

TOWNSHIP OF NEPTUNE

RESOLUTION 26-144

RESOLUTION AUTHORIZING THE TOWNSHIP OF NEPTUNE TO EXECUTE AN INDEMNIFICATION AGREEMENT WITH OCEAN GROVE CAMP MEETING ASSOCIATION AND OCEAN GROVE BEACH FOUNDATION AND TO ENDORSE AND CO-SIGN A COASTAL AREA FACILITY REVIEW ACT (CAFRA) PERMIT APPLICATION FOR A RESILIENCY PROJECT AT THE OCEAN GROVE BOARDWALK (BLOCK 101, LOT 5)

WHEREAS, Ocean Grove Camp Meeting Association ("OGCMA") is a non-profit organization that is the owner of all of the property in the Ocean Grove section of the Township of Neptune, including Block 101, Lot 5, which is known as East of Ocean Avenue, and operated as a public beach (the "Property"), which is improved with two (2) buildings that contain public bathrooms, public showers, a beach office and a life guard station; and

WHEREAS, Ocean Grove Beach Foundation ("OGBF") is a non-profit organization that supports beachfront operations, upgrades and improvements to the beaches and boardwalk areas, and provides lifeguards with opportunities to promote safety and training; and

WHEREAS, OGBF received a \$1,000,000.00 resiliency grant from the Federal Covid Relief Funds, administered through the State of New Jersey (the "Grant"), to undertake a resiliency project at the existing beach office/lifeguard facility at the Ocean Grove Boardwalk, as further described below; and

WHEREAS, the Grant shall be utilized by December 31, 2026, or the monies shall be returned to the Federal Government; and

WHEREAS, OGCMA proposes to utilize the Grant to construct an elevated platform connecting the two (2) existing buildings on the Property (the "Project"), which will provide a panoramic view of a large portion of the beach, unobstructed by the dunes to monitor swimmers and beachgoers; and

WHEREAS, the Grant was awarded to fund the proposed improvements to enhance the safety features of the building, provide access pursuant to the Americans with Disabilities Act, and include a new office and life guard station to equip first aid to the public by both lifeguards and the Neptune Township Emergency Medical Services; and

WHEREAS, the Project has been approved by the Township's Zoning Department and the Neptune Township Historic Preservation Commission; and

WHEREAS, the New Jersey Department of Environmental Protection (the "NJDEP") regulates construction within the coastal area and requires a Coastal Area Facility Review Act permit ("CAFRA Permit") for the proposed Project; and

WHEREAS, N.J.A.C. 7:7-16.10 of the Coastal Zone Management Rules requires that any building over 15 feet in height, abutting a boardwalk, must have a setback from the boardwalk the distance of twice the building height, which does not apply to municipally-owned structures; and

WHEREAS, OGCMA has submitted a CAFRA Permit application to the NJDEP (“Application”) for the proposed Project; and

WHEREAS, based on the NJDEP’s response to the Application, the proposed Project structure does not meet the necessary setback requirements, but the Township is advised that it would be permitted by the NJDEP if the Township endorses and is otherwise a co-signatory to the Application, whereby the municipal waiver of the regulation would apply; and

WHEREAS, as such, OGCMA and OGBF have requested that the Township endorse and co-sign the Application; and

WHEREAS, the Township is willing to endorse and co-sign the Application in the spirit of cooperation and in light of the public benefits associated with the Project, provided that OGCMA and OGBF (i) acknowledge that the proposed Project is not a Township project and the Property is not owned or maintained by the Township, (ii) assume all responsibility for the Application, the CAFRA Permit, the Project, and the Property, (iii) release the Township from claims relating to the Application, CAFRA Permit, Project and/or Property except to the extent resulting from the Township’s gross negligence or willful misconduct, (iv) provide broad indemnification and defense to the Township, (v) maintain required insurance naming the Township and its officers, elected officials, employees and agents as additional insureds, and (vi) reimburse the Township’s costs (including legal fees) associated with review and preparation of the agreement; and

WHEREAS, in the spirit of cooperation with OGCMA and OGBF, and in light of the public enjoyment associated with the OGBF beach operations and the public safety benefits of the Project, the Township Committee finds that it is in the best interest of the Township to authorize execution of an Indemnification Agreement with OGCMA and OGBF addressing the foregoing terms and conditions, in substantially the form presented to the Township Committee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized to execute an Indemnification Agreement with Ocean Grove Camp Meeting Association and Ocean Grove Beach Foundation, as submitted herewith and on file with the Township Clerk’s Office, subject to review and approval by the Township Attorney.
2. The Mayor and/or authorized Township representative(s) are hereby authorized to endorse and co-sign the CAFRA Permit Application submitted to the NJDEP for the proposed Project, and to execute such other related documents and

certifications as may be reasonably required by the NJDEP in connection therewith, consistent with the terms of the Indemnification Agreement.

3. OGCMA and OGBF shall be responsible for all costs associated with the Application, the CAFRA Permit, the Project, and the Property, and shall reimburse the Township for its professional costs as provided in the Indemnification Agreement.
4. A copy of this Resolution and the fully executed Indemnification Agreement shall be filed in the Office of the Township Clerk.
5. This Resolution shall take effect immediately upon adoption.

CERTIFICATION

I, William Bray, Township Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on March 23, 2026.

William Bray, RMC, CMR
Township Clerk