2017**

- **Call to Order.**
- **Statement of Compliance with Open Public Meetings Act:** *This meeting complies with the Open Public Meetings 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:** Robert Proto, Councilman
- **Roll Call**
- **GUEST:** Kerry Pflugh, NJDEP
- **Administrator's Report:**
- **Consent Agenda:**
 - #2017-092** 1. Resolution authorizing payment of bills
 - #2017-093** 2. Resolution authorizing waiver of reading in full the 2017 municipal budget
 - #2017-094** 3. Resolution authorizing refund for overpayment of taxes
 - #2017-095** 4. Resolution authorizing redemption of Tax Sale Certificate #16-00007
 - #2017-096** 5. Resolution authorizing redemption of Tax Sale Certificate #16-00008
 - #2017-097** 6. Resolution authorizing redemption of Tax Sale Certificate #15-00004
 - #2017-098** 7. Resolution authorizing redemption of Tax Sale Certificate #16-00012
 - #2017-099** 8. Resolution authorizing the cancellation of grant balances
- **RESOLUTIONS:**
 - #2017-100** Resolution awarding Contract for Pool & Snack Bar Operator to Community YMCA
- **MINUTES:**
 - Approval of the Workshop Meeting Minutes of March 2, 2017
 - Approval of the Executive Session Minutes of March 2, 2017
 - Approval of the Regular Meeting Minutes of March 16, 2017
- **ORDINANCES:**
 - #971** 2nd Reading and Public Hearing of an Ordinance to allow Chickens
 - #972** 2nd Reading and Public Hearing of the 2017 CAP Bank Ordinance
- **COMMITTEE REPORTS:**
 - Public Safety
 - Finance & Administration, Councilman Irace, Chair
 - Public Works & Engineering, Council President Gallo, Chair
 - Planning & Development, Councilwoman Cooper, Chair
 - Parks & Recreation, Councilman Solan, Chair
 - Health & Human Services, Councilwoman Kahle, Chair
- **MAYOR COFFEY'S REPORT:**
- **Petitions from the public.**
- **Adjournment.**

REGULAR MEETING MINUTES

Oceanport, New Jersey
April 20, 2017

The Regular Meeting of the Oceanport Mayor and Council was called to order on April 20, 2017 at 7:03 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 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.*

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.

OATH OF OFFICE: Mayor Coffey administered the oath of office to Councilman Robert Proto

MEMBERS PRESENT: Councilpersons Cooper, Gallo, Irace, Kahle, Proto, Solan and Mayor Coffey

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

GUEST: Kerry Pflugh, NJDEP Director of Local Government Assistance. She stated that her role is to be the Borough's liaison, advocate and voice in the department. She visits municipalities and brings their issues and concerns to the department. She also issues daily, informative emails to mayors, clerks and administrators. She encouraged Mayor Coffey to contact her to discuss projects or permits if he needed. Mayor Coffey asked if she would be available for constituents in the Borough. Mr. Pflugh said if there was a constituent with a concern about the town, she would speak to them and assist. However, her position is to serve the Governing Body. She shared her 28 years of experience with the DEP. She congratulated Councilman Proto and wished him luck.

ADMINISTRATOR'S REPORT: Mr. Poerio reported that RFPs for the Swim Club were received last week. The Community YMCA met the Borough's requirements. Their proposal is included in the Agenda packet. The recommendation is to award that contract to the Community YMCA by resolution tonight. He expressed his sincere thanks to Jeanne Smith, Borough Clerk for her hard work on the project.

Mr. Poerio worked with the Borough Engineer and is recommending the award of a contract to Fiore Paving in the amount of \$142,645.92 for the Shore Road Outfall project. This will prevent silt build up in private lagoons. He requested the resolution be added to the agenda for approval with no objections.

CONSENT AGENDA:

- #2017-092 1. Resolution authorizing payment of bills
- #2017-093 2. Resolution authorizing waiver of reading in full the 2017 municipal budget
- #2017-094 3. Resolution authorizing refund for overpayment of taxes
- #2017-095 4. Resolution authorizing redemption of Tax Sale Certificate #16-00007
- #2017-096 5. Resolution authorizing redemption of Tax Sale Certificate #16-00008
- #2017-097 6. Resolution authorizing redemption of Tax Sale Certificate #15-00004
- #2017-098 7. Resolution authorizing redemption of Tax Sale Certificate #16-00012
- #2017-099 8. Resolution authorizing the cancellation of grant balances

Mayor Coffey advised there were 8 items on the consent agenda. Councilman Irace made a motion to approve the consent agenda, which was seconded by Councilman Solan. The Clerk called roll:

AYES: Cooper, Gallo, Irace, Kahle, Proto, Solan
NAYS: None
ABSTAIN: None
ABSENT: None

The Clerk stated motion carried.

RESOLUTIONS:

#2017-100 Resolution awarding Contract for Pool & Snack Bar Operator to Community YMCA

Mayor Coffey called for a motion to approve Resolution #2017-100, which was made by Councilman Irace and seconded by Councilwoman Cooper. Councilman Irace presented questions from residents whether Oceanport residents would be given first preference for membership and whether past employees would be rehired. Mr. Poerio replied that previous employees should submit their information to Borough Hall, and it would be forwarded to the YMCA. The Clerk called roll:

AYES: Cooper, Gallo, Irace, Kahle, Proto, Solan
NAYS: None
ABSTAIN: None
ABSENT: None

The Clerk stated motion carried.

#2017-101 Resolution awarding Contract for Shore Road Outfall Relocation Project

The Clerk read Resolution #2017-101 into the record in its entirety. Mayor Coffey called for a motion to approve the Resolution, which was made by Councilman Irace and seconded by Council President Gallo. Council President Gallo asked if this project would resolve the problem with drainage on Shore Rd. Mayor Coffey stated that this will hopefully be the end of the road for this project. This issue has been a topic of discussion for years, and it finally be resolved. The Clerk called roll:

AYES: Cooper, Gallo, Irace, Kahle, Proto, Solan
NAYS: None
ABSTAIN: None
ABSENT: None

The Clerk stated motion carried.

Mayor Coffey returned to the Swim Club. He advised of the new rates for the season and a host of new things available through the YMCA. There was discussion regarding use of the pool by Action Camp. YMCA has agreed to allow Action Camp members use of the pool at no charge. Mr. Poerio noted that the Borough is not paying for the services by the YMCA, and the YMCA is paying the Borough \$1.

MINUTES:

The Clerk asked for a motion to approve the Workshop Meeting Minutes of March 2, 2017, Executive Session Minutes of March 2, 2017, which was made by Councilman Irace and seconded by Council President Gallo. The Clerk called roll:

AYES: Cooper, Gallo, Irace, Kahle, Solan
NAYS: None
ABSTAIN: Proto
ABSENT: None

The Clerk stated motion carried.

The Clerk called for a motion to approve the Regular Meeting Minutes of March 16, 2017, which was moved by Councilman Irace and seconded by Council President Gallo. The Clerk called roll:

AYES: Cooper, Gallo, Irace, Kahle, Solan
NAYS: None
ABSTAIN: Proto
ABSENT: None

The Clerk stated motion carried.

ORDINANCES:

#972 2nd Reading and Public Hearing of the 2017 CAP Bank Ordinance

Councilwoman Cooper called for the 2nd Reading and Public Hearing providing for an ordinance to establish a CAP bank. She asked the Clerk to read the affidavit of publication of the proposed ordinance by title only. **“BOROUGH OF OCEANPORT, ORDINANCE #972, CALENDAR YEAR 2017 ORDINANCE TO ESTABLISH A CAP BANK”** was published in the LINK News on April 13, 2017.

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

AYES: Cooper, Gallo, Irace, Kahle, Solan
NAYS: None
ABSTAIN: Proto
ABSENT: None

The Clerk stated motion carried.

#971 2nd Reading and Public Hearing of an Ordinance to allow Chickens

Councilwoman Cooper called for the 2nd Reading and Public Hearing providing for an ordinance for an amendment to allow chickens. She asked the Clerk to read the affidavit of publication of the proposed ordinance by title only. **“AN ORDINANCE AMENDING CHAPTER 127 (ANIMALS) AND CHAPTER 390 (ZONING) OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY FOR THE KEEPING OF POULTRY OR FOWL”**, was published in the LINK News on March 23, 2017.

The Mayor opened the meeting for any public comments on this ordinance only.

Shannon Sheffling, 114 Garden Rd., Shrewsbury, distributed information regarding her education and qualifications. She believes in self-sustainability and this is an opportunity to move forward. She recognized that there was hesitation from the community based on ideas of smell and noise. She stated that the ordinance addresses those issues. If the coop is properly maintained, there will not be a smell. She submitted a study from Rutgers University that provides the minimum space available for a chicken. Rutgers recommends 15 chickens for 1/8 of an acre. This proposal states 6 chickens with 351 sq. ft per chicken. She explained that it is limited to the rear of the property. The structure has to be 20 feet away from windows and doors. The ordinance prohibits roosters, which are noisy. Hens only make 60 to 70 decibels, whereas a barking dog could be up to 100 decibels. She noted that disease is another concern by residents. She stated there has never been a case of Avian flu in North America and that the CDC says that backyard poultry practices are going to eliminate a lot of the diseases that chickens and other poultry have because there isn't factory farming.

She discussed residents' concerns about predators. Oceanport already has foxes. Adding chickens will not attract more foxes. Although a chicken can be attacked by a fox, the ordinance addresses that concern with proper coop maintenance. With regard to other pests, such as rodents and bugs, chickens are carnivores and will eat small rodents and bugs. In reality, it is the chickens' food that attracts those types of pests. The proposed ordinance requires that food be stored in a tightly fitting metal container. Chickens eat ticks and mosquitoes, and could help eliminate concerns over Lyme disease, Zika and West Nile disease.

Finally, she stated that her packet included a letter from Dr. Joseph Hackman from Rutgers University, who is teaching some of the chicken courses. He is also a soil scientist. From his study and personal experience, he stated that using chicken manure on lawns as fertilizer would reduce the amount of runoff into the Shrewsbury River. Councilwoman Kahle asked how it compared to a dog's feces. Ms. Sheffling stated that 10 chickens will produce about 2/3 of the amount of fecal matter as a 40 lb. dog, which is significantly less. She invited questions from the Mayor and Council.

Mayor Coffey noted that he and Ms. Sheffling have had many conversations over the proposal. He stated he did not have a problem with the concept. However, he has a problem with the ordinance as it is written. He has made suggestions regarding minimum lot size and setbacks and getting consent from neighbors. He had questions about who was going to police the ordinance. Ms. Sheffling stated that it would be policed by the zoning officers. For an escaped chicken, the Monmouth County SPCA would respond. The ordinance also provides for ID bands for chickens to assist in locating an owner. Mayor Coffey's biggest concern was the person who didn't take care of his/her coop. He asked what happens when the newness of owning chickens wears off. He asked if Code Enforcement picked up an escaped chicken, what would he do with it. Ms. Sheffling replied that the SPCA would take care of it. Councilwoman Cooper asked how would a loose chicken be corralled. Ms. Sheffling stated that chickens can be caught with a net. She noted that Oceanport has a community garden and that this is another step toward sustainability. Councilwoman Cooper stated that the Planning Board reviewed the proposed ordinance and found it to be consistent with the Borough's Master Plan. She noted that Borough Engineer William White testified that the land use was not intended to be fixed, and it is intended to be flexible according to changes in society to be healthier.

Councilwoman Kahle noted that the concerns about upkeep of coops is addressed in the proposed amendment, and that potential owners are required to take a class, register the chicken, and pay a fee. She stated as with dog adoptions, an applicant is vetted by the SPCA. There was some discussion regarding the requirement to attend a class. Councilwoman Kahle stated that people who are interested in chickens who invest their time, money and effort will take care of their chickens. Councilwoman Kahle talked about establishing an advisory board both for individuals who want chickens (and those who don't) to serve as a resource. Ms. Sheffling stated that advisory boards in other municipalities are self-policing, who would monitor other chicken owners so that their own privilege of owning chickens would not be jeopardized.

Mayor Coffey pointed out that he wasn't pleased with language in Section 127.39 regarding "rent". Ms. Sheffling responded that language could be added to require renters to obtain written consent from the landlord. Mayor Coffey and Ms. Sheffling discussed whose responsibility it would be to enforce the code. Mr. Poerio reminded everyone that the zoning officer only worked two days a week from 5 to 7 PM. There was discussion regarding the illegal residency of a pig. Mayor Coffey acknowledged the difficulty of enforcing the entirety of the Borough's ordinances, but wants realistic controls over chickens. Mayor Coffey mentioned that he had made suggestions for language changes in the past, and that this is the ordinance to be voted on, not anything that could be changed later. For instance, the advisory board was not included in the proposed ordinance. There was discussion regarding enforcement, minimum lot size, details of the Rutgers study and setbacks. Councilwoman Cooper asked if the 20 ft. distance was from the owner's windows and doors or the neighbors. Ms. Sheffling stated a problem would only occur if the coop was located too close to a neighbor's house. There was discussion regarding accessory structures

and height of a coop. Councilman Irace asked if Ms. Sheffling owned chickens. She does not because she has an infant and didn't feel it would be responsible to own chickens with a small child.

Mayor Coffey discussed ordinances and the lack of ordinances from other municipalities regarding chickens. In particular, he spoke about ordinances from Hopewell Township and Old Bridge. He talked about notice to neighbors and permission slips. Councilwoman Cooper spoke about an incident where a neighbor complained to Council rather than speaking to his neighbor. She talked about neighbors communicating with each other rather than complaining to Council. Councilwoman Kahle talked about Maplewood's introduction of an ordinance regarding chickens and noted there was a lot of discussion similar to Oceanport's. Rather than approving an ordinance, Maplewood instituted a one year pilot program which was successful. There was a requirement to obtain neighbors' permission. Mayor Coffey stated that he too had looked at Maplewood's lottery system.

Councilwoman Cooper asked if Ms. Sheffling knew how many people were sincerely interested in owning chickens. Ms. Sheffling didn't believe there were going to be that many, which is the reason why she didn't think there would be a problem.

Len Altomere, 43 Avon Ave., appeared and stated he would submit his resume to become the chicken police. He stated support for chickens, but not in his backyard. He read that chicken produce eggs from 5 months to 2 years and live for 10. He asked what happens to the chickens for the other 8 years. Councilwoman Kahle responded that she read that chickens lay eggs for 5 or 6 years and live 2 years after that. Mr. Altomere also suggested having a community coop on Ft. Monmouth property, where there will be no neighbor issues, have one person to police it and tend to it. He agrees that a half acre is a reasonable minimum size. His bedroom window is 35 feet from his property line, and if his neighbor has chickens, he will have to listen to them. Oceanport does not have the lot size for "mini farms". He suggested that there be a process for prospective chicken owners to have a variance, appear before a board and have a public hearing.

Alvi Rackliff, 5 Riverview Ave., stated she worried about ticks. She supports chickens and her neighbor having them. Her dog and her neighbor's 3 dogs all have Lyme's disease. She wants chickens for pest control. There is a stream behind the property, and pesticides can't be used because it would run into the stream. She stated her neighbor's children are louder and noisier than chickens. She stated that most times, chickens become pets to their owners. She definitely wants chickens for the pest control aspect.

Mary Hussey, 19 Tulchi Rd.(phonetic), Middletown found Ms. Sheffling on line. Ms. Hussey stated there seems to be a fear of the unknown. She explained that she lived in River Plaza over 10 years ago when she got her first flock and where her coop and chicken run was. Her neighbors didn't know she had chickens for 6 months. She stated there is no smell or noise, and hens will cluck a little after they lay an egg or if there is a predator. She presents programs at libraries and afterwards allows listeners to see the chickens and stated that usually attendees don't know that chickens are present. She also has two roosters who made very little noise. She has approximately 30 chickens in a 20 x 20 area and has had no complaints from her neighbors. She stated the amount of litter from 6 chickens is about a half a garbage bag. Ms. Hussey stated the chickens are pets that lay eggs. She stated if the coop is kept clean, there is no smell. She conducts coop tours of her coop and the visitors are amazed that there is no smell and it's quiet. She has no predator or pest problems. She provides instruction to chicken owners and stated the class requirement is a great idea. Councilwoman Cooper asked who policed chickens in Ms. Hussey's town. Ms. Hussey replied that there are no regulations in Middletown, but there are hundreds of owners.

Robin Kelly, 43 Cayuga Ave., asked if the class requirement was in the ordinance, which was confirmed. She asked if the chickens would be allowed out of the coop and run around the back yard. Councilwoman Cooper advised they would not; they are not free range. Mayor Coffey asked Ms. Sheffling for clarification regarding the enclosed run. Ms. Sheffling stated that chickens would be allowed to roam the yard with

supervision, but must be in an enclosed shelter (coop) before dark. There was discussion regarding the definition of a run.

Theresa Felzenberg, 38 Iroquois Ave., thanked the Mayor for his due diligence on this issue and his answer to her letter. Her impression is that there is not enough support for this ordinance. Passing an ordinance is hard work and a group effort. She hopes the ordinance would pass and believes the information provided was satisfactory. She stated that this is a growing trend across the country with bigger implications and support. She sympathized with the Governing Body regarding complaints. She expressed support for the ordinance and would like to see the ordinance revisited if it is not approved at this time.

Steve Marciano, 40 Manitto Pl., stated he is against the chicken ordinance. He has emailed the Governing Body with bullet points to refute any of the supporting statements. He congratulated Councilman Proto. Mr. Marciano stated his neighbor had 6 or 7 hens and they made a racket all day long. He has had visitors who told him that his yard stinks because of his neighbor's chicken poop. He said every homeowner adjacent to that house was present at the meeting, opposed to the chicken ordinance.

Gene Gulovsen, 45 Seneca Pl., stated he is opposed to allowing chickens. He agreed with his neighbor that they are noisy, among other things. He stated it's a bad idea to pass this ordinance.

Vince DeJulio, 42 Manitto Pl., stated he is against the chicken ordinance. He paced off 20 feet to physically show the setback distance. He is also opposed to the ascetics, 2 x 4s with chicken wire is not something he wants to see in his neighbor's yard.

Rich Szenzenstein, 87 Hiawatha Ave., stated his against the chicken ordinance. He said in the future, people may want ducks, geese or other forms of poultry. He said it would be a big mistake to pass the ordinance.

Bob Kondracki, 36 Manitto Pl., asked why someone from Shrewsbury is explaining why Oceanport should have chickens. He stated chickens do make noise, and there is a smell. There was no prior discussion. The yards in Oceanport are not big enough. The ordinance should be voted down.

Guy Evans, 41 Manitto Pl., welcomed Councilman Proto. Mr. Evans does not support this ordinance. Although he is not next door to chickens, some neighbors are. Lot sizes are too small, and because of elevated homes, you can look right into your neighbor's home. Aesthetics is a big consideration. He agrees with neighbors that if they don't want them, someone shouldn't be able to have them.

As no one else from the public wished to be heard, Mayor Coffey called for a motion to close the public hearing, which was made by Councilman Irace and seconded by Councilwoman Kahle?

Councilwoman Kahle made a motion to adopt the ordinance and advertise in accordance with the law. She also stated she would like to amend the ordinance to make it a one-year pilot program. Councilwoman Kahle stated that the ordinance has specifications to ensure the coop is aesthetically pleasing. Councilwoman Cooper seconded the motion.

Mayor Coffey addressing Councilwoman Kahle advised that her motion had been made for this ordinance without amendments and had already been seconded. Mayor Coffey continued that he had made several attempts to bring his concerns and questions to Councilwoman Kahle and those involved in drafting the ordinance to make amendments to the ordinance but was told the ordinance was good the way it is.

Councilwoman Kahle stated that the problems that people brought up were due to the fact that people had not been educated about chickens. It would be a shame to prohibit owning chickens because of one instance. The specifications for the coop, the educational requirement and the possible advisory board would address people's concerns. She again raised the possibility of a pilot program. Mayor Coffey

explained the Council would be voting on this ordinance. If Councilwoman Kahle wanted to amend it to be a pilot program, then she should withdraw her motion, modify the language and have it presented for introduction and public hearing again. Councilwoman Kahle decided to leave it as it was. The Clerk called roll:

AYES: Cooper, Gallo, Kahle
NAYS: Irace, Proto, Solan, Coffey
ABSTAIN: None
ABSENT: None

The Clerk stated there was tie and called for Mayor Coffey's vote which was no, therefore the motion did not carry and the ordinance failed.

COMMITTEE REPORTS:

PUBLIC SAFETY: Councilman Proto had no report.

FINANCE & ADMINISTRATION: Councilman Irace congratulated Councilman Proto on his appointment as a Councilman. He reminded everyone that Monmouth Park opens in 23 days. He advised that Max's Hot Dogs and Lighthouse Ice Cream will be new vendors at the track. Food will be prepared by Blue Grotto this year. He hoped for a successful meet and hopes to see everyone there.

PUBLIC WORKS & ENGINEERING: Council President Gallo congratulated Councilman Proto on his appointment as a Councilman and wished him luck. He announced there is a job opportunity for a seasonal laborer in the Public Works Department. Applications are available on the Borough website. Spring leaf cleanup is ongoing and ends on April 28th. He thanked the YMCA for taking over management of the Oceanport Pool.

Councilman Irace expressed his thanks to former Councilman Briskey for his service. Mr. Briskey is now employed by Monmouth County. He wished Mr. Briskey well.

PLANNING & DEVELOPMENT: Councilwoman Cooper reported that Main St. Streetscape Phase III is near completion. The wall in front of Slattery and Oceanport Pre-School has been refaced. The handicap sign was removed. All 10 of the streetlights will be installed by the end of the next week. She attended the March 28th Planning Board meeting where the owners of the Old Village Center presented a request for design waivers. Only one waiver was granted. PEG station equipment has been delivered. Councilwoman Cooper will meet with the Board of Education technician to discuss the installation.

PARKS & RECREATION: Councilman Solan reported that the Egg Scramble was a success. On April 29th, the Blue Grass Mini Golf Tournament will be held. He expressed his thanks to the YMCA for taking over management of the Oceanport Pool and allowing Action Camp to use the pool at no cost to the Borough. Councilman Solan congratulated Councilman Proto on his appointment to the Council.

HEALTH & HUMAN SERVICES: Councilwoman Kahle had no report.

MAYOR'S REPORT: Mayor Coffey reported that the 8th Grade Color Run would be held this weekend and the NJ Marathon on April 30th. He will be at the starting line. Mayor Coffey expressed his gratitude to the YMCA for taking over the management of the Oceanport Pool. He thanked Mr. Poerio and Ms., Smith for their efforts in re-issuing the RFP and getting a successful bidder. He praised the terms of the agreement and expressed hope for a very successful summer. Oceanport residents have preferential sign ups from May 1st to 14th, and the general public afterward.

There are two items left on the term sheet with FMERA for the proposed new municipal complex. There may be a formal contract for the next meeting and a closing could be on or before July 14th.

PETITIONS FROM THE PUBLIC: Mayor Coffey then opened the meeting to anyone from the public who wished to be heard.

Mike MacStudy, 110 Oceanport Ave., expressed his thanks to the YMCA for taking over the management of the Oceanport Pool. He was grateful that Action Camp would be able to use the pool as it had in the past. Mr. MacStudy asked if Public Works could tighten up the tennis nets at Blackberry Bay Park. He stated the Egg Scramble was very successful, and it may have been one of the largest ones in a number of years. He reminded everyone of the Miniature Golf Tournament and encouraged everyone to come out and enjoy the day. Blue Grass is hosting the U.S. Open Miniature Golf Tournament, with \$18,000 in prizes. Mayor Coffey asked about pickleball. Mr. MacStudy advised that the Recreation Committee had no problems with pickleball. Mayor Coffey explained the game is played on a tennis court, and hitting the ball makes a loud noise, repeatedly. He asked if the court was not reserved and while a pickleball game was in progress, individuals wanted to play tennis, who would have preference. Mr. MacStudy explained that it was first come-first served. There was discussion regarding protocol. Councilwoman Kahle stated that courts have to be reserved.

Barry Martin of the Community YMCA thanked the Mayor and Council, congratulated Mr. Proto and specially thanked the Clerk for her patience with him during the bidding process. He wants to do a thorough job for the Borough and will be asking more questions to have the pool operation run smoothly. He stated the YMCA has 6 pickleball courts, send the residents to them.

Mike MacStudy stated that the major sponsor has been secured for the End of Summer Festival, but that sponsor has decreased its sponsorship. The Recreation Committee is looking for additional business to sponsor and contribute to the event.

Steve Vasquez, 51 Iroquois Ave., he stated a Utilquest employee placed markers on his property for soil boring. Several months ago, he observed an electrical contractor surveying his property, and he was told they were scouting for telecommunication poles. He asked if anyone could give him more information. Councilwoman Cooper stated that issue is still in attorney review. She explained that Verizon contacted the Borough about 16 months ago, made a presentation regarding an ODAST system, or SNN. The original proposal was to install one SNN, which has increased to 18. She has a copy of Mr. Vasquez' letter to Planning Board member Mr. Whitson, and asked for attorney review. The Cable and Technology Committee is preparing regulations to limit installations. Mr. Arnette stated Verizon doesn't have permission for anything. There was further discussion regarding the mark outs. Mayor Coffey said the Borough is engaged with Verizon, is aware of what it wants to do, and the Borough is taking every appropriate step to engage them at every appropriate step. Mr. Arnette reiterated that Verizon does not have permission at this point to do anything.

Paula Lombardo, 50 Iroquois Ave., stated she spoke with the utility worker who stated he was marking for soil borings and that he would be marking 20 in town.

As there were no other members of the public who wished to be heard, the Mayor closed the public portion of the meeting.

As there was no further business, the meeting was adjourned at 9:08 p.m. on a motion by Councilman Irace, seconded by Councilman Solan and approved by Council.

Respectfully submitted,

JEANNE SMITH
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR APRIL 20, 2017**

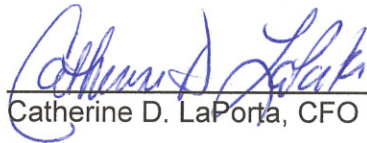
**RESOLUTION #2017-092
04-20-17**

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of April 20, 2017.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list dated April 20, 2017 totaling \$1,700,246.91.

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:

I certify that the foregoing Resolution #2017-092 was adopted by the Oceanport Governing Body at the Regular Meeting held April 20, 2017

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Cooper | () | () | () | () |
| Gallo | () | () | () | () |
| Irace | () | () | () | () |
| Kahle | () | () | () | () |
| Proto | () | () | () | () |
| Solan | () | () | () | () |
| Coffey | () | () | () | () |

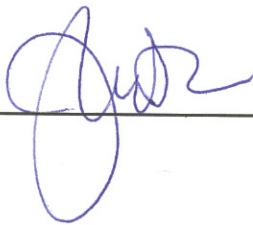
 JEANNE SMITH, RMC
 BOROUGH CLERK

**BOROUGH OF OCEANPORT
BILL LIST**

20-Apr-17

| PAYEE | AMOUNT |
|--|-----------------------|
| PAYROLL ACCOUNT | \$ 90,857.83 7TH PAY |
| 2017 EXPENDITURES - MANUAL CHECKS | |
| PERS PENSION PAYMENT | \$ 95,903.00 |
| PFRS PENSION PAYMENT | \$ 308,892.00 |
| SHORE REGIONAL SCHOOL TAXES | \$ 359,824.38 |
| OCEANPORT LOCAL SCHOOL TAXES | \$ 738,100.17 |
| PAYFLEX | \$ 1,500.00 |
| CAPITAL TRUST TOTAL | \$0.00 |
| DOG REGISTRY TOTAL | \$0.00 |
| TRUST OTHER TOTAL | |
| OFF DUTY POLICE | \$404.08 |
| ESCROW TRUST TOTAL | \$708.00 |
| OPEN SPACE TRUST TOTAL | \$1,077.86 |
| SUI | \$0.00 |
| 2016 VOUCHERS PAID THIS MEETING | \$10,720.19 |
| 2017 VOUCHERS PAID THIS MEETING | \$92,259.40 |
| TOTAL | \$1,700,246.91 |

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
WAIVER OF READING IN FULL THE 2017 MUNICIPAL BUDGET**

**Resolution #2017-093
04-20-17**

WHEREAS, the public hearing for 2017 Municipal Budget is scheduled for May 18, 2017; and

WHEREAS, the Governing Body of the Borough of Oceanport desires to read the 2017 Municipal Budget by title only at the time of the public hearing and adoption of said budget; and

WHEREAS, the Governing Body of the Borough of Oceanport has caused or will cause the 2017 Municipal Budget to be posted in a public place in the Borough Hall of the Borough of Oceanport at least seven (7) days prior to the date of the public hearing; and

WHEREAS, said budget was or will be made available to any person requesting to review same at least, seven (7) days prior to the public hearing scheduled for the 2017 budget; and

WHEREAS, the Municipal Clerk, Jeanne Smith, has certified she has complied with N.J.S.A. 40A:4-8.1a and 1b. (copy of Certification below as Exhibit A);

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council shall read the 2017 Municipal Budget by its title only at the public hearing at the time of the adoption of the budget and hereby declares that the conditions set forth in N.J.S.A. 40A:4-8, Subsection 1.a and 1.b have been met therewith.

Exhibit A

CERTIFICATION

I, Jeanne Smith, Borough Clerk of the Borough of Oceanport do hereby certify that I have caused to be posted in the Borough Hall and delivered to the Free County Library a copy of the 2017 Municipal Budget at least seven days prior to the public hearing of May 18, 2017. I further certify that I have made the 2017 Municipal Budget available to any person requesting same at least seven days prior to the public hearing of May 18, 2017

JEANNE SMITH
BOROUGH CLERK

Motion:

Second:

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Cooper | () | () | () | () |
| Gallo | () | () | () | () |
| Irace | () | () | () | () |
| Kahle | () | () | () | () |
| Proto | () | () | () | () |
| Solan | () | () | () | () |
| Coffey | () | () | () | () |

I hereby certify that the foregoing Resolution #2017-093 was adopted by the Governing Body at the Regular Meeting held April 20, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REFUND FOR OVERPAYMENT OF PROPERTY TAXES
BLOCK 10, LOT 3.02 ALSO KNOWN AS 35 IROQUOIS AVENUE**

**Resolution #2017-094
04-20-17**

WHEREAS, the following property is due a refund due to an overpayment from the entity listed; and

WHEREAS, the Tax Collector is recommending that the amount of overpayment due be refunded

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport that the Tax Collector is hereby authorized to refund overpayment due to a double payment from the listed entity as follows:

Block 10 Lot 3.02 35 Iroquois Ave 2017 1Q \$2,066.93
 Double pay from mortgage company and title company
 Refund to:

Trident Abstract Title Agency LLC
 1340 A Campus Parkway
 Wall NJ 07753

Motion:

Second:

I certify that the foregoing Resolution #2017-094 was adopted by the Oceanport Governing Body at the Regular Meeting held April 20, 2017

| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Cooper | () | () | () | () |
| Gallo | () | () | () | () |
| Irace | () | () | () | () |
| Kahle | () | () | () | () |
| Proto | () | () | () | () |
| Solan | () | () | () | () |
| Coffey | () | () | () | () |

 JEANNE SMITH, RMC
 BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #16-00007
FOR BLOCK 29, LOT 13 KNOWN AS 27 ITHACA AVE**

**Resolution #2017-095
04-20-17**

WHEREAS, at the Borough Tax Sale held on August 22, 2016, a lien was sold on Block 29 Lot 13 otherwise known as 27 Ithaca Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00007 was sold to Trystone Capital Assets LLC at an interest rate of 0% and a premium of \$1,300; and

WHEREAS, a representative for the owner has redeemed certificate 16-00007 in the amount of \$ 378.14.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$378.14 payable to Trystone Capital Assets LLC, PO Box 1030, Brick NJ 08723 for the redemption of Tax Sale Certificate 16-00007.

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

| Motion: | Second: | | | |
|-----------|---------|-----|---------|--------|
| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
| Cooper | () | () | () | () |
| Gallo | () | () | () | () |
| Irace | () | () | () | () |
| Kahle | () | () | () | () |
| Proto | () | () | () | () |
| Solan | () | () | () | () |
| Coffey | () | () | () | () |

I certify that the foregoing Resolution #2017-095 was adopted by the Oceanport Governing Body at the Regular Meeting held April 20, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #16-00008
FOR BLOCK 39, LOT 2 KNOWN AS 19 POCANO AVE**

**Resolution #2017-096
04-20-17**

WHEREAS, at the Borough Tax Sale held on August 22, 2016, a lien was sold on Block 39 Lot 2 otherwise known as 19 Pocano Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00008 was sold to DSHC Enterprises LLC at an interest rate of 18% and;

WHEREAS, a representative for the owner has redeemed certificate 16-00008 in the amount of \$ 531.91.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$531.91 payable to DSHC Enterprises LLC, PO box 524, Plainsboro NJ 08536 for the redemption of Tax Sale Certificate 16-00008.

| | | | | |
|-----------|-----|-----|---------|--------|
| Motion: | | | Second: | |
| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
| Cooper | () | () | () | () |
| Gallo | () | () | () | () |
| Irace | () | () | () | () |
| Kahle | () | () | () | () |
| Proto | () | () | () | () |
| Solan | () | () | () | () |
| Coffey | () | () | () | () |

I certify that the foregoing Resolution #2017-096 was adopted by the Oceanport Governing Body at the Regular Meeting held April 20, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #15-00004
FOR BLOCK 39, LOT 2 KNOWN AS 19 POCANO AVE**

**Resolution #2017-097
04-20-17**

WHEREAS, at the Borough Tax Sale held on November 16, 2015, a lien was sold on Block 39 Lot 2 otherwise known as 19 Pocano Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 15-00004 was sold to DSHC Enterprises LLC at an interest rate of 0% and a premium of \$300, and;

WHEREAS, a representative for the owner has redeemed certificate 15-00004 in the amount of \$ 11,311.89.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$11,311.89 payable to DSHC Enterprises LLC, PO box 524, Plainsboro NJ 08536 for the redemption of Tax Sale Certificate 16-00008.

BE IT FUTHER 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 |
| Cooper | () | () | () | () |
| Gallo | () | () | () | () |
| Irace | () | () | () | () |
| Kahle | () | () | () | () |
| Proto | () | () | () | () |
| Solan | () | () | () | () |
| Coffey | () | () | () | () |

I certify that the foregoing Resolution #2017-097 was adopted by the Oceanport Governing Body at the Regular Meeting held April 20, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #16-00012
FOR BLOCK 49, LOT 1 KNOWN AS 101 SMITH STREET**

**Resolution #2017-098
04-20-17**

WHEREAS, at the Borough Tax Sale held on August 22, 2016, a lien was sold on Block 49 Lot 1 otherwise known as 101 Smith St; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00012 was sold to US Bank as cust for Act Lien Holding Inc at an interest rate of 0% and a premium of \$1,300, and;

WHEREAS, a representative for the owner has redeemed certificate 16-00012 in the amount of \$ 455.44.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$455.44 payable to US Bank as cust for Act Lien Holding Inc, 50 S 16th St Suite 2050, Philadelphia PA 19102 for the redemption of Tax Sale Certificate 16-00012.

BE IT FUTHER 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 |
| Cooper | () | () | () | () |
| Gallo | () | () | () | () |
| Irace | () | () | () | () |
| Kahle | () | () | () | () |
| Proto | () | () | () | () |
| Solan | () | () | () | () |
| Coffey | () | () | () | () |

I certify that the foregoing Resolution #2017-098 was adopted by the Oceanport Governing Body at the Regular Meeting held April 20, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE CANCELLATION OF
CAPITAL IMPROVEMENT AUTHORIZATIONS AGAINST CAPITAL GRANTS RECEIVABLE**

**Resolution #2017-099
04-20-17**

WHEREAS, the Borough of Oceanport has numerous capital grants over the years to defray the cost of certain projects, and

WHEREAS, the requirements of several capital grants have been carried out and receivable balances and reserve balances still remain, and

WHEREAS, sound accounting practices dictate the Chief Financial Officer review and recommend the disposition of inactive account balances; and

WHEREAS, the Chief Financial Officer recommends the following balances in the capital fund be hereby canceled:

| CAPITAL FUND | BALANCE GRANTS RECEIVABLE | IMPROVEMENT AUTHORIZATIONS | CANCEL TO CAPITAL FUND BALANCE |
|---|---------------------------------|-------------------------------|--------------------------------------|
| ORD #842 NJDOT VARIOUS CAPITAL IMPROVEMENTS | \$ 27,731.97 | \$ 27,731.97 | |
| | \$ 27,731.97 | \$ 27,731.97 | |

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport that the adjustments, appearing on the attached page, being a permanent part hereto, are hereby made.

BE IT FURTHER RESOLVED that a copy of this resolution be filed forthwith with the Borough Chief Financial Officer.

| | | | | |
|-----------|-----|---------|---------|--------|
| Motion: | | | | |
| | | Second: | | |
| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
| Cooper | () | () | () | () |
| Gallo | () | () | () | () |
| Irace | () | () | () | () |
| Kahle | () | () | () | () |
| Proto | () | () | () | () |
| Solan | () | () | () | () |
| Coffey | () | () | () | () |

I certify that the foregoing Resolution #2017-099 was adopted by the Oceanport Governing Body at the Regular Meeting held April 20, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING CONTRACT TO THE COMMUNITY YMCA TO
OPERATE AND MAINTAIN THE OCEANPORT POOL AND SNACK BAR**

**Resolution #2017-100
04-20-17**

WHEREAS, the Borough of Oceanport has need to secure a vendor for the operation and maintenance of the Oceanport Pool & Snack Bar located in Blackberry Bay Park, 440 Port Au Peck Avenue, Oceanport, New Jersey; and

WHEREAS, the Governing Body has considered the benefits and risks for such award including the public good and whether the pool would reopen if it were not to award this concession; and

WHEREAS, the costs for said concession will be borne by the operator with the Borough's benefit equal to the value of the facility's use by the Borough's Summer Action Camp participants at no cost; and

WHEREAS, the Borough of Oceanport issued and advertised a formal Request for Proposals on March 8, 2017 pursuant to the New Jersey Local Public Contracts Law N.J.S.A. 40A:11-23 for said services to which no responses were received; and

WHEREAS, the Borough of Oceanport issued and advertised a second formal Request for Proposals on March 17, 2017 pursuant to the New Jersey Local Public Contracts Law N.J.S.A. 40A:11-23 for said services; and

WHEREAS, one proposal was received at the date and time specified in the advertisement from the following company: The Community YMCA, 170 Patterson Avenue, Shrewsbury, New Jersey

WHEREAS, that proposal was reviewed by both the Purchasing Agent and the Borough Attorney to be responsible and responsive; and

WHEREAS, this contract for the period May 1, 2017 through April 30, 2018, if agreeable to the Borough and the vendor can be extended with two (2) 2-year options in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-15 and shall not be extended for more than a total of five consecutive years.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport as follows:

1. That the Borough of Oceanport is hereby authorized to award the Operate and Maintain the Oceanport Pool and Snack Bar to **The Community YMCA, 170 Patterson Avenue, Shrewsbury, New Jersey 07701** subject to the conditions set forth herein the attached contract.
2. That the Mayor and Clerk are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Resolution – including but not limited to, the Contract subject to the review of said Contract by the Borough Attorney.

| | | | | |
|-----------|---------|-----|---------|--------|
| Motion: | Second: | | | |
| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
| Cooper | () | () | () | () |
| Gallo | () | () | () | () |
| Irace | () | () | () | () |
| Kahle | () | () | () | () |
| Proto | () | () | () | () |
| Solan | () | () | () | () |
| Coffey | () | () | () | () |

I certify that the foregoing Resolution #2017-100 was adopted by the Oceanport Governing Body at the Regular Meeting held April 20, 2017

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING A CONTRACT FOR THE
SHORE ROAD OUTFALL RELOCATION PROJECT**

**Resolution #2017-101
04-20-17**

WHEREAS, the Borough of Oceanport advertised for bids for the Shore Road Outfall Relocation project; and

WHEREAS, the said bid solicitation process was effectuated in accordance with prevailing provision of the Local Public Contracts Law, pursuant to N.J.S.A 40A:11-1 et seq.; and

WHEREAS, the response to the subject bid solicitations process the Borough of Oceanport received nine (9) bids; and

WHEREAS, the lowest responsible, responsive bid for the base bid was submitted by Fiore Paving Co., Inc., 4 Fiore Court, Oceanport, NJ 07757 hereinafter referred to as "Contractor" in the sum of One Hundred Forty Two thousand Six Hundred Forty Five dollars and ninety-two cents (\$142,645.92); and

WHEREAS, the Contractor has complied with the mandatory requirements of N.J.S.A. 40A:11-23.2.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport as follows:

1. That the Borough of Oceanport is hereby authorized to award the Shore Road Outfall Relocation Project to Fiore Paving Co., Inc., 4 Fiore Court, Oceanport, NJ 07757 subject to the conditions set forth herein.
2. That said Contract shall be in the total sum of One Hundred Forty Two thousand Six Hundred Forty Five dollars and ninety-two cents (\$142,645.92).
3. That the within award of contract shall be subject to the Borough's Chief Financial Officer certifying in writing that funds are available for the stated purposes.
4. That the within award of Contract shall be contingent upon the Contractor submitting Appropriate Performance Security, which guarantees shall be approved as to form by the Borough Attorney.
5. That the Mayor and Clerk are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Resolution – including but not limited to, the Contract subject to the review of said Contract by the Borough Attorney.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to return the bid security to the remaining unsuccessful bidders, within three (3) days of signed Contracts and the approval of the Contractor's Performance Guarantees.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., and any other applicable requirement, I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport, certify that there are sufficient uncommitted funds available in Account #X-02- -460-249 in the amount of \$107,870.39; Account #X-02- -470-005 in the amount of \$3,453.92; Account #X-02- -470-006 in the amount of \$31,321.61, not to exceed a total of \$142,645.92 for the stated purpose.

CATHERINE D. LAPORTA, CFO

| Motion: | Second: | | | |
|-----------|---------|-----|---------|--------|
| ROLL CALL | YES | NO | ABSTAIN | ABSENT |
| Cooper | () | () | () | () |
| Gallo | () | () | () | () |
| Irace | () | () | () | () |
| Kahle | () | () | () | () |
| Proto | () | () | () | () |
| Solan | () | () | () | () |
| Coffey | () | () | () | () |

I certify that the foregoing Resolution #2017-101 was adopted by the Oceanport Governing Body at the Regular Meeting held April 20, 2017

JEANNE SMITH, RMC
BOROUGH CLERK