



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • DECEMBER 1, 2022

Workshop

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Meeting Called 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, 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:** 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	Absent
Michael O'Brien	Councilman	Present
Thomas Tvrdik	Councilman	Present
Meghan Walker	Councilwoman	Present
Jeanne Smith	Borough Clerk	Present
Scott Arnette	Board Attorney	Present
Donna M. Phelps	Administrator	Absent
Catherine D. LaPorta	Chief Financial Officer	Present

V. **RESOLUTIONS:**

#2022-226 Resolution authorizing payment of BILL LIST 12-01-2022

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

#2022-227 Resolution authorizing sale and issuance of bonds to MCIA

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

#2022-228 Resolution authorizing 2022 budget appropriation transfers

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

#2022-229 Resolution authorizing refund of overpayment - Block 40, Lot 9

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

#2022-230 Resolution confirming appointment of Administrative Assistant to the Police Dept.

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

VI. First Reading Ordinance:**#1064** An Ordinance Amending Chapter 158 'Business Licensing' to Require Liability Insurance

Councilman Tvrdik called for the introduction of " **AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 158 "BUSINESS LICENSING" OF THE CODE OF THE BOROUGH OF OCEANPORT TO IMPLEMENT REQUIREMENTS OF THE NEW JERSEY ACT REQUIRING LIABILITY INSURANCE FOR BUSINESS OWNERS AND RENTAL UNIT OWNERS PURSUANT WITH TITLE 40A OF THE NEW JERSEY STATUTES**" 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 December 15, 2022 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 12/15/2022 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	William Deerin, Councilman	
AYES:	Deerin, Gallo, O'Brien, Tvrdik, Walker	
ABSENT:	Keeshen	

#1065 An Ordinance Amending Chapter 295 Article V Requirements for Landlord Registrations

Councilman Tvrdik called for the introduction of " **AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 295 SECTIONS 21, 22, 25 CONCERNING LANDLORD REGISTRATION OF THE CODE OF THE BOROUGH OF OCEANPORT TO IMPLEMENT REQUIREMENTS OF THE NEW JERSEY ACT REQUIRING LIABILITY INSURANCE FOR RENTAL UNIT OWNERS PURSUANT WITH P.L. 2022, CHAPTER 92 AND N.J.S.A. 40A:10A-1 AND 40A:10A-2**" 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 December 15, 2022 and to advertise same in accordance with the law, which was seconded by Councilwoman Walker

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 12/15/2022 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Meghan Walker, Councilwoman	
AYES:	Deerin, Gallo, O'Brien, Tvrdik, Walker	
ABSENT:	Keeshen	

VII. Clerk's Report: Ms. Smith reviewed the items pending for the 12/15/22 regular meeting, invited questions, Item #12 request from Loft was tabled until 2023 Council with remaining items to move to consent with no objections.

VIII. Discussion Items:

1. Community Garden, Councilman Tvrdik led discussion on the status of the project which was not in this year's budget but would like to pursue in 2023, proposed location will be a portion of the open area adjacent to the municipal building where Main Street and Anson Ave meet, a 200' x 300' area, with fencing to keep deer out, signage, there are utilities at street. Originally thought to place at other end of field but wanted to pull away from the warehouse and business area. Costs being developed and Committee is working with resident Ellynn Kahle to present to Finance Committee for 2023 budget consideration.
2. Federal Grant Opportunities for Recycling Infrastructure and Education, Mayor Coffey reported on funding available, possibly for a recycling center, that Ms. Phelps would be attending a webinar for further details; another idea was to use funds to purchase used garbage truck for recyclables to place on campus, monitored by DPW to be transported by DPW which County was in favor of. This would be an alternative to multiple dumpsters serviced by a vendor. The second funding opportunity was for recycling education but program would need a minimum program of \$250,000. Councilman Tvrdik asked if any consideration had been made to move to weekly curbside collection through the garbage contract which was up for renewal in June rather than have someone to man that vehicle. Councilman O'Brien commented that recycling was done single stream now due to the lack of end markets and part of problem is it ends up in regular garbage so expenses for a stand alone recycling center may not be justified. To be looked at further when contract comes up for renewal.
3. Resolution authorizing agreement with Fort Partners Group for added assessment payments, Mayor Coffey explained the terms of the agreement with no questions or objections by Council.
4. Borough Home Improvement Program - Authorize homeowner agreement - 108 Monmouth Blvd; Ms. Smith advised that the Borough's affordable housing administrator had submitted an agreement for a homeowner eligible for the program but needs further legal review but would be ready for the regular meeting.
5. Oceanport School District request for Special Law Enforcement Officer, Class III - *Added* Mayor Coffey advised that the Board of Education has requested the placement of SLEO(s) within the two schools of the district during the day. SLEO IIIs are hired by the municipality, need to be retired a certain number of years, the Borough would accept applications and oversee the employment, and work in concert with the BOE on interviews and selection. He discussed what surrounding communities are doing. The SLEO III will carry a gun. Discussion ensued on who would determine where officer(s) are assigned – BOE, it would be an additional hire.

IX. Mayor's Report:

1. Administrator's Report – Ms. Phelps was unable to attend so read her report including updates on grant applications, public building access, tidal check valve project meeting, Shore Regional transportation costs received with a slight increase over last year, discussions with Sea Bright for renewal of the shared court services agreement. Public Works has proposed having a garbage truck available in December on two dates for cardboard recycling.

X. Petitions from the Public: Mayor Coffey opened the meeting for petitions from the public.

Kathleen, 38 Main Street, stated she was here at the suggestion of Councilman Salnick, she has concerns with standing water next to her property, it has destroyed her property and that until Oceanport started work on a retention basin years ago, there was not a problem. Then it was the railroad's problem and then the Fort's problem. The pipe goes nowhere and stuff grows up. Oceanport cuts everything down and lowers the grade. Discussion ensued. Mayor Coffey will meet with her after the meeting and follow up.

Stuart Briskey, 46 Werah Place, referring back to several items he presented at a previous meeting, and the one request to have a public comment period prior to action items and asked if there had been any regard to it. Mayor Coffey answered no, the purpose of public comment is not a question/answer but for comments. Mr. Briskey responded but things just show up and there is no opportunity for the public to comment on an item and gave the example, there's a resolution on to spend \$88,605.18 on an OEM vehicle, in his opinion isn't needed and when things just pop up, there's no time to comment. Discussion ensued.

Mr. Picciolo, 15 Genesse Ave, expressed concern for a matter of public safety that occurred where an intersection light went out and there was no signage or directionals, no cop car and it was dangerous. The issue of public safety has to be addressed.

Keith Salnick, 60 Shore Road, echoed on Mr. Briskey's comments, has observed that resolutions are brought up and almost immediately voted upon, and no opportunity to comment on a resolution. Mr. Salnick commented at length on the topic and his recommendation that the Borough consider implementing an additional comment period on action items. He also commented on the capital expenditure for the OEM truck and has received a lot of public feedback on why it's being purchased. During his run for council he has spoken to several individuals with feedback about capital expenditures that may have been more in the category of "toy" or "nice to have" rather than truly necessary. The other topic he's heard a lot about was tax assessments and a resident who feels she can't live in town anymore because of the taxes. He intends to work closely with Councilman O'Brien on

the 2023 budget and hopes they will sharpen their pencils. As for the OEM truck, he's not asking for it to be voted no, but take a step back – its not needed immediately and take some time to revisit that type of expenditure. Mr. Salnick continued with his comments addressing Council if they had read his emails, his texts to them. Mayor Coffey interrupted and stated this was not a question and answer period. Councilman Tvrdik responded that he had shown up at this house, called his cell phone, alleged shady business and he will only deal with him through email and will not communicate by phone. Mayor Coffey interrupted again that this is not a question/answer period. Mr. Salnick disagreed with the lack of transparency. Mr. Salnick stated that Councilman O'Brien had responded in a neutral tone to his questions and has respect for that. He continued that he is looking to reach out to people and be proactive, and the only response he's received has been treated pretty much as "go scratch" and if this was how it was continue it was going to be 5 to 1 and he is not going to hold back. He commented further on his offering of an olive branch and that it shouldn't be that way.

Mark Patterson, 40 Itaska Place, appearing not on behalf of the Board of Education, spoke on his own knowledge and that public comments for workshop was not normal and any items done at a workshop were usually procedural. And the opportunity to comment was after the workshop discussions during that comment period before the items are moved to the regular meeting. Mr. Patterson also commented that the salary for OEM was like \$3,000 and for what Buzz Baldanza does for the little he makes is admirable – he can't even begin to think how much money he has saved or obtained grants for the Borough.

Ms. Smith commented for the benefit of the public that workshop items are draft documents not for public disclosure but in the interest of transparency the governing body has authorized her to post the documents on the website in advance of the meeting which is not done by most municipalities.

Stuart Briskey, re-appeared and reiterated his concern was having no opportunity to comment before items are acted upon, right at the beginning. There was discussion about when items are put up on website, the difficulty to hear things from home watching the meeting. He also commented on the storm and traffic light out and the inability to see anything and there is equipment in town that could be used and placed there but nothing was done. They've added police, other employees and sees nothing being done – someone has to step up.

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

- XI. Adjournment:** As there was no further business, the meeting was adjourned at 8:22 PM on a motion by Council President Walker, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK