



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • JANUARY 19, 2023

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, 2023 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 the Council and attendees in the flag salute and read the Agenda Statement to the Public.

IV. **Roll Call:**

Attendee Name	Title	Status	Departed
Jay Coffey	Mayor	Present	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Bryan Keeshen	Councilman	Remote	9:20 PM
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 public comment on action items only. As no one from the public appeared, Mayor Coffey closed that portion of the meeting.

VI. **APPOINTMENT OF PATROLMAN:**

#2023-42 Resolution appointing George N. Peacock, IV as Patrolman I

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

2. Administration of Oath of Office – Ms. Smith administered the Oath of Office to Patrolman Peacock. Chief Kelly presented Officer Peacock with his badge, congratulated and welcomed him to the force.

- VII. **Administrators Report:** Ms. Phelps reported receipt of a dividend from the Central Jersey Health Insurance Fund in the amount of \$29,694; considering the State health benefits rate increase was almost 9%, going with the CJHIF seems to be the best for the Borough with a rate increase of about 6%; appointment as an alternate to the JIF's executive committee; progress on implementing the new Spill Control Plan and the Borough's commitment to compliance for future environmental inspections; Monmouth County Recycling seeking host municipalities for Paper Shredding events this year and offered Oceanport to host an event; update on local improvement grant applications for Trinity Park and the Local Firefighters Grant program which is also eligible for First Aid needs, developing application for recycling center grant, grant application for next phase of improvements at Maria Gatta Park; possible Stewardship Program grant for the Community Garden; and various other grant opportunities being looked at. Councilman Tvrdik requested that it be kept in mind for safe routes to school grants to extend sidewalks on Myrtle Ave from Port Au Peck Ave to the new subdivision and explore sidewalks from Mazza property to Myrtle Ave along Port Au Peck Ave.

- VIII. Clerk's Report:** Ms. Smith reminded residents that dog and cat licenses are now due through the online portal. Anyone needing assistance should contact the Borough Clerk's Office; reviewed items for action and invited questions, questions from Councilman Salnick regarding the 2022 Road Program multiple contracts were addressed, Ms. Smith detailed at length the terms of the MOU with FMERA for engineering services, the procurement process and exemption that permits the State agency to use the Borough's professionals, the amendment which covers revised fee schedules.
1. Ordinance to Amend Construction Fee Schedule – Ms. Smith reviewed the recommendation by the Construction Official to amend the Fee Schedule to adjust for costs per statute to maintain the office, prices were submitted to DCA and were approved; Councilman Salnick asked if there was a version that showed the changes and was advised that it was a repeal replace ordinance and not an amending ordinance. No objections it was moved to First Readings.
 2. Ordinance to Amend Public Buildings Chapter 297 – Ms. Smith reviewed the proposed ordinance discussed at length previously to increase rental fees of the Old Wharf House and BBB Pavilion in light of improvements and upgraded facilities and the change from a flat rate for the day to an hourly rate for residents/non-residents; it also would amend the security deposit procedure posted for potential damages and updates the ordinance to remove the Port Au Peck Firehouse as an available building. Councilman O'Brien asked how damage deposits would be returned and was advised it would be done through the bill list.
 3. Councilman Salnick's request to discuss a special committee for the Blackberry Bay Park pool – to be listed for the February workshop meeting.
 4. Councilman Salnick's proposal to have a rotating finance committee to allow his participation in the budget process. Councilman Salnick provided further details on his idea to have budget process participated in by other members than the Finance Committee. Mayor Coffey stated it would require an amendment to the By-Laws as this would mean a significant change and offered an alternate option to have a Committee of the Whole which should be discussed at a workshop meeting. Councilman Salnick stated he would accept that as well as his desire is to create further transparency. Mayor Coffey responded that all meetings are held in public which is transparency and felt Councilman Salnick expressed in a manner that brings a negative connotation which amounts to an unfair burden. Ms. Smith polled the Council with consensus to add this matter to the next workshop meeting.

IX. Consent Agenda:

- #2023-43 1. Resolution authorizing payment of BILL LIST 01-19-2023
- #2023-44 2. Resolution authorizing Tax Sale Redemption #22-00004
- #2023-45 3. Resolution appointing Patrolman Chris A. Henry, Jr. to permanent status
- #2023-46 4. Resolution authorizing Contract for Cleaning Services for 2023
- #2023-47 5. Resolution authorizing application for Local Recreation Improvement Grant
- #2023-48 6. Resolution authorizing a contract with Shore BOE for Student Transportation 2022-2023
- #2023-49 7. Resolution confirming Mayor's appointment of additional UCC Inspectors
- #2023-50 8. Resolution awarding contract for 2022 Road Program
- #2023-51 9. Resolution authorizing renewed agreement 2023-2024 with Sea Bright for Court Facilities
- #2023-52 10. Resolution authorizing Amended MOU with FMERA for Engineering Services - Demolition of Bldgs

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

X. Minutes: Ms. Smith advised that minutes would be provided for the February meetings.

1. Mayor & Council - Workshop - Dec 1, 2022 7:00 PM
2. Mayor & Council - Regular Meeting - Dec 15, 2022 7:00 PM

XI. Resolutions: None

XII. First Reading Ordinances:

- #1066 Introduction of An Ordinance Amending Chapter 170-3 "Construction Code, Uniform" Fees

Councilman Tvrdik called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY REPEALING AND REPLACING CHAPTER 170, SECTION 3 "FEES" OF THE CODE OF THE BOROUGH**"

OF OCEANPORT ENTITLED "CONSTRUCTION CODE, UNIFORM" 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 February 16, 2023 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 2/16/2023 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	William Deerin, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Salnick, Tvrdik	

#1067 Introduction of Ordinance Amending Public Building Rental Fees

Councilman Tvrdik called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 297 PUBLIC BUILDINGS AND CHAPTER 204 FEES FOR THE USE AND RENTAL OF PUBLIC BUILDINGS**" 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 February 16, 2023 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 2/16/2023 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Michael O'Brien, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Salnick, Tvrdik	

XIII. Second Reading & Public Hearing Ordinances: None

XIV. Council Standing Committee Reports:

1. Councilman Deerin, Parks & Recreation – No report with no activities at this time of year, thanked Greg Lockwood for his 10 years of service on the Recreation Committee having recently stepped down and invited interested residents to reach out if interested in serving.
2. Councilman Gallo, Public Works & Engineering – Reported on items including the award of the 2022 road program which includes Comanche Drive Phase III (partially funded by a grant), Belmar, Driveway, Manitto (portion), Horseneck Point Road, Tohicon, Seneca, Sagamore (portion), rear parking lot of PAP firehouse.
3. Councilman Keeshen, Public Safety – Reported that there were 2 fires this past week and thankfully no one was hurt and advised that First Aid was in need of volunteers and asked residents to be sure that their house # was visible from the street in the event of an emergency.
4. Councilman O'Brien, Finance & Administration – Reported that the budget process was fully underway with committee meetings preparing for the budget presentation/hearing; congratulated Officer Peacock on his new position.
5. Councilman Salnick, Health & Human Services – Reported attendance at environmental and water watch meetings and Board of Education meetings and that the 8th grade was able to fundraise \$8,000 for their dance and Washington trip; Patrick McSorley has been appointed to the Board. Thanked volunteers Tom and Joan Cox for their service with water watch and echoed Councilman Keeshen's comments that more volunteers are needed.
6. Councilman Tvrdik, Planning & Development – Reported on items including a planning meeting held to review the proposed fee schedule changes which would be introduced; and review of the process to streamline it for residents; updates on lodging parcel development, units being completed and sold; attended the FMERA meeting where it was determined to award mega parcel to Netflix and reviewed the terms of the purchase, work phases and timelines, proposed uses for film and community amenities, utility contribution, relocation contributions with an estimated \$884 million investment, exclusively commercial.

XV. Mayor Coffey's Report: Mayor Coffey commented that the Board of Education was able to raise \$8,000 for their trip between Harlem Wizards and teachers at Maple Place – was amazing to see the gym so full and was a great community event. He also reported on meetings with members of Liberty Walk, police, detectives, prosecutor and FMERA regarding the murder that took place before New Years and the need for improved communications between the residents, landlord and community members, direction provided to the tenants on establishing a Tenants Rights Committee; spoke at length regarding four (4) FMERA buildings scheduled for demolition; meetings on affordable housing obligations in light of the mega parcel/Netflix impacts; DPW staff is working on cleaning out storm basins but is a tedious process; check valves; the Historical Committee has rescheduled the military band for another summer event.

XVI. Public Comments: Mayor Coffey opened the meeting to public comment.

The following persons appeared from the East Gate community and spoke on several topics including opening of Signal Ave

discussions, one-way and two-way road direction issues and narrowness of roadway with bump outs, construction trucks turning left on a right turn only, no trespassing signs on the open space around and near the riverwalk, the right of public access, HOA responsibilities, liabilities, open space ownership, signage and roadways.

- Liz Rizzolo, 5 Russel Ave
- Jill Curran, 25 Russel Ave
- Bob Baxter, 19 Allen Ave
- Bob Schmidt, 1 Allen Ave

- Suzanne Hanson, 32 Steeplechase Court, asked questions about the standing water resulting from the school construction that has no drainage, she understands that the Borough has taken on the role of resolving responsibilities to fix the situation. There was discussion with Councilmen Keeshen, Tvrdek and Salnick on steps being taken to resolve the drainage issue including fencing for safety reasons, black fence 50% open, with vegetative buffering, but limited to the standard requirements for fencing, treatments for mosquitoes monthly by the County, previous conditions and elevations.

- Irene Elliott, 64 Kimberly Way, thanked the Council for listening to the concerns and further commented on the amount of water was low historically, so something has changed because now there's a few feet of water and an unhealthy environment.

- Tom Cox, 18 Hunters Run, reiterated comments by Ms. Hanson and Ms. Elliott, and having lived there for 38 years has never seen a pond there and wondered why not just fill it in.

- Rosanne Letson, 50 Deer Path Court, Tinton Falls, commented on the historical grant discussed by Ms. Phelps and that it is available quarterly, and suggested that funding be applied for story signs such as the ones at Parker House in Little Silver, suitable for outdoor weather, will bring activity and traffic to the historical areas of the Fort and estimates that 3 signs for Old Wharf Park would qualify for the \$500 grant. She also reported that Joseph Foster would be working with the committee on a vision plan for the fort properties. They would also like to see signs for the riverwalk on the fort down the line once constructed. They have sold upwards of 200 of the historical books.

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

- XVII. Adjourn to Executive Session:** At 8:48 PM Councilman Tvrdek made a motion to adopt the resolution to enter Executive Session which was seconded by Councilman Deerin and received the following roll call.

#2023-53 Resolution authorizing an Executive Session, January 19, 2023

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

- Use of Blackberry Bay Park
- Shore Road

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

At 9:20 PM, Councilman Keeshen exited the meeting.

- XVIII. Return from Executive Session:** At 9:22 PM, the Regular Meeting was re-opened on a motion by Councilman O'Brien, seconded by Councilman Tvrdek.

Motion to Return to Public Session

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

- XIX. Adjournment:** As there was no further business, the meeting was adjourned at 9:23 PM on a motion by Councilman Deerin, seconded by Councilman Tvrdek and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK