



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • MARCH 3, 2022

Workshop

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Meeting Called to Order:** Council President Walker 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:** Council President Walker led attendees and the members of Council in the flag salute.
- IV. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Absent	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Bryan Keeshen	Councilman	Late	7:06 PM
Michael O'Brien	Councilman	Present	
Thomas Tvrdek	Councilman	Present	
Meghan Walker	Councilwoman	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	
Donna M. Phelps	Administrator	Present	
Catherine D. LaPorta	Chief Financial Officer	Present	

V. **Bill List Resolution:**

#2022-64 Resolution authorizing payment of BILL LIST 03-03-2022

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

- VI. **Administrator's Report:** Ms. Phelps advised at the request of Councilman O'Brien she contacted the State regarding the balance of the Borough's sports wagering tax revenue but was informed that the program is set up to only do one round of awards per fiscal year and would not be available until published in the NJ Register some time in the next couple of months; they will also be able to advise at that time what can be expected for 2022. Ms. Phelps also reported that at Council's direction she approached the County to consider sharing the cost to replace curbs and sidewalks on Oceanport Avenue and it appears they are willing and are looking for a yes or no on proceeding as it would be nice to do in conjunction with the paving being done on Oceanport Ave. Councilman O'Brien asked if the County would take the lead. Ms. Phelps responded that they would want the Borough to take the lead as they did with the Main St intersection with Oceanport Ave project. There was discussion regarding where sidewalks would be done and when paving was scheduled. Ms. Smith advised of a notice regarding paving and that it wasn't planned until next year. Ms. Phelps was unaware as she was told it would be this Spring. Ms. Phelps believes that the sports wagering funds would likely be available soon after the publication. Ms. LaPorta advised that if the Borough receives an answer in time it could be included in the Capital program and BAN it and then when County pays us back only pay the interest on that. Ms. Phelps will review Clerk's notice and get more information.

Ms. Phelps next advised of available grant application for funding of electrical vehicle charging stations, provided details of the grant and described some of the criteria including the project be shovel-ready and already coordinated with the utility company (JCP&L). Ms. Phelps expressed concern for potential success as grants are now requiring more qualifications to be eligible. Councilman O'Brien asked if it would have to be on public lands. There was discussion on what places the charging stations could be installed. Ms. Smith advised that the upcoming ordinance places the private land locations on developers and was intended for areas such as parking on Main Street by the village center or in the Borough Hall's parking lot. Councilman Tvrdek asked what about Community Center with the ballfield and library. Councilman Gallo responded it would need an electrical system to handle the power.

Ms. Phelps reported that she attended a zoom meeting on NJAW request to the BPU to increase rates to offset infrastructure upgrades and provided details of the potential rates and that the rates would apply to public fire hydrants and could mean a significant impact to what the Borough pays for its fire hydrants – especially with the number of new ones that will be needed on the Fort. She had an opportunity to speak and explain Oceanport's unique situation with the Fort for which a separate virtual meeting was set up to discuss further.

Ms. Phelps also reported that State OEM has advised that the 100% federal cost share for FEMA project worksheets has been extended until June 30th which gives her additional time to submit reimbursement requests. As of July 1st its reduced to 90%.

Ms. Phelps praised Public Works for their efforts on repairs at Community Center.

Ms. Phelps requested that the Clerk have a resolution extending the temp budget for the March 17th meeting.

VII. Clerk's Report:

1. Request from Comcast to Waive Road Opening Moratorium on Blackberry Drive – Ms. Smith advised of request from Comcast to open newly paved road to repair cable, arguments for permitting the waiver, work could be done by going under resident's driveway which was just redone for \$100,000. There was discussion on the request, concerns for opening the road that the residents finally got what they asked for, there are other alternatives to do the repair and consensus was to deny the request to waive the moratorium.
2. Request from Pulte Construction for Waiver of Noise Ordinance for development at Somerset/Lodging Parcel – Ms. Smith described the request to permit construction to begin earlier in the day (7AM), the reasons supporting their request including shorter construction period, improve logistics to minimize impacts on residents, typical material delivery is 7am. There was discussion on the request, concerns for East Gate residents, more daylight hours already coming with spring/summer, the number of piles to be driven and the noise associated, length of project is about 2 years. Councilman Tvrdek believes they should come with something from the East Gate residents stating they are ok with it. Council President Walker thought it was extreme to waive the noise ordinance for 2 years. She thought if they had a smaller window for specific need it could be considered. Councilman O'Brien, Keeshen, Gallo and Deerin were in agreement. Ms. Smith will advise the developer that it was discussed and unanimously agreed that the request was extreme for the period requested and would be reconsidered for a shorter time period and with a letter of approval from the East Gate community.

Ms. Smith also reported meeting with the Construction official and Borough Engineer on the ordinance amendment required by the State for flood damage prevention to update map revision dates. Ms. Smith advised that with the amendment will be additional options to gain more points for those that are expiring such as requiring a longer look-back period on permits for the 50% improvement criteria.

Ms. Smith advised that the First Aid LOSAP list was received after agenda items due date and requested that the list be added to the resolution for action along with an amended list for Port Au Peck firehouse.

Ms. Smith reported that the CFO has filed the Annual Financial Statement which would be posted to the Borough's website.

March 17, 2022 Regular Meeting Items:

3. Resolution authorizing Tax Sale Redemption #21-00007
4. Resolution authorizing Tax Sale Redemption #21-00008
5. Resolution authorizing letter to NJDOT for Monmouth Park heliport
6. Resolution authorizing aerial mosquito control operations 2022
7. Resolution authorizing option for 1-year extension of solid waste & recycling contract
8. Approval of Fire Membership Application, Sandoz, Ryan A.
9. Minutes of Feb. 3, 2022 7:00 PM

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

Ms. Smith asked for questions, corrections, comments on the regular meeting items. Ms. Phelps requested that the Feb. 17 minutes be revised to correct spelling of tidal valves on first page. Councilman Tvrdik asked about the heliport resolution and the number of flights – was it 8 or has it always been 10. Ms. Smith advised it has been 10. Items would be moved to regular meeting consent for next meeting.

VIII. Discussion Items:

1. Resolution adopting additional cyber security best practices for JIF compliance

Ms. Smith reviewed the updated cyber security practices implemented as discussed, some of the changes including caution alerts on all external emails, Intron has certified the changes and was ready for adoption and submittal to the JIF. No objections.

2. Resolution urging the Legislature to restore Energy Tax Receipts

Ms. Phelps advised that the League of Municipalities was strongly in support of the restoration, the Borough's loss of revenue from it and support for. No objections

3. Ordinance for Electrical Vehicles

Mr. Arnette and Ms. Smith advised that the ordinance did not impact single and two-family homes were not impacted. Ms. Smith has not received any comments on the ordinance but pointed out the section regarding fees for charging sites and recommending striking that portion and add at a future date. No objections for introduction at March 17th meeting.

4. Neptune Township Request to Join Them in Opposing Extension of Governor's Executive Powers

Ms. Smith reviewed the request, received a response from Councilman O'Brien and Mayor Coffey and if there were no objections would add for action. No objections

4. Old Wharf House Improvements Update

Councilman Keeshen reported on a walk-through meeting at the building with borough officials, plan developed for getting space ready for Senior's to move back in, many repairs to sheet rock, paint and removal of floor already underway by Public Works. Need to select new flooring and estimated time is a few weeks and fixtures in bathrooms to be replaced and doors, interior and external. Councilman Tvrdik added that DPW will also be power washing the exterior of the building and the deck, staining the deck and trimming trees. Mayor Coffey arranged for space at NJCU facilities for the seniors to use until building is ready.

5. Check Valve Replacement Project

Ms. Phelps advised that 10 locations were selected, asked for Council review and looked for an agreement as to the locations. With these 10 locations and a contingency of 20%, the total cost is at \$350,400. Councilman Tvrdik asked about location on Pemberton Ave where it backs up and should it be considered. There was discussion regarding what size needed there and the cost associated with. Councilman O'Brien asked about the duck bill valves as a potential application for that. Ms. Phelps will discuss with the Borough Engineer. No objection to adding list of 10 for approval next meeting.

6. Proposed Shared Service with Monmouth Beach for Fire Bureau Vehicle

Ms. Smith stated she was asked to work with Monmouth Beach on a shared service for use of the Monmouth Beach vehicle by the Borough's Fire Official. She reviewed the costs to purchase a new vehicle (\$60,000) versus costs to share the vehicle (\$3,000 annual); consideration to use one of the retired police vehicles but the repair and maintenance costs not practical. Discussion ensued with everyone agreeing that the shared service cost was in the best interests of the Borough. Ms. Smith asked for the borough attorney to assist in preparing the document. Agreement would only be for 2022 and reconsider in 2023.

8. Police Promotion Protocols – Council President Walker stated this time would be tabled until next month.

IX. Mayor's Report: With the Mayor's absence, Ms. Smith gave statement concerning Mayor's OEM appointments.

1. Statement of OEM Appointments

Ms. Smith stated for the record that the following are currently serving in the **OFFICE OF EMERGENCY MANAGEMENT:**

Mauro Baldanza	Director	3yr Term expiring 02/21/25
Chris Baggot	1st Asst. Director	3yr Term expiring 12/31/22
Wes Sherman	2nd. Asst. Director	3yr Term expiring 12/31/23
Chief Michael Kelly	3rd Asst. Director	3yr Term expiring 02/21/23

2. Comcast Franchise Renewal Ordinance – Council President Walker advised that this item was tabled until next month.

X. Petitions from the Public: Council President Walker opened the meeting to petitions from the public.

Patty Cooper, 24 Osprey Lane, gave a statement concerning her experience with the Ukrainian culture through the school that she is employed at, the impacts of the invasion on Ukraine and requested permission to put up tree wraps

around the trees along E. Main Street in the colors of the Ukrainian flag in support of the Ukrainian people. Unanimously approved. There was discussion on the topic and ways to donate for supplies needed. Councilman Tvrdek suggested doing a banner program where people purchases Ukrainian flags to hang on the light poles.

Barbara Scerbo, 3 Whitehall Circle, asked questions about the library and the additional hours. Ms. Phelps responded that she would be contacting the County to return to the 4 days now that the sewer work was completed and Public Works has agreed to perform the additional janitorial work to cover the additional 2 days. She also asked about a completion date for the Old Wharf House and was told around mid-summer. There was discussion on ADA compliance for the bathrooms. She asked about the parking project to avoid parking across the street. Ms. Phelps responded that the Borough has a grant application in for re-doing the parking and expanding it and was waiting for County and Federal approval.

Stuart Briskey, 46 Werah Place, requested that a Public section be added to the Workshop agenda prior to item discussions so public has opportunity to comment before discussions and potential action; expressed disgrace that driving out and in of the Fort that Mr. Steadman wouldn't fly the flag, requested that the Borough Council send a letter to FMERA to get flag up and stop the excuses. Council President Walker advised that the Mayor did speak to him about it, Councilman Tvrdek added that they were waiting for parts to repair the pole as well.

Mr. Briskey commented that all the old Fort Monmouth fire hydrants had out of service rings on them and asked for it to be looked into if unknown, whether the fire hydrant that the Borough was sued for from fire department damage and settled – if it had a ring on it. Did FMERA ever issue letter on the hydrants? Annual inspections report? The Borough should get their money back. There shouldn't be rings that can't be read at 2a.m. There should be an ordinance that requires when a hydrant is closed it should be covered with hydrant bag on it with a lock. There were plastic garbage bags on them that wear out and at 2 a.m. you can't see them.

Mr. Briskey asked how did the OEM appointments happen for parties that resigned and they shouldn't be let back if they did so for political reason.

As no one else from the public appeared, Council President Walker closed that portion of the meeting.

- XI. Adjournment:** As there was no further business, the meeting was adjourned at 8:00 PM on a motion by Councilman Deerin, seconded by Councilman Tvrdek and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK