



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • APRIL 4, 2024

Workshop

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Meeting Called to Order:** Mayor Tvrdik 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, 2024 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 Tvrdik led attendees and members of the Council in the flag salute and read the Statement to the Public.
- IV. **Roll Call:**

Attendee Name	Title	Status	ARRIVED
Thomas Tvrdik	Mayor	Present	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Bryan Keeshen	Councilman	Absent	
Michael O'Brien	Councilman	Present	
Keith Salnick	Councilman	Remote	7:03 PM joined by telephone
Patty Cooper	Councilwoman	Present	
Jeanne Smith	Borough Clerk	Present	
Andrew Bayer	Borough Attorney	Present	
Donna M. Phelps	Administrator	Present	
Catherine D. LaPorta	Chief Financial Officer	Present	

- V. **Public Comment on Action Items:** Mayor Tvrdik opened the meeting to Public Comment on Action Items Only. As no one from the public appeared, the public comment period was closed on a motion by Council President Deerin, seconded by Councilman O'Brien.

Councilman Salnick joined the meeting via teleconference call at 7:03 PM

- VI. **Action Items:**

#2024-105 Resolution authorizing payment of BILL LIST 04-04-2024

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

#2024-106 Resolution granting an extension to KKF University Enterprises – Councilman O'Brien asked for additional information. Mayor Tvrdik advised this was related to the deadline for their PILOT audit report and a request for a 30-day extension

RESULT:	ADOPTED [4 TO 0]	AYES: Deerin, Gallo, O'Brien, Cooper
MOVER:	William Deerin, Councilman	ABSTAIN: Salnick
SECONDER:	Michael O'Brien, Councilman	ABSENT: Keeshen

#2024-107 Resolution authorizing renewed agreement 2024-2025 with Sea Bright for Court Facilities

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael O'Brien, Councilman
SECONDER:	Patty Cooper, Councilwoman
AYES:	Deerin, Gallo, O'Brien, Salnick, Cooper
ABSENT:	Keeshen

- VII. **Clerk's Report:** Ms. Smith introduced Stephanie Kramer, new Deputy Borough Clerk, whose begun her training. Ms. Smith next reported on topics including potential new software for recreation purposes such as pickleball, tennis, boat ramp permits and possibly Clerk permits such as block party permits, etc.

Old Business:

1. Resolution authorizing an Interlocal Agreement with OPBOE for ground maintenance and snow plowing – *discussed and moved forward to next meeting*
2. An Ordinance to amend the Development Application Fee Schedule - *Discussed and moved forward for introduction at the next meeting*

New Business:

3. Resolution authorizing Tax Sale Redemption #23-00007 – *discussed and moved forward*
4. Discussion: Proposed Shared Services Agreement with West Long Branch for Court Services – Ms. Phelps provided a status on the potential shared services, advised it was presently waiting for approval by the Assignment Judge; advised that an employment opportunity had been posted seeking a deputy court administrator which will be needed with the increased volume of work; plan is to implement on May 1st, coordinating meetings were ongoing.

Minutes: Ms. Smith advised minutes were nearly complete and would be ready for the regular meeting.

- VIII. **Administrator's Report:** Ms. Phelps reported on items including meetings with fire department, review of members qualifications and certifications; implementation of the pickleball system and advised of badge fees; she attended the software demonstration for the recreation programs and agreed it would work for pickleball and tennis and possible action camp; there will be an Action Camp this year with registration open at this time; read a report update from DPW Superintendent of ongoing projects including most recent storm and recognized DPW staff Jorge Segura, Juan Merino, Dan Swoope, John Carroll and Jay Swoope for a superior job in eliminating a hazardous condition and thanked the governing body for their investment in staff training and equipment which may have saved several thousands of dollars and perhaps more in liability.

2024 BUDGET – Councilman O'Brien provided an update on the final stages of the Borough's budget for 2024 and was pleased to report that the amount of taxation to be raised would remain flat, year over year; there was an increase in average asses home values – \$722,000 last year and \$748,600 this year. The municipal portion of the tax bill will remain unchanged. They have also made the decision to not incur any new debt and will be using surplus to handle new capital purchases including emergency vehicles, first aid equipment, public works equipment and the road program. Budget will be submitted for introduction at the next meeting. He further reported that debt service for Maria Gatta Park is \$235,000 annually with revenues of \$176,00 generated year to date and the Borough is on track to meet and exceed the goals for that park's improvements.

- IX. **Mayor's Report:** Mayor Tvrdik's advised receipt of resident Mike Sikand's letter seeking to donate trees and pay for their planting to replace the ones that were damaged during the storm. He also reported on a request from FMERA to enter another MOU – this one would entail demolition of buildings across from Baseline Social (such as the old Burger King), proposals are being prepared and would be submitted for a future meeting. He also provided an update on the planned improvements at Monmouth Park – they have filed their CAFRA application, performing soil testing and anticipated for construction to begin in mid-summer 2025. Monmouth Park Developers have approached the Borough for a letter of support for their ASPIRE funding application to the State. While he remembers the Monmouth Park of old, change is inevitable, and polled Council for their comments. General consensus was to table the request for the next meeting to allow time for the public to access as well.

- X. **Public Comment:** Mayor Tvrdik opened the meeting for public comments. The following persons appeared and expressed comments on the various topics:

- Rosanne Letson, 50 Deer Park Path, Tinton Falls, provided an update on the Historical Committee's activities including historical signage panels ordered for Old Wharf Park, there are additional plans being considered to do additional signage panels for other places in the Borough with historical significance. The Committee would also like to consider having a clam bake.

Gary LaBruno, 50 Wyandotte Ave, commented on the plans for Monmouth Park may not be in the best interests of the area; expressed concern that the agenda public comment statement as read in the meeting may be a violation of 1st amendment rights, recounted his own experience in the past with his information being posted publicly by a council member and the public should be able to address members of the governing body and why is the statement on there. Borough Attorney Andy Bayer advised that the idea is that it is not to be used as a cross-examination and that the public is addressing the body as a whole, not individual members, however, members can respond if they want to but are not required to. Councilman Salnick added his thoughts that he will make himself available any time to answer the public's questions. There was further commenting including the Borough Clerk as to the purpose of the statement which ultimately is more procedural than literate.

Mark Patterson, 40 Itaska Place, also commented on the public comment topic that he thinks it is important to be consistent which this governing body has practiced and is similar to the statement used by the Board of Education. His understanding is that it is not a back and forth public comment, but an opportunity to present comments and questions - they can ask questions,

and then they leave, and then when they leave, that's when questions are supposed to be answered. Now, this council doesn't handle it like that and neither does the Board he sits on, and he is not speaking as a BOE member, just a resident making observations and is thankful that both bodies are transparent. There's a difference between how it *can* be handled and how it *is* handled. Mr. Patterson also questioned the status of the Aspire application process for the track and the importance of the community benefits discussion and the timing of same.

As no one else from the public appeared, Mayor Tvrdik closed that portion of the meeting.

- XI. **Adjourn to Executive Session:** At 7:43 PM Councilman O'Brien made a motion to adopt the resolution to enter Executive Session which was seconded by Council President Deerin and received the following roll call.

#2024-108 Resolution authorizing an Executive Session, April 6, 2024

- ☒ N.J.S.A. 10:4-12(b)(5) *Matters Relating to the Purchase, Lease or Acquisition of Real Property*
- *Potential Open Space Acquisitions*
- ☒ N.J.S.A. 10:4-12(b)(7) *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*
- *Affordable Housing Agreements*
- ☒ N.J.S.A. 10:4-12(b)(8) *Matters Relating to the Employment Relationship*
- *Construction Official Position*

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

- XII. **Return from Executive Session:** At 8:55 PM, the Regular Meeting was re-opened on a motion by Councilman Gallo, seconded by Councilman Deerin.

- XIII. **Action from Executive Session:**

#2024-109 Resolution appointing Michael Thulen as Construction Official

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Deerin, Councilman
SECONDER:	Patty Cooper, Councilwoman
AYES:	Deerin, Gallo, O'Brien, Salnick, Cooper
ABSENT:	Keeshen

- XIV. **Adjournment:** As there was no further business, the meeting was adjourned at 8:58 PM on a motion by Councilman O'Brien, seconded by Councilman Deerin and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK