



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • JUNE 2, 2022

Workshop

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Meeting Called to Order:** Mayor Coffey called the meeting to order at 7:03 PM
- II. **Statement of Compliance with Open Public Meetings Act:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 5, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Mayor Coffey led attendees and the members of Council in the flag salute.

IV. **Roll Call:**

Attendee Name	Title	Status
Jay Coffey	Mayor	Present
William Deerin	Councilman	Present
Richard Gallo	Councilman	Absent
Bryan Keeshen	Councilman	Present
Michael O'Brien	Councilman	Present
Thomas Tvrdik	Councilman	Present
Meghan Walker	Councilwoman	Present
Jeanne Smith	Borough Clerk	Present
Scott Arnette	Board Attorney	Present
Donna M. Phelps	Administrator	Present
Catherine D. LaPorta	Chief Financial Officer	Present

- V. **Executive Session:** At 7:05 PM Councilman O'Brien made a motion to adopt the resolution to enter Executive Session which was seconded by Councilman Tvrdik and received the following roll call.

#2022-113 Resolution authorizing an Executive Session

Litigation, Negotiations and the Attorney Client Privilege N.J.S.A. 10:4-12(b)(7)
Contract(s) for Municipal Building

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael O'Brien, Councilman
SECONDER: Thomas Tvrdik, Councilman
AYES: Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT: Gallo

At 7:27 PM, the Mayor & Council returned from Executive Session and the regular meeting was reopened on a motion by Councilman O'Brien and seconded by Councilman Keeshen and approved by Council.

VI. **Resolutions:**

#2022-114 Resolution authorizing payment of BILL LIST 06-02-2022

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael O'Brien, Councilman
SECONDER: William Deerin, Councilman
AYES: Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT: Gallo

#2022-115 Resolution accepting resignation of Christopher Petrillo

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Meghan Walker, Councilwoman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT:	Gallo

#2022-116 Resolution appointing Frank P. Skovran, Jr. as Patrolman I

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	Meghan Walker, Councilwoman
AYES:	Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT:	Gallo

#2022-117 Resolution authorizing purchase of police dept equipment through State Contract - *Added on Late*

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	Michael O'Brien, Councilman
AYES:	Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT:	Gallo

VII. Second Reading & Public Hearing Ordinances:**#1055** Amendment to Flood Damage Prevention Ordinance 2022

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance creating an Environmental Commission and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only "**AN ORDINANCE BY THE BOROUGH COUNCIL AMENDING THE BOROUGH OF OCEANPORT CODE OF ORDINANCES TO REPEAL CHAPTER 229 FLOOD DAMAGE PREVENTION IN ITS ENTIRETY; TO ADOPT A NEW CHAPTER 229 FLOOD DAMAGE PREVENTION; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**" was published one time in the Asbury Park Press on May 25, 2022.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance. As no one from the public presented to be heard, the public hearing was closed on a motion by Council President Walker and seconded by Councilman O'Brien

Councilman Tvrdik made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Councilman Keeshen.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	Bryan Keeshen, Councilman
AYES:	Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT:	Gallo

VIII. Administrator's Report: Ms. Phelps reported on items including receipt of Clean Communities funding for \$14,137.68; the Borough will be participating in the FEMA Building Resilient Infrastructure and Communities Direct Technical Assistance Initiative (BRIC), provided details for kick off meeting date, only 20 communities selected – Oceanport being the only in NJ selected; new payroll and time off software has been implemented – thanked Jason Sutton and Renee Dalton for their hard work to get it up and running; all employee time off remaining has been entered in system and moving forward, time off requests will be automated through the system; updates on this year's revenue from the Sports Wagering tax.

IX. Clerk's Report: Ms. Smith reported that notices to residents and utilities had been sent out for the road programs. Subsequently

two (2) residents have submitted written requests to delay Driveway as they will be building new houses. There was discussion on whether to keep Driveway on the list with the hopes construction would finish, push Driveway off to the 2023 Road Program and consider alternative roads to add in place of Driveway for this year's program. Consensus by Council was to delay Driveway for the 2023 road program with Ms. Phelps to discuss with Councilman Gallo and Borough Engineer what additional roads could be added. Ms. Smith presented the Council with a request from Brian Tyluki, 10 Balmer Court, seeking to purchase the slip of land between his rear yard and the curb for the firehouse parking lot in order to expand his rear yard as he is currently maintaining it. Councilman Tvrdik commented that wasn't the property donated by the Haskell Estate and maybe give them use like an easement. Mayor Coffey commented that it may become a problem for the remainder of the slip to Myrtle; there are places/properties all over town that residents take care of but the Borough can elect to do something with it; a lease agreement to place shrubbery there may be appropriate. Councilman Tvrdik requested that they first get input from the firemen. Mayor Coffey added that it can be discussed with the firemen a lease agreement that allows them to do plantings but not for putting the fence up to the curb line. Ms. Smith will advise the resident that its being discussed but would not entertain a sale but would consider a lease for the use.

Regular Meeting Items:

1. Resolution Setting Compensation for Action Camp 2022 Employees
2. Resolution fixing compensation for employees & officials for 2022
3. Resolution Authorizing 3rd Quarter Estimated Tax Bills
4. Resolution authorizing an extension of the 3rd QTR Grace Period
5. Resolution appointments to Boards & Committees, Recreation
6. Resolution awarding contract to Coastal Refrigeration for 2022 services
7. Resolution awarding Contract to Colliers Engineering & Design - 2022 Road Program
8. Resolution Approving 2022-2023 Liquor Licenses
9. Receipt & Acceptance of Minutes, Historical Committee, 03/10/2022
10. Receipt & Acceptance of Minutes, Recreation Committee, 04/13/2022
11. Mayor & Council - Workshop - May 5, 2022 7:00 PM
12. Mayor & Council - Regular Meeting - May 19, 2022 7:00 PM

Ms. Smith reviewed the regular meeting items and asked for questions. Councilman Keeshen asked if all the camp workers had completed their training. Ms. Phelps responded that she had on several occasions advised Joanne Hunt about the requirements. Ms. Smith advised that her daughter had received the training so believes Joanne had distributed it. With no additional questions, items were moved forward to regular meeting with no objections.

X. Discussion Items:

1. Resolution supporting budget cap relief – Ms. Phelps advised that the MEL-JIF has requested municipalities adopt a resolution supporting their appeal for budget cap relief that will provide relief for towns that struggle to meet the cap due to COVID19, increased worker's comp claims, changes to the pension offset and amendments to the sexual molestation statute of limitations and requested to add it to the next meeting. Councilman O'Brien commented they want relief from the cap and he wasn't sure he could get behind this request. Councilman Keeshen responded that it sounds like they want to raise rates. Councilman O'Brien further commented that from his personal perspective he would not like to see this go forward. Mayor Coffey looked up the position of the NJ League of Municipalities who advocates for common sense exceptions, such as motor fuels...yes, just to adjust for inflation. Discussion ensued after which it was decided that they get a copy of the proposed bill and discuss again at July meeting.
2. Request from 60 Shore Road for Right of Way Easement for Dock Ramp – Mayor Coffey advised that the Borough was in receipt of a resident request for a right-of-way easement for a dock ramp that is currently installed on Shore Road – this particular ramp was the subject of a Stipulation of Settlement that there would be no ramp. There is a ramp there and the application is to permit that ramp which already exists and is in violation of the settlement, hold harmless and indemnity. Mr. Arnette provided a history of the settlement with 60 Shore Road where the dock had been built in a right of way, we asked that it be removed, having to sue to get it removed and the property owner entered a settlement which in essence, yes, it will be removed. The project ongoing with Shore Road shows that the ramp is located within the right of way in contravention of the signed settlement agreement. It also is in the way of the ongoing construction project for curb work. Bottom line is the Borough decided some time ago that the ramp had been placed in the right of way, did not have permission to be there and should be removed and his instruction to sue which resulted in a settlement agreement. As it stands now, the ramp was placed right back in there. Whether or not the ramp is to be allowed up to some fashion – left, right – the way it is set up now it is in violation of the agreement. The Borough could go back into court under order to show cause and file a lawsuit again to have it removed and get costs for the removal of it but he understands that the Engineer has spoken with the construction folks and if it is disconnected from the dock itself, they will use their heavy equipment to move it. The immediate issue is that it needs to be moved because of the construction project ongoing. The request itself, seems to be asking for forgiveness instead of requesting it as he has already put it back in place without asking permission the first time around.

Mayor Coffey continued that he had spoken at length with the property owner earlier in the day and the request now is because there are new Council members that would be more readily entertain from the last time and application was made. There's only one issue as of right now – and that's it - whether or not we will allow for an easement to allow for that ramp to be in the Borough's right of way. The ramp itself was not included in plans submitted to either the Borough of Oceanport or the DEP, at the time prior to its construction, approval, for the permitting process associated with its construction. The ramp was removed in connection with the Stipulation of Settlement. It reappeared a while ago. It's been there, he was out there 10 days or so ago when he spoke with DEP and sent pictures to them. Essentially there is a violation of the DEP approval that it didn't have a ramp was confirmed it was not included in the plans and the ramp is there. If there was no ramp there it would be a clean request, but it's not a clean request and there's an active violation of the settlement agreement and our right of way. Mayor Coffey reiterated that this is the issue before them, whether or not to allow for that – permitting the existing violation of the DEP's approved plans, Borough plans and the Stipulation of Settlement.

Councilman Keeshen asked when the DEP comes, they go after whoever put the ramp in and its on our property so they're coming after us, no? Mayor Coffey responded no, its not a big issue for the DEP – it's a violation of the approved plan submitted to the DEP just had a dock but in order to get out to the dock the ramp was installed. That ramp infringes upon the Borough's property. There were also 2 pilings that were not in the place they should have been and the pilings were removed. The DEP is concerned less with the ramp but with everything else that's out there and their fine was levied. It was paid. They went out to re-examine the property according to his conversation with the neighbor, Mr. Dale, and the property owner.

Councilman Deerin stated for him it was settled and then just pay no attention and go on your way, and come for forgiveness, he doesn't buy it.

Councilman Tvrdik commented that he has spoken with Mr. Salnick (property owner) about the ramp and he has told him point blank that the ramp can't be there. Use a ladder to get to the dock and come up with a portable system to put the ramp and pull it. But a permanent ramp on that bend where the road comes around, he doesn't believe it is safe.

Councilman Keeshen asked if the contractor indicated that they were going to file a delay claim because of this. Mayor Coffey responded that the option is they're just going to remove it if its in the way. We've made this promise to fix Shore Road and Gooseneck Point. Its in the Borough's right of way. We've got the right to exercise our right to make sure the right of way is clear.

Mayor Coffey concluded that there's been adequate discussion with the new Council members that were not here the last time.

Councilwoman Walker stated it was referred to this area where the ramp is, advised me today, as an imaginary area, that it was imaginary property of the Borough and asked Mr. Arnette to enlighten her if in fact it was imaginary or real. Mr. Arnette responded that it is the Borough's right of way and there's nothing imaginary about it. There was an outburst from a member in the public (Mr. Salnick) asking to be able to clarify. Mr. Arnette responded that this is a workshop meeting and he could speak at the end (during public portion).

Mayor Coffey stated a right of way is an inchoate interest that the Borough of Oceanport has, it's a legal nicety, but it's a *right*, its called a right of way for a reason, we can't sell it unless the Borough abandons it. Otherwise it's the Borough that exercises the dominion over it.

Councilwoman Walker asked isn't this what the agreement was about 2 years ago. Mayor Coffey answered correct, but the applicant is now saying let bygones be bygones and move forward and let him have the ramp.

Councilman O'Brien asked the dock's not supposed to be there – Mayor Coffey answered the dock was not built comportment with the plans submitted to DEP and is under their jurisdiction. The plans that were submitted neglected to include the ramp. That was the applicant's responsibility to figure out how he's going to access his ramp that is otherwise compliant with the requirement that it has to be "x" amount of feet above the water so there does need to be some type of access. In this case it's a ramp that extends into the Borough's right of way. There's no document that shows the ramp.

Councilman O'Brien commented that he doesn't have a dock but was it not possible to build one that slides up onto the surface. Yes, there are a myriad of options other than the existing structure.

Councilwoman Walker commented that this matter has been litigated and now the resident has defied the agreement and got caught defying the agreement and comes back asking permission – why would we consider this?

There was another outburst from a member of the public (Mr. Salnick) that Mayor Coffey interjected that there's a public comment period where you can talk about anything such as his ramp but its not a colloquy. The public portion is not gong to be a question and answer session unless there were untruths.

Mayor Coffey asked the Council if it was their decision to put this up for consideration for the next meeting or do we put up for consideration.

Ms. Smith advised that past practice has been the Council would direct the Borough Clerk to contact the requestor to advise that the Council has elected not to consider the request – such as street vacation requests – have not done a resolution typically.

Mr. Arnette added that by not directing the Clerk to list it for the next matter gives her direction to advise the requestor.

Mayor called a straw poll with all members indicating no, not to further consider the request. Councilman Tvrdik added being that there's other means to make it accessible, said no.

- XI. Mayor's Report:** Mayor Coffey reported that the Memorial Day was well intended and acknowledged Ed Ryan who was their Grand Marshal, thanked the committees that worked hard to put it together. He also acknowledged some of the girls from Maple Place who won a division championship this year was on one of the trucks in the parade.

Mayor Coffey also advised that June 6th is the date they've been waiting for as the bids for the mega-parcel are due. He noted that it will take some time before the results are known as it has to be reviewed by several agencies including the federal government who is still involved with the Eatontown section. While most bids it comes out that the highest paid wins but in this process there's a grading of the bids that takes other factors into consideration.

Councilman Deerin thanked the Rec Committee, Kim Parent and Paula Lombardo for all their hard work to make the parade happen. Fantastic job overall.

- XII. Petitions from the Public:** Mayor Coffey opened the meeting to petitions from the public.

Ed Ryan, 24 Willow Court, thanked the Council for naming him as Grand Marshal for the parade.

Keith Salnick, 60 Shore Road, appeared stated he want to "add some color", obviously there are two sides to every story and gave his perspective on the dock situation and maybe he'll come another time on some of the other issues. He has been trying to work with the town for 5 or 6 years now and provided a history of the dock situation. Around 2016/2017, he exercised his deeded rights to leverage an easement through a riparian grant across his property on 60 Shore Road. He went through the appropriate process with the DEP, hired an engineer and architect and submitted the application. At that time it was overlooked around the design of the dock structure as part of the overall design. The area that his dock is constructed on is also a vegetation zone as well as a shellfish – two highly protected zones by the DEP that comes with specific requirements in order to get approval. Looking at the topography and geography of his site... The road is quite unique as he believes its probably the only road that has riparian access and docks within a small slither, that is separated by a small road right away. His site is probably the smallest sliver of land if the Council looked at any of the surveys sent in, between the mean high waterline and the edge of Shore Road. He addressed the comment on his "imaginary piece", he fully understand that Shaw Road is not imaginary. His deed says, from the edge of Shore Road. So, when the imaginary part he meant the piece that isn't a physical structural road. It was news to him that there was even the 10' on each side of actual pavement. And that's what he meant by, not imaginary, but the deep. He thinks to an uneducated person, that's not an engineer, doesn't review roadmaps for a living, looks at it and says, "I have the space and rights from the edge of Shore Road to the waters of Blackberry Creek to him at that time it was the pavement. So the imaginary comment wasn't to be disrespectful, or anything like that. He thought that that whole area up to the edge of the pavement was within his deeded right of way. He just wanted to make sure that was clarified, that it wasn't meant to disrespect the property or right away and assess comments of how I describe. In order to meet specific vegetation requirements set by the DEP, the dock structure needs to be at least four feet above any vegetation, up to the mean high water line. The Mean High Water Line is what actually separate the Borough of Oceanport from the State of New Jersey. For anything waterward of the water line is actually outside the Borough's jurisdiction which is a majority of his dock which has nothing to do with the Borough in any capacity which for a while was confusing because the Borough was also at different times, contacting DEP officials about things in that area. Mr. Salnick continued that Borough engineers were helping DEP officials make evaluations, and spending their time on things that were waterward of mean high water line. Some of maybe the frustrations, are things that have been happening over the past few years, specifically regarding the dock situation. But the net net of it is for this specific design portion of it, I had to build the dock 4.5' feet above mean high water line, which is about eight feet from the edge of Shore Road. Like he mentioned, he made the comment, "what am I supposed to do, levitate up to it?" He didn't even say build a ramp when Twin Rivers, who's a very reputable and known dock builder – they are local. He contracted them as he likes to hire local contractor, and they built the dock. He handed them a set of plans and said build this. One of the things they did was build the ramp and it was great, it was beautiful, even council members at that time came out to look at it and said this is one of the best looking docks on the street. He built it with high-end materials. It was built very well done by the Stokes/Twin Rivers and it wasn't really an issue at that time. After this all became an issue, he actually confronted them because there were several other issues that were more with the DEP. Mr. Salnick said, "Hey, guys, you do this for a living. Why didn't she ever mention something? Twin Rivers responded they build docks all the time that don't show steps or ramps and they just build the ramp or steps to it because that's what they do. This was the first situation they've ever been in where there's even a second party involved, i.e., the borough, but there's a property dispute because usually just go right off someone's backyard into the water. They didn't know, they build ramps to get up to it. That's part of life. The service they provide and it's not atypical for them to build a ramp or steps. Most of the plans they actually submit, because sometimes they do the submittal, actually don't include a ramp or steps. So, Mr. Salnick said OK. He didn't know. So, at that time, they can take it for what it's worth. It's no secret he was running for borough council, and was running on a very public platform. He was unhappy with the performance of certain council members and locked horns with a lot of them, which in hindsight probably wasn't the best move as he still at it today, now sitting there, still really not getting

anywhere. What he feels is fair mindshare but he's hoping to work on that. On that subject, and not to go off on a tangent here, but he did reach out to several of the Council. Specifically, some of them, he couldn't contact or they didn't answer the phone, or were busy with other things, which he understands, but he's been very clear, with not only council members, the mayor, people in the building department of other issues he's been trying to work through. Then he kinda had enough of fighting with everybody and locking horns and actually put a pretty good effort in, to put water under the bridge in certain situations and really say, you know what, you know, enough's enough. At one point he was going to sell his home and potentially leave town. And he had other endeavors that he wanted to embark in, but he's decided that he's going to stay here. He wants to potentially rebuild some relationships and become more involved with the borough. He didn't just run for the council, for fun. He wanted to get more involved. He's learned a lot. Over the past few years, he came in this town at 25 years old, built a beautiful home. And, yes, "my personality, I think it's a double-edged sword. It's really good for some things. I'm a hard charter and I get a lot done. But for things, other things, it's, yeah, as I'm sure some people sitting on that side also have strong personalities and so forth. So, know, the point I was making there then, we'll get back to the dock thing is that I have reached out proactively to kind of extend the olive branch and say, you know what guys like enough's enough. I think some of the things I'm asking for, i.e. this easement, for a second time, it's not unreasonable. And on that specific subject, let me, yes, address some of your concerns or comments that you made, where you, I think said Yeah, let me understand this better. They had a settlement agreement, you just did it anyway. I think some of the things that weren't discussed were, you know, at that time, I was pushing for an easement. as part of the settlement agreement, or, even before litigation occurred. I had no intention to go into litigation. I'm actually surprised the borough thought it was a good idea to spend taxpayer dollars on litigating something when at that time, I was actually trying pretty heavily to have a conversation about an easement, or to maybe find a way to allow the ramp at that time. Um, that, really never went anywhere, and I have my opinions on why or how that all went down. And, you know, again, there, in my opinion, there, there are not other safe ways to install a ramp. You know, anything that wouldn't be able to be installed. It's not fixed, would require a heavy ramp. It will not, you know, it's endangerment. I don't necessarily want that liability of a kid coming by trying to hold it, get up there, climb up there before it's pulled off and I'm looking at it not only for myself functionally, but also just see how the ramp is across the street from a piece of property that I don't necessarily monitor. People walk the dogs. Things could happen. I don't know what the design would look like. I don't know if anything I design there would be approved by the DEP, if anything, whatever, I don't really know the full impact of that, but what I do know is that I had a very stationary, structurally sound beautiful ramp at one point that was very functional, that for almost a year and a half, before it became a problem, really wasn't hurting anybody, or in anybody's way. The two pilings I agree at that time. There used to be two pilings at the bottom. Then there were ropes for railings that went up to the fixed dock. I can see how that, especially at the bottom, closer to the road, was a potential hazard. Those have since been removed. We can kinda get into the specifics on the mechanics of the design of the dock. But, I do feel that, and the reason I'm up here again, is that, I think that it's not unreasonable to have a ramp in this area, to go back to the whole...'Well, it seems like this guy is just kinda giving us the big "F-you". Let me remind you, that between when the settlement agreement was done, and I removed the ramp, I could probably produce a fair amount, I've, I've probably sent dozens of e-mails. I've probably made it a half dozen to 12 additional requests before today, knowing, and I actually, you know, talked to some people that say, yeah, hey, you know, there's some new Council members, there's some new people involved, you know, maybe you should? Try with a little bit more honey instead of vinegar. Many things are changing in Oceanport. So I said, OK, now, let me re-apply for this easement because, and even in some other one-on-one conversations, you know, it doesn't seem that unreasonable also. So, yes, I signed a settlement agreement. I removed the ramp and I do need to do at that time because, quite frankly, it didn't make sense to continue to go through litigation for myself or where it was going to escalate to, nor for the taxpayer because the only person that was really making out ahead was Mr. Arnette unfortunately. Um, so I did remove the ramp, and I said, you know what, let's let some time pass, Let me try and work through some of my other issues that I have outstanding. And maybe with time, things will heal and there will be another consideration of this, and which is kinda like what I'm doing here tonight. But to say that I went and said "F this, I'm going to put it back", is a complete inaccuracy. I've probably reached out to Jeannie half a dozen to a dozen times. I've submitted the same application, metes and bounds descriptions. I can, I can produce - I can't tell you how many e-mails, and that's all documented. So, you know, you get to a point where you say, You know, what if I'm trying to kinda yeah, I did some wrongs in the beginning. I may have not done things the right way. And I've learned my lesson. And now I'm going to try and take a different approach and do things the right way. But when that continually falls on deaf ears, and that's just for this specific situation. I'm not even getting into the 10 other things that are still ongoing. That, in my opinion, I'm not even gonna say what my opinions on that. It's not good around how certain processes, procedures, and other things regarding the borough have gone down. But we'll save that for another day. Back to my point is, you know, when things continually fall on deaf ears, eventually, you get to the morning to say, You know what, you know, if they're not gonna respond to me, and even give me a fair shake to try this again, like, I said, hey maybe that's just the way things go around here. I'll put it back in. Maybe that will get their attention. It worked obviously, so I'm not saying that's the right thing, but you know if you're going to, and I don't even really know how there's never got on the agenda before this, because I again, I can produce dozens of e-mails. Can I, you know, here's the metes and bounds".

Council President Walker responded "because its been litigated, because it's been asked and answered".

Mr. Salnick said it was litigated before she was on Council. Councilwoman Walker responded "the litigation isn't with me its with

the Borough. You said, you would not do this, then you went and put it back, and you're being treated unfairly? I mean, I find this galling to be honest with you.

Mr. Salnick continued "Know, I mean, I'm just trying to get like some mindshare. So yeah, I do, I do feel like I've been treated unfairly just from the sheer standpoint that I asked a dozen times to have something reconsidered."

Mayor Coffey interjected "this is the equivalent of my son saying, I want ice cream, I want ice cream. You're not getting ice cream. And then he goes and takes the ice cream. That's what you did, you took your ice cream because you wanted it. That's a fact. You put this thing..."

Mr. Salnick: "it should have never gotten to litigation in the first place".

Mayor Coffey: "Wait, wait, wait, now, we're talking about the ramp. And the ramp only. The ramp was forbidden by a court document that you're architect didn't sign. Your engineer didn't sign. Nobody else here on your behalf signed. You signed it saying, no ramp here. No ramp, I'm removing the ramp. And the ramp shall be removed, and you remove the ramp. That settlement agreement has your signature on it. Not the guys who built your ramp, not the guy who didn't design your ramp, You signed. You removed it, so you knew it had to come out. You removed it, and then you put it back".

Mr. Salnick: "I removed it and signed a settlement agreement pretty much at the coaching of...let some smoke clear, give it some time. Let's revisit"

Mayor Coffey: "I can't help but engage, now, really intelligent guy. You claim ignorance at very opportune time. You had a ramp built. You had the dock built without a ramp, and you didn't know about it? You paid a guy big bucks to design a ramp, you paid the guy, I'm sorry, a dock. You paid a guy big bucks to install it."

Mr. Salnick: "No, I paid big bucks to design a dock, have it installed, it was installed. I knew I was installing a ramp."

Mayor Coffey: "You knew you were installing a ramp?"

Mr. Salnick: "When they built it I saw a ramp there, and I went to the contractor and at that time I didn't do anything. I saw they built something and said, ok, this is what they do."

Mr. Salnick asked if there was limit to public comments? Mr. Arnette responded usually its five minutes and they've given him quite a bit more and asked Mr. Salnick to make his point concisely.

Mr. Salnick continued that his point was that there are 2 sides to every story and he's done plenty of things proactively, yet the Borough continues to take everything regarding his situation down on some super technical level. He believes that everyone should forget about it. He next addressed Council President Walker and expressed that he was "quite frustrated with her tone, at one point I'm serving you food and you're my best friend when we're running against other people on council, and all of a sudden tonight, I'm like the world's worst enemy, I'm hanging out with you. It's all good. We're friends. I'm the new guy in town, don't worry – its all going to change. Now we're up here it's no, no, no. So, I continue to have this ridiculous experience with this town. I've tried many times to reach out. I've tried to extend the olive branch. I know that I have open issues. I've pretty much gotten bullied and abused by the mayor. I have things that I've tried to do, I've tried to follow processes, they fall on deaf ears. I get ignored. I'm probably the only person in the history of Oceanport that's actually gotten sued over something. I'm starting to wonder and I've actually asked council member Deerin, I haven't asked him but I've made the comment, I'm starting to wonder, sorry, not Deerin, Councilman O'Brien, who is in charge of finance committee. I'm really starting to wonder if there's some sort of racket going on while we're just trying to fine people like me that like to lock horns with the bull over here and continue to funnel taxpayer dollars to Mr. Arnette, so I don't really know what's going on here anymore. I've tried to resolve issues. I'm trying to do things regularly. I will remove the ramp because that's the document I signed and I will do that. I'm not going to fight that. But that won't be the last you hear of me fighting the good fight, too, know. Really at this point, I'm re-invigorated to get some reasonableness in this town. I've gone about that in the past here, but, you know, now as I continue to see how things operate, there's technicalities and there's all these rules. And, yeah, you have a great attorney here that is great at his job, you know, that can do all this different stuff. And at the end of the day, there's also a sense of community out, opens the reasonableness. Whereas if I wasn't, Keith Salnick sitting up here with my history, and I was some 95 year old taxpaying lady that was up here saying, 'I can no longer walk up to my, levitate or climb a ladder up to my dock. I'd like a ramp. I probably would say you guys would approve it most likely. And then on that subject, my 85 year old grandfather, last year when the ramp wasn't there, tried to climb up the ladder and couldn't make it. So the guy you always go fishing with, that's probably not going to be alive much longer, we didn't go fishing that day. My other friend, even though I had a ladder there that was temporary, I told him, I told him, you know, Hey, take the ladder down. He decided to hop off and blew his ankle into a million pieces and still isn't that great. In the meantime, I'm e-mailing the Borough saying, You know, Hey, can we please revisit this ramp thing, is having a ramp there really the end of the world? I've got a lot of people walk by and comment how beautiful the dock is. And so, you know, I'll end soon because I do want to be respectful of your guys' time, because I hate, when people aren't respectful of my time, spent thousands of hours on this issue and other things and I probably will continue to because unfortunately I don't have the personality or I want to allow myself to just bend over and take it continually. So you

know, good, you, won the battle on this one. Still got an ongoing war I guess. Even though the invitation is always there for many of you guys on any of these issues”.

Mr. Salnick: You guys have all shown your true colors tonight, not the last to see me.

Councilman Tvrdek interjected he had heard enough and with all due respect made a motion to adjourn the meeting.

- XIII. Adjournment:** The meeting was adjourned at 8:32 PM on a motion by Councilman Tvrdek, seconded by Council President Walker and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK