



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • FEBRUARY 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 7:00 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 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	Departed
Jay Coffey	Mayor	Remote		
William Deerin	Councilman	Remote		
Richard Gallo	Councilman	Remote		
Bryan Keeshen	Councilman	Remote		
Michael O'Brien	Councilman	Remote		
Thomas Trvdik	Councilman	Remote		
Meghan Walker	Councilwoman	Absent		
Jeanne Smith	Borough Clerk	Present		
Scott Arnette	Board Attorney	Remote		
Donna M. Phelps	Borough Administrator	Remote		
Catherine D. LaPorta	Chief Financial Office	Remote		08:18 PM

- VI. **GUEST: FMERA Staff Monthly Update:** FMERA Executive Director Bruce Steadman and Kara Kopach provided updates on Oceanport parcels on the former Fort; described the strictly regulated process for contracts that eliminates opportunities for flipping or land banking, not just a sale of land but places terms and conditions with construction timelines, the amount of capital investment to be made and the number of jobs being created; penalties both financial and otherwise for failure to complete requirements and tools in place to assure project milestones and/or completion before ownership can be transferred. Councilman Trvdik asked who monitors the projects after completion – does FMERA remain until all projects are completed in all three host towns. Mr. Steadman responded that technically there is no sunset on FMERA in the statute and could continue to review land use developments for the fort parcels, however, he believes they intend to sunset themselves and look to transfer FMERA's responsibilities as they get closer to 90+% completion possibly around 2027 – 2029. Mr. Steadman also commented on progress with the Somerset project and planning board approval, underway for county approval; Allison Hall project; historic district protections of parks and buildings; Dance Hall has building permits and construction to begin shortly; Fitness Center nearing completion of interior and looking for a soft opening sometime in May and broad opening later in summer depending on status of COVID.
- VII. **Administrators Report:** Ms. Phelps sought consent from the Council for the renewal of Monmouth Park's use of the heliport for which there were no objections; FEMA has announced additional COVID expense reimbursement at 100% and she will pursue for reimbursement of any costs not previously covered by the CARES funding through the County; municipal complex updates including meetings to review HVAC systems and generator system; continues to work with

Ben Harvey on final punch list items; weather events continue to strain DPW workload and urged residents to keep in mind that bulk pickups are problematic when they are preparing or plowing roads for bad weather; DPW continues to plow and clear building lots and sidewalks and have done a great job; acknowledged receipt of a letter of appreciation from resident Christina Hewitt on DPW's work during the last storm; acknowledged other resident feedback on positive experiences with borough employees in construction and other departments and thanked the employees for their dedication and commitment recognized not only by Mayor and Council but by the residents too.

Councilman Tvrdek asked for status on punch list items and progress on paint touchups which Ms. Phelps advised it looks like some of it had been done and she would follow up with Bob Iamello and Ken of Ben Harvey; electrician was on site; millwork was to begin on Wednesday; still items that need to be addressed.

Mayor Coffey added that the biggest concern is the completion of the courtroom and asked if there was a completion date. Ms. Phelps responded that they were to start on Wednesday but did not know if that had started.

VIII. Consent Agenda:

- #2021-50** 1. Resolution authorizing payment of BILL LIST 02-18-2021
- #2021-51** 2. Resolution authorizing contract with CGP&H for Affordable Housing Adm Agent Services
- #2021-52** 3. Resolution approving certified LOSAP lists for 2020
- #2021-53** 4. Resolution authorizing Tax Sale Redemption #18-00007
- #2021-54** 5. Resolution authorizing Refund for Overpayment, Block 7, Lot 23.02
- 6. Approval of First Aid Membership, Anthony Perrelli
- 7. Approval of First Aid Membership, Victoria Coles
- 8. Receipt of Minutes, Parks & Recreation Committee, Nov. 11, 2020
- 9. Receipt of Minutes, Parks & Recreation Committee, 12/09/2020
- 10. Receipt of Minutes, Historical Committee, Dec. 10, 2020

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

IX. Minutes:

1. Mayor & Council - Workshop - Aug 20, 2020 7:00 PM

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

2. Mayor & Council - Regular Meeting - Aug 20, 2020 7:30 PM

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

3. Mayor & Council - Workshop - Dec 3, 2020 7:00 PM

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

4. Mayor & Council - Regular Meeting - Dec 17, 2020 7:00 PM

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

X. Resolutions:

#2021-55 Resolution authorizing renewal of agreement with Sea Bright for Court Facilities

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

#2021-56 Resolution authorizing the donation of radio equipment

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

#2021-57 Resolution accepting the Tax Collector's Annual Report for 2020

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

#2021-65 Resolution authorizing execution of a Hold Harmless Agreement with The Goldstein Partnership - *Added on Late*

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

Councilman Tvrdik requested to pull the change order resolutions for the Benjamin Harvey Co contract as the Borough's Owner's Rep Bob Iamello was away and he'd like additional time to review the change orders. Mayor Coffey asked if there were any problems with that by the Clerk, CFO or BA. Ms. Phelps advised that they had not submitted a payment application because of the change orders and asked that they be approved before the next bill list so that a payment application could be made for the next meeting.

Councilman Tvrdik made a motion to table the following resolutions until the March 4, 2021 meeting which was seconded by Councilman Keeshen:

- #2021-58** Resolution authorizing Change Order #29 to Benjamin Harvey Co. Contract
- #2021-59** Resolution authorizing Change Order #30 to Benjamin Harvey Co. Contract
- #2021-60** Resolution authorizing Change Order #31 to Benjamin Harvey Co. Contract
- #2021-61** Resolution authorizing Change Order #32 to Benjamin Harvey Co. Contract
- #2021-62** Resolution authorizing Change Order #33 to Benjamin Harvey Co. Contract
- #2021-63** Resolution authorizing Change Order #34 to Benjamin Harvey Co. Contract

RESULT:	TABLED [UNANIMOUS]	Next: 3/4/2021 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Bryan Keeshen, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik	
ABSENT:	Walker	

XI. First Reading Ordinances:

Introduction of An Ordinance to Increase Fees for Liquor Licenses

Councilman Tvrdik called for the introduction of "**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**" 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 March 18, 2021 and to advertise same in accordance with the law, which was seconded by Councilman Keeshen.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 3/18/2021 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Michael O'Brien, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik	
ABSENT:	Walker	

Introduction of An Ordinance to Amend Chapter 223 "Fire Prevention"

Councilman Tvrdik made a motion to withdraw the ordinance as a result of additional recommendations made by the Fire Official which were incorporated into a new ordinance which was seconded by Councilman Keeshen and unanimously approved by Council.

Introduction of An Ordinance Providing for Updates to Chapter 223 Fire Prevention

Councilman Tvrdik called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, 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 March 18, 2021 and to advertise same in accordance with the law, which was seconded by Councilman Keeshen.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 3/18/2021 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Richard Gallo, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik	
ABSENT:	Walker	

XII. Second Reading Ordinances:

#1032 An Ordinance to Amend the Salary Ordinance

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance adopting new Stormwater Control Ordinance 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 SETTING THE SALARY RANGES OF CERTAIN BOROUGH OFFICERS AND BOROUGH EMPLOYEES"** was published one time in the Two River Times on January 28, 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 Councilman O'Brien and seconded by Councilman 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, Tvrdik
ABSENT:	Walker

#1034 Ordinance Repealing and Replacing Chapter 328 "Stormwater Control"

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance adopting new Stormwater Control Ordinance 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 REPEALING AND REPLACING CHAPTER 328 "STORMWATER CONTROL""** was published one time in the Two River Times on January 28, 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 Councilman O'Brien and seconded by Councilman 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:	William Deerin, Councilman
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik
ABSENT:	Walker

XIII. Committee Reports:

1. Councilman Deerin, Parks and Recreation – Councilman Deerin's complimented DPW on a great job on response to the storm; shout out to resident Steve Briskey who on his own took care of clearing the school sidewalks; Parks and

Recreation Committee was seeking input on whether to proceed with Action Camp, challenges with staffing, social distancing and would like to offer alternative for US Sports programs as was done last year and would be his recommendation; realizes action camp is a big deal for town but with the constant changes in requirements believes it is better to bring in US Sports; committee has recommended pursuing quotes to do pickleball courts; pool, waiting for inspection delayed due to snow, any problems that would need to be fixed would likely not be in time for 2021 season; recommendation to appoint Alexa Hertzler to fill the vacancy on the Committee.

Mayor Coffey added that a private group of citizens had formed to look at the pool and its options.

2. Councilman Gallo, Public Works and Engineering – Councilman Gallo's reported that DPW continues to work on clearing snow; meeting held to discuss 2021 Road Program preliminaries and evaluate additional roads and thanked DPW for the great job on the storm.
3. Councilman Keeshen, Public Safety – Councilman Keeshen urged residents during snow to be mindful of parking and emergency vehicle access; please clear a fire hydrant located close to your property; OEM continues to monitor winter storms; Fire and first aid are looking for volunteers.
4. Councilman O'Brien, Finance and Administration – Councilman O'Brien's reported discussions have begun on 2021 needs for capital improvements, staffing needs, and park improvements; request has been made to the State Treasury Department for a determination on the amount of money the Borough will receive for its portion of sports gambling revenue for 2019 and 2020; recycling has been a resident focus with recent cancellations of curbside service due to snowfalls – this is the year to evaluate changes to the current contract and provided some of the options. Councilman O'Brien acknowledged the fantastic efforts of DPW on the roads, schools and other public areas.
5. Councilman Tvrdik, Planning and Development Liaison – Councilman Tvrdik's report included updates on approved and pending applications by the Planning Board – Lodging Parcel redevelopment with 180 townhome units; East Gate residents and communications with them on impacts to traffic from additional developments; the Planning Board did a great job on the application; Commissary site application underway with 3 phases; Allison Hall parcel along Oceanport Ave as well as Barker's Circle, the Dance Hall and others; he encouraged residents to attend and participate in the hearings as these are major projects that will impact the Borough;
6. Councilwoman Walker, Health and Human Services Liaison - Absent

XIV. Mayor Coffey's Report: Mayor Coffey's report commented further on the number of redevelopment ongoing at the former Fort; 3 of the last 5 projects are Oceanport residents investing in Oceanport; large concerns for traffic impacts to Oceanport Avenue and the need for discussions with the County to facilitate the traffic demands; the Borough has begun to see the benefits of the additional ratables; items needing further discussion include take over of roadways, plowing of roadways and offsets for those expenses with new tax revenue; the Borough is growing by a third in size. Mayor Coffey also commented on the number of winter weather events this season and the wonderful job being done by public works noticeable when travelling out of town;

XV. Petitions from the public: Mayor Coffey opened the meeting to the public and provided the participation information. As there was no one from the public, Mayor Coffey closed that portion of the meeting.

Mayor Coffey brought up further discussion on the request by Boy Scouts to use the Port Au Peck Firehouse; insurance recommendation to limit use of buildings to protect fire vehicles. Discussion ensued with the majority of Council in favor of letting the scouts use the building subject to compliance with protocols, completion of forms to be prepared by the Borough Attorney, social distancing, and after use cleaning and sanitization. Councilman Tvrdik offered to be present and oversee sign in, temperature and form completion. Discussion also had on other requests to be considered on a case-by-case basis and initially limited to civic organizations.

XVI. Executive Session:

At 8:18 PM Councilman Keeshen made a motion to adopt the resolution to enter Executive Session which was seconded by Councilman Gallo and received the following roll call.

#2021-64 Resolution authorizing an Executive Session

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

PBA Contract Negotiations

Personnel Matters - N.J.S.A. 10:4-12(b)(8)

Organizational Flow and General Staffing

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

Motion to Return to Regular Meeting

At 9:52 pm, the Mayor & Council returned from Executive Session and the regular meeting was reopened on a motion by Councilman O'Brien and seconded by Councilman Deerin and approved by Council.

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

XVII. Action from Executive Session:**#2021-66** Resolution authorizing execution of a contract with the PBA

Borough Attorney Scott Arnette read the full resolution into the record. Mayor Coffey called for a motion to approve the resolution, which was made by Councilman O'Brien and seconded by Councilman Keeshen.

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

#2021-67 Resolution appointing Kelly Burrough to fill a vacancy in the Clerk's Office

Borough Clerk Ms. Smith read the full resolution into the record. Mayor Coffey called for a motion to approve the resolution, which was made by Councilman Tvrdik and seconded by Councilman Keeshen.

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

XVIII. Adjournment: As there was no further business, the meeting was adjourned at 10:10 PM on a motion by Councilman O'Brien, seconded by Councilman Tvrdik and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK