



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • AUGUST 17, 2023

Regular Meeting

Clement V. Sommers Municipal Building

7:30 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Mayor Coffey called the meeting to order at 8:13 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
Jay Coffey	Mayor	Present
William Deerin	Councilman	Present
Richard Gallo	Councilman	Present
Bryan Keeshen	Councilman	Present
Michael O'Brien	Councilman	Present
Keith Salnick	Councilman	Absent
Thomas Tvrdik	Councilman	Present
Jeanne Smith	Borough Clerk	Present
1112	Borough Attorney	Present
Donna M. Phelps	Administrator	Present
Catherine D. LaPorta	Chief Financial Officer	Present

- V. **PUBLIC COMMENT - Action Items Only:** Mayor Coffey opened the meeting for discussion on the Consent Agenda. Questions for ordinances would be taken during the public hearing for each ordinance.
- VI. **Consent Agenda:** Ms. Smith stated there were 17 items on Consent Agenda - Item #2 was removed from Consent at request of Councilman Keeshen.

- #2023-191 1. Resolution authorizing payment of BILL LIST 08-17-23
- #2023-193 2. Resolution approving Fire Dept Membership - Wartel, Bryan
- #2023-194 3. Resolution approving First Aid Membership - LaRosa, Salvatore
- #2023-195 4. Resolution approving Fire Dept Membership - Ciaglia Sr, Michael
- #2023-196 5. Resolution to amend 2023 budget for FMERA MOU Building 555
- #2023-197 6. Resolution authorizing Change Order #1 to Myrtle Ave Drainage Improvements - Lima Charlie Const
- #2023-198 7. Resolution rescinding estimated 3rd Quarter 2023 tax bills
- #2023-199 8. Resolution approving Special Event Permit for Bike New York
- #2023-200 9. Resolution requesting FEMA to provide repetitive loss data
- #2023-201 10. Resolution authorizing Bid Award for Case #OPRT-2201 to Four Star Developers
- #2023-202 11. Resolution awarding contract to Grupo Borja for facility use management consulting
- #2023-203 12. Resolution authorizing renewal of Commodity Resale Agreement with Monmouth County
- #2023-204 13. Resolution for temp. permission for alcoholic consumption at 2023 Summer's End
14. Receipt & Acceptance of Minutes, Historical Committee, 06/08/2023
15. Receipt & Acceptance of Minutes, Parks & Recreation Committee, 6/14/2023
16. Receipt & Acceptance of Minutes, Parks & Recreation Committee, 7/12/2023

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

VII. Minutes:

1. Mayor & Council - Regular Meeting - Dec 15, 2022 7:00 PM

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

VIII. Resolutions:

- #2023-192** Resolution appointing Kevin Moriarity as a Public Defender

RESULT:	ADOPTED [4 TO 0]
MOVER:	Thomas Tvrdek, Councilman
SECONDER:	Michael O'Brien, Councilman
AYES:	Deerin, Gallo, O'Brien, Tvrdek
ABSTAIN:	Keeshen
ABSENT:	Salnick

- #2023-205** Resolution awarding contract for Building 555 Demolition Project

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

IX. First Reading Ordinances:

- #1080** Introduction of An Ordinance Setting Salary Ranges for Various Positions

Councilman Tvrdek called for the introduction of "**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**" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdek moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of September 21, 2023 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 9/21/2023 7:00 PM
MOVER:	Thomas Tvrdek, Councilman	
SECONDER:	William Deerin, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdek	
ABSENT:	Salnick	

- #1081** Introduction of An Ordinance Amending Chapter 331 Streets & Sidewalks

Councilman Tvrdek called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 331 "STREETS & SIDEWALKS"**" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdek moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of September 21, 2023 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 9/21/2023 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	William Deerin, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik	
ABSENT:	Salnick	

#1082 Introduction of An Ordinance Amending Parks & Recreation 279

Councilman Tvrdik called for the introduction of "**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**" 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 September 21, 2023 and to advertise same in accordance with the law, which was seconded by Councilman Deerin.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 9/21/2023 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	William Deerin, Councilman	
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik	
ABSENT:	Salnick	

4. Ordinance Amending Land Development Chapter 390-27 "Portable on Demand Storage - Tabled for the September meetings.

X. Second Reading & Public Hearing Ordinances:

#1077 Ordinance authorizing vacation and fee conveyance of Leonard Ave

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 AUTHORIZING THE VACATION AND FEE CONVEYANCE OF LEONARD AVENUE (STREET) IN THE BOROUGH OF OCEANPORT**" was published one time in the Asbury Park Press on August 7, 2023.

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

Matthew Zeniewicz, Turf Drive, asked questions about the access for Horseneck neighborhood without Leonard Ave. Mayor Coffey responded that Leonard is a landlocked piece that is within the Netflix parcel and that Hazen Drive has been that neighborhood's access since the Fort closing and would continue as same.

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 Keeshen.

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

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

#1078 Ordinance approving amended municipal boundary with Eatontown on Fort Monmouth

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 "**ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE MUNICIPAL BOUNDARY BETWEEN THE BOROUGH OF OCEANPORT AND EATONTOWN ON FORT MONMOUTH PROPERTY**" was published one time in the Two River Times on August 10, 2023.

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

Matthew Zeniewicz, Turf Drive, asked questions including where the bowling alley would be located (now fully in Eatontown), about the McAfee Center (now fully in Oceanport) and near the Nurses Quarters, the line adjustment would be place 3 residential homes in Eatontown, and the Nurse's Quarters would be fully within Oceanport.

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 Gallo.

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

#1079 Ordinance Providing for Lease of Blackberry Bay Park Facilities

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 "**ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING AGREEMENTS WITH CHRISTIAN BROTHERS ACADEMY, MONMOUTH UNIVERSITY AND MONMOUTH UNIVERSITY ATHLETIC DEPARTMENT FOR ROWING AT BLACKBERRY BAY PARK** " was published one time in the Two River Times on August 10, 2023.

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

Diane Schmidt, asked questions about who would build the facility (the schools). Councilman Keeshen responded that the schools would rehabilitate the pool area and the funds received were going to go towards lining the parking area and provide designated parking for the boat ramp. She asked if the pool would be filled in and was told it would be but not at this time due to resources, but skulls would be stored in two 20' shipping containers and will take measures to make that area of the park look nice. She asked would the fees cover any costs to the Borough and was told yes, there would be no costs to the Borough. This phase would be only as a storage area and not a facility being built at this time. Improvements will also provided for additional safety measures for use of the docks and ramp. Ms. Schmidt clarified that she just wanted to be sure the Borough was not paying to build facilities for two private entities.

Frank Picciolo, 15 Genesse Ave, asked questions and commented on the proposed use including the storage containers, the filling of the pool, teenagers hanging out, and thought there was something for the long term.

Matt Zeniewicz, Turf Drive, asked questions and commented on the right to negotiate by Councilman Keeshen and was concerned about the possibility of a switch up and all of a sudden boathouses are being built. Mayor Coffey explained that there was no back room deals, anything involving public land has to be done by ordinance and whatever terms negotiated would have to have final approval by the Council by ordinance and public hearing. There was further discussion concerning the pool being filled which was not a part of these contracts. Mr. Zeniewicz asked if there were Corps of Engineers permits (yes), floating dock was only being lowered for safer access and was not being expanded and was covered by approved permits. There was a lengthy discussion concerning the use of public land by private entities and allowing them to develop permanent structures. Mr. Zeniewicz also asked about making the Borough land at the end of Horseneck Point into parkland and was advised, no it was restricted due to Blue Acres.

Priscilla Picciolo, 15 Genesse Ave, asked about the tree ordinance. Mayor Coffey advised that this was for the ordinance hearing but to give him a call.

Frank Picciolo, 15 Genesse Ave, returned and asked questions about the filling of the pool and he has resources that would do it for free.

As no one else from the public presented to be heard, the public hearing was closed on a motion by Councilman Deerin and seconded by Councilman Keeshen.

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

RESULT:	ADOPTED [4 TO 1]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	Richard Gallo, Councilman
AYES:	Gallo, Keeshen, O'Brien, Tvrdik
NAYS:	Deerin
ABSENT:	Salnick

XI. Council Standing Committee Reports:

1. Councilman Deerin, Parks & Recreation – reported on items including Movies in the Park and successful Action Camp year.
2. Councilman Gallo, Public Works & Engineering – reported that the 2022 road program was winding down with only a couple of items left waiting for utility pole to be moved and new curbing on Center Street before paving.
3. Councilman Keeshen, Public Safety – reported on items including emergency organization meetings for future planning
4. Councilman O'Brien, Finance & Administration – thanked Ms. LaPorta for her diligence on the acceptable audit.
5. Councilman Salnick, Health & Human Services - Absent
6. Councilman Tvrdik, Planning & Development – reported on items including street openings by the gas company, replacing main service; update on demolition of site next door for the JCP&L substation scheduled for next week to begin; continued efforts to resolve drainage issue behind Wolf Hill School; he and Councilman Gallo attended the Oceanport Stakes race and the seafood festival at the track.

XII. Mayor Coffey's Report: covered during Workshop.

XIII. Public Comments: Mayor Coffey opened the meeting for petitions from the public.

Mark Patterson, 40 Itaska Place, expressed concern for road program work that impacted his street, cracking the length with huge gashes and understands it isn't part of the program so requested that the Engineer visit his street when looking at Werah Place.

Diane Schmidt, Port Au Peck Ave, gave a statement on behalf of the Seniors Club and requested an easier way to do a bulk pickup as many of them are not computer saavy, also, somehow make it easier for them to sign up for CodeRed and asked if someone could come to their meeting and advertise better that assistance is available.

Irene Elliott, 64 Kimberly Way, asked for additional information concerning the drainage issues with the schools. Councilman Tvrdik responded that he and Councilman Keeshen are working on a solution that will have the water flow to the drainage easement and is being considered for an Eagle Scout project whose father is an engineer. They are working on hold harmless language and agreements with impacted resident(s).

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

XIV. Adjournment: As there was no further business, the meeting was adjourned at 9:07 PM on a motion by Councilman Keeshen, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK