



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • MARCH 21, 2024

Regular Meeting

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call 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.

IV. **Roll Call:**

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

- V. **GUESTS:** Monmouth County Commissioner, Director Tom Arnone and Monmouth County Clerk, Christine Hanlon gave a presentation on the County's 250 America campaign to celebrate America's 250th birthday, historical events that occurred in Monmouth County, special events planned and seeking to get the involvement by municipalities, businesses, other entities and residents of Monmouth County.
- VI. **PUBLIC COMMENT - Action Items Only:** Mayor Tvrdik opened the meeting to the public for comment on action items only. As no one from the public appeared, that portion of the meeting was closed.
- VII. **Administrator's Report:** Ms. Phelps report included information and updates on topics including: the 2024 Municipal Open Space Grant program was now open with applications due July 11th and requested Mayor & Council input on potential projects to consider; Sea Bright has requested renewal of shared court services agreement with action scheduled for the April 4 meeting; progress on the message board installation on Port Au Peck Avenue; NJ American Water will be conducting its 2024 flushing program; appointment to Executive Committee of the NJSEM that aggregates public entities energy purchasing power; interviews for the full time Construction Official; progress on the preparations of the 2024 municipal budget.
- VIII. **Clerk's Report:**
- Request for Waiver of 331-8.4(C) for 18 Ausable Ave – Ms. Smith reviewed the resident's request for a waiver of the pavement repair requirements when installing utility connections to the property. There was discussion after which it was agreed that if the work was completed before the Borough's paving improvements at the terminus of Ausable and Seneca anticipated for June 2024, repairs would be per the ordinance. Otherwise the moratorium requirements including penalties would apply if the resident needed to open any portion of the terminus. A resolution will be prepared to confirm same for the next meeting.
 - Resident Request for Easement Encroachment - 79 Iroquois Ave. Anna Pierce, owner of 79 Iroquois Ave received Planning Board approval for improvements to her property subject to approval by the Governing Body to place improvements into/on/over the Borough's Drainage Easement. Discussion ensued on the potential liabilities and inherent consequences. Borough Attorney will prepare a License and Hold Harmless Agreement placing the responsibility on the property owner for the next meeting.
- Ms. Smith lastly thanked the Governing Body for their consideration of the Deputy Borough Clerk position.
- IX. **Consent Agenda:** Mayor Tvrdik stated there were 9 items on consent and asked if any member need an item taken separately. Councilman Salnick asked to Item #9 separately. Councilman Salnick made a motion to approve the remaining 8 items which was seconded by Councilman Gallo and approved by Council.

- #2024-92 1. Resolution authorizing payment of BILL LIST 03-21-2024
- #2024-93 2. Resolution approving the extension of the 2024 temporary budget
- #2024-94 3. Resolution Setting the Fees for 2024 Summer Action Camp
- #2024-95 4. Resolution to Cancel Uncollectible Taxes
- #2024-96 5. Resolution appointing an Administrative Assistant for the Tax Assessor's Office
- #2024-97 6. Resolution authorizing Change Order #2 to 2022 Road Program - Meco Inc
- #2024-98 7. Resolution authorizing option for 1-year extension of solid waste & recycling contract
- #2024-99 8. Resolution authorizing the purchase of SDL Software Licenses

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

SEPARATE:

#2024-100 Resolution approving amended certified LOSAP list for 2023 - First Aid. Councilman Salnick asked for additional information on the history of the LOSAP process and the vetting of persons named on LOSAP lists.

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

X. Minutes:

1. Mayor & Council - Workshop - Feb 1, 2024 7:00 PM

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

2. Minutes of Feb 15, 2024 7:00 PM, Withdrawn

XI. Resolutions:

#2024-101 Resolution authorizing endorsement of TRWRA Applications to NJDEP for Riverside Ave Extensions

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

#2024-102 Resolution appointing Stephanie Kramer as Deputy Borough Clerk

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

#2024-103 Resolution appointment of Kelly O'Toole as Public Works Manager – this item was withdrawn for further consideration.

#2024-104 Resolution supporting Netflix application to the Aspire Program

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

XII. First Reading Ordinances:**#1091 Introduction of An Ordinance Creating Positions and Setting Salary Ranges for Various Positions**

Councilman O'Brien called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY SETTING FORTH AND AMENDING THE SALARY RANGES OF CERTAIN BOROUGH OFFICERS AND BOROUGH EMPLOYEES PASSED AND APPROVED MARCH 16, 1939 AND LAST REVISED AND APPROVED ON DECEMBER 14, 2023**" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman O'Brien moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of April 18, 2024 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 4/18/2024 7:00 PM
MOVER:	Michael O'Brien, Councilman	
SECONDER:	William Deerin, Councilman	
AYES:	Deerin, Gallo, O'Brien, Salnick	
ABSENT:	Keeshen, Cooper	

XIII. Second Reading & Public Hearing Ordinances:**#1088 Ordinance Accepting Dedication of Carty Ave from FMERA**

Councilman O'Brien called for the 2nd reading and Public Hearing of an ordinance replacing Chapter 284 of the Code 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 ACCEPTING DEDICATION OF CARTY AVENUE FROM THE FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY AND IMPOSING TRAVELING AND PARKING RESTRICTIONS**" was published one time in the Two River Times on February 22, 2024.

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

Councilman O'Brien motioned to adopt the ordinance and advertise in accordance with law, seconded by Councilman Gallo.

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

#1089 An Ordinance Amending Parks & Recreation 279 designating Veterans Field as a Borough facility

Councilman O'Brien called for the 2nd reading and Public Hearing of an ordinance replacing Chapter 284 of the Code 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 FOR THE ESTABLISHMENT OF VETERANS FIELD**" was published one time in the Two River Times on February 22, 2024.

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

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

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

#1090 An Ordinance for Renewal of Comcast Franchise Agreement

Councilman O'Brien called for the 2nd reading and Public Hearing of an ordinance renewing franchise agreement with Comcast 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 GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF MONMOUTH COUNTY TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY"** was published one time in the Two River Times on February 22, 2024.

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

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

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

XIV. Council Standing Committee Reports:

1. Councilman Deerin, Parks & Recreation – Reported on items including anticipated inclement weather for this weekend that will postpone the Easter Egg Hunt; Maria Gatta Park is 95% booked for the spring session; due to Public Works, fields are ready for play; discussions on implementing badge system for tennis and pickleball courts to cover maintenance costs; plans for the Memorial Day Parade are underway and asked for suggestions on a Grand Marshal; provided details on a memorial fundraising race to help veterans being hosted by West Long Branch Recreation. Councilman Salnick asked questions about the parking by the boat ramp and consider putting no parking. Councilmen O'Brien and Deerin responded that there are signs which were temporarily down while the improvements were being made and will be put back up again.
2. Councilman Gallo, Public Works & Engineering – April is spring cleanup and encouraged residents to put out leaves for collection on a timely basis and reminded residents no sticks or other materials – only leaves.
3. Councilman Keeshen, Public Safety – Mayor Tvrdik reported Councilman Keeshen unable to attend as his daughter is performing in Maple Place School play that evening. Reminder that Bingo was this weekend for the First Aid and the Hook & Ladder will be holding their Ham Dinner fundraiser. Reminded residents to slow down as kids are out and using the parks.
4. Councilman O'Brien, Finance & Administration – Reported on progress with the municipal budget and echoed Mayor Tvrdik's comments to please be mindful of residents utilizing the recreational facilities, streets and sidewalks and please slow down.
5. Councilman Salnick, Health & Human Services – Reported on items including new full time Superintendent, Dr. Berry, for the Oceanport Schools; commented on the somewhat confrontational topic regarding busses and asked everyone to stay patient as no final decisions have been made. Mayor Tvrdik interjected they are not eliminating courtesy bussing – not after confrontation but after discussion and dialogue the decision was to keep the bussing. Councilman Salnick provided details on the school's budget hearing.
6. Councilwoman Cooper, Planning & Development – Mayor Tvrdik advised Councilwoman Cooper was also involved with the play at Maple Place School and would provide report in conjunction with his Mayor's report.

XV. Mayor Tvrdik's Report: Mayor Tvrdik advised that JCP&L will be before the Planning Board for waivers this Tuesday coming, encouraged residents to attend; reported on bi-monthly meetings with Netflix – plans to close in 2025 with Phase I to come before the Eatontown and Oceanport Planning Boards for site plan; demolition of existing buildings to commence 4-6 months.

1. Designate Planning Board as the Cross Acceptance Committee for State Planning Commission – Mayor Tvrdik reported that the State would be reviewing the State Plan and has designated members of the Planning Board to work with the County.
2. Mayor's Ad Hoc Netflix Community Benefits Committee Appointments
3. Mayor's Ad Hoc Monmouth Park Community Benefits Committee Appointments
Mayor Tvrdik advised that part of the development planned for both the track and Netflix involves community benefit agreements and committees to review and recommend benefits which include but are not limited to open space, arts programs, public safety, infrastructure. He gave a final call for interested persons to volunteer for this committee.
4. Planning Board Appointment

BE IT RESOLVED that Mayor Tvrdik makes the following appointments to the Planning Board:

Louis J Padula, Jr.

Alternate II

Unexpired Term Ending 12/31/25

Mayor Tvrdik further recognized retiring Board member Rusty Kleiberg for his instrumental role and vital volunteer service.

XVI. Public Comments: Mayor Tvrdik read the guidelines for Public Comment and then opened the meeting for comments from the public.

Thomas Arnone, wanted to congratulate the town on some of the progress made with Netflix and reassured them that the County welcomed the town's input on any part of the Fort Monmouth redevelopment that involves the County. He also commented on changes being made to permit open space grant funds to increase allowable project funds to \$500,000 and the availability of unique funding for communities on the water.

Billy Jo Caruso, 47 Wardell Circle, expressed concerns regarding the traffic increase and the issues being experienced on Wardell Circle where Nicholson enters but is too narrow for 2 vehicles to pass at same time or trucks that cannot backup and end up using her driveway to pass. The neighborhood is very active with walkers, kids, bicycle riders. She appealed to the Council to consider making the roadway one-way for that section as the road is only 14' wide and what department could look into this. Mayor Tvrdik recommended that the matter be reviewed by the Planning & Development Committee along with the Borough Engineer. Discussion ensued on issues including increased volume of traffic, beach traffic that cuts through, whether to make Nicholson Place a terminus and Wardell Circle a one-way.

William Green, 8 Nicholson Place, also commented on the ongoing issue on Wardell Circle and most recently traffic issues because of closures on Comanche Dr, large trucks, the lack of signage, signage that prohibits trucks from using Nicholson, create a pedestrian street as an alternative, the high speeds of travelers coming through Wardell and safety concerns. Mayor Tvrdik commented that they'll have the development committee meet and go over it.

As no one else appeared, that portion of the meeting was closed on a motion by Councilman O'Brien, second by Councilman Gallo and approved by Council.

Mayor Tvrdik advised that they would take the agenda out of order in order to re-read the first reading of Ordinance #1091 by the updated title in order to add the creation of the position of Assistant Construction Official.

First Reading Ordinances:

#1091 Introduction of An Ordinance Creating Positions and Setting Salary Ranges for Various Positions

Councilman O'Brien called for the introduction of "AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY CREATING THE POSITION OF ASSISTANT CONSTRUCTION OFFICIAL AND SETTING FORTH AND AMENDING THE SALARY RANGES OF CERTAIN BOROUGH OFFICERS AND BOROUGH EMPLOYEES PASSED AND APPROVED MARCH 16, 1939 AND LAST REVISED AND APPROVED ON DECEMBER 14, 2023 " and then asked the Clerk to read the proposed ordinance by title only, after which Councilman O'Brien moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of April 18, 2024 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 4/18/2024 7:00 PM
MOVER:	Michael O'Brien, Councilman	
SECONDER:	William Deerin, Councilman	
AYES:	Deerin, Gallo, O'Brien, Salnick	
ABSENT:	Keeshen, Cooper	

XVII. Adjourn to Executive Session: Mayor Tvrdik advised that this item was being withdrawn for a future meeting date when all members of the Council would be present.

XVIII. Return from Executive Session: N/A

XIX. Adjournment: As there was no further business, the meeting was adjourned at 8:30 PM on a motion by Councilman Gallo, seconded by Councilman O'Brien and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK