



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • MARCH 18, 2021

Regular Meeting

REMOTE/VIRTUAL

7:00 PM

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

- I. **Call to Order:** Mayor Coffey called the meeting to order at 7:02 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 Chaplain Stacy Deerin was unable to attend.
- 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	Present	
Scott Arnette	Board Attorney	Remote	
Donna M. Phelps	Borough Administrator	Remote	
Catherine D. LaPorta	Chief Financial Officer	Remote	

- VI. **GUEST: FMERA Staff Monthly Update:** Mayor Coffey advised that FMERA had no updates for this month. Parcel B in Eatontown has been put back out for sale.
- VII. **Administrators Report:** Ms. Phelps reported on items included SCAT availability for vaccine appointments; the volunteer committee for the pool revitalization asking for funding to do an evaluation on the pool at a cost of \$250-\$750 – majority of Council was ok with that; MEL JIF update on steps to enact cannabis ordinance in light of recent legislation and recommends a total prohibition and start process soon due to time constraints; continues to reach out to State for status on the Borough's portion of sports wagering tax with no response to date. Councilman Tvrdik asked questions about SCAT age limits; Councilman O'Brien asked if the borough's cannabis ordinance was nulled by the State which Mayor Coffey responded yes. Mayor Coffey commented at length on the terms of the new cannabis law and the Borough's options for response.
- VIII. **Clerk's Report:**
 1. Fort Monmouth Plan Amendment #17 – Ms. Smith advised that the Borough had received, was distributed, briefly summarized the location in Eatontown near Tinton Falls, responses received amounted to no comment or concerns and would schedule for next meeting for Council response.
 2. Facility Request for Use of BBB Pavilion - Lacrosse Coaches Training; Ms. Smith advised another group interested in using Borough buildings; Councilman O'Brien had offered to be the official on site and obtain completed forms and ensure that established protocols were followed. No objections. The Garden Club has asked to begin using the Pavilion for their meeting – Councilman Tvrdik offered to be the official on site for completed forms and ensure compliance. No

objections. Two requests for use of the park by Oceanport PTO and the Maple Place 8th Grade to hold fundraising events; provided details, reviews by traffic and Council; no objections. There was also discussion on how to streamline the approval process for field use.

3. Facility Request for Use of Charles Park – Yoga – Same use as last year but wants to consider charging this year; seeking extended use; ordinance does not accommodate a fee for this type use; agreed that ordinance does need to be updated; use permitted as long as no fee was charged; revisit if they decide to charge a fee.

Mayor Coffey also discussed an overlap of Shore Little League's use of the fields at same time as other users and they've agreed to be flexible and work with the other groups such as Over 40 Softball.

Ms. Smith next read for the record a thank you letter from Boy Scout Troop 58 for the use of the Port Au Peck Firehouse for their meetings with special thanks to Councilmen Gallo and Tvrdik for their advocacy and support. Councilman Tvrdik recognized resident John Modeski, Serv Pro for his commitment to sanitize the building after each use. Councilwoman Walker added that she had received a thank you note from scout Zilincar to Mayor and Council and read notes from each of them.

4. Temporary Outdoor Dining – Ms. Smith advised that she had worked with Mr. Arnette to draft a resolution per the Council's direction at the last meeting; in the interim the Legislature had passed a new law which established the permissions and exemptions for temporary outdoor dining through 2022 which invalidated the protocols that were discussed. That item will need to be pulled and revisited in order to comply with the new law and come back to a future meeting. She also noted that the State ABC had extended approvals for liquor licenses for outdoor dining
5. Dog & Cat License Renewals – Ms. Smith advised of the impacts of COVID and software glitch and asked for the authority to waive the late fee through May for renewals which met with no objections.

IX. Consent Agenda:

- | | |
|-----------------|--|
| #2021-69 | 1. Resolution authorizing payment of BILL LIST 03-18-2021 |
| #2021-70 | 2. Resolution authorizing a contract with Shore BOE for Student Transportation 2020-2021 |
| #2021-71 | 3. Resolution authorizing Refund for Overpayment, Block 7, Lot 23.02 |
| #2021-72 | 4. Resolution authorizing aerial mosquito control operations 2021 |
| #2021-73 | 5. Resolution authorizing Contract for Cleaning Services for 2021 |
| #2021-74 | 6. Resolution authorizing permits for Facility Use - Spring 2021 |
| #2021-75 | 7. Resolution appointments to Boards & Committees, Recreation |
| | 8. Approval of First Aid Membership, Jonathan Ryan |
| | 9. Approval of Fire Department Membership, Kyle Crochet |
| | 10. Receipt of Minutes, Parks & Recreation Committee, 01/13/2021 |
| | 11. Receipt of Minutes, Historical Committee, Jan. 14, 2021 |

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

X. Minutes:

1. Mayor & Council - Reorganization Meeting - Jan 7, 2021 7:00 PM

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

2. Mayor & Council - Regular Meeting - Jan 21, 2021 7:00 PM - Minutes were withdrawn until next meeting.

3. Mayor & Council - Workshop - Feb 4, 2021 7:00 PM

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

4. Mayor & Council - Regular Meeting - Feb 18, 2021 7:00 PM - Minutes were withdrawn until next meeting

XI. Resolutions:**#2021-76** Resolution approving place-to-place transfer of Liquor License - Marina at Oceanport

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

#2021-77 Resolution opposing ACS 1571 & 1576 concerning Prevailing Wage Act

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

#2021-78 Resolution authorizing Public Sale of Fort Monmouth Special Liquor License(s)

There was discussion on the item; explanation of the process, minimum set bid and the locations and limits.

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

#2021-79 Resolution authorizing an emergency temporary appropriation

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

XII. First Reading Ordinances:**#1033** Introduction of An Ordinance Providing for Updates to Chapter 223 Fire Prevention - *Amended*

Councilman Tvrdik advised Ordinance #1033 was originally scheduled for a public hearing and second reading this evening. However, comments have been received from the Fire Official in conjunction with State review for additional amendments to the ordinance. I'd like to make a motion to accept the proposed amendments to the ordinance which was seconded Council President O'Brien with no objections.

Councilman Tvrdik next called for the re-introduction of "AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 223 FIRE PREVENTION " 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 April 15, 2021 and to advertise same in accordance with the law, which was seconded by Councilwoman Walker.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 4/15/2021 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Michael O'Brien, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik, Walker	

An Ordinance Creating Chapter 245 "Housing"

Mayor Coffey advised that this ordinance was being withdrawn as the construction official had asked to be consulted and the Mayor will meet with him to advise what the Governing Body intends for the ordinance to implement.

XIII. Second Reading Ordinances:

#1035 An Ordinance to Increase Fees for Liquor Licenses

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance amending liquor license fees 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 AMENDING CHAPTER 115 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ALCOHOLIC BEVERAGES" FOR THE INCREASE IN FEES FOR LIQUOR LICENSES"** was published one time in the Two River Times on February 25, 2021.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance and gave the means by which to participate. As no one from the public presented to be heard, the public hearing was closed on a motion by Council President O'Brien and seconded by Councilwoman Walker.

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

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

XIV. Committee Reports:

1. Councilman Deerin, Parks and Recreation – Thanked Mayor Coffey and others for their efforts in getting vaccinations for the seniors in town; reported updates on pickleball courts project including fencing and lighting; community center project proceeding, gave details on improvements to be made with completion estimated for Fall 2021, subject to review by the County for the grant funding, bidding process, etc.; plans being explored for improvements to Maria Gatta Park.
2. Councilman Gallo, Public Works and Engineering – Reminded residents of spring clean up in April; just leaves to curb; twigs and branches should be tied for trash service; road program work has begun with curb work on Comanche and Main and more to begin in earnest after Easter; 2021 program will be discussed with budget introduction.
3. Councilman Keeshen, Public Safety – Reminder to keep doors locked; OEM working on multi-agency drill in near future for interagency coordination; fire department fundraiser ongoing and urged residents to support both organizations.
4. Councilman O'Brien, Finance and Administration – Capital needs being reviewed as part of budget process to be finalized and presented to Council shortly; provided an overview of department identified impacts from a scheduled power outage by FMERA, issues that arose and proposed solutions to address including consideration of a backup generator for the municipal building.

Councilman Tvrdik asked for discussion on the information and process for vaccinations for the Borough's seniors. Mayor Coffey advised of available dates and limited doses; eligibility for 65 and older; SCAT transportation available for those 60 and older; outstanding item to address is vaccination for those homebound.

5. Councilman Tvrdik, Planning and Development Liaison – Updates on Planning Board, meetings every week that month to address volume of applications; special meetings scheduled; described applications for the Fort Monmouth commissary and Allison Hall sites pending before the Planning Board – restaurant, store fronts and a drive thru; increase in resident participation and encouraged the public to be involved; progress on the municipal Court room – woodwork installed and looking forward to returning to in-person meetings.
6. Councilwoman Walker, Health and Human Services Liaison – Reiterated efforts with County and state representatives to obtain vaccine doses for the Borough's eligible seniors; thanks to Monmouth Medical Center; provided details to schedule a SCAT transportation to a vaccine appointment; update on schools – new superintendent hired full time; vacant Board of Education seat was filled by Patrick McSorley.

XV. Mayor Coffey's Report: Mayor Coffey commented that efforts to get vaccinations are continuing, eligible persons should email him to be registered and receive a call back for an available appointment either at Monmouth Medical or in Freehold; welcomed Patrick McSorley to the Board of Ed who has been a pillar in the community. Mayor Coffey advised that speeding continues to be an issue, urged residents to slow down; residents have donated "slow down" signs to be put up. Mayor Coffey also reminded residents to pick up after their dogs.

XVI. Petitions from the public: Mayor Coffey opened the meeting to the public and provided the participation information.

Ms. Smith read an email submitted by Natalie Papalieu, 89 Bridgewaters Drive, on behalf of the boy scouts attending the meeting, asking if the time capsule for Old Wharf Park would be opened and when and asking for more sidewalks on Asbury Ave and Monmouth Blvd. Mayor Coffey responded that Monmouth Blvd was a county road so does not belong to the borough; the County was installing all along Myrtle Avenue, no plans for Asbury or Bridgewaters Drive. The time capsule was buried in 1976 so wouldn't be opened until 2076. There was discussion whether that date was correct and should be 2026, to be researched.

Ms. Smith read an email submitted by Augie Zilincar, 7 Bungalow Place, who asked if there would be rec basketball this year and was told, hope was to do an outdoor one this spring subject to volunteers and in the Fall would be subject to the school making the facilities available. Also, would the town pool be opened. Mayor Coffey answered that there was a group of citizens doing a survey of residents being collected on what to do with the pool – would likely not be opened this summer.

Lou Padula, 161 Monmouth Blvd, expressed concern and sought guidance about the extensive time taking for the Planning Board attorney to get variance resolution finalized thus delaying him from getting his building permits. Ms. Smith advised that there had been changes requested brought to the Board, some accepted, others not, but she would speak with Mr. Kennedy the next day. Mr. Padula also questioned the variance expiration period being 36 months and asked for that to be looked at. Mr. Arnette interjected that the questions being asked should be presented to the Planning/Zoning Board from a jurisdictional perspective and recommended he direct his concerns there. Mayor Coffey commented that he would work with Ms. Smith to get this resolved.

Beth Watkins, 42 Elizabeth Drive, asked about the PTO event discussion, they do need the field with the other stuff. Ms. Smith responded that the whiffle ball would require field use, it was the other items that required special event.

Kyle Clayton, 30 Tohicon Place, thanked the Mayor & Council for their support with the pool and asked about the clearing being done between the pool fence and the river. Councilman Gallo suggested asking public works. Mayor Coffey said he would find out tomorrow. Mr. Clayton asked about the erosion around the perimeter at Community Center and if curbing could be put in place. Councilman Deerin answered that they would be regrading the entire park to address erosion. Mayor Coffey thought that the work was not related to the Tohicon side. Ms. Phelps said she would check with the Engineer. Mr. Clayton understood that project was under way and would appreciate if they could do anything to address it

Cecilia Mancini, 59 Hunters Run, commented that she walks around town a lot and there seems to be a problem with litter particularly at Gatta Park and asked if there were any volunteer groups or the town have a plan to address as it seems a bigger problem than just someone picking up. Mayor Coffey responded that it is an issue, state-wide, and possible Public

Works could address. Ms. Mancini stressed that it wasn't a complaint but thought perhaps putting a group together to do a weekend event and spur volunteerism. Councilman Tvrdik commented that the Boy Scouts were out picking up trash in Blackberry Bay Park the week prior; and suggested a neighboring town's program "neighbors helping neighbors" and he would like to start a group available to help out. Ms. Mancini added that educating the public is also important and would like to help with that as well. Councilwoman Walker suggested working with the school's to put something together for Earth Day.

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

XVII. Adjournment: As there was no further business, the meeting was adjourned at 8:59 PM on a motion by Council President O'Brien, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK