



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • SEPTEMBER 19, 2024

Regular Meeting

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Mayor Tvrdik 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, 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.
- III. **Flag Salute, Statement to the Public:** Mayor Tvrdik led attendees and members of the Council in the flag salute.
- IV. **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

- V. **Proclamation:**
1. Recognizing Oceanport Preschool - Mayor Tvrdik announced that the proclamation would be scheduled for a meeting in October as many of the members are involved with Shore Regional who has back to school night tonight.
- VI. **PUBLIC COMMENT - Action Items Only:** Mayor Tvrdik opened the meeting for public comments on action items only. As no one appeared that portion of the meeting was closed.
- VII. **Administrator's Report:** Ms. Phelps discussed the Film Ready Workshop she attended, in order to become film ready the town would have to do an ordinance which fees can be set or adopt there code of conduct; thanked the borough staff for all of their hard work this week switching out the conference rooms.

At 7:08 PM, Councilman Salnick stepped down from the dais and took a seat as a member of the public.

Mayor Tvrdik gave a status report and recap on the 60 Shore Road Easement request – Mr. Salnick has requested an easement from the Borough for his ramp that falls within the borough's right of way; after discussion Mr. Salnick was directed to reach out to the DEP which he did; was informed by the DEP what he can and can not do; the ramp is in the right of way - a violation with the Borough and the DEP; the DEP confirmed that temporary ramps are viewed the same as a permanent structure and that permits are required; before the steps are taken to obtain the permit, the borough would need to grant the easement now contingent on the DEP approval that the ramp gets put away and it is removable. In summary, Mr. Salnick does not want to waste his time, resources, energy and money to do that process if it's a "no deal" with the borough. Referencing the DEP permit, advised the Council of where the permit stipulates only two jet skis are authorized and the ramp is to be removable and not a fixed structure. Code enforcement sent a violation about operating a commercial fishing charter from the residence and off the residential dock; it is the Mayor's recommendation that clarification be provided by Mr. Salnik as to what the dock is being used for before the Council makes a decision. Council members asked questions and expressed concern that confirmation was needed if the dock was being used appropriately before considering the easement request.

Mr. Salnik appeared and presented his argument as to why the dock was not the Borough's jurisdiction and this was solely about him seeking an easement within the right of way; stated that the dock is 100% in compliance, all fines have been paid and closed out;

removed permanent fixed structure and put in a temporary ramp which did not comply with the DEP; read the email from the DEP outlining the steps prior to filing for the permit; spoke about the issues and mistakes the contractor hired made with building the ramp and stairs; would like to get the GP18 permit, pay the fees and get plans redone. Mayor Tvrdik interjected that the Borough gave him instructions to go back to the DEP, provide the Borough with information and report back so they could make a decision. Mr. Salnick retorted that the Borough took it as an opportunity to call enforcement and assert that he had a commercial fishing business, which "I have never said I do, I operate a charter business in the State of New Jersey".

There was lengthy discussion that continued back and forth reiterating same statements, claims, complaints from public regarding operating a business in residential zone; Mr. Salnick's fishing has grown from a "hobby" to a scaled business and time to move the boat and cliental to any of the marinas that allow around the area; Mr. Salnick's assertion that Shore Road was unique and has other residences that cross the right of ways so he should be allowed to have the easement, he is willing to sign a hold-harmless so there's no liability for the Borough; the Borough's position that they didn't go out of their way to target this or find this – it presented itself during the road program to rebuild Shore Road. Mr. Salnick argued he just wanted to do things the right way and be able to get up to his dock for whatever he uses it for.

Mayor Tvrdik polled each member of Council whether they were inclined to grant the easement that evening, did they need more information. Councilman Keeshen commented he was not inclined to "hitch" the Borough to something that might not be compliant and would like to see the outstanding issues about the dock, the jet skis and boat resolved before granting an easement for everything its associated with. Councilman Gallo pointed out he would like to see his other issue regarding his house resolved before considering the easement. Councilman O'Brien commented that in principle his was okay with the easement but he does want to see that the Borough is not at any risk before going down the path with DEP and there turns out something not right. He would like to have clarification, a final as-built. Councilman Deerin stated he had no issue with granting an easement but agrees with prior Councilpersons comments, that they current issues should be resolved first. Councilwoman Cooper asked questions about the type of dock sought and approved; Mr. Salnick has no jet skis, he built a dock at which various craft could be moored. Mayor Tvrdik read from the DEP permit one of the conditions that states two jet skis are permitted and no other vessels so the Borough would like clarification on that. Councilwoman Cooper asked specific questions regarding the structures measurements, the area of encroachment on the Borough's right of way and if the Council were to approve the easement were there any legal concerns that they should be aware of. Mr. Bayer opined that the permit to construct the dock was premised on jet skis and now there's another use that is being sought by the resident for the easement, he would have concern that the easement granted would be in contravention to the state permit.

In summary, Mayor Tvrdik stated that it sounds like the Council was agreeable to the easement once the questions were addressed and clarification that the site was in compliance with the DEP permit – boat access or jet ski only, or if there was any amendment to the permit.

At 7:47 PM, Councilman Salnick resumed his seat at the dais.

VIII. Clerk's Report: Ms. Smith advised that vote by mail ballots would be going out from the County on Sat. 9/21 and the County Board of Elections is seeking poll workers.

IX. Consent Agenda: Mayor Tvrdik asked if any items needed to be removed. Councilman Keeshen requested that #2024-228 be taken separately. Mayor Tvrdik asked for a motion on the remaining 7 items:

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| #2024-226 | 1. | Resolution authorizing payment of BILL LIST 09-19-2024 |
| #2024-227 | 2. | Resolution authorizing Tax Sale Redemption #23-00002 |
| SEPARATE | 3. | Resolution increasing contract for HVAC Services to Automated Building Controls |
| #2024-229 | 4. | Resolution approving Special Event Permit for Bike New York |
| #2024-230 | 5. | Resolution authorizing purchase of 2 vehicles for Police Dept through State Contract |
| #2024-231 | 6. | Resolution accepting donation of fork lift and truck lift from Little Silver |
| #2024-232 | 7. | Resolution authorizing signatories for TD Bank Municipal Court Account |
| #2024-233 | 8. | Resolution appointing Matthew Rack as a per diem Building/Mechanical Inspector |

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

X. Minutes:

1. Mayor & Council - Regular Meeting - Apr 20, 2023 7:00 PM

RESULT:	ACCEPTED [5 TO 0]
MOVER:	William Deerin, Councilman
SECONDER:	Keith Salnick, Councilman
AYES:	Deerin, Gallo, Keeshen, O'Brien, Salnick
INELIGIBLE:	Cooper

2. Mayor & Council - Regular Meeting - May 16, 2024 7:00 PM

RESULT:	ACCEPTED [5 TO 0]
MOVER:	Michael O'Brien, Councilman
SECONDER:	Bryan Keeshen, Councilman
AYES:	Gallo, Keeshen, O'Brien, Salnick, Cooper
ABSTAIN:	Deerin

3. Mayor & Council - Regular Meeting - Jun 20, 2024 7:00 PM

RESULT:	ACCEPTED [5 TO 0]
MOVER:	Michael O'Brien, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Gallo, Keeshen, O'Brien, Salnick
ABSTAIN:	Cooper

XI. Resolutions:

- #2024-228** Resolution increasing contract for HVAC Services to Automated Building Controls

RESULT:	ADOPTED [5 TO 0]
MOVER:	Patty Cooper, Councilwoman
SECONDER:	Richard Gallo, Councilman
AYES:	Deerin, Gallo, O'Brien, Salnick, Cooper
ABSTAIN:	Keeshen

- #2024-234** Resolution authorizing solicitation of bids for 2024 Road Program

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

- #2024-235** Resolution authorizing solicitation of bids for Allenhurst Ave Bulkhead Project

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

- Resolution appointing Fire Police member - Thomas Corsentino, Jr

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

Next: 10/3/2024 7:00 PM

Resolution approving issuance of Liquor License to NLL Trust (Netflix)

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

Next: 10/3/2024 7:00 PM

XII. First Reading Ordinances - None

XIII. Second Reading & Public Hearing Ordinances:

#1100 Ordinance Amending Chapter 284, Peace and Good Order

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

Due to a deficiency in the notice, the public hearing for both was rescheduled for October 3, 2024 with new notices to be issued.

XIV. Council Standing Committee Reports:

1. Councilman Deerin, Parks & Recreation – the Summers End party was a success, thanked DPW for keeping the fields and courts clean after the fireworks, Kelle who put together the Summers End Festival, the Fire Department, First Aid and Police, thanked all of the sponsors; Gatta Park the lights are up and running.
2. Councilman Gallo, Public Works & Engineering – Soliciting bids for the 2024 Road Program; leaf pick up program will start in mid-October.
3. Councilman Keeshen, Public Safety – October is Fire Safety Month, thanked the fire department for educating the children in town; Chief Kelly has announced his retirement, the interview process has started for Chief; the First Aid is hosting Bingo, the next date is September 21st; the Hook is having there Pumpkin Fest.
4. Councilman O'Brien, Finance & Administration – no report
5. Councilman Salnick, Health & Human Services - gave an update on the closure of the channel going under the Rumson Bridge.
6. Councilwoman Cooper, Planning & Development – gave an update on the Planning Board, waiting for some applications to be finished so they can be presented to the Board; the Development Review Committee met with Netflix to make sure all paperwork is in, looking to go in front of the Planning Board in November; fire department and first aid squad are running their fund drives, any dollar amount will help; reminded everyone about the Pumpkin Fest and Bingo at the First Aid Squad.

XV. Mayor Tvrdik's Report: Mayor Tvrdik reported that Netflix is starting their applications for demo permits, just under a hundred buildings to be taken down, first meeting in front of the Planning Board will be in November; come out and support the Shore Regional Blue Devils playing against Keyport; field lighting now installed at Gatta Park; spoke to Congressman Pallone about dredging efforts to the back channel on River Street and working with the County on the flooding problem; great job by the Summers End Committee and the DPW crew; E-Bikes have become a problem through out the town, a proposed ordinance has been drafted for review which defines low speed vehicles and electric vehicles; proposing a three step process, first time you get a warning; second time parents pay a fine, bike gets taken away and mandatory court appearance; third time is up to a \$1000 fine and the bike is forfeited; TRWRA Request – Additional Exceptions from Noise Ordinance; Sommers Park is shut down while drilling for new sanitary line, running into some issues and would like to start doing shift work to catch up on time which would be 3pm to 11pm and 11pm to 3am; would like to reach out to the neighbors ASAP and get some input, and see if the majority are good with the shift work; there was discussion amongst the governing body, after which a Resolution was drafted subject to the Mayor's discussion with members of the public and their feedback.

#2024-236 Resolution authorizing additional limited exceptions from the Noise Ordinance for TRWRA Project at Sommers Park

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

XVI. Public Comments: Mayor Tvrdik opened the meeting to comments from the public. The following persons appeared:

- Mark Patterson, 40 Itaska Pl, complimented the Building Department and how accommodating they are to work with, and what a great experience it was to work with them. Also, Jeanne Smith for all of her help with Zoning.
- Fred Filippone, 21 Willow Ct, spoke about the First Aid holding a townwide CPR class on October 5th; expressed interest in

joining the Water Watch Committee and requested information on the meetings.

- Rosanne Letson, 50 Deer Path Court, Tinton Falls, the Historical Committee will be participating in the Monmouth County Clerk's Archives and History Day on October 26th; asked about the signs around town not painted yet; In two years the United States will celebrate her 250th birthday; work has begun towards updating the Oceanport section of the Monmouth County Clerk book; would like to have everyone work on a committee as the Historical Committee can do this by themselves.

- Sal LaRosa, 412 Milton Ave, expressed his concerns on the ordinance for E-Bikes.

As there was no one else from the public, the public comments was closed on a motion by Councilman O'Brien, seconded by Councilman Keeshen.

XVII. Adjournment: As there was no further business, the meeting was adjourned at 8:54 PM on a motion by Councilman Keeshen, seconded by Councilman O'Brien and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK