BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES ● OCTOBER 5, 2023

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 7pm.

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:** Often times it may appear that the Mayor & Council take action with very little comment and in many cases by unanimous vote. Many items are of routine business that are placed on a Consent Agenda as they do not require additional discussion. Items not of a routine nature are first listed for discussion at a Workshop meeting prior to being listed for action at a Regular Meeting. Where appropriate, items are referred to a Council Committee for further study and investigation before being returned with a recommendation for the full Council to consider. The members of the Borough Council work via committees along with the Mayor, Borough Clerk and Administration to assure that the members fully understand the matter. There are occasions where matters are presented to the Mayor & Council for discussion and action at the same meeting when of a timely nature.

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	Absent
Keith Salnick	Councilman	Present
Thomas Tvrdik	Councilman	Present
Jeanne Smith	Borough Clerk	Present
Andrew Bayer	Borough Attorney	Present
Donna M. Phelps	Administrator	Present
Catherine D. LaPorta	Chief Financial Officer	Present

V. **Public Comment on Action Items:** Mayor Coffey opened the meeting for comments from the public on action items only.
Gary LaBruno, Wyandotte Ave, asked questions about Agenda Item #2, and how the rate for the Class III position was determined. Discussion ensued on the market rates in the area versus what was agreed upon by the Board of Education and the appointed. Mayor Coffey added that the Council has been working to bring Oceanport staff to market rates including public works and administration.

Stuart Briskey, 46 Werah Place, asked questions about Agenda Item #3, and asked why was 6' fencing selected for the pickleball courts versus 8' or 10' and have room for a windscreen. Discussion ensued with Council ultimately decided on keeping the specs as presented in the resolution.

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

VI. **Action Items:**

#2023-225 Resolution authorizing payment of BILL LIST 10-05-2023

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

#2023-226 Resolution amending the 2023 Salary Resolution for certain SLEOs

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

#2023-227 Resolution authorizing purchase of fencing through State Contract

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

#2023-228 Resolution rescinding Resolution #2023-216, contract for Bldgs 550, 551 demo

Question(s) on the motion: Councilman Salnick asked questions about when this item was discussed, has seen several of these with Fort Monmouth, as he has no understanding of anything going on and there's constantly contracts and things at Fort Monmouth and he would like to know what he's voting for and asked for an explanation. Mayor Coffey stated he should never vote on anything he doesn't understand. Councilman Salnick responded then he shouldn't vote on anything. Councilman Tvrdik commented that discussions have been held about the demolition of the buildings at several public meetings and he includes it in his Committee reports. Mayor Coffey further explained the shared service of providing the Borough's engineer to perform the work for FMERA who was paying the Borough dollar for dollar. The agreement was in the packet and details the terms. Ms. Smith advised the Councilman that the original approval for the MOU for 4 buildings was discussed and approved in January and that subsequent MOUs were related to a specific building and its specifications.

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

#2023-229 Resolution to amend 2023 budget for FMERA MOU Buildings 550 & 551 project

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

#2023-230 Resolution awarding contract for engineering services for FMERA MOU for Bldgs 550, 551

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

#2023-231 Resolution authorizing change order to Special Labor Counsel contract *- Added on Late*

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

#2023-232 Resolution authorizing Change Order #1 decreasing the contract for Community Center Improvements *- Added on Late*

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

VII. **Clerk's Report:** Ms. Smith advised that minutes would be ready for the regular meeting.

Old Business:

1. Mayor & Council - Regular Meeting - Jan 19, 2023 7:00 PM
2. Mayor & Council - Workshop - Jul 20, 2023 7:00 PM

Ms. Smith advised that minutes would be ready for the regular meeting.

New Business:

1. Resolution authorizing purchase of shed through State Contract – reviewed and moved forward.
2. **#2023-234** Resolution authorizing solicitation of bids for 2023 Road Program *- Added for Action*

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

3. Resolution awarding a contract to Sunbelt Rentals for temporary lighting at Gatta Park – there was discussion on the use of the lights until permanent lighting was installed. Councilman Gallo asked if its for the lights that are already there and was told yes – the period of use was being extended to December and brings the total contract above the pay to play threshold which requires it be authorized by resolution.
3. Ordinance Amending Chapter 35, Public Contracts – Ms. Smith led discussion on the need for the Borough's ordinance to be amended to address recent legislature related to the Elections Transparency Act. Discussion included the changes to the pay to play threshold and reporting of contributions, the State law prohibits local government from establishing its own ordinance and the need to repeal that section of the ordinance. Also discussed was removal of the procurement language for use of fair and open process which is addressed by the Borough's purchasing policy and as currently stated restricts the Borough in procurement choices.
4. Ordinance Amending Land Development Chapter 390-27 "Portable On Demand Storage" – Ms. Smith advised of proposed changes to the ordinance including requiring a zoning permit so that it can be reviewed for setbacks and other zoning requirements; adds an extension request with fee, limits the size of the storage structure, implements setback requirements, placement in a driveway unless otherwise approved, added enforcement and penalty language. With no objections, ordinance scheduled for introduction at next regular meeting.

VIII. **Administrator's Report:** Ms. Phelps reported on items including close out and reimbursements for county grants; receipt of notice of award for the 2023 Open Space Grant program application in the amount of $330,000; reimbursements received from FEMA for storm activities; notice of a dividend from the Central Jersey Health Insurance Fund; health insurance rates will be going up but substantially less than those of the State plan; reviewed the handout discussed with OEM from FEMA for different mitigation projects funding available, potential projects and the Borough's contribution cost of 25%; sought guidance from the governing body as to whether this would be a capital project they desire to pursue. OEM Director Baldanza was present and added that the proposal would be to position oystering in the Shrewsbury River in a manner that would protect the Gooseneck Point and Cayuga Ave area – which was most impacted by Superstorm Sandy; would create a 'living' shoreline to handle waves, not necessarily flooding. Mayor Coffey asked questions about the replacement of storm pipes and drains option which Mr. Baldanza described in further detail. Discussion included the success of the recent check valve program and that it could be handled in a similar way depending on the areas selected to be targeted.

Ms. Phelps also advised that resident Ron Sickler had stopped in to Borough Hall and complimented the DPW on the appearance of the parks; she also wished Steve Briskey well, he was missed and hoped he'd be back soon.

IX. **Mayor's Report:** Mayor Coffey reported that progress has been made with the Netflix deal - they are beyond the due diligence period, during which an issue arose related to ingress/egress of County roads through the parcel being purchase by Netflix; a Plan Amendment Draft will likely be before the Council later this month or early November. Mayor Coffey also advised that his upcoming Mayor's message would include information concerning the Fort/Netflix and the status of the proposed development at Monmouth Park. A new restaurant has opened - Baseline Social which looks great and should prove to be a destination place while complementing other local facilities. Mayor Coffey also wished Steve Briskey well and wishes for soon return.

X. **Public Comment:** Mayor Coffey opened the meeting to petitions from the public.

Patty Cooper, 24 Osprey Lane, appearing on behalf of the First Aid Squad, thanked the Council and Mayor for the newer ambulance purchased from Rumson which they have begun to spec out but it has an electrical system problem that they are working to fix. She next appealed to the Council on behalf of the Squad concerning Maria Gatta Park which has the new turf fields. The Squad has concerns because the setup of the fields they are unable to bring the ambulance into the park and reaching patients without driving and possibly damaging fields. Also, the grade of the fields makes it difficult to roll a cot in there. They have borrowed a gator (quad) from Long Branch that enables them to bring a cot around the fields and restricted areas. They have found a 10-yr old John Deere gator for $16,000, with all equipment from another town versus a brand new Polaris gator without equipment at $17,000+. Councilman Deerin asked how much for a brand new one with equipment cost. Ms. Cooper estimated about $25,000. There was discussion on how soon for the need, as soon as possible because fields continue actively, 90 days would be great and was seeking assistance from the Borough. Consensus was to pursue quotes for brand new Polaris. Ms. Phelps suggested use of the American Rescue funds to cover cost. Councilman Tvrdik requested the quotes be sent through Donna to the Finance Committee for review. Mr. Baldanza offered that the Polaris was on State contract. Ms. Cooper concluded with thanks and appreciation, they continue to fundraise through Bingo, but this expense would drain their funding account.

Both Councilmen Tvrdik and Deerin complimented the First Aid Squad and expressed appreciation for their services as they were both assisted during family medical event.

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

XI. **Adjourn to Executive Session:** At 8:08 PM Councilman Deerin made a motion to adopt the resolution to enter Executive Session which was seconded by Councilman Gallo and received the following roll call.

#2023-233 Resolution authorizing an Executive Session, October 5, 2023

__X__ N.J.S.A. 10:4-12(b)(8) *Matters Relating to the Employment Relationship*

- *Special Labor Counsel*

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

Councilman Salnick and Ms. Smith exited the meeting at 8:08 PM

XII. **Return from Executive Session:** At 8:19 PM, the Regular Meeting was re-opened on a motion by Councilman Deerin, seconded by Councilman Tvrdik.

At 8:19 PM, Ms. Smith re-entered the meeting.

XIII. **Adjournment:** As there was no further business, the meeting was adjourned at 8:20 PM on a motion by Councilman Deerin, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK