



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • MARCH 17, 2022

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:** Boy Scout led attendees, Mayor and members of the Council in the flag salute.

IV. **Roll Call:**

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

- V. **GUEST: FMERA Staff Monthly Update:** Mayor Coffey advised no one from FMERA was present, but provided an update on the flag pole issue and that the County had committed to repairing the pole and are confirming availability of a 125' ladder truck with hope to fly flag by next week.

GUEST: Bill Knauf, Vice President of Business Operations at Monmouth Park, appeared with Michael Gallagher from Collier's Engineering & Design, and presented for the Council the new capital project for a new Caesar's Sportsbook building in the planning since before COVID. Mr. Gallagher displayed aerial image of the site and described for the governing body the proposed improvements, parking, bus stands, landscaping, parking tree islands, decorative lighting, patio modifications to accommodate the new building. The project entailed less than an acre of disturbance and would actually reduce impervious surfaces, would tie into existing utilities, and proceeding with applications to Freehold Soils and Two Rivers Sewer Authority. Mathew Vargas, Architect with Studio3877, who prepared and provided a description of the architectural plans for the project. Questions and discussion covered topics such as size compared with existing facility, capacity, timeframe for construction, ingress and egress, parking modifications, landscaping, type of restaurant – upscale sports bar, operator, concessionaire/liquor license under main facility license, suitability with the surrounding neighborhood for exterior appearances – to be understated but also Caesar brand and motif with columns and arches, impacts on emergency services, appearing before the Planning Board for a capital presentation next month.

- VI. **Administrators Report:** None

- VII. **Clerk's Report:** Ms. Smith reviewed agenda items and any changes since Workshop meeting. Ms. Smith reviewed a request by a resident for a charity tennis tournament with funds to be donated to a Borough approved organization such as recreation, fire department, etc. and seeking a waiver of the fees. Discussion included other tennis reservations with ladies tennis having priority, the need for all participants to provide hold harmless. It was not a Borough sponsored event. No objections but would need to provide a letter of commitment with acknowledgment from the organization and work out details. Mr. Arnette will review with Ms. Smith and bring back for April meetings.

- VIII. **Consent Agenda:** Ms. Smith advised that there were 14 items on consent agenda with Item #2 to be removed and taken separately. A motion and second were made to approve the remaining 13 items.

- #2022-65 1. Resolution authorizing payment of BILL LIST 03-17-2022
separate 2. Resolution approving certified LOSAP lists for 2021
#2022-67 3. Resolution opposing extension of Governor's Executive Orders beyond Public Health Emergency
#2022-68 4. Resolution authorizing option for 1-year extension of solid waste & recycling contract

- #2022-69 5. Resolution authorizing aerial mosquito control operations 2022
 #2022-70 6. Resolution urging the Legislature to restore Energy Tax Receipts
 #2022-71 7. Resolution authorizing letter to NJDOT for Monmouth Park heliport
 #2022-72 8. Resolution adopting additional cyber security best practices for JIF compliance
 #2022-73 9. Resolution authorizing Tax Sale Redemption #21-00008
 #2022-74 10. Resolution authorizing Tax Sale Redemption #21-00007
 #2022-75 11. Resolution authorizing Collier's Engineering to proceed with Tidal Check Valve Project
 #2022-76 12. Resolution authorizing an emergency temporary appropriation to extend temp budget
 13. Approval of Fire Membership Application, Sandoz, Ryan A.
 14. Approval of First Aid Membership Application: Reger, William

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

IX. Minutes:

1. Mayor & Council - Workshop - Feb 3, 2022 7:00 PM

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

2. Mayor & Council - Regular Meeting - Feb 17, 2022 7:00 PM

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

X. RESOLUTIONS:

- #2022-66 Resolution approving certified LOSAP lists for 2021

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

- #2022-78 Resolution accepting resignation of Milton Zarate - *Added*

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

#2022-79 Resolution appointing Demetrio Zarate as part time labor for the Public Works Dept - *Added*

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

XI. First Reading Ordinances:

Introduction of Ordinance for Electrical Vehicles

Councilman Tvrdik called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE BOROUGH'S LAND DEVELOPMENT ORDINANCE TO AUTHORIZE AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES**" 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 21, 2022 and to advertise same in accordance with the law, which was seconded by Council President Walker.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 4/21/2022 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Meghan Walker, Councilwoman	
AYES:	Deerin, O'Brien, Tvrdik, Walker	
ABSENT:	Gallo, Keeshen	

XII. Second Reading & Public Hearing Ordinances:

#1048 An Ordinance to Increase Fees for Liquor Licenses

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance creating an Environmental Commission 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 March 10, 2022.

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 Council President Walker.

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, O'Brien, Tvrdik, Walker
ABSENT:	Gallo, Keeshen

#1049 Amendment to Chapter 64 "Vehicles and Traffic"

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance creating an Environmental Commission 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 64 "VEHICLES AND TRAFFIC" PROHIBITING PARKING ON THE UNIMPROVED EASTERN TERMINUS OF WERAH PLACE**" was published one time in the Two River Times on March 10, 2022.

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 Council President Walker and seconded by Councilman Tvrdik.

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

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

#1050 Ordinance amending Chapter 204-17 "Development Application Fee Schedule"

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance creating an Environmental Commission 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 204-17, "DEVELOPMENT APPLICATION FEE SCHEDULE" MORE SPECIFICALLY THE FEE CHARGED FOR INFORMAL APPLICATIONS"** was published one time in the Two River Times on March 10, 2022.

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 Council President Walker and seconded by Councilman Deerin.

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

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

XIII. Committee Reports:

1. Councilman Deerin, Parks & Recreation – Councilman Deerin reported on items including field preparations, Action Camp preparations and will be held at Community Center,
2. Councilman Gallo, Public Works & Engineering – Councilman O'Brien reminded everyone that spring leaf pickup begins next month, street sweeping efforts continue and if you're street hasn't been done, contact public works for the scheduled date.
3. Councilman Keeshen, Public Safety - None
4. Councilman O'Brien, Finance & Administration – Councilman O'Brien reported on meetings with the CFO and BA on finalizing the budget and anticipated completion in next two weeks.
5. Councilman Tvrdik, Planning & Development – Councilman Tvrdik reported on Planning Board applications, and a vacancy on the Board for those interested, commended Public Works for the work done at Old Wharf House.
6. Councilwoman Walker, Health & Human Services – Council President Walker reported on items including Water Watch and Environmental Commission and plans to hold an event for water clean up involving the whole community – land based/shoreline only; both groups were super happy to hear that the check valve project has started; next water sampling date is March 24th, reminded everyone that the Statewide Plastic Reduction Act goes into effect May 4th – no more Styrofoam containers or plastic bags, straws; attendance at Senior's St Patrick's Day luncheon – they are pleased with the progress on the Old Wharf House; thanked DPW and Ms. Phelps for their efforts on getting the library back to full schedule. She also provided details on the upcoming budget hearing for the Board of Education, school referendum overall is on track to meet budget and be completed on time and live theatre is back at the schools with Legally Blonde at Shore Regional and Rock of Ages at Maple Place School.

- XIV. Mayor Coffey's Report:** Mayor Coffey reported that Allison Hall parcel would be closing that month which leaves the mega-parcel and the nurses' quarters remaining to be sold; passing of Robert Lucky who was Chair of the FMERA Board and commented that he was a very nice man who had presided over the meetings so well; Bruce Steadman at FMERA would be retiring with Kara Kopach to presume those duties.

- XV. Petitions from the public:** Mayor Coffey opened the meeting to petitions from the public.

Councilman Tvrdik spoke of the upcoming blood drive by NJ City University in hopes to return to the days when the fort was active and supported the blood banks and involve the towns in supporting the blood banks today.

Mark Patterson, 40 Itaska Place, appearing as a citizen and not from a position that he holds in town, presented his concerns and bring to the Council's attention that neighbor town Sea Bright was pursuing re-district legislation that would prove detrimental to the Borough should they pull out of the Shore Regional District and move to the Atlantic Highlands district. They had previously sued to change the formula for school funding and had lost twice, thus the push to change the legislation. The new legislation leaves out the present voting rights of the district towns. Mayor Coffey provided further details on the legislation, the phasing of the funding between the former and new district, reduced school populations all around, real estate values have changed over the years. Sea Bright is looking to have their tuition/levy based on enrollment rather than tax assessment which creates an inequity on the existing towns not getting that benefit. There was discussion on the proposed legislation language and its difficulties, the significant impacts it would mean to Oceanport and next steps in the process including potential to be on November ballot which would require every sending and receiving district to vote yes.

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

XVI. EXECUTIVE SESSION:

At 8:01 PM Councilman Tvrdik made a motion to adopt the resolution to enter Executive Session which was seconded by Councilman O'Brien and received the following roll call and no formal action to be taken.

#2022-77 Resolution authorizing an Executive Session

Litigation, Negotiations and the Attorney Client Privilege N.J.S.A. 10:4-12(b)(7)

Municipal Building Contracts

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

At 8:15 PM, the Mayor & Council returned from Executive Session and the regular meeting was reopened on a motion by Council President Walker, seconded by Councilman O'Brien and approved by Council.

XVII. Adjournment: As there was no further business, the meeting was adjourned at 8:15 PM on a motion by Councilman O'Brien, seconded by Council President Walker and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK