

**REGULAR MEETING MINUTES  
TOWNSHIP COUNCIL-TOWNSHIP OF OCEAN**

**APRIL 11, 2024****OAKHURST, NEW JERSEY**

The Regular Meeting of the Township Council was held in the Public Meeting Room, First Floor, 399 Monmouth Road, Oakhurst, NJ 07755 at 5:00 p.m.

**Present:** Mayor Napolitani  
Deputy Mayor Fisher  
Councilmember Acerra, Kaplan and Terry

**Others:** Matthew Goode, Esq., Township Attorney  
David G. Brown, II, Township Manager  
Jessie M. Joseph, Township Clerk

Mayor Napolitani announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Municipal Clerk on December 14, 2023.

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**COUNCIL COMMENTS:**

**Deputy Mayor Fisher** announced the kick-off of the Mayor's Wellness Program which will be replacing the Community Hope Drug and Alcohol Alliance. We are going to try to incorporate all aspects of health. He will be the Chairman and would like to ask the public for some ideas and suggestions to please contact either Mayor or him. There will be speaker programs, events, we are going to partner up with our parks and recreation department and many, many more and exciting things. There's a lot of potential and it's an exciting initiative and he applauds the Mayor for pushing this.

Mayor Napolitani thanked Deputy Mayor Fisher for spearheading this Committee and spoke briefly about his vision for the program.

**Councilwoman Kaplan** wanted to encourage everyone to attend GreenFest 2024 and to sign-up for the 1st Annual Ocean Parks 5k on May 19<sup>th</sup> at Joe Palaia Park.

**Councilman Acerra** announced the Chamber of Commerce's Wine, Chocolate & More Event, Thursday, April 18<sup>th</sup> from 5:30PM-8:00PM at the Shore Antiques Center in Allenhurst.

**David G. Brown, II, Township Manager**, announced that the Township is now accepting RFQ's for 2024-2025 Year in the following categories: COAH Attorney, COAH Consultant/Planner, Bond Counsel, Labor Attorney, Redevelopment Counsel, Special Projects Engineer, Public Defender, Alternate Public Defender, Administrative Agent for Affordable Housing, Legal Services and Tax Appeals, Engineering Services, Planning Board Attorney, Planning Board Planner, Planning Board Engineer, Zoning Board Attorney, Zoning Board Planner, Zoning Board Engineer and Architectural Services. All responses shall be submitted to the Township Clerk, no later than 3:00 PM, April 29, 2024.

**Mayor Napolitani** announced the following:

- May 19<sup>th</sup> – 5K in Joe Palaia Park
- April 13<sup>th</sup> – 9:15 AM – The OTPD will be shutting down Logan Road around 9:45 AM for the Little League Parade that will commence at 10:00 AM to kick-off the 2024 Little League Season.

The following did not have a report at this time:

Councilmember Terry  
David G. Brown, II, Township Manager  
Matthew Goode, Esq., Township Attorney

PROCLAMATIONS:

ARBOR DAY 2024

Mayor Napolitani read the last paragraph of the following Proclamation:

**PROCLAMATION**  
*declaring*  
**April 26, 2024**  
*Arbor Day*

- WHEREAS,** *in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and*
- WHEREAS,** *this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and*
- WHEREAS,** *Arbor Day is now observed throughout the nation and the world; and*
- WHEREAS,** *trees can reduce the erosion of our precious topsoil, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and*
- WHEREAS,** *trees are renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and*
- WHEREAS,** *trees in our Township increase property values, enhance the economic vitality of business areas, and beautify our community; and*
- WHEREAS,** *trees, wherever they are planted, are a source of joy and spiritual renewal; and*

**NOW, THEREFORE, BE IT PROCLAIMED** by the Township Council of the Township of Ocean that we hereby proclaim April 26, 2024 as **ARBOR DAY** in the Township of Ocean and urge all citizens to plant trees to gladden our hearts and to serve as a living reminder that we all bear responsibilities of stewardship to future generations

KEARNY BANK

Mayor Napolitani read the following Proclamation and introduced Scott Gowland from Kearny Bank, who spoke briefly about the Bank and its 140<sup>th</sup> Anniversary.

PROCLAMATION

Honoring

KEARNY BANK

140<sup>th</sup> Anniversary

WHEREAS, *Kearny Bank was founded on April 16, 1884, as Kearny Building and Loan Association, a bank created to help local neighbors and businesses succeed; and*

WHEREAS, *Kearny Bank was originally founded in Arlington, NJ, now known as Kearny; and*

WHEREAS, *over the years as the bank grew, it was rebranded to Kearny Federal Savings in 1941 and then Kearny Bank in 2015; and*

WHEREAS, *Kearny Bank opened its Oakhurst branch and administrative offices on Highway 35 in 2008; and*

WHEREAS, *Kearny Bank remains focused on personalized attention, helpful banking services and commitment to being a good neighbor; and*

WHEREAS, *Kearny Bank looks forward to empowering prosperity, connecting community and delivering trust for many generations to come.*

NOW, THEREFORE, BE IT PROCLAIMED by the Governing Body of the Township of Ocean that we extend our heartfelt congratulations to

KEARNY BANK

BE IT FURTHER PROCLAIMED that we extend our sincere wishes for continued success for many years to come.

NATIONAL DONATE LIFE MONTH

Mayor Napolitani read a few paragraphs from the Proclamation. He introduced Michelle and Jackie from Metronics, who spoke briefly about their company and its relationship to Organ Donation. Jackie mentioned that they work with the NJ Sharing Network who will be holding a 5K Run/Walk on May 18<sup>th</sup> in Ocean Grove to raise awareness about the importance of organ donation.

PROCLAMATION

National Donate Life Month

April 1-30, 2024

WHEREAS, realizing the urgent need for organ and tissue donors across the country, the NATIONAL DONATE LIFE MONTH observance promotes a greater understanding about the life-saving benefits of donation and transplantation. Moreover, the need is increasing. NJ Sharing Network is committed to addressing that need through increased awareness; and

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***WHEREAS,** the transplantation of organs and tissue is a miracle of modern medicine made possible through the compassion of organ and tissue donors, enabling surgeons to save thousands of lives every year. One organ donor can save eight lives and one tissue donor can restore health to over 75 others. People of all ages, ethnic backgrounds and religions are touched by donation and by the serious shortage of organ donors that exists. Currently, there are nearly 4,000 New Jersey residents and 100,000 Americans awaiting life-saving transplant operations; and*

***WHEREAS,** every capable person should support this vital effort by registering as an organ and tissue donor, making their family aware of their wishes and being willing to give the precious gift of health, sight and life to people in need; and*

***WHEREAS,** registering as an organ and tissue donor at a local Motor Vehicle Agency or online at [www.NJSharingNetwork.org](http://www.NJSharingNetwork.org) signifies our fundamental human responsibility to help others; and*

***WHEREAS,** as Mayor of the Township of Ocean, I recognize **NATIONAL DONATE LIFE MONTH** as an opportunity to join NJ Sharing Network in its life-saving mission.*

***NOW, THEREFORE,** I, John P. Napolitani, Sr., Mayor of the Township of Ocean, along with the entire Governing Body, do hereby proclaim **APRIL 2024** as:*

**DONATE LIFE MONTH**

*In the Township of Ocean, New Jersey, and I urge all residents to join me in promoting organ and tissue donor education throughout **NATIONAL DONATE LIFE MONTH**.*

**JOSEPH VALENTINO - NATIONAL JUNIOR FIREFIGHT OF THE YEAR**

Mayor Napolitani brought up Joseph Valentino to the dais. He read the following Proclamation in full because “he is one, absolutely outstanding kid”.

**PROCLAMATION**

Honoring

**JOSEPH VALENTINO**

**NATIONAL JUNIOR FIREFIGHTER OF THE YEAR**

***WHEREAS,** Joseph Valentino is a proud third-generation member of the volunteer fire services and has distinguished himself in his community as a junior firefighter for both the Long Branch Fire Department and the Oakhurst Fire Department; and*

***WHEREAS,** as part of Joseph’s Eagle Scout Project he played a pivotal role in a volunteer recruitment drive for the Long Branch Fire Department, which resulted in a 25 percent increase in the Long Branch Fire Department’s active volunteer firefighting force; and*

***WHEREAS,** Joseph is constantly demonstrating his commitment to community service, from his participation in the Boy Scouts of America to engagement in his church community, to multiple service and leadership roles at school, including membership in the National Honor Society; and*

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*WHEREAS, in pursuing these varied interests and such a high level of achievement, Joseph has not just overcome personal challenges but he has used those challenges to fuel a passion that strengthens and enriches the communities he serves.*

*NOW, THEREFORE, BE IT PROCLAIMED by the Governing Body of the Township of Ocean that we hereby extend our heartfelt appreciation, gratitude, sincere administration and proudly honor*

JOSEPH VALENTINO

NATIONAL JUNIOR FIREFIGHTER OF THE YEAR

Mayor Napolitani introduced Assemblywomen Margie Donlon and Luanne Peterpaul to present Joseph with a joint Resolution and Proclamation from the Senate and the General Assembly.

Joseph thanked everyone and spoke about his service and giving back to the community. He encourages everyone to get involved.

MAYOR’S STATEMENT: Public Questions on Resolutions and Vouchers

Mayor Napolitani made the following announcement: All matters listed under ‘Consent Agenda’ are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired on any item, that item will be considered separately.

The Purpose of this public portion is solely to ask questions to understand Resolutions that appear on this Agenda and is not an occasion for a public hearing on an Ordinance. All questions not related to an item on this Agenda should be asked during the Public Comments portion at the conclusion of the meeting:

2024 MUNICIPAL BUDGET

Mayor Napolitani announced that the Public Hearing for the 2024 Municipal Budget will be held at the May 9, 2024 Regular Township Council Meeting.

The entire 2024 Municipal Budget is available on the Township’s website at [www.oceantwp.org](http://www.oceantwp.org) and in the Municipal Clerk’s Office.

Section 1.

Municipal Budget of the Township of Ocean, County of Monmouth for the Fiscal Year 2024

BE it Resolved, that the statements of revenues and appropriations shall constitute the Municipal Budget for the year 2024; and

Be it Further Resolved, that said Budget be published in April 25, 2024 issue of The Coaster.

The Governing Body of the Township of Ocean does hereby approve the following as the Budget for year 2024:

Ayes: Napolitani, Acerra, Fisher, Kaplan, Terry  
Nays: None

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Abstain: None

Absent: None

Notice is hereby that the Budget and Tax Resolution was approved by the Councilmembers of the Township of Ocean, County of Monmouth on April 11, 2024.

A hearing on the Budget and Tax Resolution will be held at the Township of Ocean, on May 9, 2024 at 7:00 PM at which time and place objections to said Budget and Tax Resolution for the year 2024 may be presented by taxpayers or other interested persons.

**PUBLIC QUESTIONS**

There were no Public Questions at this time.

**CONSENT AGENDA:****MINUTES:**

October 12, 2023 – Public Meeting

November 9, 2023 – Public Meeting

**RESOLUTIONS:****24-085 Accepting Performance Guarantees for the following:****a) Block 25.02, Lot 3 – 144 Ampere Avenue – Eliz Mizrahi**

**WHEREAS**, the Township of Ocean has approved a development project on Block 25.02, Lot 3 also known as 144 Ampere Avenue; and

**WHEREAS**, the performance guarantees for this project total less than \$20,000.00; and

**WHEREAS**, Eli Mizrahi has posted cash performance guarantees totaling \$11,400.00 and inspection fees totaling \$3,000.00 along with the required certificate of insurance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Ocean, County of Monmouth, that all requirements for entering into a developer's agreement are hereby waived; and

**BE IT FURTHER RESOLVED** that the performance guarantees are hereby accepted; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to the following:

1. Township Engineer
2. Construction Official
3. Eliz Mizrahi
4. Essential Builders, LLC

**b) Block 26.08, Lot 15.05 – 310 Crimson Circle – The Rushmore Group, LLC**

**WHEREAS**, the Township of Ocean has approved a development project on Block 26.08, Lot 15.05 also known as 310 Crimson Circle; and

**WHEREAS**, The Rushmore Group, LLC has posted cash performance guarantees totaling \$21,300.00 and inspection fees totaling \$6,100.00 along with the required certificate of insurance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Ocean, County of Monmouth, that all requirements for entering into a developer’s agreement are hereby waived; and

**BE IT FURTHER RESOLVED** that the performance guarantees are hereby accepted; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to the following:

- 1. Township Engineer
- 2. Construction Official
- 3. The Rushmore Group, LLC

**24-086 Authorizing the extension of the installment plan for the property owners who have not remitted their installment for the special assessment as confirmed:**

**a) May 13, 2021 – Ordinance No. 2299**

**WHEREAS**, the Township Council of the Township of Ocean previously authorized for the installation of curbs, sidewalks and driveway aprons along portions of various streets in the Township of Ocean Ordinance No. 2299; and

**WHEREAS**, said assessment was confirmed by the Township Council of the Township of Ocean Resolution No. 21-091 on May 13, 2021 with an initial due date of June 1, 2021; and

**WHEREAS**, the following property owner(s) are delinquent for the payment due June 1, 2023 and is hereby required to make the payment that was due June 1, 2023 plus delinquent interest due to the Township of Ocean by **April 30, 2024** in order to continue in the installment plan, or if no payment is received by the Township of Ocean then full payment of the assessment will be required:

<u>Block</u>	<u>Lot</u>	<u>Due Date</u>	<u>Installment Amount</u>
33.13	4	6/1/23	\$1,101.91 (1)

(1) – includes delinquent Interest

**WHEREAS**, it is the intention of the Township Council to extend the payment period for said property owner(s) affected by the assessment until **April 30, 2024** and allow the property owner(s) to continue the installment plan for the payment of the outstanding balance of the assessment; and

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Ocean, County of Monmouth, State of New Jersey, that authorization is hereby given to extend the deadline for payment for the delinquent installment on the assessment due on the above noted property until **April 30, 2024**; and

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**BE IT FURTHER RESOLVED**, that the installment plan for the payment of the special assessment be reinstated as long as payment of the 2023 installment is made by **April 30, 2024**; and

**BE IT FURTHER RESOLVED**, that said property owner(s) will be notified by mail of the time extension and the provisions for payment of said monies due the Township of Ocean; and

**BE IT FURTHER RESOLVED**, that any property owner(s) who fails to make the required payment by **April 30, 2024**, the entire balance of the assessment due shall become and be immediately due with interest imposed at the same rate as delinquent taxes, this being 8% on the first \$1,500.00 delinquent and 18% for the balance; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the following:

1. Director of Finance
2. Tax Collector

**24-087 Authorize a Share Services Agreement between the Township of Ocean and Township of Ocean Board of Education for Class III Special Law Enforcement Officers for the period July 1, 2024 through June 30, 2027**

**WHEREAS**, the Township of Ocean and the Township of Ocean Board of Education entered into an Inter-local Services Agreement for the creation of a Class III Special Law Enforcement Officer; and

**WHEREAS**, both parties are desirous of continuing said Inter-local Services Agreement; and

**WHEREAS**, the Township of Ocean Board of Education approved the extension of said Inter-local Services Agreement with the Township for the employment of a Class III Special Law Enforcement Officer for the period July 1, 2023 through June 30, 2024; and

**WHEREAS**, the Township of Ocean is desirous of extending said Agreement with the Board of Education; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth, that the Mayor and Municipal Clerk are hereby authorized to execute and deliver the Inter-local Services Agreement between the Township of Ocean and the Township of Ocean Board of Education for the employment of a Class III Special Law Enforcement Officer for the period from July 1, 2023 to June 30, 2026; and

**BE IT FURTHER RESOLVED** that said Agreement shall be maintained in the Office of the Municipal Clerk and available for public inspection during regular business hours; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the following:

1. Director of Finance
2. Chief of Police
3. Township of Ocean Board of Education

**24-088 Authorize Appointment to the Board of Adjustment and Planning Board**



**BE IT RESOLVED** by the Governing Body of the Township of Ocean in the County of Monmouth that the following person(s) be and are hereby appointed for the terms hereinafter provided:

BOARD OF ADJUSTMENT RGO:2-6.2a	Members	Starting	Ending
	Mark Leneski, Alt. #2	April 11, 2024	June 30, 2025
	(to fill the unexpired term of Gita Kaplan)		
	Chris Caramanica, Alt. #3	April 11, 2024	June 30, 2024
	(to fill the unexpired term of Mark Leneski)		

PLANNING BOARD RGO:2-6.3a	Members	Starting	Ending
	Julia Surmonte, Class IV	April 11, 2024	June 30, 2024
	(to fill the unexpired term of Joseph DiBenedetto)		
	Michael Palutis, Class IV	April 11, 2024	June 30, 2026
	(to fill unexpired term of Estelle Klose)		

**24-089 Authorizing the application to the New Jersey Clean Energy Program  
Community Energy Planning Grant Program**

- WHEREAS**, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and
- WHEREAS**, the Township of Ocean strives to assure clean land, air and water for current and future generations; and
- WHEREAS**, New Jersey’s Energy Master Plan: Pathway to 2050 (“EMP”) established that community-level action is necessary to achieve the state’s goal of 100% clean energy by 2050; and
- WHEREAS**, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state’s Energy Master Plan; and
- WHEREAS**, the Township of Ocean is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and
- WHEREAS**, the Community Energy Plan Grant program will help the Township of Ocean to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state’s Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.
- WHEREAS**, the Township Council has determined that the Township of Ocean should apply for the aforementioned Community Energy Planning Grant program; and
- WHEREAS**, the Township of Ocean will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data, working with an energy consultant and for convening at least one public meeting; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it hereby authorizes the submission of the aforementioned application to the NJBPU Community Energy Planning Grant program.

**Vote on Consent Items ONLY:**

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve		X			
Motion to Second			X		
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**INDIVIDUAL ACTION:**

**VOUCHERS: \$7,404,898.48**

Vote on Vouchers ONLY:

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve		X			
Motion to Second			X		
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

ORDINANCES:

Introductions(s):

ORD. #2458 – (P.H. 05/09/2024 – Coaster)

An Ordinance Establishing a CAP Bank for the Year 2024 in accordance with N.J.S.A. 40A:4-45.14

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.5% unless authorized by ordinance to increase the cost of living adjustment to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Ocean in the County of Monmouth finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council of the Township of Ocean hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 1,114,503.32 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council of the Township of Ocean hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Ocean in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2024 budget year, the final appropriations of the Township of Ocean shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 1,114,503.32 and that the CY 2024 municipal budget for the Township of Ocean be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Fisher	Councilwoman Terry	Mayor Napolitani
Motion To Approve	X				
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**ORD. #2459 – (P.H. 05/09/2024 – Coaster)**

**An Ordinance Amending Chapter V of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Licenses**

**WHEREAS**, Chapter 5-5.2 entitled License Required” establishes requirements for dog ownership in the Township; and

**WHEREAS**, the Township Council deems it in the best interest to amend Chapter 5-5.2 of the “Revised General Ordinances of the Township of Ocean, 1965”.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

Chapter 5 – “Licenses” of the “Revised General Ordinances of the Township of Ocean, 1965” shall be amended as follows; additions to the current ordinance are noted in underline.

**SECTION I**

**5-5.2 License Required.**

Every person who shall own any dog within the limits of the Township of Ocean shall obtain a license for each such dog from the ~~Tax~~ Department of Community Development. The ~~Tax~~ Department of Community Development shall also issue a registration number for each dog so licensed.

No more than three dogs of licensing age shall be kept, maintained or harbored at any one time in any residential housing unit or on its grounds or in any business establishment or on its grounds. This restriction shall not apply to properly licensed kennels or A.K.C. recognized breeders or pet shops, exhibitors, pounds, or shelters.

**SECTION II**

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

SECTION III

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

SECTION IV

This Ordinance shall take effect upon final passage and publication in accordance with Law.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve	X				
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

ORD. #2460 – (P.H. 05/09/2024 – Coaster)

An Ordinance Amending Chapter XVI of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Parks and Playgrounds, Subsection 16-5.5.1 Fees Associated with the Indoor Golf Facility

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

The “Revised General Ordinances of the Township of Ocean, 1965” are hereby amended to read as follows:

SECTION I

16-5.5.1 Fees Associated with the Indoor Golf Facility

- a. Membership Cost.  
  
\$40-\$100 per month. This will include priority bookings up to 14 days in advance and 2 free hours a month in any available bays. (Can only carry over 3 months of hours over which is a total of 6 free hours).
- b. Member Rates.  
  
Open Bay Rate: \$40-\$60 per hour  
Private Bay Rate: \$55-\$70 per hour
- c. Non-Member Rates.  
  
Open Bay Rate: \$55-\$70 per hour  
Private Bay Rate: \$70-\$85 per hour
- d. Facility Rental Member Rate.  
  
\$400-\$550 per hour with a 2-hour minimum

- e. Facility Rental Non-Member Rate.  
\$550-\$700 per hour with a 2-hour minimum

SECTION II

This ordinance shall take effect after final passage and publication in accordance with the law.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve	X				
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

ORD. #2461 – (P.H. 05/09/2024 – Coaster)

An Ordinance Amending Chapter V of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Licenses – Section 5-17.1 Vendor and Activity Fees for Township Sponsored events

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ocean in the County of Monmouth, State of New Jersey, that Chapter V of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: “Licenses” shall be amended as follows; additions to the current ordinance are noted in underline; deletions are noted by ~~strike through~~.

SECTION I

5-17 VENDOR AND ACTIVITY FEES FOR TOWNSHIP SPONSORED EVENTS

5-17.1 Purpose.

The purpose of this section is to establish vendor and activity fees for events sponsored by the Township of Ocean.

5-17.2 Definitions

Activity Vendors – Those companies or organizations who maintain entertainment and other similar activities approved by the Township such as amusement, rides, caricatures, and games.

Craft Vendors – Those who sell items approved by the Township other than food which are handcrafted or manufactured for sale to the general public.

Food Vendors – Those to sell food and drink items approved by the Township.

5-17.3 Vendor Fees

- a. All vendors shall be required to pay a nonrefundable permit fee. Final confirmation of all vendor fees shall be adopted via Township Council Resolution, upon recommendation by the Township Manager for all Township sponsored events. All required fees shall be due and payable at least ten (10) days prior to the event.

b. All vendors shall pay a fee of \$0.00 - \$500.00 to reserve spaces at Township sponsored events.

5-17.4 Sponsorship Fees per Event

Companies or Organizations that wish to be a sponsor for the Township Sponsored events’ ad journal shall pay the following fee per Event:

Inside Front Cover (1 available)	\$400
Inside Back Cover (1 available)	\$400
Back Cover (1 available)	\$500
Full Page Ad (8x5)	\$350
Half Page Ad (4x5)	\$150
Business Card Ad	\$80

5-17.5 Sponsorship Fees per Year

Companies or Organizations that wish to be a yearly sponsor for all Township Sponsored events shall pay the following fee per year:

Sponsor Level	Fee	Sponsor Benefits
Level 1	\$0-500	Logo on event sponsor boards, all social media pages, the Township website, marketing banners; community sponsored print ads throughout the year, and on OCEAN TV: [Channel 77 on Cablevision and Channel 22 on Verizon Fios]
Level 2	\$501-\$1,000	Business name displayed every day for one year on Township’s electronic signs as well as all Level 1 Benefits
Level 3	\$1,001-\$2,500	Name assigned to an event as well as all Level 2 Benefits.
Level 4	\$2,501-\$5,000	Business Booth at annual Fall Fest, a full-page ad in event programs as well as all Level 2 Benefits.
Level 5	\$5,001-\$10,000	Sponsor board spotlight, business booth at 4 <sup>th</sup> of July Fireworks as well as all Level 4 Sponsor Benefits.

Final confirmation of all vendor fees shall be adopted via Township Council Resolution, upon recommendation by the Township Manager for all Township sponsored events. The Township Manager or his designee may utilize different names representing the different sponsor level so as to match the event.

SECTION II

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

SECTION III

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

SECTION IV

This Ordinance shall take effect upon final passage and publication in accordance with Law.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve	X				
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**ORD. #2462 – (P.H. 05/09/2024 – Coaster)**

**An Ordinance Amending and Supplementing Chapter XII of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Traffic, Section 12-17A Electric Bicycles and Scooters**

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth State of New Jersey, that Chapter XII of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: “Traffic” shall be amended as follows; additions to the current ordinance are noted in underline.

**SECTION I**

**12-17A        Electric Bicycles and Scooters.**

**12-17A.1       Definitions.**

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

“Electric bicycle” means a two or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, that meets the requirements of one of the following classifications:

- a. "class 1 low-speed electric bicycle" which means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour; or
- b. “class 2 low-speed electric bicycle" which means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

“Electric scooter” means a scooter with a floorboard that can be stood upon by the operator, with handlebars, and an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of nineteen (19) miles per hour.

“Owner” means any company, entity or individual that has ownership of an electric bicycle or electric scooter.

“User” means any person who is operating an electric scooter.

**12-17A.2       Application of Motor Vehicle Laws.**



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Every person riding an electric bicycle or electric scooter within the Township of Ocean Park shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state including the provisions of Chapter 4 of Title 39 of the New Jersey Revised Statutes applicable to bicycles as defined in N.J.S. 39:4-10 and the traffic provisions of this Code applicable to the driver of a vehicle, except as to special regulations in this Section and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons. In particular, any person operating a low-speed electric bicycle or a low-speed electric scooter shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

### **12-17A.3 Rules and Regulations.**

The following rules and regulations shall pertain to electric bicycles and electric scooters and their operation within the Township:

- A. Helmet Requirements.  
Electric bicycle operators and electric scooter operators under the age of seventeen (17) must wear a helmet per N.J.S. 39:40-10.1.
- B. Manner of Riding.  
No electric bicycle or electric scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.
- C. Speed Restrictions.  
No person shall operate an electric bicycle or electric scooter at a speed greater than is reasonable and prudent under the condition then and there existing provided it does not exceed nineteen (19) miles per hour.
- D. Riding on Sidewalks.
  - 1. No person shall ride an electric bicycle or electric scooter upon a sidewalk.
  - 2. Any person traveling on the sidewalk with an electric bicycle or electric scooter shall dismount before entering the sidewalk thoroughway and walk the electric bicycle or electric scooter along the sidewalk.
  - 3. No person shall start or stop an electric bicycle or electric scooter trip on the sidewalk.
- E. Carrying Articles.  
No person operating an electric bicycle or electric scooter shall carry any package, bundle, or article, which prevents the user from keeping both hands upon the handlebars.
- F. Lamps and Equipment on Electric Scooters.  
Every electric bicycle or electric scooter, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front, and with a lamp on the rear which shall emit a red light visible from a distance of at least five hundred feet to the rear. In addition to the red lamp, a red reflector may be mounted on the rear, of a type approved by the state motor vehicle commission, which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle.
- G. Electric Bicycle and Electric Scooter Parking/Placement.

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1. Electric bicycles may be attached or secured to a bicycle rack. No person shall attach or secure an electric bicycle to any fixed object not typically used for bicycle parking.
  2. Electric scooters shall be parked in designated electric scooter parking areas if they are available and advertised as such by either signage, pavement markings or racks. No person shall attach or secure an electric scooter to any fixed object not typically used for bicycle parking.
  3. No person or owner shall leave an electric bicycle or electric scooter lying on or standing upon the sidewalk or any portion of the Township's right-of-way as to hinder or impede pedestrian access.
- H. Abandonment of Electric Bicycles and Electric Scooters.
1. An electric bicycle or electric scooter may be deemed abandoned by the Township if:
    - a. It has been parked for a period of forty-eight (48) or more consecutive hours except in designated bicycle racks and approved marked areas; or
    - b. It appears visually to be in a state of prolonged disuse such that it has deflated tires, damaged or missing equipment making it inoperable, accumulated debris associated with it; or
    - c. It is parked, placed or left on a roadway or in any public right-of-way in violation of this chapter.
  2. It shall be unlawful for any person, user or owner to abandon any electric bicycle or electric scooter within the Township.
  3. In the event that an electric bicycle or electric scooter is deemed to be abandoned as defined herein, the Township's Department of Public Works, the Police Department or the Department of Code Enforcement shall have the authority to seize and impound same pursuant to this Section and that it will be removed.
- I. Electric Bicycle and Electric Scooter Charging.  
No electric bicycle or electric scooter battery shall be recharged in the public right-of-way without prior written authorization from the Township.
- J. Electric Bicycle or Electric Scooter Disposal.  
All electric bicycles and electric scooters shall be disposed of in a manner in accordance with state and federal regulations as they related to hazardous materials disposal.
- K. Keeping to the right; exceptions; single-file:  
Every person operating an electric bicycle or electric scooter upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction; provided, however, that any person may move to the left under any of the following situations:
- a. to make a left turn from a left-turn lane or pocket;
  - b. to avoid debris, drains or other hazardous conditions that make it impracticable to ride at the right side of the roadway;

- c.

to pass a slower moving vehicle;
- d.

to occupy any available lane when traveling at the same speed as other traffic;
- e.

to travel no more than two abreast when traffic is not impeded
- L.

Township Parks and Playgrounds.

No person shall ride an electric bicycle or electric scooter in any of the Township parks or playgrounds or to utilize Township parking lots as throughways.

**12-17A.4**                      **Violations and Penalties.**

- A.

Except as detailed below, in the event that any user or owner violates the terms of this Section, the violator shall be subject to a fine in the Municipal Court of the Township of Ocean in an amount of one hundred dollars (\$100.00) for a non-moving violation. No court appearance shall be required for this violation.
- B.

If the offense involves a moving violation under Title 39, then the violation shall be subject to appropriate penalties as determined by the Municipal Court Magistrate.

**SECTION II**  
If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

**SECTION III**  
Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

**SECTION IV**  
  
This Ordinance shall take effect upon final passage and publication in accordance with Law.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve	X				
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**ORD. #2463 – (P.H. 05/09/2024 – Coaster)**

**An Ordinance Amending Chapter VII of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Property Maintenance and Housing – Section 7-5 Vacant and Abandoned Properties**

**WHEREAS**, the Township of Ocean contains a number of vacant buildings that have been abandoned by their owners, and that are in a state of disrepair and neglect; and

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**WHEREAS**, the continued presence of these buildings within the community acts as a significant barrier to revitalization and to regeneration of the neighborhoods where they are located; and

**WHEREAS**, abandoned properties create a wide range of negative secondary effects in the neighborhoods where they are located, such as fostering criminal activity, creating public health problems, diminishing the property value of neighboring properties and otherwise diminishing the quality of life for residents and business operators in those areas; and

**WHEREAS**, the Township of Ocean desires to use the powers granted local governments under the laws of the State of New Jersey to address the conditions created by these buildings, and further their reuse for productive purposes.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter VII of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Property Maintenance and Housing shall be amended as follows: additions to the current ordinance are noted in underline; deletions are notes as ~~striketrough~~.

**SECTION I****7-5 VACANT AND ABANDONED PROPERTIES.****7-5.1 Registration of Vacant and/or Abandoned Properties.**

**A. Definitions.** As used in this section, the following terms shall have the meanings indicated:

**ABANDONED PROPERTY** – Pursuant to the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., an abandoned property is defined as any property that has not been legally occupied for a period of six months and which meets any one of the following criteria:

1. The property is in need of rehabilitation in the reasonable judgment of the Township, and no rehabilitation has taken place during that six-month period.
2. Construction was initiated on the property and was discontinued prior to completion~ leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Township pursuant to this section.
3. At least one installment of property tax remains unpaid and delinquent on that property in accordance with Title 54 of the Revised Statutes of the date of the determination by the Township pursuant to this section.
4. Any building or structure which is not legally occupied or at which all lawful business or construction operations or renovation work or residential occupancy has substantially ceased and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, and/or the property has been determined to be a nuisance by the Township in accordance with N.J.S.A. 55:19-82.
  - a. A property which contains both residential and nonresidential space may be considered abandoned pursuant to N.J.S.A. 55:19-78, so long as two thirds or more of the total net square footage of the building was previously legally occupied as residential or commercial space and none of the residential or commercial space has been legally occupied for at least six months at the time

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of the determination of abandonment by the Township and the property meets the criteria of either Subsection 1 or 4 of this definition.

b. For a property to be determined a nuisance, one of the following must apply:

- 1) The property is found to be unfit for human habitation, occupancy, or use pursuant to N.J.S.A. 40:48-2.3.
- 2) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties.
- 3) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner has failed to do so.
- 4) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; OR
- 5) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property and the owner has failed to take reasonable and necessary measures to remedy the conditions.

LIEN HOLDER OR CREDITOR - shall include any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

OWNER shall include the holder or holders to the title of an abandoned property.

PROPERTY shall include any building or structure and the land appurtenant thereto.

PUBLIC OFFICER shall include the person designated by the municipality pursuant to N.J.S.A. 40:48-2.5 or any other officer of the municipality qualified to carry out the responsibilities set forth in the Abandoned Property Rehabilitation Act and designated by the Manager.

QUALIFIED REHABILITATION ENTITY shall include any entity organized and authorized to do business under the State of New Jersey which shall have as one of its purposes be the construction or rehabilitation of residential or nonresidential buildings, the provisions of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set forth in N.J.S.A. 55:19-78 et seq. to carry out the rehabilitation of vacant buildings in urban areas.

VACANT PROPERTY- Shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property

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meeting the definition of abandoned property in N.J.S.A. 55:19-80 et seq.; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this section.

EVIDENCE OF VACANCY- is as follows:

(1) Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.

(2) Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.

**B. Registration Requirements.**

Effective July 1, 2024, the owner or lien holder of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice by the Township, file a registration statement for such vacant property with the Township on forms provided by the Township for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

1. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
2. The registration statement shall include the name, street address, telephone number, and email address of a person 21 years or older, designated by the owner or creditor as the authorized agent for receiving notices of Code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or creditor in connection with the enforcement of any applicable Township Code; and the name, street address, telephone number, and email address of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24-hour per day seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
3. The owner or creditor shall be required to renew the registration by July 1 each year as long as the property remains a vacant property and shall pay a

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registration or renewal fee in the amount required herein, for each vacant property registered.

4. The owner or creditor shall notify the Township Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Township Clerk for such purpose.
5. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or lien holder of the building.

**C. Access to Vacant or Abandoned Properties.**

The owner or lien holder of any vacant or abandoned property registered under this section shall provide access to the Township to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the owner or creditor or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner or lien holder and the Township.

**D. Responsible Owner, Creditor or Agent.**

1. An owner or creditor who meets the requirements of this section with respect to the location of their residence or workplace in the State of New Jersey may designate themselves as agent or as the individual responsible for maintaining the property.

2. By designating an authorized agent under the provisions of this section the owner or creditor consents to receive any and all notices of Code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce Code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner or creditor who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner or creditor notifies the Township in writing of a change of authorized agent or until the owner or creditor files a new annual registration statement.

3. Any owner or creditor who fails to register vacant property under the provisions of this section shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner or creditor of the property on record within the Township by regular and certified mail, any and all notices of Code violations and all process in an administrative proceeding brought to enforce Code provisions concerning the building.

**E. Fee Schedule.**

1. The fee schedule for a property determined to be vacant or abandoned is as follows:

Initial Registration - \$500  
First Renewal - \$1,500  
Second Renewal - \$3,000  
Subsequent Renewal - \$5,000

2. Registrations more than 30 days late shall be subject to a \$500 late registration fee to be added to the applicable fee set forth in this section.

**F. Requirement of Owners or Creditors of Vacant or Abandoned**

The owner or creditor of any property that has become vacant or abandoned, and any person maintaining or operating or collecting rent for any such building that has become vacant or abandoned shall, within 30 days thereof:

1. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code, or as set forth in the rules and regulations supplementing those codes;
2. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight inches by ten inches;
3. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter, and grass and weed growth;
4. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete;
5. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Township for the delivery of circulars and advertisements to the property;
6. Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system, and
7. Make provision for the cessation of electric or gas utility services to the property; other than buildings with a fire sprinkler system.
8. Adherence to this section does not relieve the owner of any other obligations set forth in the Township Code or of any covenants or restrictions, or homeowners' association rules and regulations.
9. This section shall not be construed to diminish any property maintenance responsibilities of property owners who are not subject to the provisions of the section.

**G. Responsibilities of Creditors**

1. Pursuant to the provisions of N.J.S.A. 40:48-2.12s, the creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer pursuant to the Township Code, N.J.S.A. 2A:50-73, or otherwise.



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2. If the creditor is located out-of-State, the creditor shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.
3. An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk pursuant to N.J.S.A. 46:10B-51(a)(1).
4. An out-of-State creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation of any provision of this Article shall be subject to a fine of \$2,500.00 for each day of the violation, commencing on the day after the ten (10) day period set forth in N.J.S.A. 46:10B-51(a)(1) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose has been served.
5. A public officer appointed pursuant to N.J.S.A. 40:48-2.3 et seq., or any enforcement officer described in this chapter, shall be authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or enforcement officer determines that the creditor has violated this chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute proof that a property is "vacant and abandoned" for purposes of N.J.S.A. 2A:50-73.
6. A creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to subsection F shall be subject to a fine of \$1,500 for each day of the violation commencing thirty-one (31) days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.

**H. Enforcement and Penalties.**

1. The Division of Housing, Code Enforcement and Clean Communities is hereby charged with the enforcement of this article, with the assistance, as circumstances warrant, of other Township agencies within their respective jurisdictions.
2. Failure to file a registration statement, as well as failure to correctly identify the name of the owner (or authorized agent) and the individual or property management company responsible for maintenance of the property, within the time periods set forth herein by a creditor is punishable by a fine of up to: (1) \$500.00 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor; and (2) an additional \$2,000 per property annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned at any time thereafter while the property is in foreclosure.
3. For all properties that are vacant and/or abandoned but are not the subject to a foreclosure action, failure to file a registration statement within the time periods set forth herein is punishable by a fine of up to \$1,250.00. If applicable, failure to

correctly identify the name of the owner (or authorized agent) and the individual or property management company responsible for maintenance of the property, is punishable by a fine of up to \$1,250.00.

4. Any person who violates any provision of this Chapter shall be subject to a fine of not less than \$500.00 and not more than \$2,500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. Any fines imposed shall commence thirty (30) days following receipt of notice of code violations or a summons for improper maintenance, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.
5. Nothing contained herein shall prevent the Township from taking all such action it deems necessary to cleanup and maintain the property on an as-needed basis when the property is found to be unsafe or unfit for human habitation. The Township may impose a lien against the property for costs associated with such cleanup and maintenance. Any such actions taken under this provision shall not relieve the owner from its obligations.
6. The enforcement authority shall be authorized to issue a notice to the creditor if it is determined that the creditor has failed to provide for the maintenance of the exterior of the vacant and/or abandoned property. The notice shall require the creditor to correct the violation(s) within thirty (30) days of receipt of the notice, or within eleven (11) days of receipt of the notice if the violation presents an imminent threat to public health and safety. A creditor that is found to be in violation of the maintenance requirements shall be subject to a fine not exceeding \$2,500.00. Any fines imposed on a creditor shall commence eleven (11) days following receipt of notice from the Township.
7. Any fine or cost associated with cleaning up the property that remains uncollected or unpaid shall, by resolution of the Township Council, become a lien upon the property, which lien shall hereafter form part of the taxes next to be assessed and levied upon said property, the same to bear interest at the same rate as taxes to be collected and enforced by the same officers and in the same manner as taxes in accordance with the provisions of N.J.S.A. 40:48-2.14.

## **7-5.2 Municipal Powers to Rehabilitate Abandoned Property**

### **A. Municipal Powers.**

The Township hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set forth, inter alia, in the "Abandoned Properties Rehabilitation Act" (N.J.S.A. 55:19-78 et seq.) and in applicable portions of the "New Jersey Urban Development Corporation Act" (N.J.S.A. 55- 19-1 through -77). These state statutory powers are collectively referred to herein as the "enabling statutes." Such powers include but are not limited to:

1. Sale of tax lien, pursuant to N.J.S.A. 55:19-56;
2. Special tax sales, pursuant to N.J.S.A. 55:19-101;
3. Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;
4. Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100;

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5. Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;
6. Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;
7. Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;
8. Sale of property, pursuant to N.J.S.A. 55:19-96;
9. Purchase of property, pursuant to N.J.S.A. 55:19-96;
10. Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;
11. Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56, 55:19-102.

**B. Establishing an abandoned property list.**

1. The public officer shall establish and maintain a list of abandoned property, to be known as the "abandoned property list." The public officer may add properties to the list at any time when he finds that a property meets the definition of an abandoned property, and the public officer may delete properties from the list at any time when he finds that a property no longer meets the definition of an abandoned property.
2. The published list and notices shall identify the abandoned property, setting forth the name of the owner of record, if known, the tax block and lot numbers, the street address for the lot, and the basis for determining that the property is abandoned.
3. An interested party may request that a property be included on the abandoned property list, provided they follow the procedure set forth in N.J.S.A. 55:19-105.
4. A property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and the diligent pursuit of rehabilitation work authorized by those permits.
5. A property on which an entity, other than the municipality, has purchased or taken assignment from the municipality of a tax sale certificate which has been placed on the abandoned property list may be removed in accordance with the provisions set forth in N.J.S.A. 55:19-103.

**C. Notice requirements under the Act.**

1. The public officer shall cause the list to be published in the official newspaper of the Township within 10 days of the establishment of the abandoned property list or any additions thereto. This publication shall constitute public notice.
2. The public officer shall mail a notice to the owner of record of every property included on the list by regular mail and certified mail, return receipt requested, within 10 days of the establishment of the abandoned property list or any additions thereto.

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3. When the owner of record is not known for a particular property and cannot be ascertained in the exercise of reasonable diligence by the Tax Collector, the notice shall not be mailed, but instead shall be posted on the property by posting a copy of the notice in a conspicuous place on the building affected by the notice.
4. The public officer, in consultation with the Tax Collector, also shall mail a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to state law.
5. In all cases, a copy of the mailed or posted notice also shall be filed by the public officer in the Monmouth County Clerk's Office. This filing shall have the same force and effect as a notice of lis pendens under N.J.S.A. 2A:15-6.

**D. Right to appeal under the Act.**

1. An owner or lienholder may challenge the inclusion of his property on the abandoned property list by appealing that determination to the public officer within the time frame and in the manner set forth in N.J.S.A. 55:19-55.
2. The public officer shall schedule a hearing for determination of the matter within 30 days of the receipt of a request for an appeal of the findings contained in the notice.
3. The public officer shall decide any timely filed appeal within 10 days of the hearing on the appeal, and he shall promptly notify the appealing party of the decision and the reasons therefor by regular mail and certified mail, return receipt request.
4. The appealing party may challenge an adverse determination of an appeal with the public officer by instituting a summary proceeding in the Superior Court, Law Division, Monmouth County, in accordance with the New Jersey Court Rules. Such action shall be filed within 20 days of the date of the notice of decision.

**E. Designation of qualified rehabilitation entity.**

The Township may exercise its rights under the Abandoned Properties Rehabilitation Act directly, or the Township may designate a qualified rehabilitation entity to act as its designee for the purpose of exercising its rights under state law where that designation will further the rehabilitation and reuse of the property consistent with municipal plans and objectives. This designation shall be made by resolution of the governing body.

**F. Effect on Other Laws**

Nothing in this article is intended to or shall be read to conflict or prevent the Township from taking action against buildings found to be unfit for human habitation or unsafe structures, as provided in applicable provisions of the Township Code or imposing a lien for costs on any property to the full extent permitted by law.

**SECTION II**

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

**SECTION III**

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

SECTION IV

This Ordinance shall take effect upon final passage and publication in accordance with Law.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve	X				
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

PUBLIC COMMENTS:

Lisa Stern, Perrine Avenue, was at the meeting to once again to voice her concerns with the tenants at 242 Perrine Avenue.

Mr. Brown said proper actions are being taken. He proceeded to give a brief update on the situation and where it stands with the Court and the Township. He will follow-up with Code Enforcement and someone will reach out to her.

Dennis Howlett, Holbrook Street, asked for an update on the plastic film recycling program that is going on in the Township.

Mr. Brown said it was a one-year program that is coming to its conclusion and the Township will be looking for the program to be continued.

Mr. Howlett wanted to make the Council aware of a very dangerous spot on Poplar Brook at Whalepond Road that floods after a very heavy rain storm.

Councilman Acerra said the Township Engineer is aware of the situation and it’s on his list of things to clean.

Mr. Brown wished Councilwoman Kaplan a Happy Birthday. The Mayor and Council proceeded to sing Happy Birthday to Gitta!

Seeing there were no other Public Comments at this time the meeting was adjourned.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

John P. Napolitani, Sr.  
Mayor

Jessie M. Joseph, RMC/CMC  
Township Clerk