



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • OCTOBER 3, 2024

Workshop

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. **Call to Order & Statement of Compliance with Open Public Meetings Act:** Mayor Tvrdik called the meeting to order at 7:00 PM and then read the OPMA Statement: This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 5, 2024 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.

II. **Flag Salute, Statement to the Public:** Deputy Clerk Kramer led attendees and the members of the Governing Body in the flag salute.

III. **Roll Call:**

Attendee Name	Title	Status
Thomas Tvrdik	Mayor	Present
William Deerin	Councilman	Present
Richard Gallo	Councilman	Present
Bryan Keeshen	Councilman	Present
Michael O'Brien	Councilman	Present
Keith Salnick	Councilman	Present
Patty Cooper	Councilwoman	Present
Jeanne Smith	Borough Clerk	Present
Andrew Bayer	Borough Attorney	Present
Donna M. Phelps	Administrator	Present
Catherine D. LaPorta	Chief Financial Officer	Present
Stephanie Kramer	Deputy Borough Clerk	Present

IV. **Public Comment on Action Items:** Mayor Tvrdik opened the meeting to the public on action items only. As no one else from the public appeared, that portion of the meeting was closed.

V. **Action Items:**

#2024-237 Resolution authorizing payment of BILL LIST 10-03-2024

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Michael O'Brien, Councilman

AYES: Deerin, Gallo, Keeshen, O'Brien, Salnick, Cooper

SECONDER: Keith Salnick, Councilman

#2024-238 Resolution requesting waiver of 390-17(F) - 56 Manitto Place

RESULT: ADOPTED [UNANIMOUS]

MOVER: William Deerin, Councilman

AYES: Deerin, Gallo, Keeshen, O'Brien, Salnick, Cooper

SECONDER: Michael O'Brien, Councilman

#2024-239 Resolution awarding contract for Old Wharf Park Parking Lot Expansion

RESULT: ADOPTED [UNANIMOUS]

MOVER: Richard Gallo, Councilman

AYES: Deerin, Gallo, Keeshen, O'Brien, Salnick, Cooper

SECONDER: Michael O'Brien, Councilman

#2024-240 Resolution awarding contract to Amazon.com for various goods and services

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

#2024-241 Resolution authorizing dedication by Rider, Holiday Extravaganza - *Added*

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

#2024-206rev Resolution appointing Lesley K. Kirchgessner as Municipal Court Administrator_revised - *Added*

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Patty Cooper, Councilwoman
SECONDER: Michael O'Brien, Councilman
AYES: Deerin, Gallo, Keeshen, O'Brien, Salnick, Cooper

VI. Second Reading & Public Hearing Ordinances:

#1100 Ordinance Amending Chapter 284, Peace and Good Order

Councilwoman Cooper called for the 2nd reading and Public Hearing of an ordinance amending Chapter 284 Peace and Good Order 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 AMENDING CHAPTER 284 OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED "PEACE AND GOOD ORDER"** was published one time in the Two River Times on September 26, 2024.

PUBLIC HEARING: Mayor Tvrdik opened the meeting for public comment for this ordinance. As no one from the public presented to be heard, the public hearing was closed on a motion by Councilman Deerin and seconded by Councilman O'Brien.

Councilwoman Cooper made a motion to adopt the ordinance and advertise in accordance with law, seconded by Councilman Salnick.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patty Cooper, Councilwoman
SECONDER: Keith Salnick, Councilman
AYES: Deerin, Gallo, Keeshen, O'Brien, Salnick, Cooper

#1101 An Ordinance Authorizing Easement Agreement with Netflix for Osprey Nest relocations

Councilwoman Cooper called for the 2nd reading and Public Hearing of an ordinance amending Chapter 284 Peace and Good Order 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 AUTHORIZING AN EASEMENT AGREEMENT WITH NETFLIX, INC. FOR THE RELOCATION OF OSPREY NESTS ON BOROUGH PROPERTIES** was published one time in the Two River Times on September 26, 2024.

PUBLIC HEARING: Mayor Tvrdik opened the meeting for public comment for this ordinance. 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 Deerin.

Councilwoman Cooper made a motion to adopt the ordinance and advertise in accordance with law, seconded by Councilman Deerin.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patty Cooper, Councilwoman
SECONDER: William Deerin, Councilman
AYES: Deerin, Gallo, Keeshen, O'Brien, Salnick, Cooper

VII. Clerk's Report: Ms. Smith attended the JIF's webinar on election security in preparation of the upcoming general election, development of security plans to be prepared in the event of an emergency situation; reviewing the Borough's cyber security policy for JIF compliance, changes in tier levels and reviewing the cost-benefit of implementing additional security measures; provided an update on the records management project.

Old Business:

1. Resolution authorizing refund of funds balance for FMERA MOU 600 Area Water Project – *discussed and moved forward*

New Business:

2. Resolution appointing Donald Baldwin as a per diem Plumbing/Mechanical Subcode & Inspector – *discussed and moved forward*
3. Resolution appointments to Boards & Committees, HIS, WW – *discussed and moved forward*
4. Discussion: Floating Dock, Blackberry Bay Park - Mayor Tvrdik advised that a few residents have reached out looking for additional cleats to be added to the floating dock; it is not a permanent structure, just a way for the Crew team to tie-up so they can get their trailer to embark or come back; this is a safety issue and will help pull the kids towards the pilings; the future plan is to reuse the old dock and either extend off or go to the other side where there's a bulkhead and have it separate for the Crew team over there.
5. Discussion: Resident Request to rent parking space at BBB Park – Mayor Tvrdik advised that a resident has requested to rent a parking space at Blackberry Bay Park to park her trailer that she uses for her paddleboard yoga business; the request was made a few months ago at a Council Meeting and the matter was referred to the Planning and Development Committee and Finance Committee; with the ongoing demolition of the pool and the added space needed for the Recreation and Planning and Development, the borough does not feel this is a good time to rent out parking spaces which are in high demand right now.
6. Discussion: Tree Ordinance and Shade Tree Committee - Mayor Tvrdik advised new state mandates require updating our tree ordinances and need to reactivate the Committee in order to meet the stormwater regulations; if anyone is interested in joining the committee, complete the Volunteer/Call of Service form on the Borough's website.
7. Discussion: Public Safety Committee Recommendation to Fill Police Chief Vacancy – Mayor Tvrdik explained the upcoming retirement of Chief Kelly and the interview process to fill the vacancy. Councilman Keeshen advised that three very qualified candidates applied for the position; each candidate was scored on the same set of questions; the committee along with the Mayor and Ms. Phelps discussed and the Public Safety Committee recommends the appointment of Gary Grimes as the next Chief of Police for the Borough of Oceanport. Mayor Tvrdik mentioned the Sergeant vacancy created by the promotion of Gary Grimes would be discussed and a recommendation made at a future meeting. Resolution to promote Gary Grimes will be added to the October 17th meeting; also discussed was request by Chief Kelly to compensate for three unused vacation days in order to be available to bring Mr. Grimes up to speed to which there were no objections.
8. Discussion: Leasing of Public Building Space - *Added on Late* - Mayor Tvrdik led discussion on the potential opportunity to lease approximately 6500 square feet at the rear of the police building. Netflix will eventually take the FMERA building who would need a new location and maybe one for them to consider - would be done through a shared service. If they are not interested, consideration is being made to offer the area for lease by public bid.
9. Discussion: Solid Waste & Recycling Contracts, Borough Administrator - *Added on Late* Ms. Phelps reported that our current garbage and recycling contract expires June 30th of next year; would like to bid in December in the event a second bid is needed; discussed in detail the bid specs and proposed options to reduce costs including moving to 2 garbage zones, service that has automated truck lift of the cans which the Finance Committee and DPW were asked to come up with some options; also discussed was a possible compost site. Councilman Salnick asked if there had been any investigation into shared services. Mayor Tvrdik added that several services were already available including bulk and metal pickup and the Committee can take into consideration the value of costs/benefits for having own recycling center. Timing wise, the Borough's contract expired after other towns had gone with new contracts so they weren't able to take advantage of that.

Minutes:

10. Mayor & Council - Workshop - May 2, 2024, 7:00 PM – moved forward with no objections

VIII. Administrator's Report: Ms. Phelps reported on items including NJ Film Ready and will be touring with them through Oceanport; the County has approved the grant application for phase four for the improvements to Maria Gatta in the amount of \$475,000 which will include installation of water and sewer services, construction of a building to house restrooms and storage.

At 7:49 PM, Councilman Salnick exited the dais and took a seat in the audience.

Request for Easement_60 Shore Road – Mayor Tvrdik explained in detail the events that occurred subsequent to the September 19th meeting related to the 60 Shore Road matter including an after-the-meeting conversation with Mr. Salnick in which he suggested that the Mayor may want to take a look at a certain address before reaching out to the DEP. Initially Mayor Tvrdik took it as threatening but corrected himself stating that what he actually did was try to extort a government official. If anything done at that property was wrong or if they have a dock that's not in compliance, that's on his in-laws and they would have to bring it up to compliance. Mayor Tvrdik passionately advised that he follows the rules – building houses in town. He provided details concerning

a text he received at 4:15 am with historical photos and current photo of his in-laws' property showing their dock, assertions that enforcement should not have favoritism, and that he would be blocking that number from his personal cell phone and directed all contact to be through the Mayor's contact information. Later in the morning, prior to his grandfather's funeral at 10am, he emailed the DEP with a request to advise if the structure(s) at 60 Shore Road were constructed in accordance with their permit or if the permit had been amended prior to the governing body's consideration of an easement for access to the dock. NJDEP response came that same day affirming that the permit for 2 jet skis had not been modified and any structures not shown on the approved plan would be a violation and specifically states that no boat could be moored. Subsequently Mr. Salnick filed a cease and desist email for all activities, communications and other actions by the borough, its employees and other representatives regarding the continued unlawful harassment and the violation of his civil rights and if not complied with Mr. Salnick would file litigation and seek monetary damages. He urged the Council to consider strongly opposing the easement request with the current situation and not allow for the dock to be used in a manner in which it wasn't constructed. Mayor Tvrdek polled the Council asking if each one had any questions or comments with none expressed. There were inaudible comments made by Mr. Salnick from the audience to which Mayor Tvrdek shut down as it was not the appropriate time of the meeting.

At 8:04 PM, Councilman Salnick resumed his seat at the dais.

- IX. Mayor's Report:** Mayor Tvrdek played a voicemail message from a resident complimenting how great Maria Gatta Park looks; Veterans Day is November 11th, the wreath placement will be at Borough Hall at 10:30am; attended the RWJ Mayor's Breakfast discussed the ongoing mental health issues in Monmouth County; spoke to seventh and eighth grade students at Maple Place regarding e-bikes, an ordinance has been drafted; the Pumpkin Fest at Hook and Ladder was well attended; Trunk or Treat is on October 27th at Borough Hall; Roseanne Letson from the Historical Committee could not attend tonight's meeting, they will be participating in Archives and History Day on October 26th at Brookdale and are working with a reporter who is putting together a story on the history of Oceanport; Shore Regional's Field Hockey team in number one in the conference, number six in the State; Congratulated Gary Grimes on his promotion to Chief; First Aid Squad is having their community CPR class on October 5th; Townwide yard sale is this weekend.

- X. Public Comment:** Mayor Tvrdek opened the meeting to comments from the public. Councilman Salnick asked if he should comment from the dais or as public. Mayor Tvrdek responded that if his comments were personal that he should step down from dais. Mayor Tvrdek first asks the general public if there was anyone who wished to come forward.

As there was no one else from the general public, Mayor Tvrdek recognized Mr. Salnick at the general public microphone for his public comments.

Keith Salnick, 60 Shore Road, commented at length on the Mayor's comments concerning his easement request, asserting harassment by the Borough and misleading or false allegations on a variety of issues, accused Mayor Tvrdek of being spiteful and vindictive and conducting a personal war against him, his lifestyle, his business, his well being and now out of control. There was a heated exchange back and forth between Mr. Salnick and Mayor Tvrdek on the assertions and allegations for several minutes. At 8:22 PM Mayor Tvrdek asked if Mr. Salnick was done whom responded that he wasn't finished explaining himself. Mayor Tvrdek allotted an additional 5 minutes for Mr. Salnick to conclude. Mr. Salnick continued to speak on the ridiculousness of the situation, reiterating his previous assertions, allegations and concerns.

At 8:31 Councilwoman Cooper made a motion to adjourn the matter which was not met with a second due to the loudness of the voices continuing to argue.

- XI. Adjournment:** At 8:32 PM the meeting was adjourned on a motion by Councilwoman Cooper, seconded by Councilman O'Brien and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK