



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • APRIL 20, 2023

Regular Meeting

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call 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 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, Statement to the Public:** 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	Present
Bryan Keeshen	Councilman	Present
Michael O'Brien	Councilman	Present
Keith Salnick	Councilman	Present
Thomas Tvrdek	Councilman	Present
Jeanne Smith	Borough Clerk	Remote
Andrew Bayer	Board Attorney	Present
Donna M. Phelps	Administrator	Present
Catherine D. LaPorta	Chief Financial Officer	Present

- V. **PUBLIC COMMENT - Action Items Only:** Mayor Coffey opened the meeting to the public for comments on Action Items only. As no one from the public appeared this portion of the meeting was closed.
- VI. **Administrators Report:** Ms. Phelps reported on items including claims reimbursement for unclaimed property; closeout of the County grant for \$250,000 for the municipal complex; notice received that the Borough was awarded \$74,000 for Trinity Park from the Local Recreation Improvement Grant from the State, a review of Open Space Funds available will determine the full scope of the project; the Borough has also been awarded a DEP Stormwater Management grant in the amount of \$25,000 which will be used to expand the Borough's mapping system to include the stormwater system by which Public Works can operate and manage - Steve Briskey will work with Buzz Baldanza to coordinate same; funding may also be used for anything related to stormwater including inspection; recent inspection by JIF and resulting Loss Control Report of items found acceptable and items with recommendations; newest DPW worker Bob Berg received compliments from resident, the Lions event sign is operational and steps being taken to get it installed; provided notice of JCP&L helicopter inspections of transmission lines.
- VII. **Consent Agenda:**
- #2023-105 1. Resolution authorizing payment of BILL LIST 04-20-23
 - #2023-106 2. Resolution authorizing refund of overpayment - Block 65, Lot 4
 - #2023-107 3. Resolution declaring the month of April 2023 as Child Abuse Awareness Month
 - #2023-108 4. Resolution authorizing facility use permit for New Marine Science Camp
 - #2023-109 5. Resolution urging support of Habitat for Humanity application for HOME funds program
 - #2023-110 6. Resolution authorizing Amended MOU with FMERA for Engineering Services - Demolition of Bldgs
 - #2023-111 7. Resolution awarding contract for Engineering Services related to FMERA MOU for Bldg 886 demolition
 - 8. Receipt & Acceptance of Minutes, Historical Committee, 01/12/2023
 - 9. Receipt & Acceptance of Minutes, Historical Committee, 02/09/2023

10. Receipt & Acceptance of Minutes, Parks & Recreation Committee, 01/18/2023
11. Receipt & Acceptance of Minutes, Parks & Recreation Committee, 02/08/2023
12. Receipt & Acceptance of Minutes, Parks & Recreation Committee, 03/08/2023

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

VIII. Resolutions:

#2023-112 Resolution appointing Connor J. Rogers as Patrolman I

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

OATH OF OFFICE: Mayor Coffey administered the Oath of Office to Patrolman Connor Rogers. Chief Kelly thanked the Mayor & Council for their consideration and approval of the additional officer.

#2023-113 Resolution authorizing an Agreement with Monmouth Beach for conflict UCC services. Mayor Coffey provided a detailed explanation of the Agreement, its purpose and terms. There was discussion on when the Agreement would apply and if it would include zoning/planning services which it would not.

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

#2023-114 Resolution authorizing release of performance guarantee to West End KB LLC

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

#2023-115 Resolution authorizing interim police security services for the Board of Education. Mayor Coffey provided a detailed explanation of the agreement, its purpose, and terms.

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

IX. MUNICIPAL BUDGET INTRODUCTION:

Councilman O'Brien provided a summary of the municipal budget process, the role of the Finance Committee, input from Borough departments, capital projects, debt financing and bonding types.

Councilman Salnick asked several questions about the budget, debt and interest rates. He commented at length on the budget process, lack of discussion or involvement in the process and expressed unwillingness to approve the budget document when he does not understand it. Councilman Salnick asked about the allocation of \$300,000 for a used fire engine when the Hook & Ladder needs a ladder truck. Councilman Keeshen responded that the budget is not done by company but by the department as a whole and it was the Hook that approached the Committee with the purchase of this specific engine they located. Councilman

Salnick commented at length on the future purchase plans for the department to replace old equipment and perhaps there should be further discussions to come up with a 3-5 year plan of the needs and wants to budget for the long-term instead of short-term. Councilman O'Brien stated that conversation was had. Mayor Tvrdek added that a Committee was put together since Frank Van Brunt was Chief followed by Michael Lippolis and that Committee did the research and due diligence to bring back to Council, not just jump into a \$1.5M investment and noted that all the new buildings going up have suppression systems. Councilman Keeshen added that he's fairly certain the Borough is a 2:1 and requires 2 serviceable engines and 1 ladder, currently there are 3 engines of which 2 are very aged. Councilman Salnick asked what the \$20,000 allocation was for buildings and was told it was anticipated that the roof would be replaced at the Community Center/Library. He commented that the building was old and in need of updating and recommended improvements. Councilman Salnick asked additional questions about the capital and debt portions of the budget and suggested consideration be given to revising the budget process moving forward.

#2023-116 Resolution Introducing & Approving the 2023 Municipal Budget

RESULT:	ADOPTED [5 TO 1]	NEXT MEETING (BUDGET HEARING): May 18, 2023
MOVER:	Michael O'Brien, Councilman	
SECONDER:	Bryan Keeshen, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdek	
NAYS:	Salnick	

#2023-117 Resolution authorizing self-examination of the 2023 Municipal Budget

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

X. First Reading Ordinances:

#1072 Introduction of Ordinance Establishing a COLA/CAP Bank for CY2023

Councilman Tvrdek called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS FOR 2023 CALENDAR YEAR (N.J.S.A. 40A:4-45.14)**" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdek moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of May 18, 2023 and to advertise same in accordance with the law, which was seconded by Councilman O'Brien.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 5/18/2023 7:00 PM
MOVER:	Thomas Tvrdek, Councilman	
SECONDER:	Michael O'Brien, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Salnick, Tvrdek	

#1073 Introduction of BOND Ordinance for Various 2023 Capital Improvements

Councilman Tvrdek called for the introduction of "**BOND ORDINANCE PROVIDING FOR VARIOUS 2023 ROAD AND DRAINAGE IMPROVEMENTS, BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,802,700 AND AUTHORIZING THE ISSUANCE OF \$1,716,857 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdek moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of May 18, 2023 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 5/18/2023 7:00 PM
MOVER:	Thomas Tvrdek, Councilman	
SECONDER:	William Deerin, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Salnick, Tvrdek	

#1074 Introduction of An Ordinance Adopting the UCC Mechanical Code

Councilman Tvrdik called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY ADOPTING THE STATE UCC MECHANICAL CODE PURSUANT WITH N.J.A.C. 23-3.4(D)**" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdik moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of May 18, 2023 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 5/18/2023 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	William Deerin, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Salnick, Tvrdik	

XI. Second Reading & Public Hearing Ordinances:**#1070** An Ordinance Amending Parks & Recreation 279 - Applications for Facility Use

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance amending Parks and Recreation areas for facility use 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 279 "PARKS & RECREATION AREAS" OF THE CODE OF THE BOROUGH OF OCEANPORT**" was published one time in the Two River Times on March 23, 2023.

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 Councilman O'Brien and seconded by Councilman Keeshen.

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, Gallo, Keeshen, O'Brien, Salnick, Tvrdik

#1071 An Ordinance Establishing a Memorial Benches & Picnic Tables Program

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance adopting a Redevelopment Plan 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 AND STATE OF NEW JERSEY ESTABLISHING A MEMORIAL BENCHES & PICNIC TABLES PROGRAM**" was published one time in the Two River Times on March 23, 2023.

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 Councilman Keeshen 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 O'Brien.

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

XII. Council Standing Committee Reports:

1. Councilman Deerin, Parks & Recreation – Reported on items including the parking situation at Blackberry Bay Park near the boat ramp and reminded pickleball players should not park by the boat ramp; Gatta Park continues to have garbage left on site by users and reminded everyone to please pick up after themselves; award of the grant for Trinity Park; great job by the REC Committee for the Easter Egg hunt; announced the upcoming dedication of the Community Center field as Mike MacStudy Sr Field in honor of his years of service as a volunteer with baseball, recreation and more.

2. Councilman Gallo, Public Works & Engineering – Reported on items including 2022 Road Program is underway, reviewed roads included for the 2023 road program, joint project with the County for improvements to County roadways with sidewalks, paving and storm drains
3. Councilman Keeshen, Public Safety – Reported on items including a successful Hook & Ladder Ham Dinner which had a good turnout; First Aid continues to run Bingo and seeking new members, reminded residents to keep debris out of roadways and to be mindful of their speed when travelling through town, as well as sign up for CodeRed for emergency alerts.
4. Councilman O'Brien, Finance & Administration – Councilman O'Brien offered his condolences for the loss of 2 long-time residents, Pauline Poyner and Bret Brummer – a loss shared by many. He offered additional comments on the budget process stating that for anyone not involved it can appear to be a 3-month crunch on studying cost increases, Borough needs, forecasting but in reality is a year-round focus for the CFO and Committee seeking ways to improve efficiency and savings. He encouraged everyone to attend the hearing on the budget on May 18. He also reported on items including this year's application for the sports betting wagering revenue, a portion of which will be put towards improvements at Gatta Park; acknowledged Mike MacStudy for his volunteer work, congratulated him on the honor of such a recognition and encouraged everyone to attend the dedication.
5. Councilman Salnick, Health & Human Services – Reported briefly on items including the schools have been on spring break, environmental and water watch uneventful, water quality is clear, meeting with library staff with ideas for improvements that hopefully can be incorporated into this year's budget.
6. Councilman Tvrdik, Planning & Development – Councilman Tvrdik commented on the sidewalk improvements particularly those to access schools, thanked the Finance Committee for their work on getting that funded; provided updates on drainage issue behind Wolf Hill School near Kimberly Woods and currently obtaining access easements; provided details on the cornhole tournament fundraiser for both firehouses being held at Monmouth Park; congratulated Connor Rodgers and wished him a long, successful career.

XIII. Mayor Coffey's Report: Mayor Coffey provided details on the upcoming Boy Scouts Spaghetti Dinner fundraiser on April 30th; advised that banners regarding the pickleball courts and parking were on order and would assist in making the parking clearer as well as rules for the use of the courts. Nets for the courts are up with the exception of one that needed to be exchanged, next phase is installation of fencing around the facility. Mayor Coffey provided an update on meetings with Netflix, review of the site, potential consideration for use of Aspire funds from the State for the project; also commented on the curbs and sidewalks being installed and the Borough would work with the residents and their concerns. He also extended thanks and appreciation for Mike MacStudy – his first friend when he came to Oceanport and has touched thousands of lives from generation to generation and is one of the most unselfish, giving individuals he's ever met and encouraged people to attend. Extended condolences to those families that have lost members this year.

XIV. Public Comments: Mayor Coffey opened the meeting for petitions from the public.

Don Solecki, 1 Russel Ave, commented and asked questions on the status of meetings with developers of the sites adjacent to the East Gate Community, complaints related to the new construction hours of operation, site access, debris, utilities, clean the dusty and muddy streets, police and code enforcement. Mr. Solecki also asked questions regarding the open space currently belonging to the East Gate Homeowners Association, the liabilities and maintenance concerns are burdensome. Mayor Coffey responded that in the long term it is contemplated that the Borough or County would take for open space.

Mark Patterson, 40 Itaska Place, thanked the Finance Committee and expressed appreciation for the countless hours developing the budget.

Mayor Coffey next addressed comments he received from resident Mrs. Lippolis concerning political signs, the ordinance requirements concerning said signs, the size of signs, the period of time (45 days in advance) permitted to be posted before election day. There have been other calls to code enforcement recently due to signs that have been posted earlier than permitted. Councilman Salnick asked questions regarding who enforces the ordinance regarding the signs, and what residents who have the signs posted should do to remedy.

As no one else from the public was present, Mayor Coffey closed that portion of the meeting.

XV. Adjourn to Executive Session at 8:42 PM:

#2023-118 Resolution authorizing an Executive Session, April 20, 2023
N.J.S.A. 10:4-12(b)(5) *Matters Relating to the Purchase, Lease or Acquisition of Real Property*
- Municipal Boundary
N.J.S.A. 10:4-12(b)(7) *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*
- Affordable Housing
- *Special Labor Counsel*

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

XVI. Return from Executive Session: At 9:37 PM, the Mayor and Council returned to the regular workshop meeting on a motion by Councilman Keeshen and a second by Councilman O'Brien.

XVII. Executive Session Action Item(s):

#2023-119 Resolution appointing Special Labor Counsel motioned by Councilman Keeshen, seconded by Councilman Deerin. There was discussion on the motion Councilman Salnick asked questions about how a professional is appointed, the contract amount and if it increases which Mr. Bayer responded to. Mayor Coffey added that the contract dollar amount does not impact selection, only paperwork required under Pay to Play for conflicts. Councilman Salnick stated he was recusing from the matter.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Bryan Keeshen, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik
RECUSED:	Salnick

XVIII. Adjournment: As there was no further business, the meeting was adjourned at 10:02 PM on a motion by Councilman Keeshen, seconded by Councilman Tvrdik and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK