

**REGULAR MEETING AGENDA  
MAYOR AND COUNCIL  
October 19, 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**
- **Roll Call**
- **Administrator's Report:**
- **Consent Agenda:**
  - #2017-201 1. Resolution authorizing payment of bills
  - #2017-202 2. Resolution submitting Best Practices 2017
  - #2017-203 3. Resolution recommending construction of a Monmouth County recycling facility
  - #2017-204 4. Resolution expressing opposition for Legislative bills amending OPMA and OPRA
  - #2017-205 5. Resolution amending the 2017 budget for an item of revenue (body armor repl. grant)
  - #2017-206 6. Resolution authorizing solicitation of RFQ/RFPs for 222 Monmouth Boulevard property
  - #2017-207 7. Resolution authorizing redemption of Tax Sale Certificate #17-00020
  - #2017-208 8. Resolution authorizing redemption of Tax Sale Certificate #17-00016
  - #2017-209 9. Resolution authorizing redemption of Tax Sale Certificate #16-00028
- **RESOLUTIONS:**
  - #2017-210 Resolution amending the Borough's 2017 MC Open Space Grant Application
- **MINUTES:**
  - Approval of the Workshop Meeting Minutes of September 7, 2017
  - Approval of the Regular Meeting Minutes of September 21, 2017
- **ORDINANCES:**
  - #979 2<sup>nd</sup> Reading and Public Hearing - Ordinance Establishing a Green Team Advisory Committee
  - #980 2<sup>nd</sup> Reading and Public Hearing - Ordinance Adopting the Borough Hall Site Redev. Plan
  - # Introduction of an Ordinance amending Alcoholic Beverage Ordinance
  - # Introduction of an Ordinance Amending the Street Excavation Ordinance
- **COMMITTEE REPORTS:**
  - Public Safety, Councilman Proto, Chair
  - 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.**

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING PAYMENT OF BILL LIST FOR OCTOBER 19, 2017**

**RESOLUTION #2017-201  
10-19-17**

**WHEREAS**, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of October 19, 2017.

**BE IT RESOLVED**, by the Mayor and Council that the bills be paid as on the attached bill list dated October 19, 2017 totaling \$1,225,457.85.

**CERTIFICATION OF FUNDS**

I, Catherine D. LaPorta, Chief Financial Officer, of the Borough of Oceanport, do hereby certify that funds are available for the purpose stated herein.

  
\_\_\_\_\_  
Catherine D. LaPorta, CFO

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

I certify that the foregoing Resolution #2017-201 was adopted by the Oceanport Governing Body at the Regular Meeting held October 19, 2017.

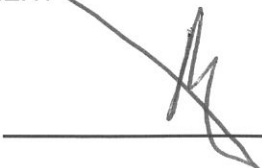
\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**BOROUGH OF OCEANPORT  
BILL LIST**

19-Oct-17

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$ 114,764.32 20TH PAY
<b>2017 EXPENDITURES - MANUAL CHECKS</b>	
SHORE REGIONAL SCHOOL TAXES	\$248,688.00
OCEANPORT LOCAL SCHOOL TAXES	\$761,284.75
<b>CAPITAL TRUST TOTAL</b>	<b>\$17,419.50</b>
<b>DOG REGISTRY TOTAL</b>	<b>\$709.00</b>
<b>OFF DUTY</b>	<b>\$0.00</b>
<b>TRUST OTHER TOTAL</b>	<b>\$0.00</b>
<b>ESCROW TRUST TOTAL</b>	<b>\$6,567.00</b>
<b>OPEN SPACE TRUST TOTAL</b>	<b>\$0.00</b>
<b>SUI</b>	<b>\$0.00</b>
2016 VOUCHERS PAID THIS MEETING	\$0.00
2017 VOUCHERS PAID THIS MEETING	\$76,025.28
<b>TOTAL</b>	<b>\$1,225,457.85</b>

I CERTIFY THAT THE ABOVE ITEMS ARE TRUE AND CORRECT AS PRESENTED  
TO THE MAYOR AND COUNCIL FOR PAYMENT

  
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Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoic e	1099 Excl
<b>ARNET THE ARNETTE LAW FIRM LLC</b>												
17-00178	01/01/17	LEGAL SERVICE		B								
	9	LEGAL SERVICES SEPTEMBER	2,790.00	7-01-20-155-218	B	GENERAL LEGAL SERVICES	R	06/01/17	10/12/17			N
	Vendor Total:		2,790.00									
<b>ASSOC ASSOCIATED HUMANE SOCIETY</b>												
17-01311	09/28/17	ANIMAL SERVICES 05/17										
	1	ANIMAL SERVICES 05/17	459.00	7-05- -900-031	B	ANIMAL CONTROL	H	09/28/17	10/12/17		7856	N
17-01313	09/28/17	ANIMAL SERVICES AUGUST										
	1	ANIMAL SERVICES AUGUST	250.00	7-05- -900-031	B	ANIMAL CONTROL	H	09/28/17	10/12/17		7946	N
	Vendor Total:		709.00									
<b>CLARK CLARKE CATON HINTZ CORP</b>												
17-01255	09/26/17	MARKET ON MAIN										
	1	MARKET ON MAIN	74.00	7-60- -900-205	B	RES. FOR DEV. ESCROW	H	09/26/17	10/12/17		69538	N
	Vendor Total:		74.00									
<b>CLAY2 RALPH CLAYTON &amp; SONS</b>												
17-01143	08/30/17	OLD BOROUGH HALL RELOCATION										
	3	BIN BLOCK DELIVERY	1,970.00	X-02- -474-005	B	OLD BOROUGH HALL	H	08/30/17	10/12/17		673145	N
	Vendor Total:		1,970.00									
<b>COMCA2 COMCAST (MODEM @ 222 MONMOUTH)</b>												
17-01367	10/12/17	OCT MODEM										
	1	OCT MODEM	77.71	7-01-31-430-440	B	TELEPHONE	R	10/12/17	10/12/17			N
	Vendor Total:		77.71									
<b>CONSTELL CONSTELLATION NEW ENERGY, INC</b>												
17-01361	10/12/17	STREET LIGHTING										
	1	STREET LIGHTING - 1-G5UH00	8.39	7-01-31-435-299	B	STREET LIGHTING	R	10/12/17	10/12/17			N
	2	STREET LIGHTING - 1-G5UH05	6.69	7-01-31-435-299	B	STREET LIGHTING	R	10/12/17	10/12/17			N
	3	STREET LIGHTING - 1-G6Z3X5	235.88	7-01-31-435-299	B	STREET LIGHTING	R	10/12/17	10/12/17			N

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoic e	1099 Excl
Item Description	Amount	Charge Account	Acct Type	Description							
<b>CONSTELL CONSTELLATION NEW ENERGY, INC Continued</b>											
17-01361 10/12/17 STREET LIGHTING				Continued							
4 STREET LIGHTING - 1-G6Z3XO	272.26	7-01-31-435-299	B	STREET LIGHTING	R	10/12/17	10/12/17				N
5 STREET LIGHTING - 1-G6Z3Y7	456.51	7-01-31-435-299	B	STREET LIGHTING	R	10/12/17	10/12/17				N
6 STREET LIGHTING - 1-7ZKRZQ	8.68	7-01-31-435-299	B	STREET LIGHTING	R	10/12/17	10/12/17				N
	988.41										
Vendor Total:	988.41										
<b>CONTE CONTE'S AUTOMATIC CAR WASH, INC</b>											
17-00479 04/28/17 2017 CAR WASH CONTRACT			B								
4 3RD QUARTER CAR WASH	450.00	7-01-25-240-252	B	CAR WASH CONTRACT	R	04/28/17	10/12/17				N
Vendor Total:	450.00										
<b>CRYST CRYSTAL SPRINGS</b>											
17-01353 10/11/17 WATER SERVICE SEPTEMBER											
1 WATER SERVICE SEPTEMBER	92.62	7-01-20-100-205	B	MISC EXPENSES	R	10/11/17	10/12/17		100117		N
Vendor Total:	92.62										
<b>CTYCLK MONMOUTH COUNTY CLERK</b>											
17-01326 10/05/17 Recording of PR-17-21 Portman											
1 Recording of PR-17-21 Portman	8.00	7-60- -900-205	B	RES. FOR DEV. ESCROW	H	10/05/17	10/12/17				N
Vendor Total:	8.00										
<b>DENOIA RICK J DeNOIA, JR</b>											
17-01015 08/10/17 FM PARTNERS											
1 FM PARTNERS	2,250.00	7-60- -900-205	B	RES. FOR DEV. ESCROW	H	08/10/17	10/12/17		2717		N
Vendor Total:	2,250.00										
<b>DRAGR DRAGER SAFETY DIAGNOSTICS INC</b>											
17-01073 08/21/17 Alcotest simulator and temp pr											
1 Alcotest simulator and temp pr	237.50	7-01-25-240-287	B	TRAFFIC SAFETY	R	08/21/17	10/12/17		5950062802		N



Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoic e	1099 Excl
FMERA FMERA Continued														
	17-01373	10/12/17	STREET LIGHT ROUTE 537											
	1		STREET LIGHTING ROUTE 537	273.26	7-01-31-435-299		B STREET LIGHTING	R	10/12/17	10/12/17				N
	Vendor Total:			2,210.23										
GROFF GROFF TRACTOR OF NJ LLC														
	17-01196	09/12/17	BACKHOE-BRAKE LINES NEEDED											
	1		BACKHOE-BRAKE LINES NEEDED	370.48	7-01-26-300-271		B REPAIRS	R	09/12/17	10/12/17			PS0156194-1	N
	2		PARTS RETURNED	279.84	7-01-26-300-271		B REPAIRS	R	10/12/17	10/12/17			PS0156194-1	N
				90.64										
	Vendor Total:			90.64										
HOME THE HOME DEPOT														
	17-01293	09/28/17	PPE FOR THE BARACKS											
	1		PPE FOR THE BARACKS	154.74	7-01-26-300-273		B SUPPLIES	R	09/28/17	10/12/17				N
	Vendor Total:			154.74										
IDM I. D. M. MEDICAL SUPPLY INC														
	17-00230	01/01/17	FIRST AID OXYGEN											
	10		REFILL OXYGEN	147.48	7-01-25-260-295		B OXYGEN	R	06/01/17	10/12/17			D7175	N
	Vendor Total:			147.48										
INTER INTERSTATE BATTERIES														
	17-01095	08/22/17	MODEL SRM-29 BATTERIES (OEM)											
	1		MODEL SRM-29 BATTERIES (OEM)	267.90	7-01-25-252-201		B OTHER EXPENSES	R	08/22/17	10/12/17				N
	Vendor Total:			267.90										
IPD2 Inst. for Professional Develop														
	17-01155	08/31/17	ETHICS SEMI NAR 11/3/17											
	1		ETHICS SEMI NAR 11/3/17	150.00	7-01-20-130-231		B COURSES	R	08/31/17	10/12/17				N
	Vendor Total:			150.00										





Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoic e	1099 Excl
<b>LAWES COAL CO INC</b>												
17-01091	08/22/17		WEEDWHACKER PARTS									
			1 WEEDWHACKER PARTS	189.70	7-01-26-300-273	B SUPPLIES	R	08/22/17	10/12/17		16936	N
			Vendor Total:	189.70								
<b>CITY OF LONG BRANCH</b>												
17-01257	09/26/17		AUGUST FUEL									
			1 AUGUST FUEL	3,587.70	7-01-31-430-435	B GASOLINE	R	09/26/17	10/12/17		OCP-2017-8	N
			Vendor Total:	3,587.70								
<b>THE LINK NEWS, INC</b>												
17-00174	01/01/17		DRAWDOWN FOR ADVERTISING			B						
			28 ADOPT ORD #977	14.97	7-01-20-100-212	B ADVERTISING	R	06/01/17	10/12/17		39653	N
			29 ORD #978	15.82	7-01-20-100-212	B ADVERTISING	R	06/01/17	10/12/17		39653	N
			30 NOTICE OF CONTRACT AWARDS	10.26	7-01-20-100-212	B ADVERTISING	R	06/01/17	10/12/17		39653	N
			31 NOTICE OF CONTRACT AWARDS	10.26	7-01-20-100-212	B ADVERTISING	R	06/01/17	10/12/17		39653	N
				51.31								
17-01239	09/21/17		ANNUAL GARAGE SALE WEEKEND									
			1 ANNUAL GARAGE SALE WEEKEND	234.00	7-01-20-100-212	B ADVERTISING	R	09/21/17	10/12/17		39759	N
			Vendor Total:	285.31								
<b>MASER CONSULTING, P. A.</b>												
17-01232	09/21/17		OCEANPORT VILLAGE CENTER									
			1 OCEANPORT VILLAGE CENTER	80.00	7-60- -900-205	B RES. FOR DEV. ESCROW	H	09/21/17	10/12/17		421977	N
17-01286	09/28/17		29 SHORE ROAD									
			1 29 SHORE ROAD	125.00	7-60- -900-205	B RES. FOR DEV. ESCROW	H	09/28/17	10/12/17		426411	N
17-01287	09/28/17		133 MONMOUTH BLVD - CO									
			1 133 MONMOUTH BLVD - CO	125.00	7-60- -900-205	B RES. FOR DEV. ESCROW	H	09/28/17	10/12/17		426425	N
17-01324	10/04/17		I THACA PLACE									
			1 I THACA PLACE	40.00	7-60- -900-205	B RES. FOR DEV. ESCROW	H	10/04/17	10/12/17		426419	N

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<b>MASER MASER CONSULTING, P. A.</b>														
Continued														
17-01325	10/04/17	17-01325	FM PARTNERS											
1			FM PARTNERS	2,280.00	7-60-	-900-205		B RES. FOR DEV. ESCROW	H	10/04/17	10/12/17		426462	N
17-01329	10/10/17	17-01329	MONMOUTH HOUSING ALLIANCE											
1			MONMOUTH HOUSING ALLIANCE	1,425.00	7-60-	-900-205		B RES. FOR DEV. ESCROW	H	10/10/17	10/12/17		426433	N
17-01332	10/10/17	17-01332	29 SHORE ROAD											
1			29 SHORE ROAD	160.00	7-60-	-900-205		B RES. FOR DEV. ESCROW	H	10/10/17	10/12/17		427622	N
Vendor Total:				4,235.00										
<b>MASON W. B. MASON CO, INC</b>														
17-01276	09/28/17	17-01276	Office Supplies											
1			OFFICE SUPPLIES - FINANCE	5.76	7-01-20-	130-211		B SUPPLIES	R	09/28/17	10/12/17		48150866	N
2			OFFICE SUPPLIES - ADMIN	40.16	7-01-20-	100-211		B OFFICE SUPPLIES	R	09/28/17	10/12/17		48150866	N
3			OFFICE SUPPLIES - POLICE	165.05	7-01-25-	240-211		B OFFICE SUPPLIES	R	09/28/17	10/12/17		48150866	N
				210.97										
17-01278	09/28/17	17-01278	Office Supplies											
1			OFFICE SUPPLIES - COURT	10.69	7-01-43-	490-211		B OFFICE SUPPLIES	R	09/28/17	10/12/17			N
2			OFFICE SUPPLIES - ADMIN	271.00	7-01-20-	100-211		B OFFICE SUPPLIES	R	09/28/17	10/12/17			N
				281.69										
Vendor Total:				492.66										
<b>MCKENZIE ELIZABETH C. MCKENZIE, PP, PA</b>														
17-01254	09/26/17	17-01254	THIRD ROUND HOUSING ELEMENT											
1			THIRD ROUND HOUSING ELEMENT	250.00	7-01-20-	155-219		B COAH LEGAL SERVICES	R	09/26/17	10/12/17		8369	N
Vendor Total:				250.00										
<b>MONHOSE MONMOUTH HOSE &amp; HYDRAULICS</b>														
17-01292	09/28/17	17-01292	PIPE NIPPLE NEEDED GARBAGE TK											
1			PIPE NIPPLE NEEDED GARBAGE TK	29.68	7-01-26-	300-271		B REPAIRS	R	09/28/17	10/12/17		3077	N
Vendor Total:				29.68										





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<b>SIPER SIPERSTEIN'S</b>														
	17-01296	09/28/17	TWINE STRETCH WRAP											
	1		TWINE STRETCH WRAP, SCREWS	23.99	7-01-26-300-273			B SUPPLIES	R	09/28/17	10/12/17		4094	N
	Vendor Total:			23.99										
<b>SIPSP005 SIP'S PAINT</b>														
	17-01250	09/26/17	POLICE STATION- BLADES											
	1		POLICE STATION- BLADES	45.82	7-01-26-300-273			B SUPPLIES	R	09/26/17	10/12/17		3896	N
	Vendor Total:			45.82										
<b>SOUTH005 SOUTH JERSEY ENERGY</b>														
	17-01348	10/11/17	FAS NAT GAS FOR AUGUST											
	1		FAS NAT GAS FOR AUGUST	16.29	7-01-25-260-297			B UTILITIES IN LIEU OF BAY RENT.	R	10/11/17	10/12/17			N
	Vendor Total:			16.29										
<b>SUBUR005 SUBURBAN DISPOSAL</b>														
	17-00701	06/15/17	DRAW DOWN JULY - DECEMBER 17					B						
	9		SEPTEMBER WASTE COLLECTION	13,791.66	7-01-26-305-201			B SANITATION-TRASH REMOVAL	R	06/15/17	10/12/17		4284	N
	10		SEPTEMBER WASTE COLLECTION	2,833.34	7-01-26-306-201			B OTHER EXPENSES	R	06/15/17	10/12/17		4284	N
				<u>16,625.00</u>										
	17-00703	06/15/17	DRAW DOWN DUMP FEE 6/17-12/17					B						
	5		DUMPING FEES 09/17	19,000.42	7-01-31-465-201			B SANITATION DUMPING FEES	R	06/15/17	10/12/17		4252	N
	17-00767	07/05/17	OLD BORO HALL DEBRIS					B						
	2		OLD BORO HALL DEBRIS	303.20	7-01-27-331-201			B SUPERSTORM SANDY	R	07/05/17	10/12/17		4252	N
	Vendor Total:			35,928.62										
<b>SUPPL005 SUPPLIES MASTER, INC</b>														
	17-01251	09/26/17	ITEMS NEEDED FOR DOG CAGES											
	1		ITEMS NEEDED FOR DOG CAGES	7.60	7-01-26-300-273			B SUPPLIES	R	09/26/17	10/12/17		1051242	N
	2		ITEMS NEEDED FOR DOG CAGES	35.88	7-01-26-300-273			B SUPPLIES	R	09/26/17	10/12/17		1051100	N
				<u>43.48</u>										

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SUPPL005 SUPPLIES MASTER, INC Continued													
	17-01295	09/28/17	HORNET KILLER										
	1		HORNET KILLER	6.15	7-01-26-300-273	B	SUPPLIES	R	09/28/17	10/12/17		1053033	N
	Vendor Total:			49.63									
TARGET TARGETED TECHNOLOGIES LLC													
	17-01328	10/10/17	SERVICE AFTER HOURS										
	1		SERVICE AFTER HOURS	225.00	7-01-20-100-227	B	COMPUTER MAINT. AND EQUIPMENT	R	10/10/17	10/12/17		110969	N
	17-01369	10/12/17	NEW SERVER INSTALL PD										
	1		NEW SERVER INSTALL PD	1,582.00	X-02- -471-002	B	TECHNOLOGY - FINANCED	H	10/12/17	10/12/17		110965	N
	Vendor Total:			1,807.00									
VB V&B AUTO REPAIR LLC													
	17-01163	08/31/17	DURANGO FRONT END REPAIRS										
	1		DURANGO FRONT END REPAIRS	1,371.01	7-01-25-252-201	B	OTHER EXPENSES	R	08/31/17	10/12/17		7021	N
	Vendor Total:			1,371.01									
VERI VERIZON													
	17-01351	10/11/17	732-389-9801										
	1		732-389-9801	211.85	7-01-31-430-440	B	TELEPHONE	R	10/11/17	10/12/17			N
	17-01374	10/12/17	870-2021										
	1		870-2021	27.20	7-01-31-430-440	B	TELEPHONE	R	10/12/17	10/12/17			N
	Vendor Total:			239.05									
VERIZO VERIZON WIRELESS (OEM)													
	17-01368	10/12/17	OCT OEM										
	1		OCT OEM	38.01	7-01-25-252-201	B	OTHER EXPENSES	R	10/12/17	10/12/17		9793756181	N
	Vendor Total:			38.01									

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<b>VERIZON VERIZON WI RELESS</b>															
	17-01347	10/11/17	OCTOBER POLICE WI RELESS												
	1		OCTOBER POLICE WI RELESS	365.46	7-01-25-240-279			B	VERIZON CARD CHARGES	R	10/11/17	10/12/17			N
			Vendor Total:	365.46											
<b>WALL GEORGE WALL</b>															
	17-01264	09/26/17	oil change, tire rotate / 38-66												
	1		oil change rotate tires 38-66	39.95	7-01-25-265-271			B	REPAIRS & MAINTENANCE	R	09/26/17	10/12/17		FOCS300838	N
			Vendor Total:	39.95											
<b>WEIR2 JOHN WEIR</b>															
	17-01370	10/12/17	UNI FORM REIMBURSEMENT												
	1		UNI FORM REIMBURSEMENT	87.90	7-01-25-240-244			B	UNI FORMS (POLICE)	R	10/12/17	10/12/17			N
			Vendor Total:	87.90											

Total Purchase Orders: 78 Total P.O. Line Items: 106 Total List Amount: 100,720.78 Total Void Amount: 0.00



Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Hel d	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	7-01	76,025.28	0.00	76,025.28	0.00	0.00	76,025.28
	7-05	0.00	709.00	709.00	0.00	0.00	709.00
	7-60	0.00	6,567.00	6,567.00	0.00	0.00	6,567.00
Year Total :		76,025.28	7,276.00	83,301.28	0.00	0.00	83,301.28
	X-02	0.00	17,419.50	17,419.50	0.00	0.00	17,419.50
Total Of All Funds:		76,025.28	24,695.50	100,720.78	0.00	0.00	100,720.78

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
ACKNOWLEDGING REVIEW AND AUTHORIZING SUBMITTAL OF THE  
2017 BEST PRACTICES INVENTORY**

**RESOLUTION #2017-202  
10-19-17**

**WHEREAS**, the State’s Fiscal Year Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services to determine how much of each municipality’s allocation of its CMPTRA and ETR aid will be disbursed based upon the results of Best Practices Inventory to be completed by each municipality; and

**WHEREAS**, the Inventory is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Oceanport that the best practices inventory was discussed publicly at the Mayor and Council meeting of October 5, 2017, and shall be submitted to the Division of Local Government Services and certified by the Chief Administrative Officer and Chief Financial Officer and a certification by the Municipal Clerk that the Inventory was discussed publicly.

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

I certify that the foregoing Resolution #2017-202 was adopted by the Oceanport Governing Body at the Regular Meeting held October 19, 2017.

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
SUPPORTING CONSTRUCTION OF A MONMOUTH COUNTY RECYCLING FACILITY**

**RESOLUTION #2017-203  
10-19-17**

**WHEREAS**, the Monmouth County Reclamation Center does not have a Recycling Facility to which municipalities may transport its recycling materials; and

**WHEREAS**, Monmouth County is the only large-population county in New Jersey that does not have an in-county facility to process recyclables resulting in increased costs to transport recyclables outside Monmouth County; and

**WHEREAS**, were Monmouth County to have its own facility to process recyclables, the Borough would likely benefit from a lower service rate; and

**WHEREAS**, Monmouth County has long indicated its intention to have a private entity build and operate such a facility at the County’s Reclamation Center in Tinton Falls. Monmouth County’s intention was to publish a RFP in July of this year for the building of a processing facility in Tinton Falls, however, to date this has not happened; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Oceanport urges the Monmouth County Freeholders to act expeditiously to publish the construction and operation RFP that will place Monmouth County in the forefront of recycling advancement and environmental protection.

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

I certify that the foregoing Resolution #2017-203 was adopted by the Oceanport Governing Body at the Regular Meeting held October 19, 2017.

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
 EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS REGARDING THE OPEN PUBLIC  
 MEETINGS ACT AND OPEN PUBLIC RECORDS ACT**

**Resolution #2017-204  
 10-19-2017**

**WHEREAS**, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

**WHEREAS**, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

**WHEREAS**, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

**WHEREAS**, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

**WHEREAS**, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

**WHEREAS**, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

**WHEREAS**, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Oceanport, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

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

I certify this to be a true copy of Resolution #2017-204 approved by the Oceanport Borough Council at the Regular Meeting held October 19, 2017.

\_\_\_\_\_  
 JEANNE SMITH, RMC  
 BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT**  
**Requesting approval of the Director of the Division of Local Government Services**  
**Amending the 2017 Municipal Budget per NJSA 40A:4-87 for**  
**Body Armor Replacement Fund Program**

**Resolution #2017-205**  
**10-19-17**

**WHEREAS**, N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount, and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Oceanport hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$1,624.83 which item is now available as a revenue from Body Armor Replacement Fund Program pursuant to provisions of statute, and

**BE IT FURTHER RESOLVED**, that a like sum of \$1,624.83 be and the same is hereby appropriated under the caption of Body Armor Replacement Fund Program, \$1,624.83.

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer file this resolution electronically with the Division of Local Government Services.

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

I certify that the foregoing Resolution #2017-205 was adopted by the Oceanport Governing Body at the Regular Meeting held October 19, 2017.

\_\_\_\_\_  
 JEANNE SMITH, RMC  
 BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS/REQUEST FOR QUALIFICATIONS FOR THE DEVELOPMENT OF BLOCK 65, LOT 1 ON THE BOROUGH TAX MAP**

**Resolution #2017-206  
10-19-17**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

**WHEREAS**, in accordance with the Redevelopment Law, the Municipal Council (the “**Municipal Council**”) of the Borough of Oceanport (the “**Borough**”) determined to investigate whether that certain area of the Borough commonly known as 222 Monmouth Boulevard and identified as Block 65, Lot 1 on the tax map of the Borough (the “**Rehabilitation Area**”) satisfies the criteria to be designated as an “area in need of rehabilitation”; and

**WHEREAS**, Clarke Caton Hintz (the “**Planning Consultant**”), submitted a report dated September 1, 2017, (the “**Rehabilitation Report**”), which confirmed that the Rehabilitation Area meets the criteria set forth in Sections 14(a)(1) of the Redevelopment Law, as the structures located within the Rehabilitation Area are vacant and in a deteriorated or substandard condition, and stated that a program of rehabilitation may be expected to prevent further deterioration and to promote the overall development of the Borough; and

**WHEREAS**, *N.J.S.A. 40A:12A-14* provides that prior to the adoption of a resolution designating portions of the Borough as an area in need of rehabilitation, the Municipal Council must first submit a copy of the proposed designating resolution to the Planning Board of the Borough (the “**Planning Board**”) for review and recommendation; and

**WHEREAS**, on September 7, 2017 the Municipal Council, acting by resolution, referred a copy of the Rehabilitation Report and the resolution designating the Rehabilitation Area as an “area in need of rehabilitation” to the Planning Board for review and comment; and

**WHEREAS**, on September 12, 2017, the Planning Board held a public hearing at which it reviewed the findings of the Rehabilitation Report, and adopted a resolution which endorsed the findings of the Planning Consultant and recommended to the Municipal Council, pursuant to *N.J.S.A. 40A:12A-14*, that the Rehabilitation Area be designated as an “area in need of rehabilitation”; and

**WHEREAS**, on September 21, 2017, by Resolution #2017-190, the Municipal Council accepted the recommendation of the Planning Board, and that of the Planning Consultant, and designated the Rehabilitation Area as an area in need of rehabilitation, in accordance with the Redevelopment Law; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-4(a)(3)* and *N.J.S.A. 40A:12A-7* the Municipal Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an area in need of rehabilitation; and

**WHEREAS**, on October 19, 2017, in accordance with the provisions of N.J.S.A. 40A:12A-7, the Municipal Council duly adopted the “*Borough Hall Site Redevelopment Plan* (the “**Redevelopment Plan**”) for the Rehabilitation Area; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-4, the Borough has determined to act as the “redevelopment entity” (as such term is defined at N.J.S.A. 40A:12A-3) for the Rehabilitation Area, to exercise the powers contained in the Redevelopment Law; and

**WHEREAS**, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an area in need of rehabilitation; and

**WHEREAS**, the Borough desires to explore the potential redevelopment of the Rehabilitation Area; and

**WHEREAS**, toward that end, the Borough has prepared a Request for Qualifications/Request for Proposals (the “**RFQ/RFP**”) for the purpose of identifying prospective redevelopers and potential uses of the Rehabilitation Area.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Mayor, Municipal Council members and any necessary professional advisors or counsel are authorized and directed to circulate, in coordination with the Borough, the RFQ/RFP.

Section 3. This resolution shall take effect immediately.

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

I certify that the foregoing Resolution #2017-206 was adopted by the Oceanport Governing Body at the Regular Meeting held October 19, 2017.

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #17-00020  
FOR BLOCK 117, LOT 27.235 KNOWN AS 119 CARRIAGE LANE**

**Resolution #2017-207  
10-19-17**

**WHEREAS**, at the Borough Tax Sale held on September 14, 2017, a lien was sold on Block 117 Lot 27.235 otherwise known as 119 Carriage Ln; and

**WHEREAS**, this lien, known as Tax Sale Certificate 17-00020 was sold to Trystone Capital Assets LLC at an interest rate of 0% and a premium of \$900, and;

**WHEREAS**, the owner has redeemed certificate 17-00020 in the amount of \$ 386.40.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$386.40 payable Trystone Capital Assets LLC, PO Box 1030, Brick NJ 08723 for the redemption of Tax Sale Certificate 17-00020.

**BE IT FURTHER RESOLVED**, that the CFO be authorized to issue a check in the amount of \$900 (Premium) to the aforementioned lienholder.

Motion:

Second:

I certify that the foregoing Resolution #2017-207 was adopted by the Oceanport Governing Body at the Regular Meeting held October 19, 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 #17-00016  
FOR BLOCK 101, LOT 14 KNOWN AS 7 LAKE DRIVE**

**Resolution #2017-208  
10-19-17**

**WHEREAS**, at the Borough Tax Sale held on September 14, 2017, a lien was sold on Block 101 Lot 14 otherwise known as 7 Lake Dr; and

**WHEREAS**, this lien, known as Tax Sale Certificate 17-00016 was sold to Trystone Capital Assets LLC at an interest rate of 0% and a premium of \$4,000, and;

**WHEREAS**, the owner has redeemed certificate 17-00016 in the amount of \$ 160.50.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$160.50 payable Trystone Capital Assets LLC, PO Box 1030, Brick NJ 08723 for the redemption of Tax Sale Certificate 17-00016.

**BE IT FURTHER RESOLVED**, that the CFO be authorized to issue a check in the amount of \$4,000 (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 #2017-208 was adopted by the Oceanport Governing Body at the Regular Meeting held October 19, 2017.

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #16-00028  
FOR BLOCK 142, LOT 12 KNOWN AS 153 S. PEMBERTON AVE**

**Resolution #2017-209  
10-19-17**

**WHEREAS**, at the Borough Tax Sale held on August 22, 2016, a lien was sold on Block 142 Lot 12 otherwise known as 153 S Pemberton Ave; and

**WHEREAS**, this lien, known as Tax Sale Certificate 16-00028 was sold to US Bank as cust for Actlien Holding Inc at an interest rate of 0% and a premium of \$1,400, and;

**WHEREAS**, the owner has redeemed certificate 16-00028 in the amount of \$ 465.87.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$465.87 payable US Bank as cust for Actlien Holding Inc, 50 S 16<sup>th</sup> St Suite 2050, Philadelphia PA 19102 for the redemption of Tax Sale Certificate 16-00028.

**BE IT FURTHER RESOLVED**, that the CFO be authorized to issue a check in the amount of \$1,400 (Premium) to the aforementioned lienholder.

Motion:

Second:

I certify that the foregoing Resolution #2017-209 was adopted by the Oceanport Governing Body at the Regular Meeting held October 19, 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  
RESOLUTION AUTHORIZING AN AMENDED APPLICATION FOR THE  
2017 MONMOUTH COUNTY MUNICIPAL OPEN SPACE GRANT PROGRAM REFLECTING  
UPDATED PROJECT COSTS**

**RESOLUTION #2017-210  
10-19-2017**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

**WHEREAS**, the Governing Body of the Borough of Oceanport desires to obtain County Open Space Trust Funds in the amount of \$250,000 to fund the development of Building 918 at the former Fort Monmouth Property, to be used as a new Oceanport Recreation Center at 918 Murphy Drive, Oceanport NJ 07757, Block 110, Portion of Lot 1; and

**WHEREAS**, the eligible cost of the project including all matching funds is \$1,200,623 million; and

**WHEREAS**, the Borough of Oceanport is the owner of and controls the project site.

**NOW, THEREFORE, BE IT RESOLVED BY** the Oceanport Borough Council **THAT:**

1. The Borough Administrator, Raymond Poerio, or his successor is authorized to (A) make an application to the County of Monmouth for Open Space Trust Funds, (B) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (C) act as the municipal contact person and correspondent of the above-named municipality; and
2. The Borough of Oceanport is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Mayor John F. Coffey, II and Borough Clerk Jeanne Smith are hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Fund; and
5. This resolution shall take effect immediately.

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

I certify this to be a true copy of Resolution #2017-210 adopted by the Governing Body of the Borough of Oceanport at the Regular Meeting held October 19, 2017

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**ORDINANCE#979**  
**AN ORDINANCE OF THE BOROUGH OF OCEANPORT,**  
**COUNTY OF MONMOUTH, STATE OF NEW JERSEY,**  
**ESTABLISHING THE OCEANPORT BOROUGH GREEN TEAM**  
**AS A PERMANENT ADVISORY COMMITTEE**

**BE IT ORDAINED** by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey, as follows:

**WHEREAS**, the Mayor's Committee for a Green Future of the New Jersey League of Municipalities has promulgated and published a municipal certification program and organization called 'Sustainable New Jersey' ("Sustainable Jersey"); and

**WHEREAS**, the purpose of Sustainable Jersey is to enlist municipalities in a concerted and organized state-wide effort to improve the environment and promote sustainability; and

**WHEREAS**, the Oceanport Borough Council initially supported registration in the Sustainable Jersey program pursuant to Resolution 2009-65; and

**WHEREAS**, the Borough Council now wishes to establish the Green Team as a permanent advisory committee of the Borough of Oceanport.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Oceanport, County of Monmouth, State of New Jersey.

**FIRST: Establishment:**

The Oceanport Borough Green Team be and is hereby established as an advisory committee to the Borough Administrator.

**SECOND: Purpose:**

Under the Direction of the Borough Administrator, the General Purpose for the Green Team shall include but not be limited to:

- (a) Managing Oceanport Borough's participation in the Sustainable Jersey program;
- (b) Make recommendations to the Borough Administrator to pursue sustainable practices where possible and implement the Borough Council's environmental goals;
- (c) At the recommendation of the Borough Council, work with the existing groups within the Borough whose actions effect environmental issues so as to eliminate duplication and assure that important tasks are covered;
- (d) Coordinate input and provide recommendations for social and other forms of media regarding the Sustainability Program;
- (e) Create, Manage and organize various ad hoc environmental groups within the Borough;
- (f) Solicit and evaluate environmental ideas and suggestions from the community;
- (g) Promote the cause of sustainability within the Borough;
- (h) To apply for and receive grants and/or donations which shall be utilized to promote sustainability.

**THIRD: Membership, Term of Office:**

The Mayor, with the advice and consent of the Borough Council shall appoint seven (7) Borough residents to serve as the Green Team. The Green Team shall elect from among its members a Chair, Vice Chair and Secretary/Treasurer. Initially, three (3) members shall be appointed to a three (3) year

term, two (2) members to a two (2) year term and two (2) members to a one (1) year term. Thereafter, all terms shall be for three (3) years.

The Green Team may select Borough volunteers to work on the Green Team projects.

The names of the Green Team volunteers shall periodically be submitted to the Borough Administrator and the Green Team committee reports, minutes, etc. shall also be submitted to the Borough Administrator.

**FOURTH: Annual Report to Borough Administrator:**

By December 20th of each year, the Green Team shall submit a detailed written report to the Borough Administrator. The annual report shall provide an evaluation of the Green Team initiatives and sustainable practices during the prior eleven (11) months. The report may also include recommendations to the Borough Administrator for sustainable practices in the upcoming year.

**FIFTH: Meetings:**

The Green Team shall meet monthly.

Additional meetings of the Green Team may be scheduled by the Chair at his/her discretion

**SIXTH: Severability**

If any section, paragraph, subparagraph, clause or provision of the Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**BE IT FURTHER RESOLVED** that Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

**BE IT FURTHER RESOLVED** that this Ordinance shall take effect after final passage and publication and as provided by law.

**ADOPTED ON FIRST READING**

**DATED:** September 21, 2017

JEANNE SMITH

Clerk of the Borough of Oceanport

**ADOPTED ON SECOND READING**

**DATED:** October 19, 2017

JEANNE SMITH

Clerk of the Borough of Oceanport

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

JOHN F. COFFEY, II

Mayor

**ORDINANCE #980**  
**ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF**  
**MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE**  
**ADOPTION OF THE REDEVELOPMENT PLAN FOR THE PROPERTY**  
**COMMONLY KNOWN AS BLOCK 65, LOT 1 ON THE TAX MAP OF**  
**THE BOROUGH OF OCEANPORT PURSUANT TO THE LOCAL**  
**REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute “areas in need of rehabilitation”; and

**WHEREAS**, in accordance with the Redevelopment Law, the Municipal Council (the “**Municipal Council**”) of the Borough of Oceanport (the “**Borough**”) determined to investigate whether that certain area of the Borough commonly known as 222 Monmouth Boulevard and identified as Block 65, Lot 1 on the tax map of the Borough (the “**Rehabilitation Area**”) satisfies the criteria to be designated as an “area in need of rehabilitation”; and

**WHEREAS**, Clarke Caton Hintz (the “**Planning Consultant**”), submitted a report dated September 1, 2017, (the “**Rehabilitation Report**”), which confirmed that the Rehabilitation Area meets the criteria set forth in Sections 14(a)(1) of the Redevelopment Law, as the structures located within the Rehabilitation Area are vacant and in a deteriorated or substandard condition, and stated that a program of rehabilitation may be expected to prevent further deterioration and to promote the overall development of the Borough; and

**WHEREAS**, *N.J.S.A. 40A:12A-14* provides that prior to the adoption of a resolution designating portions of the Borough as an “area in need of rehabilitation,” the Municipal Council must first submit a copy of the proposed designating resolution to the Planning Board of the Borough (the “**Planning Board**”) for review and recommendation; and

**WHEREAS**, on September 7, 2017 the Municipal Council, acting by resolution, referred a copy of the Rehabilitation Report and the resolution designating the Rehabilitation Area as an “area in need of rehabilitation” to the Planning Board for review and comment; and

**WHEREAS**, on September 12, 2017, the Planning Board held a public hearing at which it reviewed the findings of the Rehabilitation Report, and adopted a resolution which endorsed the findings of the Planning Consultant and recommended to the Municipal Council, pursuant to *N.J.S.A. 40A:12A-14*, that the Rehabilitation Area be designated as an “area in need of rehabilitation”; and

**WHEREAS**, on September 21, 2017, by Resolution #2017-190, the Municipal Council accepted the recommendation of the Planning Board, and that of the Planning Consultant, and designated the Rehabilitation Area as an “area in need of rehabilitation,” in accordance with the Redevelopment Law; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-4(a)(3)* and *N.J.S.A. 40A:12A-7* the Municipal Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an “area in need of rehabilitation”; and

**WHEREAS**, pursuant to that authority the Municipal Council caused a redevelopment plan for the Rehabilitation Area to be prepared, entitled the *Borough Hall Site Redevelopment Plan* (the “**Redevelopment Plan**”), attached hereto as Exhibit A; and

**WHEREAS**, the Borough Council, has referred the Redevelopment Plan to the Planning Board for its review and recommendation pursuant to *N.J.S.A. 40A:12A-7(e)*; and

**WHEREAS**, the Planning Board, on September 26, 2017, at a duly noticed and constituted public meeting, reviewed the Redevelopment Plan; and

**WHEREAS**, following such review the Planning Board has rendered its report and recommendations to the Borough Council and recommended the adoption of the Redevelopment Plan pursuant to *N.J.S.A. 40A:12A-7(e)*; and

**WHEREAS**, the Borough Council hereby finds it appropriate for the Redevelopment Plan to be adopted for the Rehabilitation Area, being, among other things, substantially consistent with the Master Plan for the Borough; and

**WHEREAS**, the Borough Council now desires to adopt the Redevelopment Plan and to direct that the applicable provisions of the Borough's Zoning Ordinance and Map be amended and superseded to reflect the provisions of the Redevelopment Plan, as and to the extent set forth therein.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF OCEANPORT AS FOLLOWS:**

**Section 1.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.** The recommendations of the Planning Board are hereby accepted and the Redevelopment Plan attached hereto as Exhibit A and made a part hereof, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

**Section 3.** The zoning district map and the zoning ordinance of the Borough are hereby amended to incorporate and reflect the Redevelopment Plan, and, to the extent provided in the Redevelopment Plan, are superseded thereby.

**Section 4.** If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**Section 5.** A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

**Section 6.** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

APPROVED ON FIRST READING  
DATED: October 5, 2017

ADOPTED ON SECOND READING  
DATED: October 19, 2017

JEANNE SMITH  
Clerk of the Borough of Oceanport

JEANNE SMITH  
Clerk of the Borough of Oceanport

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

\_\_\_\_\_  
JOHN F. COFFEY, II  
Mayor

**ORDINANCE #981**

**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 115 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ALCOHOLIC BEVERAGES"**

**BE IT ORDAINED** by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey, that Chapter 115, Sections 7 and 8 are hereby amended to increase the renewal fees for plenary retail consumption licenses and plenary retail distribution licenses as follows:

**NOTE:** Additions are underlined and deletions are marked by strike through.

**Article II. Licensing**

**§ 115-7. Fee for retail consumption license.**

The annual license fee for plenary retail consumption licenses shall be and is hereby fixed at ~~\$864~~ each. \$1,036.00.

**§ 115-8. Fee for retail distribution license.**

The annual license fee for plenary retail distribution licenses shall be and is hereby fixed at ~~\$518.~~ \$621.

**BE IT FURTHER ORDAINED** that all other terms and provisions of Article II, Chapter 115, Alcoholic Beverages, Licensing of the Borough Code shall remain unchanged.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon final passage and publication in accordance with the law.

**APPROVED ON FIRST READING**

DATED: October 19, 2017

JEANNE SMITH  
Clerk of the Borough of Oceanport

**ADOPTED ON SECOND READING**

DATED: November 2, 2017

JEANNE SMITH  
Clerk of the Borough of Oceanport

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

\_\_\_\_\_  
**JOHN F. COFFEY, II**  
Mayor



#

**AN ORDINANCE AMENDING CHAPTER 331 (STREETS AND SIDEWALKS) OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

**SECTION 1. BE IT ORDAINED** by the Borough Council of the Borough of Oceanport, County of Monmouth and State of New Jersey, that the following amendments be made as follows:

**NOTE:** Additions are underlined and deletions are marked by strike through.

**Chapter 331. Streets and Sidewalks**

**Article I. Excavations**

**§ 331-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BOROUGH CLERK**

The Borough Clerk of the Borough of Oceanport or such other Borough official as the governing body may designate. He shall act as the administrative officer for this article and coordinate with the Borough Engineer and other Borough officials and entities, as may be required.

**EMERGENCY**

A condition or circumstance which involves immediate danger to life or property, or both, or which involves a possibility of interruption or curtailment of any service furnished to the public by a public utility.

**PERMITTEE**

Any public utility, individual or company to which a permit has been issued under and pursuant to this article.

**PUBLIC UTILITY**

Any public utility as defined in N.J.S.A. 48:2-13.

**§ 331-2. Permit required.**

It shall be unlawful for any person to perform any excavation work or to dig up, break, excavate, tunnel, undermine or in any manner break up any street or right of way or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street or right of way any earth or other excavated material, obstructing or tending to interfere with the free use of the street, or dig up, break, excavate or undermine or in any way affect any other public improvement within a public right-of-way unless such person shall first have obtained a permit therefor from the Borough Clerk as herein provided.

**§ 331-3. Application requirements.**

- A. Application for a permit shall be made on forms to be provided by the Borough. The application shall state the purpose of the excavation and the name and address of the person who will restore the permanent pavement when the same is not to be done by the Borough or the applicant. The application shall be accompanied by a diagram indicating the nature and extent of the excavation to be made and the work to be done, the proposed dates of commencement and completion of the excavation, which date shall be the expiration date of any permit issued pursuant to the application, and other data as may reasonably be required. If during the course of the work any

major variation is required, the permittee shall file an amended diagram showing the manner in which the work is actually being done.

- B. Whenever the excavation will or may take more than one working day to complete or whenever the excavation site shall be left unattended, the permittee shall furnish to the Oceanport Police Department an emergency telephone number.
- C. No permit for a street excavation in excess of 1,000 square feet shall be issued until the application shall have been reviewed by the Borough Engineer.
- D. All street excavations in excess of 1,000 square feet shall be supervised by an inspector to be designated by the Borough Engineer, and the permittee shall be required to reimburse the Borough for the cost of such inspection.

#### **§ 331-4. Fees.**

- ~~A. Application for a permit shall be accompanied by a fee of \$15 to cover administrative costs for excavations up to 100 square feet and by a fee of not less than \$100 for larger excavations. In addition to the permit fee, the applicant shall pay an inspection fee before the permit is issued equal to 10% of the cash repair deposit, but not less than \$35, if the cash repair deposit is less than \$500; 8% if the cash repair deposit is at least \$500 but less than \$5,000; and 6% if the cash repair deposit is \$5,000 or greater. Such inspection fee shall be paid even though the applicant shall post a bond in lieu of a cash repair deposit.~~

The following schedule of fees is hereby fixed, determined and established as being the nonrefundable fees to be paid to the Borough of Oceanport to be drawn upon by the Borough Engineer in conjunction with the issuance and servicing of such permits, and supervision and inspection of such openings to proper restoration.

Opening not greater than 50 square feet or occupancy only: \$75.

Opening up to 100 square feet: \$100.

Opening up to 200 square feet: \$125.

Opening up to 400 square feet: \$175.

Opening over 400 square feet: \$250, plus \$0.50 per square foot in excess of 400 square feet.

- B. The Borough Clerk shall forward a copy of each application for a street opening permit to the Oceanport Police Department and, upon receipt thereof, the Chief of Police or his designee shall review the subject application to determine whether traffic control shall be needed during the period of construction. If it is determined that the permittee shall need the assistance of a law enforcement officer to control traffic in the vicinity of the construction site, then the applicant shall be required, in addition to the other fees provided for in this article, to pay to the Borough of Oceanport the prevailing police overtime rate for each hour or part thereof that a member of the Oceanport Police Department will be required to direct traffic at the site.

#### **§ 331-5. Cash repair deposits.**

- ~~A. The application for an excavation permit to perform excavation work under this article shall be accompanied by a cash repair deposit. Such cash repair deposit will take the form of cash or certified check payable to the Borough of Oceanport and shall be received by the Borough Clerk prior to the issuance of any permit. The amount of the cash repair deposit required shall be:~~

~~(1) For openings in streets paved with concrete or bituminous concrete:~~

~~(a) Three hundred dollars plus \$2.50 per square foot of opening not exceeding 1,000 square feet.~~

~~(b) Two thousand five hundred dollars plus \$2 per square foot of opening in excess of 1,000 square feet but not exceeding 5,000 square feet.~~

~~(c) Ten thousand dollars plus \$1.50 per square foot of opening in excess of 5,000 square feet.~~

~~(2) For excavations made in streets of lesser construction: 1/2 the preceding fees.~~

~~(3) In the case of excavation or removal or alteration of other public improvements, such as drainage, sidewalks, driveway aprons, etc., the Borough Engineer shall determine in each case the amount of the cash repair deposit in a sum sufficient to allow the Borough to perform all required repairs and restorations. Said amount shall be estimated to include gross Borough costs, including fees, temporary maintenance costs, permanent restoration costs, etc. In no case shall any cash repair deposit be less than \$500.~~

~~B. Any cash repair deposit made hereunder shall serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work under the excavation permit. The Borough shall be entitled to reimbursement from the cash repair deposit for the actual cost of any such necessary repairs which may be performed by employees of the Borough Public Works Department.~~

~~C. Upon the permittee's completion of the work covered by such permit, and after a sixty-day maintenance period in conformity with the ordinance as determined by the Borough Engineer, 2/3 of the remaining cash deposit shall be refunded by the Borough to the permittee, and the balance shall be refunded by the Borough to the permittee upon the expiration of such twelve month period, provided that, if the amount of cash deposit does not exceed \$500, the entire cash repair deposit shall be returned upon the Borough Engineer's determination that the permittee has performed the work in conformity with this article and provided further that the Borough may use any or all of such deposit to pay the cost of any work the Borough performs to restore or maintain the street as herein provided in the event that the permittee fails to perform such work, in which event the amount refunded to the permittee shall be reduced by the amount thus expended by the Borough.~~

~~D. Cash repair deposits will be waived in the case of installation or repair of sidewalks by the owner or by a person acting for the owner of real property and may be waived in the case of installation of new public improvements by a subdivider of site development in accordance with the approved plans and without cost to the Borough; provided, however, that such waiver will not be granted if, in the opinion of the Borough Administrator, a cash repair deposit is necessary to assure protection of existing improvements or to guarantee against damages during construction.~~

A. Before any permit is granted, a refundable performance guaranty shall be deposited with the Borough to insure proper restoration of the trench, pavement surface, and any other improvements within the borough right-of-way.

(1) For openings and excavations, the deposit shall be \$1,000 or \$25 per square foot of the actual excavated trench size, whichever is greater. The amount of the deposit shall be computed by multiplying the trench length in feet by the trench width in feet, which produces square feet.

(2) For temporary occupancy of a Borough right-of-way with a residential or commercial structure, the deposit shall be \$10,000.

(3) For temporary occupancy of all other obstructions, the deposit shall be \$1,000 or \$25 per square foot of the actual occupied area, whichever is greater. The amount of the deposit shall

be computed by multiplying the trench length in feet by the trench width in feet, which produces square feet.

- B. The guaranty shall be refunded if the surface or other improvements are replaced according to Borough specifications, and will be forfeited in lieu of restoration in the event that the Borough specifications are not met. For paved roads, the guaranty will be retained for a period of three months to one year from the date of completion of the permitted construction, at which time the guaranty will be refunded upon the written approval of the Borough Engineer. In the event the Borough Engineer does not approve the same in writing, and upon recommendation to the Borough Council, the guaranty will be forfeited.

§ 331-6. Surety bonds.

- A. If an individual cash repair deposit required by § 331-5 exceeds \$500 or if the applicant is a public utility regulated by the federal government and/or the State of New Jersey, the applicant may deposit with the Borough Clerk a surety bond in the amount of the cash repair deposit or an annual bond in the amount of \$5,000 made payable to the Borough of Oceanport. The required surety bond must be:
- (1) With good and sufficient surety.
  - (2) By a surety company authorized to transact business in the State of New Jersey.
  - (3) Satisfactory to the Borough Attorney in form and substance.
  - (4) Conditioned upon the permittee's compliance with this article and to secure and hold the Borough and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the Borough, the Borough Council or any Borough officer may be made liable by reason of any accident or injury to person or property through the fault of the permittee, either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition, as nearly as it can be to its original condition and to the satisfaction of the Borough Administrator, all openings and excavations made in streets and to maintain any street where excavation is made in a condition as good as before said work shall have been done, for the period of 12 months after said work shall have been done, usual wear and tear excepted. Any settlement of the surface within the said one-year period shall be deemed conclusive evidence of defective backfilling by the permittee.
- B. Nothing herein contained shall be construed to require the permittee to maintain any repairs to pavement made by the Borough if such repairs should prove defective.
- C. Recovery on such bond for any injury or accident shall not exhaust the bond, but it shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given.
- D. In the event of any suit or claim against the Borough by reason of the negligence or default of the permittee, any final judgment against the Borough requiring it to pay for such damage shall, upon the Borough giving written notice to the permittee of such suit or claim, be conclusive upon the permittee and his surety.
- E. An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount specified above and in other respects as specified above, but applicable as to all excavation work in streets by the principal in such bond during the term of one year from said date.
- F. Public utilities may deposit a corporate bond conditioned as in the case of a surety bond in the amount of \$5,000 in lieu of said surety bond, but such corporate bond must be in addition to a

cash repair deposit of \$500. Such cash repair deposit may, by Council action, be returned with interest to the utility after a twelve-month period wherein the Borough has made no charges or written demands against the deposit.

**§ 331-7. Emergency approval.**

In case of emergency, any public utility, individual or company may make an excavation in or tear up the surface of any road without first having obtained from the Borough of Oceanport a permit therefor, in which case the public utility, individual or company shall make application for such permit within five working days after the occurrence of such emergency, provided that the public utility, individual or company first telephones to the office of the Borough Clerk a statement concerning the emergency in question or, in case such office is closed, the telephone call shall be made to the Borough Police Department, which shall log the information for the Clerk.

**§ 331-8. General requirements for excavations, backfilling and resurfacing.**

The permittee shall comply with the following general conditions with regard to the opening or excavation and the backfilling and resurfacing of any public street or public place:

- A. The permittee shall keep each opening properly guarded and at night have lights placed thereat and, in doing the work, interfere as little as possible with the travel along the road and open no greater part of the road at any time than shall be allowed by the Borough. If the excavation is to extend the full width of the road, no more than 1/2 of the road shall be opened at one time, and such half shall be backfilled before the other half is opened, so as to permit the free flow of traffic.
- B. The applicant shall give a ~~twenty-four~~ forty-eight-hour notice to the Borough Clerk Engineer prior to making an opening or prior to beginning surface restoration.
- C. No opening shall commence on a Saturday, Sunday or holiday, except in case of an emergency.
- D. On roads having either a concrete or bituminous concrete surface, the excavation work area shall be saw cut so that the edges of the opening shall be cut straight through the bituminous or concrete surface before the trench is excavated.
- E. If the distance from the edge of the excavation work area to the existing edge of pavement/curb is less than two feet, the permittee shall excavate to the curb and ~~evenly install six inches of bituminous stabilized base course in the entire area.~~ extend the trench repair to the edge of pavement/curb.
- F. The work shall be so conducted as not to interfere with the water mains, gas lines, sewer lines or their connections with houses unless the permission of the proper authorities shall have been obtained. All rock within five feet of a water main or other pipe which might be damaged thereby shall be removed without blasting. No excavation which will damage trees shall be made.
- ~~G. After the underground installation has been completed, the permittee shall properly backfill the excavation. The backfill may consist of the excavated materials but shall be free of all organic material, debris and clay. It shall be placed in lifts of no more than 12 inches, each lift to be thoroughly compacted to a grade or 24 inches below subgrade, the remainder to be backfilled with bank-run gravel. Should the excavated material be unsuitable for backfill in the opinion of the Borough Engineer, then the entire trench shall be backfilled with bank-run gravel and compacted as described above. Bank-run gravel shall conform to New Jersey State Department of Transportation soil aggregate dry Type I-1.~~
- ~~H. After the backfill has been placed, the permittee shall install a temporary pavement of bituminous concrete six inches thick and shall keep such temporary pavement to grade until it has been replaced by a permanent pavement. The excavated area shall then be allowed to settle for a period of not less than 90 days. Any settlement occurring within this period must be repaired by~~

the permittee.

- I. ~~When the final settlement has taken place, however, no later than 120 days after excavation, the permittee shall mill and overlay the temporary pavement with a permanent pavement which shall be not less than 12 inches larger than the length and width of the opening. The permanent pavement shall be of the same type as the original pavement, unless authorized by the Borough Engineer. The Borough Engineer shall be given 48 hours' written notice previous to the time when the permanent pavement is to be installed in order to permit an inspection thereof. The permittee shall be required to mill the excavation surface to a depth of two inches, one foot wider on all sides of the initial repair. If the distance from the edge of the milled area to the existing curb is between two feet and four feet, the permittee shall be required to mill this distance as well. FABC surface course shall be constructed over the entire milled surface. The permittee shall also be required to provide a tack coat on all existing bituminous and concrete surfaces prior to installation of the FABC surface course. As an alternate method of final restoration and subject to prior approval of the Borough Engineer, the permittee may utilize the infrared repair process, provided that the area of excavation does not exceed 100 square feet. If the excavation work area is within 100 feet of a previous excavation made within one year (by the same permittee along the same side of the road), the permittee shall mill and restore between the outermost excavation from the center line of the roadway to the curb. The permittee shall replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, etc., that are affected by the excavation and restoration work, at the permittee's expense. Such work shall be performed according to Borough standards.~~
- J. ~~The restoration of the opening shall be maintained for 60 days after completion at the expense of the permittee, and any cash deposit, as set forth hereinabove, shall not be returned until at least 60 days have passed from the time of repair and the road is in acceptable condition.~~

### **§ 331-8.1 Requirements for backfilling.**

- A. The methods of construction for excavation and backfill shall be in accordance with Section 202 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition, and such other provisions as are included herein and as may be added in the special conditions.
- B. No road opening, excavation or occupancy of a cross trench shall extend beyond the centerline of the road before being backfilled, compacted and the surface of the roadway temporarily restored.
- C. All utility facilities shall be located sufficiently ahead of trench excavation work to avoid damage of those facilities and to permit their relocation, if necessary. Storm drains, pipe culverts or other facilities encountered shall be protected by the permittee. If the work performed interferes with the established drainage system of any street or road, provision shall be made by the permittee to provide proper drainage during construction and restore the existing system all to the satisfaction of the Borough Engineer.
- D. No dewatering equipment, wells, points or piping shall occupy the traveled portion of roadways unless specifically approved and adequately protected to the satisfaction of the Borough Engineer. In addition, effluent from dewatering systems shall be discharged in such a manner that erodible soils are not adversely affected. All silt and sediments being carried in the dewatering effluent must be intercepted prior to effluent discharge into any drainage system through the use of a sediment basin designed to allow retention of discharge for sufficient time to render such waters free from suspended silt and sediments. The use of screening devices in lieu of sedimentation basin must receive specific approval and be employed only for minor flows.
- E. Any gravel, earth or other excavated material which is caused to roll, flow or wash upon any Borough road shall be removed from the roadway within 24 hours after deposit. In the event the

earth, gravel or other excavated material so deposited is not removed, the Borough shall remove the material and the cost incurred shall be paid by the permittee or deducted from his deposit. Applicants are put on notice that due to the work schedule of the Public Works Road Department, it will be necessary to make such repairs after normal working hours. The permittee shall employ construction methods and means that will keep flying dust to the minimum to the satisfaction of the Borough Engineer.

- F. In the event of a snow or ice storm, the permittee will be required to take whatever steps Department of Public Works deems necessary to secure the traveled way for snow removal operations. At the first sign of precipitation, all work on the shoulders and traveled way shall stop and they shall be cleared of all dirt, etc., and the area backfilled so as not to interfere with Borough snow operations until the weather permits resumption of work.
- G. Right-of-way or property monuments and/or markers, traffic control devices and other Borough maintained devices on the right-of-way shall not be removed or disturbed unless permission to do so is first obtained in writing from the Borough Engineer. Permission shall be granted only upon the condition that the permittee shall pay all expenses incident to the replacement of such monumentation and/or devices.
- H. If tunneling operations are required, the tunnel shall be backfilled with rammed concrete composed of one-part cement to 10 parts (1:10) sand.
- I. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable state laws and regulations.

#### **§ 331-8.2 Restoration of surface paving and subsurface foundation.**

- A. Within grassed areas, all trench openings and damaged areas shall be backfilled for the top four inches with topsoil as defined in Section 804 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition. Then, both the trench and area disturbed by excavated material and construction operations shall be seeded with Fertilizing and Seeding, Type A, as specified in Section 917.05.01 of the same specifications.
- B. Within the limits of gravel roadways, driveways and parking areas all trench openings shall be backfilled and compacted as heretofore noted. The top eight inches shall be backfilled with eight inches of compacted Dense Graded Aggregate Base Course as defined in Section 302 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.
- C. Within the limits of bituminous concrete or bituminous treated roadways all trench openings shall be backfilled and compacted as required in Section 301 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition. The upper 12 inches of the trench shall receive a temporary repair of six inches of compacted Dense Graded Aggregate Base Course as defined in Section 302 of the above listed specifications topped with six inches of Hot Mix Asphalt 19M64 Base Course as defined in Section 401 of the above-listed specifications.
  - (1) The temporary pavement shall remain in place until any residual settlement takes place, which time shall not exceed four months. During this time, the permittee shall assure maintenance of the pavement surface level. Manholes, valve boxes or other physical utility obstructions, shall have feathered approaches not to exceed a five-percent slope where necessary and pavement lining shall be restored by the permittee for adequate traffic control.
  - (2) Where 20% or more of the pavement surface has been destroyed or disturbed, final

restoration shall consist of milling as designated and final paving with a two-inch overlay of the entire pavement surface width with Hot Mix Asphalt 9.5M64 Surface Course as defined in Section 401 of the above-listed specifications. All vertical seams shall receive polymerized joint adhesive.

(3) Where less than 20% of the existing pavement surface has been destroyed or disturbed, final paving shall be as follows: The existing pavement shall be sawcut back to a clean, straight line approximately 12 inches away from each side of the existing disturbed pavement, and any material within one inch of the proposed surface shall be removed and any depressions filled. Two inches of Hot Mix Asphalt 9.5M64 Surface Course as defined above shall then be placed in the prepared area. All vertical seams shall receive polymerized joint adhesive.

(4) If it is determined, prior to release of the cash repair deposit, by the Borough Engineer that the repair seams are not acceptable then the area shall receive an infrared treatment to create a seamless repair.

D. Within the limits of portland cement concrete roadways, all trench openings shall be backfilled and compacted as previously required, a satisfactory foundation prepared, the reinforcement restored and the concrete pavement equal in thickness to that in place in the roadway replaced with concrete as defined in Section 405 of the above-listed specifications.

E. Road openings and/or trenches involving unusual or special conditions including attachment to bridges shall be restored in accordance with and pursuant to the direction of the Borough Engineer.

F. In the event that temporary paving, patching, final paving, or any other aspect of the restoration process is not completed to the satisfaction of the Borough Engineer, the Borough shall complete the restoration and the cost incurred shall be paid by the permittee or deducted from his deposit.

### **§ 331-8.3 Specifications for concrete sidewalk, aprons, and curbs.**

A. Materials, measuring, mixing, preparation of the foundation forms, joints, depositing of concrete, finishing, curing and protection are to be in accordance with the current New Jersey State Highway Department Standard Specifications for Road and Bridge Construction or the latest revision thereof.

B. All sidewalk, driveway apron, curb, gutter, or other right-of-way improvements shall be constructed in accordance with standard construction detail established by the Borough Engineer.

C. The contractors shall be required to confer with the Borough Engineer before starting any work, and further shall not be permitted to pour any concrete until the Borough Engineer has checked and approved the forms for alignment and grade.

D. For the installation of curb or sidewalk in the Borough, forms shall be of wood or metal, straight, free from warp, of sufficient strength, to resist springing during construction and of a height equal to the full depth of the finished curb or sidewalk. Wood forms shall be two-inch surfaced plank, it being understood that dressed lumber of one-and-five-eighths- inch width is herein permitted (where sharpness of curvature does not permit the use of two-inch material, plywood or fiber board of lesser thickness may be used with the permission of the Borough Engineer) or as provided in the particular specifications for the job in question.

### **§ 331-9. Excavations in recently improved streets.**

A. Whenever the Borough Council enacts any ordinance or resolution providing for the paving or



repaving of any street, the Borough Clerk shall promptly mail a written notice thereof to each person owning any sewer, main, conduit or other utility in or under said street. Such notice shall notify such persons that no excavation permit shall be issued for opening, cuts or excavations in said street for a period of five years after the date of enactment of such ordinance or resolution. The notice shall notify such persons that applications for excavation permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than 45 days from the date of enactment of such ordinance or resolution. The Borough Clerk shall also promptly mail copies of such notice to the occupants of all houses, buildings and other structures abutting said street for their information and to the state agencies and departments or other persons that may desire to perform excavation work in said street.

- B. Within said 45 days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this article, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event any owner of real property abutting said street shall fail within said 45 days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts or excavations in said street shall be forfeited for a period of five years from the date of enactment of said ordinance or resolution. During said five-year period, no excavation permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Borough Engineer, an emergency as described in this article exists which makes it absolutely essential that the excavation permit be used.
- C. Every Borough department or official charged with responsibility for any work that may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation work within said forty-five-day period as to avoid the necessity for making any openings, cuts or excavations in the new pavement in said Borough street during said five-year period.

**§ 331-10. Preservation of monuments.**

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the Borough Engineer.

**§ 331-11. Excavations in winter months.**

Unless authorized by prior written approval of the Borough Engineer, no permit for the excavation of any street shall be issued between December 1 and March 1, except for emergencies as provided in §331-7 or by resolution adopted by the Borough Council. All street excavations commenced after March 1 must be completed, backfilled and restored prior to December 1.

**§ 331-12. Indemnity.**

In accepting a permit, the permittee shall be deemed to have agreed to indemnify and save harmless the Borough from and against any and all loss, costs or damages incurred by reason of any damage to any property, injury to any person or any loss of life resulting from any negligence of the permittee, its agents or servants in performing the work covered by the permit.

**§ 331-13. Applicability.**

The provisions of this article shall not be applicable to any excavation work under the direction of competent Borough officials, by employees of the Borough or by any contractor of the Borough or agency or department of the Borough performing work for and in behalf of the Borough necessitating openings or excavations in streets, nor shall the provisions of §§ 331-4 and 331-5 apply to any excavation work performed adjacent to or within public rights-of-way by subdividers or site developers in accordance with approved subdivision or site plans, provided that such subdividers or site developers have posted cash guaranties and surety in accordance with the applicable ordinance

requirements.

**§ 331-14. Liability insurance required.**

~~A. A permittee, prior to the commencement of excavation work hereunder, shall furnish the Borough Administrator with Certificates of liability and workmen's compensation insurance satisfactory to the Owner. satisfactory evidence in writing that the permittee has in force and will maintain in force, during the performance of the excavation work and the period of the excavation permit, public liability insurance of not less than \$500,000 for any one person and \$1,000,000 for any one accident and property damage insurance of not less than \$500,000 duly issued by an insurance company authorized to do business in this state.~~

A. The minimum amounts of Insurance to be carried by the Permittee shall be as follows:

1. Workmen's Compensation and Employer's Liability Insurance

The Permittee shall take out and maintain during the life of this Contract adequate workmen's compensation and employer's liability insurance for all employees employed in connection with the work, and in case any work is sublet, the Permittee shall require each subcontractor similarly to provide workmen's compensation and employer's liability insurance for the latter's employees, unless such employees are covered by the protection afforded by the Permittee's insurance.

Coverage A shall be New Jersey Statutory

Coverage B (Employer's Liability) shall be in the amount of \$1,000,000 or unlimited as per the New Jersey Workmen's Compensation Laws.

2. Comprehensive General Liability

Limits shall be \$1,000,000 bodily injury (BI), each occurrence and \$500,000 property damage (PD) each occurrence.

The Certificate of Insurance must indicate coverage at the above limits for:

- A. Explosion, collapse and underground utilities (XCU)
- B. Contractual - Indicated on the face of the Certificate as being in accordance with the wording of the Contract, specifically the second paragraph of this section.
- C. Independent Contractors
- D. Completed Operations

3. Comprehensive Automobile Liability

Limits shall be \$1,000,000 bodily injury (BI), each occurrence and \$500,000 property damages (PD) each occurrence.

Certificate of Insurance must indicate coverage at the above limits for:

- A. Hired Vehicles
- B. Non-Owned Vehicles

#### 4. Owner's Protective Policy

The Permittee shall supply an Owner's Protector's policy written in the name of the Owner, the Engineer, and their agents, with limits of \$1,000,000 bodily (BI) and \$500,000 property damage (PD). In lieu of this policy, the Permittee may indicate on the Comprehensive General Liability Certificate of Insurance, the Owner, the Engineer, and their agents have been named as an additional insured for this Contract.

- B. In cases where the character or nature of the proposed excavation work is such as to present an unusual hazard or a higher than normal risk of damage or injury, the Borough Council may require provision of increased amounts of liability and property damage insurance. Any permits which occasion such increased hazard or liability shall be referred by the Borough Administrator for the consideration of the governing body prior to the issuance of a permit.

#### **§ 331-15. Violations and penalties.**

Any person who violates any provision of this article shall, upon conviction thereof, be punished as set forth in Chapter 1, § 1-15, General penalty. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

### **Article II Street Dedications**

#### **§ 331-16. Requirements.**

No road, street, avenue or highway in the Borough of Oceanport dedicated to the public use shall be accepted as a public road, street, avenue or highway unless it is in compliance with the Residential Site Improvement Standards for a residential development otherwise ~~and until~~ the following requirements ~~are~~ must be complied with:

- A. All roads, streets, avenues or highways aforesaid shall be not less than 50 feet wide between property lines and not less than 30 feet wide between curblines.
- B. No dead-end roads, streets, avenues or highways shall be accepted unless and until proper provisions have been made for the turning around of vehicles at the "dead end."
- C. All roads, streets, avenues or highways shall be curbed on both sides thereof.
- D. All curbs shall not be less than 16 inches deep.
- E. All curbs shall be constructed of concrete or bluestone or granite, and the minimum width of any curb at the top shall be five inches for concrete and three inches for bluestone or granite.
- F. All roads, streets, avenues or highways shall be graded with a longitudinal grade of not less than six inches to 100 feet, and a cross section of not less than 1/4 inch to the foot, nor more than 1/2 inch to the foot, each side of the center line.
- G. The minimum requirement for the surface of any road, street, avenue or highway aforesaid shall be road gravel not less than six inches in depth after ultimate compaction, and the road gravel used thereon shall first be approved by the Borough Engineer and the Street Committee.
- H. All roads, streets, avenues or highways aforesaid shall be provided with catch basins and pipes where the same may be necessary for proper surface drainage.
- I. Where subbase conditions of proposed roads, streets, avenues or highways aforesaid are wet, springy or of such nature that surfacing would be inadvisable without ~~first treating the subbase, treatment of the subbase shall be made in the following manner, viz: The road, street, avenue or highway shall be excavated to a depth that shall be 12 inches below the proposed finished grade.~~

~~Material consisting of soft coal, cinders or two and one half inch broken stone or slag shall then be placed to a depth which, after thorough rolling, shall be not less than six inches. After the subbase material has been properly placed and compacted, the road surfacing material as described heretofore shall be spread thereon.~~ remediation the permittee shall submit a signed and sealed engineering design by a New Jersey Professional Engineer. The design and calculations shall be submitted for review and approval by the Borough Engineer.

- J. The approval of any map of land delineating roads, streets, avenues or highways by the governing body of the Borough of Oceanport shall in nowise be construed as an acceptance of any road, street, avenue or highway indicated thereon.

**SECTION 2. Repealer.** All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3. Severability.** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is un-Constitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

**SECTION 4. Effective Date.** This ordinance shall take effect upon its passage and publication, as required by law.

**APPROVED ON FIRST READING**  
DATED: October 19, 2017

JEANNE SMITH  
Clerk of the Borough of Oceanport

**ADOPTED ON SECOND READING**  
DATED: November 2, 2017

JEANNE SMITH  
Clerk of the Borough of Oceanport

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

\_\_\_\_\_  
**JOHN F. COFFEY, II**  
Mayor