



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • MARCH 5, 2020

Workshop

Maple Place School

7:00 PM

2 Maple Place, Oceanport, NJ 07757

- I. **Meeting Called to Order:** Council President Gallo called the meeting to order at 7:01 p.m.
- II. **Statement of Compliance with Open Public Meetings Act:** *This meeting complies with the Open Public Meetings Act by notification on January 6, 2020 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough website.*

Please be advised that the Borough of Oceanport's Municipal Council Meetings are video and audio recorded and may be broadcast and/or live streamed. This is a PUBLIC meeting. As a visitor attending this public meeting, your presence and attendance may be recorded. By remaining in the meeting room during the meeting, it is assumed your consent is given if your image is broadcasted or live streamed. There may be situations where, due to technical difficulties, broadcasting, live streaming or recording of a meeting may not be possible or available. The Borough shall not be responsible for and accepts no liability in the event that the recording, broadcast or live streaming of the meeting is unavailable. If you choose to speak at this public meeting, in order for the Clerk to record the minutes in a complete and thorough fashion, you must only speak at the microphone and you will be required to state your name and address for the record at the start of your comment."

- III. **Flag Salute:** Council President Gallo led the audience and members of the Council in the flag salute
- IV. **Invocation:** Borough Chaplain Stacy Deerin gave an Irish blessing for the invocation.
- V. **Roll Call:**

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

VI. RESOLUTIONS:

#2020-87 Resolution authorizing payment of BILL LIST 03-05-2020

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

VII. Administrator's Report:

1. Domestic Violence Policy – under review with Borough Attorney
2. #2020-088 Resolution authorizing Davey Tree Service to park temporarily in exchange for tree service

Ms. Phelps advised that Davey Tree Service had approached the Borough regarding parking temporarily at Gatta Park. In exchange Davey Tree Service would provide tree removal service for a tree in the Willow Way right of way that did not front to another property owner and needed to come down promptly. Ms. Phelps requested that the Council consider acting on the resolution that evening so that tree removal could proceed. As there were no objections by Council, the Clerk read the resolution in full for the record which was moved by Councilman Deerin, seconded by Councilman Keeshen and received the following roll call:

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

Ms. Phelps next reported on the Borough's gasoline purchasing through Long Branch, associated fees and her evaluation of pricing through the County compared with Long Branch which results in a savings if the Borough were to purchase through the County in addition to travel time and distance with the County being closely located to the Borough's operations. As there were no objections from Council, Ms. Phelps would proceed with making the switch. Ms. Phelps also reported on items including a request from the Port Au Peck Firehouse President Richard Gallo, III seeking the Borough's permission to allow Pop Warner to store a container for their equipment at the firehouse site. There were no objections as long as the fire company was okay with it; the Borough would be continuing with the contractor for grass cutting from last fall to which there were no objections; advised that NJ American Water co would be flushing hydrants in Oceanport May 18-29.

Lastly, Ms. Phelps reported on the status of the work at the municipal complex advising "First off – the mold at both buildings. I let the contractor know that the Borough had reached out to companies to put together mold remediation specs and oversee the remediation process. The contractor is not comfortable getting involved in that process and suggested that we go ahead with the removal of all the sheetrock and insulation so we can keep the job moving. He can take the mold remediation out of the change order. It is my understanding that Removal of the contaminated materials will provide a clean slate of what mold remains in the buildings and remediation can be addressed once the removal work is completed. The contractor has suggested (and I believe the Planning and Development Committee is in agreement, as is the Borough's Owner Rep) that he proceed with removing all the sheet rock and insulation so that work can continue on the building. Boro Hall \$360,174.88/PD 66, 964.29. This includes removal/replacement of sheet rock and insulation and design, furnish and install new sprinkler piping and heads.

"I realize that the ultimate goal is to ensure that the Borough has taken all the necessary steps to remediate the mold issue. Unfortunately, there is not a company out there that will do the remediation and provide us with a guarantee that the mold will not return. However, as previously stated, I don't believe there are any procedures for inspection and abatement of mold hazards. There is legislation pending which requires the DCA to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers. However, the legislation did not pass in the last legislative session. It was pre-filed for introduction in the 2020 session and is pending in Senate/Assembly committee. The only other thing I found regarding mold was:

"Currently, there are no federal standards or recommendations, (e.g., OSHA, NIOSH, EPA) for airborne concentrations of mold or mold spores. The NJDHSS PEOSH Program, however, enforces an Indoor Quality Standard for public employees in New Jersey that addresses visible microbial contamination in buildings (N.J.A.C. 12:100-13.4 (c)). For further information on the Standard, contact the NJDHSS PEOSH Program (see p. 12). I did look under the Department of Health's PEOSH Program and there is information on what an employer has to do to provide good indoor air quality, but I couldn't find anything specific to mold remediation and oversight of companies doing the remediation.

Demolition of rear of Police Building. Since the building is now open, it is easier for the demolition subcontractor to come in now and do this demolition for future growth. And it appears there is no questions there will be future growth with the redevelopment of the Fort. It would be difficult to do this demolition at a later date since it would be extremely disruptive to the Department. The cost for this is

\$77,671 and this change has been approved by the Planning and Development Committee.

Finally, there have been some questions regarding peeling paint in the buildings and whether or not it was lead paint. I was at the Police Building with our Construction Official John Johnson when this was brought to our attention. At that time, John explained that there would be no children in the building and that the only way the lead paint is problematic is if it is ingested. He further explained that there are no requirements for testing the lead paint. FYI, John has his RRP (Renovation Remodel and Paint) Certification and is EPA Lead Safety Certified. Lead sampling is only required in residential homes, schools and day care centers. I also purchased a lead testing kit and tested the paint. The results were negative."

Councilman Deerin commented that amounts to more than \$500,000 in change orders over the last 2 weeks and how could they have not known about this. Ms. Phelps advised that some of this was before her time and she believes that some of it can be attributed to the leaking roofs. Councilman Deerin asked why wasn't this addressed in the original bid. Councilman Gallo commented that they were told it was okay and now that its leaking we've got to do it. Additionally, with moving rooms around the sprinkler heads have to be moved and get compromised when the vendor is doing anything. Councilman Deerin stated "it just stinks to me".

VIII. Clerk's Report: Ms. Smith reported that she was in receipt of a donation from the Oceanport Sports Foundation as had been previously advised was forthcoming. In order for the Borough to receive the funds, a resolution had been provided in their packets providing for the accepting of the donation. Ms. Smith asked that the Council move on the resolution that evening in order for the Borough to process the donation. As there were no objections, the Clerk read the resolution in full for the record which was moved by Councilman Deerin, seconded by Councilwoman Walker and received the following roll call:

1. #2020-089 Resolution accepting donation from the Oceanport Sports Foundation

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

Ms. Smith reported on two items regarding the Planning Board – parcel for Alison Hall development was appearing informally before the Board with a full application anticipated. Ms. Smith also reported that the 2 Martelli projects had completed Planning Board conditions; were scheduled to close on the properties with funds for the Borough's sale of 222 Monmouth Blvd forthcoming. Ms. Smith asked for any questions on any of the items for the March 19, 2020 meeting.

March 19, 2020 Meeting Items:

3. Resolution appointing Acacia Financial Group as Financial Advisor for 2020
4. Resolution accepting the Tax Collector's Annual Report for 2019
5. Resolution authorizing Tax Sale Redemption #19-00007
6. Resolution supporting increase of funding for Shore Protection Fund
7. Receipt & Acceptance of Minutes, Environmental Advisory Committee, Dec. 9, 2019
8. Receipt & Acceptance of Minutes, Recreation Committee, Dec. 10, 2019
9. Receipt & Acceptance of PAP Captain's Report for February 2020
10. Mayor & Council - Workshop - Feb 6, 2020 7:00 PM
11. Mayor & Council - Regular Meeting - Feb 20, 2020 7:00 PM

IX. Chief Financial Officer's Report: Ms. LaPorta reported on items regarding the budget, meetings on capital; sale of bonds, payments of bond anticipation note and advised that at the next meeting she would be seeking an extension of the temporary budget which only carries through March until the budget is adopted.

X. Discussion Items:

1. Re-Establishing the Environmental Commission, Councilwoman Walker

Councilwoman Walker suggesting tabling the discussion until everyone could be present and with no objections was moved to the April 2, 2020 workshop meeting.

2. An Ordinance Limiting Use of Single Use Plastics

Councilwoman Walker stated the ordinance had been provided and was scheduled for introduction at the next meeting providing for a ban on single use bags and other items provided on request only.

3. EMS Transportation Insurance Billing

Councilman Keeshen discussed a proposed ordinance to put in place a tool to assist with first responders/EMS should they need any – whether short on staffing or otherwise; moving to a billable system would entail the resident's insurance being billed, any balance not covered by insurance would be waived for residents. Councilwoman Walker asked what would be the argument against it? Councilman Keeshen explained if the Borough did move to the system, the employees would have to be under the Borough and First Aid members have to follow under another set of rules and would cost a bit more money; worker's comp insurance – which the Borough already has in place. The First Aid squad would have to manage more if it were put under them. Responders would need to become employees. Councilwoman Walker asked if they had the manpower to handle the administrative work – insurance filing...Councilman Keeshen responded that a third-party billing company would be hired to perform that work; when trip to hospital has data inputted the billing company would track through the hospital. The recoup from the insurance would essentially cover the costs for the billing company and employees and equipment. Councilman Keeshen stated that there were still more details to be worked out before introduction but wanted to bring the concept to the Council.

4. Improvements to Fields at Community Center and Blackberry Bay Park, Councilman Deerin

Councilman Deerin advised that in order to do maintenance on the ball fields at Blackberry and Community Centers – they will need refurbishment at a cost of approximately \$30,000; monies to cover would come from Oceanport Sports Foundation, Oceanport Baseball and the Borough's Open Space Trust. Would like to get it done before the season starts. Quotes would be obtained and provide to Katie for review and the donation from baseball would need to be provided before an award could be made using those anticipated funds.

XI. Petitions from the Public: Council President Gallo opened the meeting to petitions from the public:

Stuart Briskey, 46 Werah Place, stated he saw on the bill list payment for the drone for OEM and asked if it would be shared with other Oceanport emergency services; would there be cross-training on it? Councilman Keeshen responded yes, others would have the opportunity to be trained on it and would be available to the fire department they would be allowed to call it out for use. Mr. Briskey asked if he could check the status of those signed up to train on the OEM boat a few years ago.

Jeffrey Oakes, 60 Pemberton Ave, acknowledged the new Council, was his first time out since being in the hospital. Mr. Oakes' journey has petitioned the governing body to lift the ban on medical cannabis and was why he was there again tonight. Countless people working on a new law for the State which would be called Jeff's Law and would be a shame if his hometown continued a ban on medical cannabis. He appealed to the Council once again to reconsider lifting the ban.

As no one else from the public appeared to be heard, Council President Gallo closed that portion of the meeting.

XII. Adjournment: As there was no further business, the meeting was adjourned at 7:39 PM on a motion by Councilman Keeshen, seconded by Councilman Deerin and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK