



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • SEPTEMBER 21, 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, 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, Statement to the Public:** Mayor Coffey led attendees and the members of Council in the flag salute.
- IV. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Present	
William Deerin	Councilman	Remote	
Richard Gallo	Councilman	Present	
Bryan Keeshen	Councilman	Late	7:26 PM
Michael O'Brien	Councilman	Present	
Keith Salnick	Councilman	Absent	
Thomas Tvrdik	Councilman	Present	
Jeanne Smith	Borough Clerk	Present	
Andrew Bayer	Borough Attorney	Present	
Donna M. Phelps	Administrator	Absent	
Catherine D. LaPorta	Chief Financial Officer	Present	

- V. **PUBLIC COMMENT - Action Items Only:** Mayor Coffey opened the meeting for comments from the public on action items only. As one appeared the comment period was closed.
- VI. **Clerk's Report:** No report.
- VII. **Consent Agenda:**
- #2023-210 1. Resolution authorizing payment of BILL LIST 09-21-2023
 - #2023-211 2. Resolution renewing membership in the Monmouth Municipal Joint Insurance Fund
 - #2023-212 3. Resolution acknowledging receipt of 2022 annual audit
 - #2023-213 4. Resolution authorizing the purchase of Audio/Video Upgrades
 - #2023-214 5. Resolution authorizing an Interlocal Agreement with OPBOE for Class III SLEOs
 - #2023-215 6. Resolution authorizing an MOU with FMERA for Engineering Services - Demolition of Bldgs 550, 551
 - #2023-216 7. Resolution awarding contract for Engineering Services for FMERA MOU for Bldgs 550/551 demolition
 - #2023-217 8. Resolution awarding contract to Blaze Emergency Equip for 2023 fire equipment services
 - #2023-218 9. Resolution authorizing an Interlocal Agreement with OPBOE for ground maintenance and snow plowing
 - #2023-219 10. Resolution adopting an Affordability Assistance Manual
 - #2023-220 11. Resolution approving First Aid Membership - Schmid, Danial

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

- VIII. **Minutes:**
- 1. Mayor & Council - Workshop - Aug 17, 2023 7:00 PM

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

2. Mayor & Council - Regular Meeting - Aug 17, 2023 7:30 PM

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

3. Mayor & Council - Workshop - Sep 7, 2023 7:00 PM

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

IX. First Reading Ordinances:

#1083 Introduction of Ordinance Amending Special Event Fees for First Aid/Fire Standby

Councilman Tvrdik called for the introduction of "AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH STATE OF NEW JERSEY AMENDING CHAPTER 204 FEES FOR SPECIAL EVENTS REQUIRING FIRST AID/FIRE DEPARTMENT STANDBY" 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 October 19, 2023 and to advertise same in accordance with the law, which was seconded by Councilman O'Brien.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 10/19/2023 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Michael O'Brien, Councilman	
AYES:	Deerin, Gallo, O'Brien, Tvrdik	
ABSENT:	Keeshen, Salnick	

X. Second Reading & Public Hearing Ordinances:

#1080 An Ordinance Setting Salary Ranges for Various Positions

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance authorizing the vacation of Leonard Ave 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 FORTH AND AMENDING THE SALARY RANGES OF CERTAIN BOROUGH OFFICERS AND BOROUGH EMPLOYEES PASSED AND APPROVED MARCH 16, 1939 AND LAST REVISED AND APPROVED ON JULY 20, 2023" was published one time in the Asbury Park Press on August 31, 2023.

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

Councilman Tvrdik made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Councilman O'Brien.

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

#1081 An Ordinance Amending Chapter 331 Streets & Sidewalks

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance authorizing the vacation of Leonard Ave 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 331 "STREETS & SIDEWALKS"**" was published one time in the Asbury Park Press on August 31, 2023.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance. As no one else 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 O'Brien.

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

#1082 An Ordinance Amending Parks & Recreation 279

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance authorizing the vacation of Leonard Ave 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 279 "PARKS & RECREATION AREAS" OF THE CODE OF THE BOROUGH OF OCEANPORT"**" was published one time in the Asbury Park Press on August 31, 2023.

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

Councilman Tvrdik made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Councilman O'Brien.

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

XI. Resolutions:

#2023-221 Resolution confirming SLEO appointments to the Police Department

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

#2023-222 Resolution acknowledging retirement of Margaret Herchakowski - Councilman Tvrdik took time to acknowledge the retirement of Peggy Herchakowski and thanked her for her time and commitment to the Borough especially after Superstorm Sandy working tirelessly to get the residents back into their homes, she put in the hours and this is the part of the fabric of Oceanport. She

will be deeply missed. Many residents have a special place their heart for Peggy. Mayor Coffey added that he spoke with Peggy more than his wife during the Sandy recovery, she was fantastic and the department was all part time and while a nightmarish time, she handled it. Councilman O'Brien was in agreement.

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

#2023-223 Resolution amending the 2023 Salary Resolution

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

XII. Council Standing Committee Reports:

1. Councilman Deerin, Parks & Recreation – reported that he was not able to attend, but that Summer's End went great and gave special thanks to Jay Silverman and the rest of the Recreation Committee, also thanked public works, fire, first aid and police. Maria Gatta Park is bustling and looks great, reminded everyone that kids are back in school and to please drive carefully.
2. Councilman Gallo, Public Works & Engineering – reported on items including punch list for the 2022 road program, and his committee will be meeting next week regarding the tree ordinance.
3. Councilman Keeshen, Public Safety - Absent
4. Councilman O'Brien, Finance & Administration – reported on items including intention of Borough to apply to County for next round of funding for the road program; not required but keeps the Borough in the system, will be reviewing with the Committee and then a recommendation to the governing body; Maria Gatta Park has brought in revenue thus far in the amount of \$248,000 YTD, the debt service for the project was \$235,000 which has been covered this year; thanked the various parties involved for their efforts including DPW, BA, CFO and Clerk; the Borough has also received payment in the amount of \$32,000 for the rental agreements at Blackberry Bay Park for dock use – the cost of the new low profile dock was \$17,000. Councilman O'Brien closed with comments echoing Councilman Tvrdik's and wished Mrs. Herchakowski all the best in her retirement.
5. Councilman Salnick, Health & Human Services - Absent
6. Councilman Tvrdik, Planning & Development – reported on items including ongoing drainage issues behind Wolf Hill School and continue to work on alternative solutions, thanked the affected residents for their patience; Conrail has dredged and maintenance their right of way near Main Street and Mrs. Krotzer's property and consideration being given to raising the drain on Main Street; met with residents that petitioned for sidewalks on South Pemberton; extended thanks to Peggy Herchakowski for all her hard work

XIII. Mayor Coffey's Report: Mayor Coffey's report included updates on the mailbox issue at Balmer Court which the US Post Office had just approved the Borough's appeal with conditions on placement of the mailboxes; Netflix has a due diligence date coming up, the proposed reuse plan that would allow for Netflix's development is expected in October to FMERA; driving through the Fort you can see the progress and Oceanport is nearing completion once the Netflix deal goes through.

XIV. Public Comments: Mayor Coffey opened the meeting for petitions from the public. As no one else from the public presented, Mayor Coffey closed that portion of the meeting.

Ms. Smith advised the public that the Yard Sale Weekend was being postponed to the rain date due to the pending storm weather.

Councilman Keeshen entered the meeting at 7:26 PM

XV. Adjourn to Executive Session: At 7:27 PM Councilman O'Brien made a motion to adopt the resolution to enter Executive Session which was seconded by Councilman Tvrdik and received the following roll call.

#2023-224 Resolution authorizing an Executive Session, September 21, 2023

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

- Financial Agreement – will not be discussed

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

XVI. Return from Executive Session: At 7:44 PM, the Regular Meeting was re-opened on a motion by Councilman O'Brien, seconded by Councilman Tvrdik.

XVII. Adjournment: As there was no further business, the meeting was adjourned at 7:45 PM on a motion by Councilman Deerin, seconded by Councilman Keeshen and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK