



# BOROUGH OF OCEANPORT

## MAYOR & COUNCIL

MINUTES • SEPTEMBER 16, 2021

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 7:01 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 June 29, 2021 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 members of Council in the flag salute
- IV. **Invocation:** Borough Chaplain Stacy Deerin was unable to attend.
- V. **Roll Call:**

| Attendee Name   | Title                 | Status  | Arrived |
|-----------------|-----------------------|---------|---------|
| Jay Coffey      | Mayor                 | Present |         |
| William Deerin  | Councilman            | Present |         |
| Richard Gallo   | Councilman            | Absent  |         |
| Bryan Keeshen   | Councilman            | Late    |         |
| 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 | Borough Administrator | Present |         |

- VI. **GUEST: FMERA Staff Monthly Update:** Mayor Coffey reported that an RFOTP for the remaining parcels not under contract in Eatontown and Oceanport including the McAfee Center, would be issued in early October.
- VII. **Administrators Report:** Ms. Phelps discussed the Borough's project for check-valves as part of a Flood Hazard Mitigation grant that was denied back in 2019, however was considered an acceptable project. The grant program has re-opened for this year, is a cost-share grant, a detailed the Borough's contracts to prepare the applications previously. She further advised that the same project was likely acceptable under the American Rescue Plan which had no cost share or matching funds requirement. The Borough has received almost \$300,000 this year and expects another \$300,000 in 2022. The project estimated cost in 2017 was \$1.14 million. The FHM grant if awarded would provide nearly \$856,000 but not guaranteed. Using the Rescue Plan funds, which are guaranteed, would cover \$600,000 of the costs. If the Borough opts to pursue the FHM grant, the Borough would need to retain Millennium grant writers to perform the cost benefit analysis work needed for the application and the timing for that was concerning. She was uncertain if she would have all of the information together for the 10/7 workshop but should be discussed further for a decision on which way the Borough wants to proceed. Ms. Phelps also reported on final receipts of the online auction; application for the pickleball court and community garden was submitted to the County and included letters of support from the Oceanport Recreation Coordinator and former Councilwoman Ellynn Kahle. Ms. Phelps also attended the Joint Insurance Fund meeting where 2022 budget discussion projects a 9.9% increase in rates before changes in exposure. Markets and exposure have been increasing in addition to court decisions and administrative actions from Trenton and a number of other factors have resulted in additional losses. Use of surplus and a proposed budget is expected to be introduced in October. Ms. Phelps advised next that Mr. Iamello had completed the bid specifications for the Old Wharf House renovations and requested a resolution at the 10/7 meeting authorizing the project to go out to bid. Ms. Smith asked that a copy of the plan be provided to accompany the resolution for their review.
- VIII. **Clerk's Report:** Ms. Smith reminded everyone of the upcoming town-wide garage sale and deadlines to register; announcements for upcoming Recreation events are up on the website; new implementation of online service requests for bulk and metal to DPW through the website home page called "Citizen Requests". Ms. Smith presented a request by the

owner of 71 Bridgewaters Drive which had a fire sometime back and they now need to proceed with shut off of the gas. However, the road was recently paved and requires Council approval to waive the moratorium for street opening. Ms. Smith obtained specific conditions for repair from the Borough Engineer should they grant the waiver and asked for it to be added to consent if all were agreeable. There was brief discussion on the repair conditions and the need to minimize disturbed roadway area and seems but with confirmation that the Borough Engineer had made the recommendation, there were no objections.

Councilman Keeshen entered at 7:18 PM.

Ms. Smith asked members to remain after the meeting to sign the Group Affidavit for the audit regarding that consent agenda item. Ms. Smith also reviewed the added items concerning authorizations to go out to bid for Colliers.

**IX. Consent Agenda:** Ms. Smith described a 15<sup>th</sup> item added to Consent and

- |                  |     |                                                                                           |
|------------------|-----|-------------------------------------------------------------------------------------------|
| <b>#2021-184</b> | 1.  | Resolution authorizing payment of BILL LIST                                               |
| <b>#2021-185</b> | 2.  | Resolution authorizing permits for Facility Use - Fall 2021                               |
| <b>#2021-186</b> | 3.  | Resolution approving Special Event Permit for Residents of Werah Place for a Block Party  |
| <b>#2021-187</b> | 4.  | Resolution approving Special Event Permit for The Center in Asbury Park                   |
| <b>#2021-188</b> | 5.  | Resolution acknowledging receipt of 2020 annual audit                                     |
| <b>#2021-189</b> | 6.  | Resolution requesting waiver of 390-17(F) - 51 Pine Tree Lane                             |
| <b>#2021-190</b> | 7.  | Resolution authorizing the donation of sound equipment to the OPBOE                       |
| <b>#2021-191</b> | 8.  | Resolution authorizing Tax Sale Redemption #20-00001                                      |
| <b>#2021-192</b> | 9.  | Resolution authorizing indemnification to Oceanport Soccer Association                    |
| <b>#2021-193</b> | 10. | Resolution authorizing Public Sale of Fort Monmouth Special Liquor License(s)             |
| <b>#2021-194</b> | 11. | Resolution appointing Patrolman Glenn Mannino to permanent status                         |
| <b>#2021-195</b> | 12. | Resolution authorizing Housing Inspector to issue final CO for expired self-certified COs |
|                  | 13. | Receipt & Acceptance of Minutes, Historical Committee, June 24, 2021                      |
|                  | 14. | Receipt and Acceptance of Minutes, Parks & Recreation Committee, July 21, 2021            |
| <b>#2021-199</b> | 15. | Resolution authorizing waiver of Street Opening Moratorium for 71 Bridgewaters Drive      |

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | William Deerin, Councilman               |
| <b>SECONDER:</b> | Michael O'Brien, Councilman              |
| <b>AYES:</b>     | Deerin, Keeshen, O'Brien, Tvrdek, Walker |
| <b>ABSENT:</b>   | Gallo                                    |

**X. Minutes:**

1. Mayor & Council - Workshop - Aug 19, 2021 7:00 PM

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | Meghan Walker, Councilwoman              |
| <b>SECONDER:</b> | William Deerin, Councilman               |
| <b>AYES:</b>     | Deerin, Keeshen, O'Brien, Tvrdek, Walker |
| <b>ABSENT:</b>   | Gallo                                    |

2. Mayor & Council - Regular Meeting - Aug 19, 2021 7:30 PM

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | Michael O'Brien, Councilman              |
| <b>SECONDER:</b> | Bryan Keeshen, Councilman                |
| <b>AYES:</b>     | Deerin, Keeshen, O'Brien, Tvrdek, Walker |
| <b>ABSENT:</b>   | Gallo                                    |

**XI. Resolutions:**

- #2021-196** Resolution authorizing solicitation of bids for Community Center Park Improvements

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

**#2021-197** Resolution authorizing solicitation of bids for 2021 Road Program

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

## **XII. Second Reading & Public Hearing Ordinances:**

**#1042** An Ordinance Amending Parks & Recreation 279 - Permits for Facility Use

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance amending Parks & Recreation and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT AMENDING CHAPTER 279 "PARKS & RECREATION AREAS" OF THE CODE OF THE BOROUGH OF OCEANPORT**" was published one time in the Two River Times on July 29, 2021.

**PUBLIC HEARING:** Mayor Coffey 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 Councilwoman Walker and seconded by Councilman Deerin.

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

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

**#1043** Amendment to Property Maintenance Code for Housing & Commercial Certificates of Continued Occupancy

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance amending Property Maintenance 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 295 "PROPERTY MAINTENANCE" TO CREATE NEW ARTICLE "CERTIFICATES OF OCCUPANCY"**" was published one time in the Two River Times on August 26, 2021.

**PUBLIC HEARING:** Mayor Coffey 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 Councilwoman Walker and seconded by Councilman Deerin.

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

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

**#1044** Ordinance Amending the Land Development Ordinance Concerning Nonconformities

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance amending Land Development 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 390 "LAND DEVELOPMENT" OF THE CODE OF**

**THE BOROUGH OF OCEANPORT CONCERNING CONTINUATION OF EXISTING USES AND CERTIFICATES OF NONCONFORMITY**” was published one time in the Two River Times on August 26, 2021.

**PUBLIC HEARING:** Mayor Coffey 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 Councilwoman Walker and seconded by Councilman Deerin.

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

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Thomas Tvrdik, Councilman                |
| <b>SECONDER:</b> | Meghan Walker, Councilwoman              |
| <b>AYES:</b>     | Deerin, Keeshen, O'Brien, Tvrdik, Walker |
| <b>ABSENT:</b>   | Gallo                                    |

**#1045** An Ordinance Amending Salary Ranges for Police Chief & OEM Director

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance amending salary range for Police Chief & OEM Coordinator positions 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 THE SALARY RANGES OF CERTAIN BOROUGH OFFICERS AND BOROUGH EMPLOYEES PASSED AND APPROVED MARCH 16, 1939 AND LAST REVISED AND APPROVED ON AUGUST 19, 2021”** was published one time in the Two River Times on August 26, 2021.

**PUBLIC HEARING:** Mayor Coffey 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 Councilwoman Walker and seconded by Councilman Deerin.

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

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Thomas Tvrdik, Councilman                |
| <b>SECONDER:</b> | Michael O'Brien, Councilman              |
| <b>AYES:</b>     | Deerin, Keeshen, O'Brien, Tvrdik, Walker |
| <b>ABSENT:</b>   | Gallo                                    |

**XIII. Committee Reports:**

1. Councilman Deerin, Parks & Recreation – Commented on a phenomenal job on Summer's End and a shout out to Jay Silverman and Joanne Hunt and all the work done to make the event happen; it was a special day for Oceanport. He also provided details for upcoming Movie Night in the Parks; Recreation is seeking to do Trunk or Treat again this year on 10/23 at Borough Hall unless there were any objections; they are looking for more participants as Trunkers. Also discussed was plans for where to hold this year's tree lighting, no tree at municipal complex and the offer by Tetherview owner to use the large tree in front of Russel Hall; bids for Old Wharf House and pickle ball going out. Thanks to Steve Briskey and DPW again on the great job in the parks.
2. Councilman Gallo, Public Works & Engineering – Absent. Mayor Coffey offered comments on his behalf on the excellent work by DPW and noted specific improvements at Old Wharf Park along the paver walkway.
3. Councilman Keeshen, Public Safety – Councilman Keeshen also complimented Public Works on the beautiful 9/11 memorial that they constructed on property; reminded everyone on behalf of the Police that school is back in session, please watch your speed, new radar signs posted; thanked the fire department for job well done on the house fire that occurred last week; First Aid seeking more volunteers and thanked them for their work. He also reported on a Public Safety Meeting with all departments; discussions with OEM on preparedness for hurricane season; encouraged public to watch website and CodeRed alerts in storm events.
4. Councilman O'Brien, Finance & Administration – Extended thanks to the Recreation Committee for organizing an excellent end of summer celebration; thanked first responders for their assistance during the night, and public works continues to shine and ensured proper lighting and safe grounds and clean up and thanked the residents that assisted with clean up the next day. The event was the Borough's first in 2 years and the weight of the day was not lost on anyone, especially those with connections to tragedy of 9/11. It was a night of equal parts acknowledgment of loss and celebration of current lives and quoted unknown author that the best way to honor those on 9/11 is to live the way we did on September 12<sup>th</sup>. Councilman O'Brien extended thanks to Ms. Phelps

for her help with the Police Chief's contract. He also thanked Katie LaPorta for the sparkling audit report. Countless hours spent with counsel and auditors ensure that the Borough's finances are managed efficiently.

5. Councilman Tvrdik, Planning & Development – Councilman Tvrdik wished Ed Ryan, Bill Deerin and Rick Gallo happy birthdays. Planning Board back to meeting twice per month, continues to be busy with applications; welcomed the Gomes family who would be improving the long-vacant 38 Morris Place; Denholtz continues to demolish former buildings at the Warehouse and Commissary parcels; two ribbon cutting ceremonies – the Fort Athletic Club and NJ City University at Squire Hall; attended the 9/11 ceremony at Mount Mitchell hosted by the County and recalled his own experience that day in the city.
6. Councilwoman Walker, Health & Human Services – Schools have opened; Environmental Committee has one member stepping down due to relocation so seeking volunteer to fill that spot. Water Watch reports high levels on water testing – of most concern were the waters at Old Wharf – she has connected the committee with the paddle club to communicate and educate the owner on best ways to conduct testing should he wish to do on his own. Counts were lower in September. She commented on the time and commitment by these volunteers and their dedication but without a lifeguard or monitor, nothing results from their reports that are sent to DEP and Clean Ocean Action. She gave the example of the beach with a lifeguard with a test result in the 100s gets shut done but testing at Old Wharf comes back in the 1,000s and nothing happens or communicates with the paddle club who has kids in the water for camps. So they are working ways to resolve that. They are also looking to work with the high school to take data and analyze it. She also brought up concerns by the Environmental Committee regarding telecommunications installations which Ms. Smith confirmed has been placed on the 10/7 workshop agenda for further discussion.

Councilwoman Walker also brought up the subject of reinstating the Environmental Committee as a Commission – the differences of which are fairly stark despite what may have been previously represented and is not in line with surrounding communities. She requested that the Council discuss at the next workshop reinstating that.

She further commented on the 9/11 memorial at Borough Hall in the morning was wonderful and meaningful and then a lovely presentation at Summer's End and couldn't think of a better way to bring the community together.

- XIV. Mayor Coffey's Report:** Mayor Coffey's report included the opening of Squire Hall, impressed by the business center; and fantastic job by Fitness Center which plans to open next month, described some of the facilities features including the gym; thanked Rich Arlt of DPW for constructing the 9/11 Memorial in such a short time; there are additional 9/11 pieces – 2 granite markers that remain to be installed; the memorial was established in honor of Jimmy Straine and the first responders that gave their lives and participated in the rescue and clean-up of that day. Mayor Coffey also commented on the Summer's End event on 9/11 and the participation in the Light Up the Shore memorial event that night coordinated by Monmouth County and other shore towns; he could think of no better way to have 600-800 town people showing up in one spot participating in honoring that day and the fireworks finale started at 9:11pm – it was a perfect evening. Mayor Coffey also highlighted a fundraiser cornhole tournament that raised funds for both firehouses – close to \$7,000 in profits with \$3,500 to each house.

- XV. Petitions from the public:** Mayor Coffey opened the meeting to petitions from the public.

Thomas Tvrdik, commented that the cornhole event went great and met many new residents. He challenged the Mayor and Council President O'Brien to a rematch of best of 3.

Rosanne Letson, 50 Deer Path Court, Tinton Falls, appeared on behalf of the Historical Committee and asked questions about doing a costume contest at the Trunk or Treat event but Councilman Deerin commented they had decided not to do that this year; she commented on the tree lighting and suggested planting a tree now at Borough hall that could grow over the years; she also provided details on the Centennial Gala and encouraged everyone to attend and get their tickets now for the event on Oct. 16<sup>th</sup>.

Ed Ryan, 24 Willow Court, appeared and commended Councilman Keeshen for efforts on public safety and nice to have someone who knows and cares what the needs are of the first responders; he also expressed appreciation for OEM Director Buzz Baldanza who tends to be quiet but knows his stuff and should be acknowledged as such.

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

- XVI. Executive Session:**

At 8:04 PM Council President 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.

**#2021-198** Resolution authorizing an Executive Session

**Personnel Matters - N.J.S.A. 10:4-12(b)(8)**

Police Chief's Contract

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

Hester, Paul vs Borough of Oceanport

At 8:29 pm, the Mayor & Council returned from Executive Session and the workshop meeting was reopened on a motion by Council President O'Brien and seconded by Councilman Keeshen and approved by Council.

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED AS AMENDED [UNANIMOUS]</b>    |
| <b>MOVER:</b>    | Michael O'Brien, Councilman              |
| <b>SECONDER:</b> | Thomas Tvrdik, Councilman                |
| <b>AYES:</b>     | Deerin, Keeshen, O'Brien, Tvrdik, Walker |
| <b>ABSENT:</b>   | Gallo                                    |

**XVII. Action Item from Executive Session:**

**#2021-200** Resolution authorizing Employment Agreement with Michael P. Kelly

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Bryan Keeshen, Councilman                |
| <b>SECONDER:</b> | Michael O'Brien, Councilman              |
| <b>AYES:</b>     | Deerin, Keeshen, O'Brien, Tvrdik, Walker |
| <b>ABSENT:</b>   | Gallo                                    |

**XVIII. Adjournment:** As there was no further business, the meeting was adjourned at 8:31 PM on a motion by Councilwoman Walker, seconded by Councilman Deerin and approved by Council.

Respectfully submitted,

Jeanne Smith  
BOROUGH CLERK