BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES ● MAY 6, 2021

Workshop	REMOTE/VIRTUAL	7:00 PM

Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757

I. Meeting Called to Order: Mayor Coffey called the meeting to order at 7:00 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 13, 2021 of this virtual/remote 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. Mayor Coffey then read the virtual/remote meeting advisory advising the public how to attend and participate during public portions of the meeting.

III. Flag Salute: Mayor Coffey led attendees and members of the Council in the flag salute.

IV. Invocation: Borough and Police Chaplain Stacy Deerin presented a special request for prayers for Chief Michael Kelly for his participation in the police Unity Tour 25th Anniversary which raises awareness of officers that have died in the line of duty and gave the invocation.

V. Roll Call:

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Remote	
William Deerin	Councilman	Remote	
Richard Gallo	Councilman	Remote	
Bryan Keeshen	Councilman	Remote	7:36 PM
Michael O'Brien	Councilman	Remote	
Thomas Tvrdik	Councilman	Remote	
Meghan Walker	Councilwoman	Remote	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Remote	
Donna M. Phelps	Borough Administrator	Remote	

VI. PUBLIC HEARING - GUEST ROBERT CLIFTON, COMCAST:

PUBLIC HEARING FOR MUNICIPAL CONSENT TO COMCAST OF MONMOUTH COUNTY LLC FOR RENEWAL OF FRANCHISE AGREEMENT TO OPERATE CABLE TV AND CABLE COMMUNICIATION SYSTEMS WITHIN THE BOROUGH OF OCEANPORT which was opened on a motion by Councilwoman Walker, seconded by Council President O'Brien and approved by Council.

Comcast Representative Robert Clifton appeared and gave brief statement explaining the process for renewal of the franchise agreement with the Borough; the current agreement expires on July 23, 2021 and in order for Comcast to continue operating in the Borough they require a new certificate of approval which is issued by the Board of Public Utilities after municipal consent is given and application deemed compliant with state and federal requirements. Upon close of the public hearing, the town would issue a consent ordinance or a resolution of denial. Comcast will prepare a proposal for the governing body's review and the ordinance would grant a right of way agreement. He reviewed the four criteria for consideration – compliance with terms of existing franchise, has service been reasonable, does the operator have financial, legal and technical ability to provide services. The municipality cannot judge based on rates and channel lineup.

Mayor Coffey asked Mr. Clifton about provision of a local access channel for the new municipal building. Mr. Clifton responded that they work with Verizon to interconnect so that the channel is seen in all homes in the community whether Verizon or Comcast. Mayor Coffey asked if they would also provide a 2nd drop for the School Board. Mr. Clifton advised he would have technical look at that and get back to them. Mr. Clifton added that they have their easement paperwork in with FMERA for the new buildings in order to provide service there. Mayor Coffey also asked about the last renewal included a technology grant and would that be available again. Mr. Clifton responded yes, the grant would be used to enhance or upgrade the Borough's government access programming and he will include that in the draft proposal. Mayor Coffey said the last ordinance provided for cable television services at no cost for police, borough, dpw, oem and library. Mr. Clifton answered they have no issue maintaining that provision of services and understands they will need to be relocated.

PUBLIC HEARING: Mayor Coffey opened the meeting to the public and provided the participation details.

Ms. Smith asked if they would provide internet service to event sign and 2 other locations. Mr. Clifton answered they don't provide free internet service but they would provide internet to the site. Mayor Coffey commented the technology grant could be used for that – something to explore further.

As there was no one from the public and no other questions, Mayor Coffey closed the public hearing on a motion by Councilwoman Walker and seconded by Councilman Gallo and approved by Council.

VII. **OEM Report - Update on Fish Kill Issue:** OEM Director Buzz Baldanza provided an update on the efforts for the fish cleanup, actions being taken by neighboring Long Branch, best approach would be regional to avoid tidal flows moving to opposite shorelines, recommended equipment options to suck fish off ground, expensive proposition. Senator Gopal is working on obtaining state funding to cover some costs. Cleanup expected to start as early as Monday.

VIII. **RESOLUTIONS:**

#2021-94BL Resolution authorizing payment of BILL LIST for May 6, 2021

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

#2021-95 Resolution appointing Steven Briskey as Superintendent of Public Works

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

#2021-96 Resolution authorizing application to Body-Worn Camera Grant Program

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

IX. **Administrator's Report:** Ms. Phelps reported included updates on meetings with Seniors regarding renovations to Old Wharf House, she has met with Architect for recommended changes – both bathrooms have ADA issues, kitchen needs cosmetic, floors need to be replaced as well as back deck; Iamello is working on bid specs and she would like to take action at the next meeting to award Iamello a contract; DEP notice that green acres funding available – possibly for Maria Gatta Park, review shows that Borough may be eligible but she will talk to Mr. White further about it; update on sports wagering funds - $80,572 remaining from 2019, $157,694 for 2020 and $147,360 for 2021 – unofficial #s, applications for use of the funding open June 15th and due September 15th; local recreation improvement grant was looked into further after last meeting – very competitive, requires a local match, analysis of open space trust shows commitments for several projects and deadline is May 24th for application submittal and she is unsure if the Borough has the resources available for this year but happy to look into it further but seems it may be difficult; provided update on FEMA project worksheets pending for tropical storm but delays being experienced as the state has changed the submittal portal and there has been a learning curve but hopes to have that submitted next week; also procuring furniture for the new court room not part of the bid package; efforts continue to resolve issues in order to get meetings started.

Mayor Coffey stated for the record that Councilman Keeshen arrived at 7:36 PM.

X. Clerk's Report:

1. Annual Financial Disclosure Statements – gave a reminder to those still needing to submit
2. Resolution authorizing release of performance guarantee to AcuteCare Health Systems – Discussed request from the developer to have the maintenance bond waived and receive a full release of their cash bond on file – site has been completed for more than 2 years for majority of site and the Borough Engineer has supplemented his bond letter with an email in support of waiving the maintenance bond requirement to which there were no objections.

Regular Meeting Items:

1. Resolution authorizing Tax Sale Redemption #18-00009
2. Resolution authorizing permit for Facility Use - Speed Camp/Our Team Fitness
3. Resolution authorizing permits for Facility Use - Spring 2021
4. Resolution affirming pay differential for Officer Petrucelli
5. Resolution awarding contract to Colliers Engineering - 2022 CDBG Application
6. Approval of Fire Department Membership, Patrick W. McSorley
7. Receipt & Acceptance of Minutes, Historical Committee, March 25, 2021
8. Receipt & Acceptance of Minutes, Parks & Recreation Committee, 02/10/2021
9. Mayor & Council - Workshop - Mar 4, 2021 7:00 PM
10. Mayor & Council - Regular Meeting - Mar 18, 2021 7:00 PM
11. Mayor & Council - Workshop - Apr 1, 2021 7:00 PM
12. Mayor & Council - Regular Meeting - Apr 15, 2021 7:00 PM

Ms. Smith reported that she was in receipt of tax levy certification for Shore Regional School District and would distribute. She also presented request by Oceanport Garden Club to begin using the BBB Pavilion for their meetings subject to COVID requirements. Thanked Councilman Tvrdik for his assistance with the COVID requirement forms. Additional items for regular meeting for Special Events to be added. As there were no questions on the regular meeting items they were moved forward.

XI. Discussion Items:

1. Zoning & Cannabis Legalization - Kendra Lelie, Borough Planer

   Introduction of an Ordinance Prohibiting Any Class of Cannabis Business

   Ms. Lelie provided a brief explanation of the recent legislation and the need for municipalities to adopt new cannabis regulations as previous ones were nulled by the recent legislation. Mayor Coffey stated they have a model ordinance and recommended introduction at next meeting in order to adopt prior to the State's deadline to which there were no objections. Council President O'Brien asked with this ordinance the Borough would continue to prohibit use and production of cannabis in the borough's boundaries and was told yes. Councilwoman Walker asked about medical dispensary. Mayor Coffey answered this was for recreational but that in time expected medical to be done through local pharmacies.

2. Facility/Field Use Permits, Borough Clerk

   Ms. Smith revisited previous discussions on the facility use ordinance last done in 2007-2008; advised that there are additional uses and requests coming in besides games, practices, camps and while the ordinance does provide for other uses it does not provide for charging a fee; also would like to revisit the process for approval which limits filling unused fields with short notice. She requested the opportunity to provide a summary of the ordinance and meet with the Council Committee for parks and recreation to discuss further possible amendments to improve the ordinance. Councilman Deerin commented that sounded fine. Mayor Coffey commented that the process does need to provide a faster response time and be able to put up on website in real time. Mayor Coffey asked Councilman Deerin if there was an issue during Recreation meetings on the applications. Councilman Deerin answered usually its about scheduling conflicts. With no objections, Ms. Smith will provide a highlight of the code to the Administrator for a meeting to be set up.

3. Resolution amending the Borough's Dress Code Policy

   Mayor Coffey reviewed the policy concerning tattoos and proposed amendment to permit tattoos with some exceptions. As there were no objections the resolution was moved forward to the regular meeting for action.

4. Resolution authorizing purchase of body cam equipment for the police department

   Mayor Coffey acknowledged Chief Kelly who provided a summary of the recent law that mandates the use of body cams by every uniformed police officer in the State. The State is providing a reimbursement grant to cover the costs which he has made the application for, reviewed the costs, the necessary equipment, storage, redaction software, etc. The body cameras will make it easier for the officer's to do their jobs and do provide a measure of transparency that was limited by vehicle cameras. The grant program is 5-years and provides for growth in the department with 15 being purchased initially with a total of 19 for the grant period. Equipment eligible for warranties and replacements. Councilman Gallo asked who performs the redacting. Chief Kelly answered it would be determined by the video depending on if its an internal affairs matter, OPRA and if it needs review by the Attorney General. Councilman Deerin asked all cars have video cameras. Chief Kelly answered, yes, though antiquated, they are all working.

5. Resolution authorizing mailing of 3rd QTR Estimated Tax Bills

   Councilman O'Brien stated the State had advised that they have not assigned a budget reviewer and may not be able to adopt the budget which would then necessitate a delay in the tax rate and the need to mail estimated tax bills. There was discussion regarding inclusion of an explanation letter with the estimated tax bills to minimize calls and confusion by the taxpayers. Important that the letter explains the adjustment that will happen in the 4th quarter.

6. Resolution authorizing competitive contracting for grounds maintenance

   Ms. Phelps led discussion on the direction given last meeting to prepare an RFP for the lawn cutting work by Ms. LaPorta and Ms. Smith; question as to whether or not the service would be brought back in-house; cutting currently being done by Custom Care month to month who no longer has State contract and will exceed the pay to play threshold this month; the need for new DPW superintendent to have time to evaluate the ability of DPW to do the work; investigate if there is a State contract; RFP versus bidding and the time constraints associated with each, consensus was to issue a bid notice for the June workshop meeting to have various options available to the Council; DPW will be asked to prepare a report of the number of hours estimated to do the work in-house; Ms. Phelps will reach out to Custom Care to see if they would provide cost on a weekly basis to stop at threshold of $17,500.

7. Participation in Passaic County Co-Op, Borough Administrator

   Ms. Phelps advised that the Borough has used GovDeals in the past for auctions who no longer has the State contract, they are part of the Passaic County Co-Op but would need to pass resolution to join; discussion included what vendor has the State contract; was there any savings if using State contract; no downside to joining the co-op as an option – no objections.

8. Governor's Order Concerning Summer Camps, Mayor Coffey

   Mayor Coffey reviewed the Governor's order which opens summer camps but places the obligation on the municipality to enforce the Youth Summer Camp Standards Guidelines, 12 pages long; the impracticality of setting up a compliant program in such a short time period and ultimately the decision remains unchanged that no Action Camp for this year. USA Sports will provide the alternative camp.

9. Maria Gatta Park Improvements

   Council President O'Brien described proposed conceptual plan to install synthetic turf fields at Gatta Park, source of revenue, enhances the town and property values, benefits the local businesses and will have a positive impact on the Monmouth Park Racetrack and centrally located with ease of access. Improvements will increase usability of the park, would include a storage facility, parking, restroom and possible a playground. The next step would be to submit to the

Recreation Committee for their review. Councilman Tvrdik asked about lighting of the fields. Councilman O'Brien responded informal quotes were obtained estimating it at $600,000. Lighting does expand the hours the park can be used. Councilman Gallo asked if the parking was sufficient for 3 fields going at the same time. Possibly pursue use of the picnic parking near the train tracks and close the current main entrance. The parking lot would ultimately be gravel with the exception of ADA spaces. It was discussed that the benefits of the project would be beneficial for Monmouth Park and exposure for new customers and may qualify for use of the sports wagering funds and would create a symbiotic relationship among the downtown businesses and Monmouth Park. There would be some impact during development with less fields available but maximize the green space that the Borough has. A conservative analysis shows the that the revenue brought in from use of the fields could potentially self-fund the project in the long-term and provide for its maintenance. Timeline involves review by Rec, design by the engineer, funding sources, possible DEP approvals, review by the Planning Board, but feels once that is all in place, construction is approximately 10 weeks. If lighting isn't in current budget, discussion included design should include groundwork for future installation.

XII. **Mayor's Report:** Mayor Coffey's reported included fish kill clean up; development of a plan to address pothole issues with DPW.

XIII. **Petitions from the Public:** Mayor Coffey opened the meeting to the public and provided the participation information. As there was no one from the public, Mayor Coffey closed that portion of the meeting.

Ms. Smith brought up one last item for a request by Little League to use the Pavilion for team pictures. No objections as long as compliance with COVID forms, temperatures; Councilman Tvrdik offered to cover the morning and supplies with Councilman Deerin offering to cover the remainder of the time through to 12 noon – 1PM.

XIV. **Executive Session:** At 8:48 PM Councilman Deerin made a motion to adopt the resolution to enter Executive Session which was seconded by Councilman Keeshen and received the following roll call.

#2021-97 Resolution authorizing an Executive Session

Personnel Matters - N.J.S.A. 10:4-12(b)(8)
Code Enforcement Staffing

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

At 9:50 pm, the Mayor & Council returned from Executive Session and the regular meeting was reopened on a motion by Councilwoman Walker and seconded by Council President O'Brien and approved by Council.

Motion to Return to Regular Meeting

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

XV. **Adjournment:** As there was no further business, the meeting was adjourned at 9:54 PM on a motion by Councilman Tvrdik, seconded by Councilman Keeshen and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK