

**REGULAR MEETING AGENDA  
MAYOR AND COUNCIL  
November 2, 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:**
    - #2017-212 1. Resolution authorizing payment of bills
    - #2017-213 2. Resolution amending the 2017 budget to add an item of revenue: 2015-2016 Zoning Code Enforcement Grant
    - #2017-214 3. Resolution authorizing redemption of Tax Sale Certificate #17-00003
    - #2017-215 4. Resolution authorizing redemption of Tax Sale Certificate #16-00014
    - #2017-216 5. Resolution authorizing redemption of Tax Sale Certificate #15-00009
    - #2017-217 6. Resolution authorizing refund for overpayment of taxes – Block 39, Lot 8
    - #2017-218 7. Resolution exercising option for second (1)-year extension of contract for solid waste & recycling collection with Suburban Disposal
    - #2017-219 8. Resolution renewing agreement with Monmouth County for SCAT services
    - #2017-220 9. Resolution concerning Fort Monmouth Reuse Plan Amendment #9
    - #2017-221 10. Resolution opposing any tax reform that eliminates State and Local tax deduction
    - #2017-222 11. Resolution authorizing budget appropriation transfers
    - #2017-223 12. Resolution amending the Personnel Policy – health insurance waivers
  - **MINUTES:**
    - Approval of the Workshop Meeting Minutes of October 5, 2017
    - Approval of the Regular Meeting Minutes of October 19, 2017
    - Approval of the Executive Session Minutes of October 19, 2017
  - **ORDINANCES:**
    - #981 2<sup>nd</sup> Reading and PUBLIC Hearing – Amendment to Alcoholic Beverage Ordinance
    - #982 2<sup>nd</sup> Reading and PUBLIC Hearing – Amendment to 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.**
  - **EXECUTIVE SESSION:**
    - #2017-224 Resolution authorizing the Governing Body to enter into Executive Session
      - Litigation, Negotiations and the Attorney Client Privilege N.J.S.A. 10:4-12(b)(7)**  
Social Security Withholding
      - Personnel Matters – N.J.S.A. 10:4-12(b)(8)**  
Social Security Withholding
- **Adjournment.**

## REGULAR MEETING MINUTES

Oceanport, New Jersey  
November 2, 2017

The Regular Meeting of the Oceanport Mayor and Council was called to order on November 2, 2017 at 8:02 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.

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

**MEMBERS ABSENT:** Councilwoman Kahle

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

**ADMINISTRATOR'S REPORT:** Mr. Poerio asked that Resolution #2017-220 be voted on separately. He requested that the public be advised that there would be action taken after the Executive Session.

### Consent Agenda:

- |                  |   |
|------------------|---|
| <b>#2017-212</b> | 1. Resolution authorizing payment of bills  |
| <b>#2017-213</b> | 2. Resolution amending the 2017 budget to add an item of revenue: 2015-2016 Zoning Code Enforcement Grant                               |
| <b>#2017-214</b> | 3. Resolution authorizing redemption of Tax Sale Certificate #17-00003  |
| <b>#2017-215</b> | 4. Resolution authorizing redemption of Tax Sale Certificate #16-00014  |
| <b>#2017-216</b> | 5. Resolution authorizing redemption of Tax Sale Certificate #15-00009  |
| <b>#2017-217</b> | 6. Resolution authorizing refund for overpayment of taxes – Block 39, Lot 8   |
| <b>#2017-218</b> | 7. Resolution exercising option for second (1)-year extension of contract for solid waste & recycling collection with Suburban Disposal |
| <b>#2017-219</b> | 8. Resolution renewing agreement with Monmouth County for SCAT services   |
| <b>Separate</b>  | 9. Resolution concerning Fort Monmouth Reuse Plan Amendment #9  |
| <b>#2017-221</b> | 10. Resolution opposing any tax reform that eliminates State and Local tax deduction  |
| <b>#2017-222</b> | 11. Resolution authorizing budget appropriation transfers   |
| <b>#2017-223</b> | 12. Resolution amending the Personnel Policy – health insurance waivers   |

Mayor Coffey stated there were 12 items on the Consent Agenda with #9 being taken separately and asked for a motion on the remaining 11 items. Councilman Irace made a motion to approve the consent agenda, which was seconded by Council President Gallo. The Clerk called roll:

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

The Clerk stated motion carried.

The Mayor led discussion on the Fort Monmouth Reuse Plan Amendment #9. Councilwoman Cooper stated that the Planning Board had reviewed the Amendment and requested more information about them. The Board would like more information on where the amendments came from, why the amendment is taking place, what its purpose is and the Board would like things in writing.

Councilwoman Cooper asked for a motion to approve **Resolution #2017-220** with amendments as discussed which was seconded by Councilman Irace. The Clerk called roll:

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

The Clerk stated motion carried.

**MINUTES:**

The Mayor asked for a motion to approve the Workshop Minutes of October 5, 2017 and the Regular and Executive Session Minutes of October 19, 2017, which was made by Councilman Irace and seconded by Councilman Proto. The Clerk called roll:

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

The Clerk stated motion carried.

**ORDINANCES:**

- #981** 2nd Reading and PUBLIC Hearing – Amendment to Alcoholic Beverage Ordinance
- #982** 2nd Reading and PUBLIC Hearing – Amendment to Street Excavation Ordinance

Councilwoman Cooper called for the 2<sup>nd</sup> Reading and Public Hearing providing for an ordinance to amend alcoholic beverage ordinance. She asked the Clerk to read the affidavit of publication of the proposed ordinance by title only. **“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”** was published in the LINK News on October 26, 2017.

**PUBLIC HEARING:** 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 Councilwoman Cooper. 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, Proto, Solan  
NAYS: None  
ABSTAIN: None  
ABSENT: Kahle

The Clerk stated motion carried.

Councilwoman Cooper called for the 2<sup>nd</sup> Reading and Public Hearing providing for an ordinance to amend the street and sidewalks ordinance. She asked the Clerk to read the affidavit of publication of the proposed ordinance by title only. **“AN ORDINANCE AMENDING CHAPTER 331 (STREETS &**

**SIDEWALKS) OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY”** was published in the LINK News on October 26, 2017.

**PUBLIC HEARING:** The Mayor opened the meeting for public comment on this ordinance only.

Robin Kelly, 43 Cayuga Ave., asked for an explanation of the ordinance. Mr. Poyer explained the requirements of obtaining a street opening permit regarding repairs after construction and traffic control. This revision strengthens the requirements for utility companies. Mayor Coffey added that it would also update the specifications for backfilling, restoration of surface paving and subsurface foundations and concrete sidewalks. It also amends the fees charged for street excavations.

As no one else from the public appeared to be heard, the Mayor closed the public hearing on a motion by Councilman Irace, which was seconded by Councilman Proto. 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, Proto, Solan
- NAYS: None
- ABSTAIN: None
- ABSENT: Kahle

The Clerk stated motion carried.

**COMMITTEE REPORTS:**

**PUBLIC SAFETY:** Councilman Proto thanked Chief Kelly and the Police Dept. for maintaining smooth traffic flow during ongoing construction projects in the Borough.

**FINANCE & ADMINISTRATION:** Councilman Irace thanked the Fire Explorers for the delicious Halloween breakfast fundraiser and invited everyone to attend the next one which will be held in February or March.

**PUBLIC WORKS & ENGINEERING:** Council President Gallo reported that the road program is progressing. He wished everyone an early Happy Thanksgiving.

**PLANNING & DEVELOPMENT:** Councilwoman Cooper previously reported on FMERA Amendment #9. Family Promise appeared before the Planning Board, requesting 7 design waivers. The Board approved only 2. The Planning Board carefully reviews each variance application to determine if granting approval is in the best interests of the Borough. Councilwoman Cooper advised the equipment for the public TV is being tested and a “bulletin board” will be posted shortly. There will be a schedule of air times for recorded meetings. Councilman Irace asked Councilwoman Cooper to express thanks to the Planning Board for being the first line of defense on the development activity on the former Ft. Monmouth property.

**PARKS & RECREATION:** Councilman Solan stated that despite the weather, there was a good turnout for the Halloween parade as well as the Halloween breakfast. He stated that at Blackberry Bay Park, the old fence around the basketball court has been removed and the roller hockey rink is being dismantled. Use of that area will be determined later. He advised that the Veterans Day ceremony will be held on November 11<sup>th</sup> at the Port-Au-Peck Chemical Hose firehouse at 11 a.m.

**HEALTH & HUMAN SERVICES:** No report as Councilwoman Kahle was absent.

**MAYOR’S REPORT:** Mayor Coffey provided his report in the Workshop Meeting.

**PETITIONS FROM THE PUBLIC:** Mayor Coffey then opened the meeting to anyone from the public who wished to be heard. As no one from the public who wished to be heard, the Mayor closed the public portion of the meeting.

**EXECUTIVE SESSION:**

**#2017-224** Resolution authorizing the Governing Body to enter Executive Session:

At 8:16 p.m. the Mayor asked for a motion on **Resolution #2017-224** authorizing the meeting to enter Executive Session for the purposes of Litigation, Negotiations and the Attorney Client Privilege and Personnel Matters which was moved by Councilman Solan and seconded by Councilman Irace.

At 8:28 p.m. Council returned from Executive Session and the regular meeting was reopened on a motion by Councilman Irace, seconded by Councilman Solan and approved by Council

**Resolution #2017-225** Authorizing the Resolution of Claims by Police Department Employees for Excess FICA Taxes Contributions

Mr. Arnette read Resolution #2017-225 in its entirety for the record. After which, Councilwoman Cooper made a motion to approve Resolution #2017-225 which was seconded by Councilman Irace. Councilman Irace stated the IRS had fully refunded the payments and the Borough's budget is not affected. He also thanked the members of the PBA for their patience. The Clerk called roll:

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

The Clerk stated motion carried.

As there was no further business, the meeting was adjourned at 8:32 p.m. on a motion by Councilman Proto, seconded by Councilman Irace and approved by Council.

Respectfully submitted,

JEANNE SMITH  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING PAYMENT OF BILL LIST FOR NOVEMBER 2, 2017**

**RESOLUTION #2017-212  
11-02-17**

**WHEREAS**, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of November 2, 2017.

**BE IT RESOLVED**, by the Mayor and Council that the bills be paid as on the attached bill list dated November 2, 2017 totaling \$2,874,281.23.

**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 #2017-212\_ was adopted by the Oceanport Governing Body at the Regular Meeting held November 2, 2017.

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

**BOROUGH OF OCEANPORT  
BILL LIST**

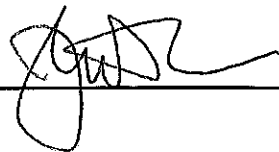
2-Nov-17

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$ 116,597.08 21ST PAY

**2017 EXPENDITURES - MANUAL CHECKS**

CAPITAL TRUST TOTAL	\$16,661.54
DOG REGISTRY TOTAL	\$3,038.87
OFF DUTY	\$0.00
TRUST OTHER TOTAL	\$2,348.63
ESCROW TRUST TOTAL	\$2,242.41
OPEN SPACE TRUST TOTAL	\$118,537.60
SUI	\$0.00
2016 VOUCHERS PAID THIS MEETING	\$18,000.00
2017 VOUCHERS PAID THIS MEETING	\$2,596,855.10
<b>TOTAL</b>	<b>\$2,874,281.23</b>

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



A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be the name of the certifying official.

**Requesting approval of the Director of the Division of Local Government Services  
Amending the 2017 Municipal Budget per NJSA 40A:4-87 for  
Post Sandy Planning Recovery Zoning Code Enforcement Grant 2015-2016**

**Resolution #2017-213  
11-02-17**

**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 \$2,141.18 which item is now available as a revenue from the 2015-2016 Zoning Code Enforcement Grant to the provisions of statute, and

**BE IT FURTHER RESOLVED**, that a like sum of \$2,141.18 be and the same is hereby appropriated under the caption of 2015-2016 Zoning Code Enforcement Grant, \$2,141.18.

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer file this resolution electronically with the Director 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 #2017-213 was adopted by the Oceanport Governing Body at the Regular Meeting held November 2, 2017

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



**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #17-00003  
FOR BLOCK 18, LOT 14.03 KNOWN AS 83 ALGONQUIN AVE**

**Resolution #2017-214  
11-02-17**

**WHEREAS**, at the Borough Tax Sale held on September 14, 2017, a lien was sold on Block 18 Lot 14.03 otherwise known as 83 Algonquin Ave; and

**WHEREAS**, this lien, known as Tax Sale Certificate 17-00003 was sold to Trystone Capital Assets LLC at an interest rate of 0% and a premium of \$700, and;

**WHEREAS**, the owner has redeemed certificate 17-00003 in the amount of \$ 272.57.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$272.57 payable Trystone Capital Assets LLC, PO Box 1030, Brick NJ 08723 for the redemption of Tax Sale Certificate 17-00003.

**BE IT FURTHER RESOLVED**, that the CFO be authorized to issue a check in the amount of \$700 (Premium) to the aforementioned lienholder.

Motion:

Second:

I certify that the foregoing Resolution #2017-214 was adopted by the Oceanport Governing Body at the Regular Meeting held November 2, 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 #16-00014  
FOR BLOCK 60, LOT 12 KNOWN AS 17 MORRIS PLACE**

**Resolution #2017-215  
11-02-17**

**WHEREAS**, at the Borough Tax Sale held on August 22, 2016, a lien was sold on Block 60 Lot 12 otherwise known as 17 Morris Pl; and

**WHEREAS**, this lien, known as Tax Sale Certificate 16-00014 was sold to DSHC Enterprises LLC at an interest rate of 0% and a premium of \$1,400, and;

**WHEREAS**, the owner has redeemed certificate 16-00014 in the amount of \$ 7,727.09.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$7,727.09 payable DSHC Enterprises LLC, PO Box 524, Plainsboro, NJ 08536 for the redemption of Tax Sale Certificate 16-00014.

**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 #2017-216 was adopted by the Oceanport Governing Body at the Regular Meeting held November 2, 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 #15-00009  
FOR BLOCK 60, LOT 12 KNOWN AS 17 MORRIS PLACE**

**Resolution #2017-216  
11-02-17**

**WHEREAS**, at the Borough Tax Sale held on November 16, 2015, a lien was sold on Block 60 Lot 12 otherwise known as 17 Morris Pl; and

**WHEREAS**, this lien, known as Tax Sale Certificate 15-00009 was sold to Tower as cust for Ebury Fund 2 NJ LLC at an interest rate of 0% and a premium of \$3,800, and;

**WHEREAS**, the owner has redeemed certificate 15-00009 in the amount of \$ 10,279.40.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$10,279.40 payable Tower as cust for Ebury Fund 2 NJ LLC, PO Box 54908, New Orleans LA 70154 for the redemption of Tax Sale Certificate 15-00009.

**BE IT FUTHER RESOLVED**, that the CFO be authorized to issue a check in the amount of \$3,800 (Premium) to the aforementioned lienholder.

Motion:

Second:

I certify that the foregoing Resolution #2017-216 was adopted by the Oceanport Governing Body at the Regular Meeting held November 2, 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 REFUND FOR OVERPAYMENT OF PROPERTY TAXES  
BLOCK 39, LOT 8 ALSO KNOWN AS 3 POCANO AVENUE**

**Resolution #2017-217  
11-02-17**

**WHEREAS**, the following property is due a refund due to a successful State Tax Court judgment and an overpayment from the property owner; 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 successful State Tax Court judgment to the following property owner as follows:

Block 39 Lot 8 Jacobus & Associates, LLC  
Trustee for Huang, Kenneth  
201 Littleton Rd 1<sup>st</sup> Floor  
Morris Plains NJ 07950

Comparison of assessment which was agreed upon in settlement:

	Old Assessment	New Assessment	Refund
2016	\$2,865,500	\$2,600,000	\$ 5,689.67
2017	\$2,898,800	\$2,600,000	<u>\$ 6,445.12</u>
Total refund			\$ 12,134.79

Motion:

Second:

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

I certify that the foregoing Resolution #2017-217 was adopted by the Oceanport Governing Body at the Regular Meeting held November 2, 2017.

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

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING OPTION FOR SECOND (1)-YEAR EXTENSION OF THE  
SOLID WASTE & RECYCLING COLLECTION CONTRACT  
WITH SUBURBAN DISPOSAL**

**Resolution #2017-218  
11-02-17**

**WHEREAS**, sealed public bids for the collection and disposal of solid waste and recycling were received by the Borough of Oceanport in 2014 which resulted in a contract by and between the Borough of Oceanport and Future Sanitation, dated February 1, 2015; and

**WHEREAS**, the said bid solicitation was for a two-year contract with the option for three additional one (1) year terms; and

**WHEREAS**, the Borough Council adopted Resolution #2016-208 authorizing the first (1) one-year extension to the contract; and

**WHEREAS**, the contract was reassigned to Suburban Disposal pursuant with Resolution #2017-062; and

**WHEREAS**, the Borough of Oceanport Council does not believe that there is any current benefit to be derived from re-bidding the collection of solid waste and recycling contract in accordance with applicable state regulation.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Oceanport that the Borough of Oceanport does hereby exercise its right under Paragraph 3 of the aforementioned Contract to extend the Contract for the second (1) year extension commencing February 1, 2018 through January 31, 2019, the fourth (4<sup>th</sup>) year of said contract for the amount of \$203,700.00 pursuant to Resolution #2014-239 certifying same.

**BE IT FURTHER RESOLVED**, that the Borough Administrator is instructed to notify Suburban Disposal of the Borough's decision.

**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, hereby certify that funds for the purpose stated herein are subject to sufficient funds being appropriated in the 2018 annual budget.

\_\_\_\_\_  
CATHERINE D. LAPORTA, CFO

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 #2017-218 approved by the Oceanport Borough Council at the Regular Meeting held November 2, 2017.

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

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
 AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN  
 THE BOROUGH OF OCEANPORT AND THE COUNTY OF MONMOUTH  
 PROVIDING "SCAT" SERVICES FOR 2018**

**Resolution #2017-219  
 11-02-2017**

**BE IT RESOLVED**, by the Governing Body of the Borough of Oceanport that an Agreement between the Board of Chosen Freeholders of the County of Monmouth, and the Borough of Oceanport, for Special Citizens Area Transportation System (SCAT) for the year 2018 for one-full day per week at a cost of \$155.00 per week, be and the same is hereby approved and confirmed; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute said agreement on behalf of the Borough of Oceanport, and attested to by the Borough Clerk.

Motion:

Second:

I certify this to be a true copy of Resolution #2017-219 approved by the Oceanport Borough Council at the Regular Meeting held November 2, 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  
THE FORT MONMOUTH REUSE PLAN AMENDMENT #9 AND THE  
MUNICIPAL 45 DAY REVIEW PERIOD AND  
FORMULATION OF THE BOROUGH RECOMMENDATIONS AND COMMENTS TO THE FORT  
MONMOUTH ECONOMIC REVITALIZATION AUTHORITY**

**Resolution #2017-220  
11-02-17**

**WHEREAS**, the decision to close Fort Monmouth was made per Federal BRAC legislation in September of 2005 and the Fort Monmouth Economic Revitalization Authority (FMERA) was created by the State of New Jersey (C52:271 et. seq.) to implement comprehensive conversion and revitalization of the Fort Monmouth Property; and

**WHEREAS**, the Fort Monmouth Redevelopment and Reuse Plan was adopted September 3, 2008 and as subsequently amended; and

**WHEREAS**, the statute provides for a 45-day municipal review period for comment and recommendations on amendments to the Fort Monmouth Reuse Plan by each of the three host communities. On October 12, 2017 the Borough Clerk received a request to review the Reuse Plan Amendment #9 for which review period shall end November 27, 2017; and

**WHEREAS**, the Borough of Oceanport has solicited comment on the Reuse Plan Amendment #9 from the Borough Planner, Borough Engineer, Environmental Commission, Police Department, First Aid, Fire Department and Office of Emergency Management in order to review the Amendment and consider its impact on the Borough and its residents, which comments are attached hereto and made a part hereof; and

**WHEREAS**, the Planning Board of the Borough of Oceanport conducted a review of the Reuse Plan Amendment #9 on October 24, 2017 and advised by memorandum their comments on the plan amendment #9 attached hereto and made a part hereof; and

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Oceanport that the municipality has performed its statutory duties as a host municipality concerning the review of the proposed Fort Monmouth Redevelopment and Reuse Plan Amendment #9 and provides the attached comments for the Fort Monmouth Economic Revitalization Authority Board's consideration

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 #2017-220 approved by the Oceanport Borough Council at the Regular Meeting held November 2, 2017.

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

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
OPPOSING ANY TAX REFORM PROPOSAL  
ELIMINATING STATE AND LOCAL TAX (SALT) DEDUCTION**

**Resolution #2017-221  
11-02-17**

**WHEREAS**, Congress is giving serious consideration to eliminating the federal income tax deduction for state and local taxes;

**WHEREAS**, this deduction, which has been in place for more than 100 years, is heavily utilized by residents of our community and our state;

**WHEREAS**, the state and local tax deduction is a fundamental principle of federalism and without it our residents would be faced with double taxation as they would be forced to pay federal income taxes on the taxes they pay to state and local governments;

**WHEREAS**, this federal cost shift onto local governments would place extreme pressure on County budgets, including diminished revenue for essential local government investments, including public safety and public infrastructure; and

**WHEREAS**, increased federal taxation and reduced County services will harm our local housing market, decrease home values and erode our local tax base,

**NOW, THEREFORE, BE IT RESOLVED** that Borough of Oceanport expresses its strong opposition to any tax reform proposal that would eliminate the State and Local Tax (SALT) Deduction and urges U.S. Congressional Representative Christopher H. Smith, U.S. Congressional Representative Frank Pallone, Jr., Senator Jennifer Beck, Senator Samuel D. Thompson, Senator Joseph M. Kyrillos, Jr. and Senator Robert W. Singer as well as Assemblywoman Joann Downey, Assemblyman Eric Houghtaling, Assemblyman Robert D. Clifton, Assemblyman Ronald S. Dancer, Assemblywoman Amy H. Handlin, Assemblyman Declan J. O'Scanlon, Assemblyman Sean T. Kean and Assemblyman David P. Rible to join us in publicly opposing any such proposal, and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized and directed to forward certified copies of this resolution to President Donald. J. Trump, United States Senate Majority Leader Mitch McConnell, United States Senate Minority Leader Charles Schumer, United States House of Representatives Speaker Paul Ryan, United States House of Representatives Minority Leader Nancy Pelosi, Borough of Oceanport Legislative Delegation, Borough of Oceanport Congressional Representatives, Monmouth County Chosen Board of Freeholders and Monmouth County Municipalities.

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

I certify that the foregoing Resolution #2017-221 was adopted by the Oceanport Governing Body at the Regular Meeting held November 2, 2017.

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



**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING BUDGET APPROPRIATION TRANSFERS**

**RESOLUTION #2017-222  
11-02-17**

**WHEREAS**, it shall become necessary to expend for some of the purposes specified in the Budget an excess of the respective sums appropriated, and

**WHEREAS**, there is an excess in one or more appropriations over and above the amount deemed necessary to fulfill the purposes of such appropriations, and

**WHEREAS**, the transfers about to be authorized do not affect an appropriation to which or from which transfers are prohibited under the statutes.

**NOW, THEREFORE BE IT RESOLVED** the following transfers between appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

<b>FROM:</b>		
1 Financial Administration SW	<u>5,000.00</u>	7-01-20-130-111
	5,000.00	
 <b>TO:</b>		
1 P&F Retirement System	1,100.00	7-01-36-475-201
2 Collection of Taxes SW	1,000.00	7-01-20-145-111
3 Assessment of Taxes SW	1,000.00	7-01-20-150-111
4. Interpreter Costs	<u>1,900.00</u>	7-01-43-490-202
	5,000.00	

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

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

I certify that the foregoing Resolution #2017-222 was adopted by the Oceanport Governing Body at the Regular Meeting held November 2, 2017.

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

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AMENDING PERSONNEL POLICY AND EMPLOYEE HANDBOOK  
TO REFLECT STATUTORY LIMITS ON HEALTH INSURANCE WAIVER PAYMENTS**

**RESOLUTION #2017-223  
11-02-17**

**WHEREAS**, the Borough having reviewed its best practices for 2017 has determined there is a need to update its policy concerning the payment of waivers for health insurance coverage; and

**WHEREAS**, P.L. 2010, c. 2 effective March 10, 2010 effected a statutory maximum on payments for waiver of health benefits; and

**WHEREAS**, N.J.S.A. 52:14-17.31a and 40A:10-17.1 authorize local units providing employee health benefits to make annual payments to employees in exchange for waiving health coverage provided by the local unit and statutorily prohibits health benefit waiver payments from being subject to the collective bargaining process.

**WHEREAS**, pursuant to N.J.S.A. 40A:10-17.1, a municipality, notwithstanding the provisions of any other law to the contrary, which enters into a contract providing group health care benefits to its employees pursuant to N.J.S.40A:10-16 et seq., may allow any employee who is eligible for other health care coverage to waive coverage under the Borough's plan to which the employee is entitled; and

**WHEREAS**, P.L. 2010, c. 2 effective March 10, 2010 dictates the terms for calculation of health benefit waiver payments annually to which the Borough effectuate compliance; and

**WHEREAS**, after review of the Personnel Policy and Employee Handbook the proposed amendments to both for compliance with P.L. 2010, c. 2 concerning health benefit waiver payments are attached hereto with additions underlined and deletions marked by strike through of the personnel policy as last revised and passed on October 5, 2017.

**NOW, THEREFORE BE IT RESOLVED BY THE** Mayor and Council of the Borough of Oceanport that the proposed amendments to the Borough's Personnel Policy and Employee Handbook concerning health benefit waiver payments attached hereto will be effective as of January 1, 2018 upon passage by the Governing Body.

**BE IT FURTHER RESOLVED** that updated copies of the Personnel Policy shall be distributed to managerial/supervisory employees.

**BE IT FURTHER RESOLVED**, that updated copies of the Employee Handbook shall be distributed to all employees

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

I certify that the foregoing Resolution #2017-223 was adopted by the Oceanport Governing Body at the Regular Meeting held November 2, 2017.

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

PROPOSED AMENDMENTS to Personnel Policy and Employee Handbook

SECTION FOUR: Compensation & Employee Benefits Policies

*Health Insurance Policy:*

**A. Medical Plan.**

- (1) All full-time permanent employees shall become eligible for single enrollment in the Borough's hospitalization, medical and major medical and major medical group insurance plan, effective 60 days after the date of employment. Additionally, after 36 (THIRTY-SIX) months of continuous uninterrupted employment, all full-time permanent employees and their dependents, including civil union partner, shall become eligible for enrollment in the Borough's hospitalization, medical and major medical, and major medical group insurance plan. Any participant shall have the right to upgrade their plan coverage at his or her own cost.
  
- (2) The Borough shall pay premium for such medical plan for the employee (and, after 36 (THIRTY-SIX) months of continuous uninterrupted employment, for the employee and his/her dependents) during the term of employment. All non-contracted employees shall during the term of their employment contribute to their health insurance premium costs in accordance with Chapter 78, P.L. 2011. ~~as follows: 1% of base salary for all employees with a base salary of \$50,000.00 or less and 1.5% for all employees with a base salary above \$50,000.00"~~ Employees who have completed not less than 25 years of public employment shall continue on the Borough medical plan throughout the term of such employee's retirement. Such enrollment period shall consist of not less than 20 years of employment by the Borough, as well as employment by any other public employer qualifying for participation in the public employee's retirement system, provided that the total length of all such public employment shall be not less than 25 years. If an employee has completed less than 25 years of public employment but at least 10 years of employment by the Borough by the date upon which the retirement of any such employee shall become effective, the Borough shall pay the full premium for such medical plan for the employee and his/her dependents for a period of one year following the date such retirement becomes effective, provided that such employee remains insurable. Thereafter, the retired employee may elect to continue such coverage; provided, however, that the employee remains insurable and agrees to pay for the cost of continued participation in such plan. In addition to the medical benefits provided for the employees retiring with 25 years of service or more, the Borough shall provide medical benefits (hospitalization and major medical insurance)

for surviving spouses of retired employees who die, until the surviving spouse attains the age of 65. In the event the surviving spouse shall remarry while receiving medical benefits as herein provided, all such benefits shall terminate upon such marriage.

- ~~(3) Any participant shall be entitled to refuse coverage or "Opt Out" of the plan at his/her election. In the event a participant, so elects, he/she is entitled to the sum of Three Thousand Five Hundred (\$3,500.00) dollars per annum or so pro-rated during the coverage year, subject to the appropriate Federal and State taxes. The Borough shall make the appropriate "Opt Out" payment to the participant at the conclusion of the premium year. The participant choosing to "Opt-Out" has the right to "Opt" back in to the health insurance plan without penalty to said member.~~

**B. Dental Plan.**

- (1) All full-time permanent employees are eligible for single enrollment in the Borough's dental plan. Additionally, after 36 (THIRTY-SIX) months of continuous uninterrupted employment, all full-time permanent employees and their dependents, including civil union partner, shall become eligible for enrollment in the Borough's dental plan. New full-time employees shall become eligible for enrollment in this plan 60 days after the date of employment.
- (2) The Borough shall pay the full premium of this plan less mandatory employee contribution in accordance with Chapter 78.

**C. Waiver of Health Insurance Benefit**

- (1) Any participant shall be entitled to file a waiver of health insurance benefits at his/her election. In the event a participant, so elects, he/she is entitled to a waiver payment as calculated in Items (2) and (3) of this section. The Borough shall make the appropriate "Opt Out" payment to the participant at the conclusion of the premium year. The participant choosing to "Opt-Out" has the right to "Opt-in" to the health insurance plan without penalty to said member.
- (2) Payments for waivers filed before May 21, 2010, and maintained continuously since, shall be calculated at fifty percent (50%) of the amount saved by the local unit as a result of the participant's waiver of coverage or \$3,500 whichever is less.
- (3) Payments for waivers filed on or after May 21, 2010, which is the effective date of P.L. 2010, c. 2, shall be calculated at twenty-five percent (25%) of the amount saved by the local unit as a

result of the waiver but not more than \$1,500 for single coverage plans and not more than \$3,500 for all other plans per annum or so pro-rated during the coverage year, subject to the appropriate Federal and State taxes. "Amount saved" means the difference between the total cost of the premium for the selected coverage less the amount of the employee's healthcare contribution obligation based on the total premium cost.

#### **G-D. Leave of Absence**

The Borough shall not be required to furnish either health benefits or dental coverage for any employee during an approved leave of absence from Borough employment unrelated to health issues or military service. However, such employee on an approved leave of absence unrelated to health issues shall have the option of continuing any such coverage by paying the cost thereof.

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING THE GOVERNING BODY TO ENTER EXECUTIVE SESSION**

**Resolution #2017-224  
11-02-17**

**WHEREAS**, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

**WHEREAS**, it is recommended by the Borough Attorney that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Oceanport that the Council shall go into executive session to discuss the following items:

- Litigation, Negotiations and the Attorney Client Privilege N.J.S.A. 10:4-12(b)(7)**  
Social Security Withholding
- Personnel Matters – N.J.S.A. 10:4-12(b)(8)**  
Social Security Withholding

**BE IT FURTHER RESOLVED** that formal action may be taken after the Executive Session.

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

I certify that the foregoing Resolution #2017-224 was adopted by the Oceanport Governing Body at the Regular Meeting held November 2, 2017.

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JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
AUTHORIZING THE RESOLUTION OF CLAIMS BY POLICE DEPARTMENT EMPLOYEES FOR  
EXCESS FICA TAXES CONTRIBUTIONS, AND FURTHER AUTHORIZING THE MAYOR AND  
BOROUGH ADMINISTRATOR TO EXECUTE ANY AND ALL  
NECESSARY DOCUMENTS TO COMPLETE AND FINALIZE THIS AGREEMENT**

**RESOLUTION #2017-225  
11-02-17**

**WHEREAS**, the Borough of Oceanport withheld FICA taxes from certain Police Department Employees beginning in 2001 and continuing through 2015; and,

**WHEREAS**, these Police Department Employees were members of a unit that had elected to not participate in the Social Security and FICA tax withholding system; and

**WHEREAS**, when it was discovered by the Borough of Oceanport that certain employees of the Police Department were in fact having deductions from their salary for FICA taxes when the members of the Department had previously elected not to participate in that program, the Borough of Oceanport moved with alacrity to secure the refunding of the withheld FICA taxes from the Internal Revenue Service for those Police Department Employees; and

**WHEREAS**, once the refund of the FICA taxes was secured from the Internal Revenue Service, a repayment calculation for the appropriate period of repayment for the reimbursement from the IRS was prepared;

**WHEREAS**, the Borough of Oceanport and those Police Department Employees have now reached an agreement for the settlement of any and all claims that may exist for the FICA withholding, refund and reimbursement, inclusive of any interest payments that may be due:

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Oceanport that the payment of funds for the settlement of any and all claims arising from the withholding, refunding and reimbursement of the withheld FICA taxes, inclusive of interest that may be due, is hereby authorized and shall be made to the Police Department Employees in the amount indicated in the total amount not to exceed \$293,776.33;

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Administrator are hereby authorized to take any and all action necessary to accomplish the settlement of these claims and to sign, execute and endorse any documents necessary to accomplish this task consistent with the negotiated pay out of the Police Department Employees in a total amount not to exceed \$293,776.33;

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby directed to disburse this negotiated settlement from the appropriate fund once signed Releases are received from each affected Police Department Employee in a total amount not to exceed \$293,776.33.

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 #2017-225 approved by the Oceanport Borough Council at the Regular Meeting held November 2, 2017.

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