



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • APRIL 23, 2020

Regular Meeting

Maple Place School

7:00 PM

2 Maple Place, Oceanport, NJ 07757

I. **Call to Order:** Mayor Coffey called the meeting to order at 7:12 p.m.

II. **Statement of Compliance with Open Public Meetings Act:** This meeting further complies with the Open Public Meetings Act by notification on March 31, 2020 of this virtual/remote meeting, its location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough 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 the attendees and members of the Council in the flag salute

IV. **Invocation:** Mayor Coffey advised no invocation as Reverend Deerin was not available but called for a moment of silence for Clem Sommers, a 25-year member of the Governing Body and 91 years of influence over the Borough of Oceanport who passed away on April 15.

V. **Roll Call:**

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

VI. **GUEST: FMERA Staff Monthly Update:** Mayor Coffey advised that they were unable to attend, that most activity was at a standstill due to the coronavirus, last meeting there had been some extension of contracts but a full report would come next month.

VII. **Administrators Report:**

1. Results of Solid Waste & Recycling Bids

Ms. Phelps reported two bids were submitted, with the current company coming in as the lowest bidder, summarized the results, reviewed the options for savings with the removal of bulk collection service from the contract and consider using DPW to provide bulk services, consultation with the Borough's risk managers on best practice for DPW to provide service, and while the Borough Engineer had recommended Option A, based on her discussions with him they both are recommending Option C to award separate contracts for recycling and solid waste and asked for any questions. Council President Gallo stated he would like additional time to review with his Council Committee and believes they have time to award next month. There was discussion on time remaining to award, the options to consider, the savings versus costs for DPW to service. After which it was decided to carry to the May 7th meeting and allow the Committee to discuss further.

Ms. Phelps next reported that she had submitted a scope change to State OEM for the roof replacements at

the municipal complex and was waiting on a determination if the request would be eligible for reimbursement in order to submit formal request to FEMA. An outstanding reimbursement request for \$14,609 was received. The Borough's request to FEMA for reimbursement submitted on Feb. 5th in the amount of \$1,132,460.23 was approved and should be received shortly. She has further prepared an additional request for reimbursement in the amount of \$1,239,629.66 which the Borough should be eligible for 90% of that amount. A request for public assistance for COVID19 costs was submitted and approved making the Borough eligible for reimbursement of 75% of COVID19 expenses.

Ms. Phelps next reported that Chief Kelly advised that Oceanport Avenue between Port au Peck Avenue to Crescent Place will be closed from 7 p.m. on Sunday April 26th to Tuesday, April 28 for improvements in conjunction with New Jersey American Water. NJAW requested permission to park trucks and or equipment at Gatta Park which she and the Chief agreed would be acceptable.

VIII. Clerk's Report:

1. Policy for conducting remote meetings
2. Resolution Setting the Fees for 2020 Summer Action Camp
3. Go-To-Webinar Meeting Software
4. Annual Financial Disclosures
5. Primary Election Rescheduled for July 7, 2020

Ms. Smith reviewed a proposed remote meeting policy to formalize the Borough's steps to conduct remote meetings and asked for any questions. Mayor Coffey stated he had reviewed it as did other Council members. As there were no objections, a resolution to adopt was added to the agenda for action.

Ms. Smith next reported that while there was uncertainty of whether action camp would take place this summer, in the event it would, the Council needed to set the fees recommended by the Recreation Committee for this year's registrations. As there were no objections a resolution to adopt was added to the agenda for action.

Ms. Smith reported on items including the Borough's use of Go-To-Webinar software for the conducting of remote meetings and other useful tools for providing access to meetings by the public; reminded those who had not filed yet to please get their Annual Financial Disclosure submitted; the Primary Election had been reschedule for July 7, 2020 with all polling locations confirmed available; 60+ requests for public records to date and the planning board remains very active.

IX. Consent Agenda:

- | | | |
|------------------|----|---|
| #2020-114 | 1. | Resolution authorizing payment of BILL LIST 04-23-2020 |
| #2020-115 | 2. | Resolution authorizing Tax Sale Redemption #19-00006 |
| | 3. | Acceptance of Minutes, Historical Committee, Feb. 13, 2020 |
| | 4. | Receipt of Minutes, Recreation Committee, Jan. 8, 2020 |
| | 5. | Acceptance of Minutes, Recreation Committee, Feb. 12, 2020 |
| #2020-116 | 6. | Resolution adopting a policy for conducting remote meetings |
| #2020-117 | 7. | Resolution Setting the Fees for 2020 Summer Action Camp |

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

X. Minutes:

1. Mayor & Council - Workshop - Mar 5, 2020 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Meghan Walker, Councilwoman
SECONDER:	Richard Gallo, Councilman
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdek, Walker

2. Mayor & Council - Regular Meeting - Mar 19, 2020 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Meghan Walker, Councilwoman
SECONDER:	Richard Gallo, Councilman
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdek, Walker

XI. Resolutions:

#2020-118 Resolution authorizing an emergency temporary appropriation

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

#2020-119 Resolution authorizing execution of a Hold Harmless Agreement with The Goldstein Partnership

Councilman Tvrdek asked for the Borough Attorney to expound on this item. Mr. Arnette briefly explained that the hold harmless agreement stems from the new roof installation at the new municipal complex and does not deal with any pre-bid or post bid inspections of the site specifically. This came up because the roof system design drawings were not prepared by The Goldstein group. The Borough wishes to move the project forward in an expedited fashion so the Borough has relied upon the installation and design specifications prepared by the manufacturer GAF regarding that roof system. The Goldstein Partnership approached the Borough because we needed them to prepare the change order and have requested a hold harmless agreement in the event that the roof system fails or that something happens with the roof system. As they didn't do anything with regard to it was deemed to be a reasonable request. Mayor Coffey stated that an agreement with very particular language was prepared which was attached, noted that it specifies that it is for the GAF TPO roof and does not in any way release or relieve that other issue that we talked about with regard to the pre and post bid inspection obligations.

Councilman Deerin questioned if there is a problem, who do we go after? Mr. Arnette responded that it depends on what the problem is and why the Roof System fails. If it is a consequence of installation, then we would go after the installer. If it's a consequence of a manufacturing defect, then it's the Manufacturer. Councilman Tvrdek added that the GAF roof comes with a 35-year warranty by GAF and the installers are all GAF certified installers, which they monitor the installation process.

Discussion ensued including questions about whether the hold harmless would include failures from the roof that causes other damage to internal structures, why the agreement was necessary and if they didn't design anything with regard to the new roof system being put in why were they seeking insulation from that when the obligation would be on the installer, the Goldstein Partnership's request for the agreement before issuing the necessary change order, the inclusion of language that specifically excludes from the agreement the issue of whether or not a new roof was needed or should have been included in the in the bid specs.

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

XII. Honorable Clement V. Sommers:

#2020-120 Resolution designating 910 Oceanport Ave as "The Clement V. Sommers Municipal Building"

Mayor Coffey read the resolution in full honoring former Mayor Clement V. Sommers which was moved by Councilman Keeshen and seconded by Council President Gallo.

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

XIII. First Reading Ordinances - None:**XIV. Second Reading Ordinances:**

#1022 An Ordinance Limiting Use of Single Use Plastics

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance limiting use of single-use plastics and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only. **"AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER X, 'POLICE REGULATIONS', NEW SECTION X-Y ENTITLED "LIMITING USE OF SINGLE-USE PLASTIC BAGS, PLASTIC UTENSILS, POLYSTYRENE FOAM CONTAINERS, AND PLASTIC STRAWS BY BUSINESSES" OF THE CODE OF THE BOROUGH OF OCEANPORT"** was published one time in the Asbury Park Press on April 14, 2020.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance.

Kari Martin, 34 Hedge Drive, commended Councilwoman Walker and Councilman O'Brien for putting this ordinance forward, it was a long-time coming in order to recognize the impacts of plastics on the environment and the community itself and urged the Council to vote yes.

As no one else from the public wished to be heard, Mayor Coffey closed the public hearing on a motion by Councilman Deerin, which was seconded by Councilman O'Brien and approved by Council.

Councilman Deerin commented that he was in favor of the ordinance but proposed postponing the ordinance in light of information coming out regarding the virus, facts concerning other reusable bags, only a handful of stores would be affected and that until the virus gets cleared up he prefers to postpone it until more facts come out as far as the availability and the transmitting of this virus. A lot of other states have decided that and he thinks it would be prudent right now until they get more information.

Councilwoman Walker responded that she respects that request but pointed out that the ordinance effective date is not for another 200 days – about November. Councilman Deerin agreed then he doesn't have a problem with it.

Councilman O'Brien commented that introducing those into the store potentially creates an issue and there are alternative ways to get goods out of the store that don't necessarily involve plastic such as paper bags instead of plastic - whatever helps the public be cognizant of the plastic use that really impacts our community more so than maybe other nearby communities.

Council President Gallo commented that he was voting no as the ordinance doesn't really tell the store owners what they can use, he's noticed if you go into a food store and you see the plastic bag that they allow you to buy 15 cents, it's about 10 times thicker than the single use plastic bag and that's going to end up in the landfill if it's not recycled. If you look at the food stores and you're giving up the Styrofoam, they no use a big hard plastic container and plastic lid filling the landfill faster than Styrofoam would have. His point being that when we're changing one thing something else is going to have to change also.

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

RESULT:	ADOPTED [5 TO 1]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	Meghan Walker, Councilwoman
AYES:	Deerin, Keeshen, O'Brien, Tvrdik, Walker
NAYS:	Gallo

#1023 An Ordinance to Amend Chapter 223 designating Eatontown as the local enforcement agency

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance designating Eatontown as the fire prevention enforcement agency and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only. **"AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 223 "FIRE PREVENTION" TO DESIGNATE THE BOROUGH OF EATONTOWN BUREAU OF FIRE SAFETY AS THE BOROUGH OF OCEANPORT'S LOCAL ENFORCEMENT AGENCY"** was published one time in the Asbury Park Press on April 14, 2020.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance and gave the contact information for chat, email or phone.

As no one from the public wished to be heard, Mayor Coffey closed the public hearing on a motion by Councilman Deerin, which was seconded by Councilman O'Brien and approved by Council.

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

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

XV. Committee Reports:

1. Councilman Deerin, Parks and Recreation

Councilman Deerin reported most everything is on hold, a decision would need to be made by June 1st, whether to hold action camp as a number of things have to be put in place such as staffing, storage, tents and communication with parents. Recreation Committee looking at some virtual events, possibly decorating for Memorial Day, maybe a derby day; thanked Meghan and Dave Walker for the easter bunny event which was a tremendous success; Oceanport one of few towns that have tennis courts still open with many out of town people coming in to use and expressed concern that Oceanport residents have access and how the Mayor had addressed that with signups required;

2. Councilman Gallo, Public Works and Engineering

Discussion on Temporary Shared Services Agreement with Monmouth Beach

Council President Gallo reported on protocols implemented with the Department of Public Works, considerations of entering into a shared service agreement with Monmouth Beach who also has a small public works should there be an issue with staff related to coronavirus and allocation of resources. Also spring leaf collection ends April 30th.

Councilman Deerin added that he wanted to thank everyone for their support as his wife Stacy, Borough Chaplain, Police Chaplain had been diagnosed with COVID and very appreciative of the thanks and prayers poured out for them

4. Councilman O'Brien, Finance and Administration

- CFO's Report - Delinquent Property Taxes**

Councilman O'Brien reported that work continues on the municipal budget, expectations regarding revenues should not be impacted by measures taken for covid-19 however expenses remain unknown

and unpredictable and working to limit any additional strains on the residents; provided information to the community concerning availability of loans and other resources for small businesses; encouraged public to reach out to congressmen regarding a bill being considered that would allow FEMA to reimburse 100% of Covid19 expenses compared to the current reimbursement of 75%. Councilman O'Brien lastly took time to commend the efforts of our volunteer First Responders, Police Department, our resident healthcare workers and those just simply volunteering in big ways and small to improve the lives of our friends and families. He has met walkers along his street (abiding by the 6' social distancing) and finds spirits are high amongst the public and under the current circumstances things seem to be going as well as it can be expected. He also extended well wishes and good health to all, the public, members of the council, the Borough employees and Mr. Mayor. He concluded by turning over to CFO Katie LaPorta on the topic of property tax payments.

Ms. LaPorta and Mayor Coffey brought an update on the upcoming 2nd quarter tax payments, discussions on how to delay the due date which is not provided for statutorily – only the ability to waive the grace period; only option was to adjust the interest rate for delinquent payments which involved notice requirement challenges - every taxpayer would need to be notified by mail which would cost the Borough a lot of time and money; additionally the Borough is still required to remit to the regional and the local school district as well as the counties with the borough retaining about 28% for Borough business for which there was no postponement. Mayor Coffey questioned each council member as to their interest in adjusting the interest rate based on that information to which each member responded no interest.

Mayor Coffey advised that taxpayers should make their 2nd quarter tax payment on May 1st in order for the Borough to be able to meet its obligations.

3. Councilman Keeshen, Public Safety

Councilman Keeshen reported on great success with cooperation between the different departments working really well together, a plus for the Borough, OEM coordinators are doing great job actually of keeping everyone up to date, residents have been cooperating with the different situations that arise as far as our Emergency Services go and asked everybody to watch the Oceanport OEM website. He also reported on discussions with Monmouth Beach and a meeting scheduled for next week, they are in full support of this and looking to work with us and us with them should the situation arise where the public works is impacted by the virus and will be flexible to adapt and overcome anything.

5. Councilman Tvrdik, Planning and Development Liaison

Councilman Tvrdik advised he has been attending the bi-weekly job site meetings and performing a weekly walkthrough of the new Municipal complex. We have seen great progress at the Municipal complex as the interior framing and roughing is taking place right now at Police Headquarters; siding is almost complete and looking forward to seeing the roofing contractor start. They are full speed ahead after navigating through a few challenges with the building's change orders which have exceeded 20% of the original contract, but we are still under the \$11 million bond projected budget for the complex with the purchase price for the 13 .25 acres at a million and fifty-three dollars. I believe is a fantastic deal. It might not be as good as the Louisiana Purchase from France or the purchase of Alaska from Russia, but it was a great deal. \$11 million dollars is a great deal of money but when you consider the room that we will have 13 acres and the amount of office space we will have in both the new municipal building and the new police station – it's a bargain because to build these new would probably cost us around \$25 to 30 million dollars.

Our Planning and Zoning Board will be fully online this Tuesday so we can continue business. We will have our first virtual meeting with applicants testimony and a public comment portion. If all goes well, we will continue business as usual. If not, we will stop and head back to the drawing board. Oceanport is on the forefront with leading local municipalities thanks to the hard work efforts and dedication from our Borough Clerk Jeanne Smith, Board Attorney Kevin Kennedy, Board chairman Christopher Widdis, Vice chairman James Watson and president and CEO of Tetherview, Michael Abboud. Thank you all for your efforts everything you're doing. We are also currently working on starting virtual inspections on construction projects and asked that the public be patient with our building department as they are working tirelessly to get us back on track taking turns in the building.

Councilman Tvrdik further reported that the Martelli project at the former Borough site has completed almost all the berms around the property, with landscaping started on the berms. He addressed a few phone calls received about the trees and they are doing the best they can with what they have to work with and planting of all the new trees and bushes there was really coming out nice.

Councilman Tvrdik concluded with remarks on the passing of former mayor Clem Sommers, his accomplishments as he was responsible for a lot of the modernization of the town focusing on the future while recognizing the past. Clem was instrumental in improving our infrastructure and also beautification of our parks. One of his crowning achievements was removing the old downtown and replacing it. He was also responsible for the construction of the senior citizen building, Port au Peck chemical hose company and the former Borough Hall. Most importantly, he was a friend and mentor to anyone that knew him.

6. Councilwoman Walker, Health and Human Services Liaison

Councilwoman Walker reported on the number of covid cases from the County Board of Health, provided information for those in need of mental health support; an opportunity for those recovered from covid19 to donate plasma through a donor program with Robert Wood Johnson; assistance available for children and families for youth up to age 21, including mental health and substance use; available and free online webinars on various topics affecting us all including mental health tips, social, emotional needs, suicide prevention and for parents and teachers how to keep your sanity; extension of school closures and implementation of remote learning district-wide; commended both school districts for adopting on the "fly"; library remains closed but a new app available "Libby" that allows for e-books; she also highlighted volunteer groups "OCHO" (Oceanport community helping others) and "FLAG" "Frontline Appreciation Group" providing services and food to the public and health care workers.

Councilwoman Walker concluded her report by stating that there's been a lot of gratitude for first responders and she echoes that but also wanted to highlight the Borough Hall staff, Jeanne, Donna, Katie and everyone else at Borough Hall; It's remarkable how seamlessly it all seems to be continuing, and It's a lot of work to make it seem like it's normal and it's really not normal and she wanted those guys to know they all appreciate that very much.

XVI. Mayor Coffey's Report: Mayor Coffey offered remarks on the passing of Clem Sommers, the amount of years and influence exerted for the town, and the incredible things he was able to accomplish in his 91 years. Mayor Coffey also commented on the remarkable volunteerism from the community to help those less fortunate; Oceanport Gardens has been taken care of with donations of toilet paper and paper towels and other items; he and others remain in touch with the residents and seniors there; the tax issue has been exhausted but again payments are due May 1st, and while he anticipates further discussion by the State, the Borough remains beholden to make its payments when they are due. Mayor Coffey also commented on the emergency and, "unlike Sandy where the 'calvary' came in from different parts of the country, we're our calvary and I think Donna, Jeanne, John Johnson, Katie and everybody at Borough Hall. I can't tell you how amazing this has been to watch you all work together and with the employees there to get everything done that needs to get done... and we're getting it done by observing the mandates from the state of New Jersey as far as separation of our workers and social distancing and it's a testament to all of you at how easy this has been and we are far ahead of most municipalities as far as this digital lead that we've taken it even though we had some problems in the beginning and I'll hear about it from the Board of Education members that their meeting may have gone smoother last time than ours, but the fact of the matter is that we are far ahead of other municipalities and that's all through your hard work and determination before we have meetings and I can't say enough about how seamless it has been".

XVII. Petitions from the public: Mayor Coffey opened the meeting to petitions from the public. Public was advised to click button on "raise hand" to want to speak, email to publiccomments@oceanportboro.com or call the meeting line at 732.272.8337.

Mike Matthews, 22 Wardell Circle, asked what was the town's exposure if the Track didn't open this year. Mayor Coffey responded the track is like and other taxpayer and if they did not make payment it would go to tax sale. The Borough when short would have to do what's called tax anticipation notes in the short-term to make up whatever difference there is in our revenue.

XVIII. Adjournment: As there was no further business, the meeting was adjourned at 8:50 PM on a motion by Councilman Deerin, seconded by Council President Gallo and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK