

**BOROUGH OF OCEAN GATE**

**COUNCIL MEETING AGENDA  
SEPTEMBER 5, 2018**

**CALL TO ORDER:**

**SUNSHINE STATEMENT:** Notice of this meeting was advertised in the Asbury Park Press issue of November 22, 2017 and posted in the Municipal Office Building, Adrian Hall and the Ocean Gate Post Office.

**SALUTE TO THE FLAG AND MOMENT OF SILENCE**

**ROLL CALL:** Mayor Kennedy, Council President Kendrick, Councilwoman Nicastro, Councilman Serpica, Councilman Haug, Councilman Martinez, Councilman Cox

**MINUTES:** Verification that all members received electronic copies of the following minutes and notes of any errors or omissions: Executive Session minutes of August 15, 2018.

Report of Daniel Leone, Municipal Attorney

**REPORT OF MAYOR KENNEDY**

**CORRESPONDENCE**

**REPORTS OF COUNCIL**

Council President Kendrick  
Councilwoman Nicastro  
Councilman Serpica  
Councilman Haug  
Councilman Martinez  
Councilman Cox

**ORDINANCE 619-18 PROHIBITING THE SALE OF KRATOM**

Motion to introduce ord. 619-18: \_\_\_\_\_

Second: \_\_\_\_\_

Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

**CONSENT AGENDA**

The items listed below are considered to be routine by the Borough of Ocean Gate and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

Resolution 2018-154 Authorization A Special Item of Revenue/Chapter 159

Resolution 2018-155 Amending 2017-182 Supporting The Summer Shore Initiative/Cops in Shops

Resolution 2018-156 Authorizing Increase in Salaries

Resolution 2018-157 Extending Third Quarter Tax Payment

**Bill list for review**

**PRIVILEGE OF THE FLOOR (AGENDA ITEMS ONLY):**

**MOTION TO ADJOURN**

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

**ORDINANCE 619-18**

**AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROHIBITING THE SALE OF KRATOM**

**WHEREAS**, kratom is identified by the FDA as potential threat to public health and has the potential for abuse; and

**WHEREAS**, the DEA was poised to classify kratom as a Schedule 1 drug, along with heroin, LSD and marijuana, but declined classification to allow for more studies to be conducted; and

**WHEREAS**, kratom is marketed for its psychoactive and opioid-like analgesic effects, and for the use in the treatment of morphine and heroin addiction, however, it is not approved in the United States for medical use; and

**WHEREAS**, according to the FDA, “scientific literature has disclosed serious concerns regarding the toxicity of kratom in multiple organ systems, and its consumption can lead to a number of health problems including respiratory depression, nervousness, agitation, aggression, sleeplessness, hallucinations, delusions, loss of libido, tremors, skin hyperpigmentation, nausea, vomiting, constipation and severe withdrawal signs and symptoms”; and

**WHEREAS**, the Mayor and Council are concerned by the health problems posed by use of kratom, the potential for abuse of kratom, the use of kratom by minors and the potential severity of classification of kratom by the DEA, and therefore believe the banning of the sale of kratom within the Borough of Ocean Gate will address these concerns.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Ocean Gate, County of Ocean, and State of New Jersey, as follows:

“Kratom Sales Prohibited,” which shall read as follows:

**KRATOM SALES PROHIBITED**

In view of the public health concerns associated with the use of kratom, the sale of kratom within the Borough of Ocean Gate is hereby prohibited.

Violation of this section shall be subject to the penalties\_\_\_\_\_. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof. This ordinance shall take effect after second reading and publication as required by law.

**PUBLIC NOTICE** is hereby given that the foregoing ordinance was introduced and passed on first reading of the Borough Council of Ocean Gate, in the County of Ocean, State of New Jersey, held on August 15, 2018, and will come on for a second reading, public hearing and final passage at a regular meeting of said Borough Council to be held on September 5, 2018, at Borough Council Chambers, 801 Ocean Gate Avenue, Ocean Gate, New Jersey, at 7:00 P.M., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard either for or against the adoption of the within ordinance will be given an opportunity to be so heard.

**INTRODUCED:**

**ADOPTED:**

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Ileana Vazquez-Gallipoli, R.M.C.  
Municipal Clerk

**RESOLUTION 2018-154**

**AUTHORIZATION SPECIAL ITEM OF REVENUE IN THE 2018 MUNICIPAL BUDGET (CHAPTER 159)**

**WHEREAS**, N.J.S.A. 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 an item of appropriation for an equal amount, and

**WHEREAS**, the Borough of Ocean Gate will receive an amount of \$15,605.00 from the County of Ocean and wishes to amend its 2018 Budget to include this amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Ocean Gate, in the County of Ocean, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$15,605.00, which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services - Public and Private

Revenues Offset with Appropriations: Municipal Alliance on Alcoholism and Drug Abuse Grant

**BE IT FURTHER RESOLVED** that the like sum of \$15,605.00.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations-Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Municipal Alliance on Alcoholism and Drug Abuse Grant

**BE IT FURTHER RESOLVED**, that the Borough Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 15<sup>th</sup> day of August 2018.

**CERTIFICATION**

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Council Meeting held on September 5, 2018.

\_\_\_\_\_  
Ileana Vazquez-Gallipoli, RMC, CMR  
Municipal Clerk

**RESOLUTION 2018-155**

**AMENDING RESOLUTION 2017-182 SUPPORTING THE SUMMER SHORE INITIATIVE 2018-COPS IN SHOPS**

**Whereas**, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

**Whereas**, impaired driving crashes cost the United States almost \$50 Billion a year; and

**Whereas**, 27% of motor vehicle fatalities in New Jersey in 2013 (the last year for which complete data is available) were alcohol related; and

**Whereas**, an enforcement crackdown is planned to combat impaired driving; and

**Whereas**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Summer Shore Initiative 2018- Cops In Shops; and

**Whereas**, the project will involve increased impaired driving enforcement from May 23, 2018 through September 15, 2018; and

**Whereas**, an increase in impaired driving enforcement and reduction in impaired driving will save lives on our roadways;

**Whereas**, the grant award for said initiative is \$2,640.00 as per the State of New Jersey Department of Law & Public Safety Division of Alcoholic Beverage Control;

**Now Therefore be it Resolved**, that the Borough of Ocean Gate declares its support for the Summer Shore Initiative 2018- Cops In Shops May 23, 2018 through September 15, 2018 and pledges to increase awareness of the dangers of drinking and driving.

**CERTIFICATION**

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Council Meeting held on September 5, 2018.

\_\_\_\_\_  
Ileana Vazquez-Gallipoli, RMC, CMR  
Municipal Clerk

**RESOLUTION 2018-156**

**AUTHORIZING INCREASE IN SALARIES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Ocean Gate that the base salary rate for Officer Shane Gawales is hereby increased by the following amount:

<u>Employee</u>	<u>Position</u>	<u>Base Salary</u>	<u>Increase</u>	<u>Total Salary</u>
Shane Gawales	Class II Police Officer	\$ 14.00	\$4.00	\$18.00hr

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

1. Fred Ebenau , Chief Financial Officer

**CERTIFICATION**

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Council meeting held September 5, 2018.

\_\_\_\_\_  
Ileana Vazquez-Gallipoli, RMC, CMR  
Municipal Clerk

**RESOLUTION 2018-157**

**EXTENDING THE THIRD QUARTER TAX PAYMENT  
UNTIL OCTOBER 2, 2018**

**WHEREAS**, due to the State of New Jersey delaying the approval of the Municipal Budget and due to the Ocean County Board of Taxation and the NJ Department of Community Affairs recently approving and certifying the 2018 tax rate,

**WHEREAS**, due to the late mailing of the tax bills due to the above reason, the Governing Body desires to grant an extension of time for the grace period of the third quarter amount due for property taxes until October 2, 2018

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Ocean Gate, the grace period for the third quarter property taxes is extended to October 2, 2018 however, if the third quarter property taxes are not paid/received in the Tax Office within this grace period, interest will be calculated as of the August 1, 2015 due date.

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

1. Elizabeth V. Barger, Tax Collector
2. Fred Ebenau, CMFO

**CERTIFICATION**

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Council Meeting held on September 5, 2018.

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Ileana Vazquez-Gallipoli, RMC, CMR  
Municipal Clerk