



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • MARCH 16, 2023

Regular Meeting

Clement V. Sommers Municipal Building

7:30 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Mayor Coffey called the meeting to order at 9:19 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 Tvrdik	Councilman	Present
Jeanne Smith	Borough Clerk	Present
Scott Arnette	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 comments from the public on agenda action items only. As no one from the public appeared, Mayor Coffey closed this portion of the meeting.

VI. **Consent Agenda:**

- #2023-79 1. Resolution authorizing payment of BILL LIST 03-16-23
- #2023-80 2. Resolution authorizing Tax Sale Redemption #21-00006
- #2023-81 3. Resolution designating a Redactor for Daniel's Law
- #2023-82 4. Resolution authorizing limited waiver of alcoholic beverage hours – Monmouth Park
- #2023-83 5. Resolution approving Special Event Permit for Boujee Foodie Con & Vendor Fair
- #2023-84 6. Resolution appointments to Boards & Committees
- #2023-85 7. Resolution Setting the Fees for 2023 Summer Action Camp
- #2023-87 8. Resolution accepting donation of lacrosse goal from Monmouth Beach
- #2023-88 9. Resolution appointing an Administrative Assistant for the Court Office
- #2023-89 10. Resolution appointing Acacia Financial Group as Financial Advisor for 2023
- #2023-90 11. Resolution approving issuance of Liquor License for Oport Partners License, LLC
- #2023-91 12. Resolution adopting Field Use Rules for Maria Gatta Park
- #2023-92 13. Resolution authorizing an exception of Chapter 267 "Noise"
- #2023-93 14. Resolution requesting waiver of 390-17(F) - 397 Port Au Peck Ave
- #2023-94 15. Resolution creating a dedicated Trust for Memorial Bench/Picnic Table Program
16. Approval of First Aid Membership Application: Mallory, Meghan
- #2023-98 17. Resolution authorizing option for 1-year extension of solid waste & recycling contract - *Added from Workshop*

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

- VII. **Minutes:** None

VIII. Resolutions:

#2023-86 Resolution authorizing Shore Youth Lacrosse to place storage unit at Gatta Park - *pulled from Consent*

There was discussion on size and what the unit would be used for – equipment and bring visibility to the program.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	Richard Gallo, Councilman
AYES:	Deerin, Gallo, Salnick, Tvrdik
ABSTAIN:	Keeshen, O'Brien

#2023-95 Resolution appointing Special Conflict Counsel for 60 Shore Road Matters

Councilman Salnick asked for discussion on the motion, stated this matter involves him personally and something he's been working on for 7 years and was a catalyst for him getting involved in the Borough. He expressed concern at the level of understanding and education by those making the decisions, unbiased approach and the unnecessary expenses being incurred by the Borough and believes it is unfair to the tax payers. He challenged members of Council to confidently regurgitate the details of the matter and provide some level of confidence that they understood the matter before voting on this resolution. Mayor Coffey stated that it is *not* an unbiased individual but an independent, someone not related to the Borough, that will prosecute if deemed fit on behalf of the Borough. Mayor Coffey acknowledged that he has sent volumes of emails and documents to members of the governing body and will leave it to the Council to vote on. Once Councilman Salnick took a seat on the Council it became a conflict and feels this is the best way to pursue resolution of the issue. Councilman Salnick stated he thought it was a ridiculous waste of funds, alleged the Borough Engineer was wrong and incompetent. Mayor Coffey responded that he doesn't believe the rest of the members of Council share his opinion of the Borough's professional and thus the need for an independent arbitrator. Councilman Deerin made a motion to call for a vote.

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

#2023-96 Resolution authorizing letter to NJDOT for Monmouth Park heliport

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

#2023-97 Resolution authorizing an emergency temporary appropriation

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

#2023-99 Resolution approving a leave of absence was read in full by the Borough Attorney as this item was added from Workshop

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

IX. First Reading Ordinances:

#1070 Introduction of An Ordinance Amending Parks & Recreation 279 - Applications for Facility Use

Councilman Tvrdik called for the introduction of " **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**" 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 20, 2023 and to advertise same in accordance with the law, which was seconded by Councilman Keeshen.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 4/20/2023 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Bryan Keeshen, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Salnick, Tvrdik	

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

Councilman Tvrdik called for the introduction of " **AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY ESTABLISHING A MEMORIAL BENCHES & PICNIC TABLES PROGRAM**" 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 20, 2023 and to advertise same in accordance with the law, which was seconded by Councilman O'Brien

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 4/20/2023 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Michael O'Brien, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Salnick, Tvrdik	

X. Second Reading & Public Hearing Ordinances:

#1068 An Ordinance to Increase Fees for Liquor Licenses

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 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 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 Council President Gallo.

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:	Michael O'Brien, Councilman
AYES:	Deerin, Gallo, Keeshen, O'Brien, Salnick, Tvrdik

#1069 An Ordinance Amending Parks & Recreation 279 - Name Change for Community Center Park

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, STATE OF NEW JERSEY, AMENDING CHAPTER 279 "PARKS & RECREATION AREAS" OF THE CODE OF THE BOROUGH OF OCEANPORT DESIGNATING COMMUNITY CENTER FIELD AS "MIKE MACSTUDY FIELD**" was published one time in the Two River Times on February 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 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, Gallo, Keeshen, O'Brien, Salnick, Tvrdik

XI. Council Standing Committee Reports:

1. Councilman Deerin, Parks & Recreation – offered comments on Maria Gatta Park which is one of the best in the State that not many kids have the opportunity to play on and appealed to the parents and kids to take care of the fields – no bicycling, no littering, no driving, etc.; provided details of the upcoming Easter Egg Hunt event; opening day for Little League is April 22nd and invited all to attend for the dedication ceremony of the Mike MacStudy field.
2. Councilman Gallo, Public Works & Engineering – reported that Myrtle Avenue project will begin shortly – a joint venture with the County that will bring curbs, sidewalks, drainage and new pavement surface.
3. Councilman Keeshen, Public Safety – reported that volunteers were excited about the letter of intent for the fire apparatus discussed earlier; an on-going issue with vehicle(s) doing “donuts” in the parking lot at Blackberry Bay Park – if you see something please call; reminded everyone to keep cars and homes locked; volunteers still needed for the First Aid Squad.
4. Councilman O'Brien, Finance & Administration – preparation of the budget is ongoing; shared details on food drive event at Shore Regional for non-perishables being collected
5. Councilman Salnick, Health & Human Services – provided an update on progress on the NFIP, meeting held to review the program and brainstorm ideas to increase the Borough's score, identify actions that wouldn't come at low expense or could be done by the Engineer, Borough needs to gain 500 points to maintain current score due to expiration of previous points; attended Board of Education meeting virtually – nothing substantial to report, environmental and water watch – water is still clear; discussions on off-shore wind farms and their impacts such as the unprecedented amount of whales, sharks, fish showing up on the beaches.
6. Councilman Tvrdik, Planning & Development – provided an update on construction for the new force main sewer project; advised of planned closures of Oceanport Avenue during utility work with traffic assistance from Oceanport, Little Silver, Shrewsbury and West Long Branch; water will be shut off but not impact end users, neighbors will have access; congratulated the elected officers of Oceanport Gardens residents; inquiries about flea markets and farm markets; First Aid Squad will conduct a CPR class for staff and residents; decoration of the wall at Old Wharf Park by resident coordinated with DPW; discussions needed on the lack of maintenance at the plaza; arrangements have been made with SCAT to provide transportation for the seniors to the food pantry in West Long Branch; progress with Conrail on the maintenance of their right of way off of Main Street; took a ride along with Elynn Kahle to visit two neighboring community gardens and assured there was commitment to fund the garden; productive meeting on solutions for the drainage issue at Wolf Hill School behind Kimberly Woods; offered condolences to the George family; and closed with a Happy Birthday to Michael O'Brien.

XII. Mayor Coffey's Report:

1. Appointments to OEM

BE IT RESOLVED that Mayor Coffey makes the following re-appointment to the Office of Emergency Management:

Chief Michael Kelly 3rd Asst. Director 3yr Term expiring 02/21/26

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

Laura Fleming, 26 Branch Ave, a junior at Technology High School, advised that she would like to plant a rain garden at Charles Park through her involvement with Clean Ocean Action; presented her observations of areas needing improvement to reduce stormwater rain off from streets into river to eliminate toxins. A rain garden would collect the water and filter out the toxins, she will be seeking volunteers and donations to assist with the project and bring wider awareness to the issue. She discussed the size and location she would like to place the rain garden. There is low maintenance needed that she has spoken with the local Girl Scouts troop to handle. Councilman Tvrdik commented that he thought it was a great idea and suitable location. Coordinate with DPW. Discussion ensued on ways to assist, types of plants to be used, review with the Borough Engineer for any suggestions. Ms. Phelps could reach out to the community garden members for any assistance. As there were no objections, a resolution would be prepared for the 4/6 meeting to authorize.

Keith Salnick, 60 Shore Road, appearing as a resident, commented at length on his observations of how decisions are made by the governing body, concern that no questions are being asked and how members could vote on something blindly without doing due diligence. He expressed concern that funds were to be spent on something that could be used for needs elsewhere. Mr. Salnick recognized that Councilman Tvrdik did reach out to him. Councilman Tvrdik said he had to discuss the piling in the right of way

issue...Mayor Coffey interrupted and admonished Councilman Tvrdik not to speak to this as it was going to litigation. Mr. Salnick continued to comment on the poor communications and would like to see the next time that they vote on something like this, that it be discussed further...speaking to Mayor Coffey "you've been the ringleader on this one for the past 7 years..." revisited his attempts to communicate with officials on the facts and evidence of the issue. He continued to comment on things he was hearing from residents who also take issue with the negative way the governing body conducts itself, he just happens to be louder. He further commented at length that as a resident and taxpayer he was making it known that he felt the decision to spend \$17,500 was a waste of taxpayer funds. Mr. Salnick also called attention to Mayor Coffey's direction to file for a variance and maybe the ordinance needs to be changed to provide for an appeal process so the issue does not happen to another resident and put a process in place that if someone disagrees with the Borough Engineer or Construction Official. Mayor Coffey reminded him this was a public *comment* period and nothing requires the governing body members to respond.

- XIV. Adjournment:** Councilman Keeshen made a motion to adjourn the meeting which was seconded by Council President Gallo and the meeting was adjourned at 10:24 pm.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK