



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

AGENDA • AUGUST 15, 2019

Workshop

Maple Place School

7:00 PM

2 Maple Place, Oceanport, NJ 07757

I. Meeting Called to Order

II. Statement of Compliance with Open Public Meetings Act: *This meeting complies with the Open Public Meetings Act by notification on January 9, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.*

III. Flag Salute

IV. Invocation

V. Roll Call

VI. Administrator's Report

1. Resolution appointing a seasonal laborer for the Public Works Dept

VII. Clerk's Report

Permits/Licenses

1. Resolution authorizing waiver of Street Opening Moratorium for 22 Shrewsbury Ave
2. Request for Extension of Temporary Relief from Zoning Ordinance - 22 Asbury Ave
3. Boat Ramp Permits
4. Dog License Fees

August 15, 2019 Regular Meeting Items

5. Resolution authorizing payment of BILL LIST 08-15-2019
6. Resolution authorizing permits for Facility Use - Fall 2019
7. Resolution authorizing a fireworks display at 2019 Summer's End
8. Resolution for temp. permission for alcoholic consumption at Summer's End
9. Resolution authorizing letter of representation and agreement with MCIA for Shore Reg Guaranty
10. Resolution approving Special Event Permit for Bike New York
11. Workshop Minutes, July 18, 2019
12. Regular Meeting Minutes, July 18, 2019
13. Receipt & Acceptance of Minutes, Historical Committee, April 11, 2019
14. Receipt & Acceptance of Minutes, Historical Committee, June 14, 2019
15. Receipt & Acceptance of Minutes, Parks & Recreation Committee, June 12, 2019
16. Receipt & Acceptance, Port Au Peck Captain's Report - April 2019
17. Receipt & Acceptance, Port Au Peck Captain's Report - May 2019
18. Receipt & Acceptance, Port Au Peck Captain's Report - June 2019
19. Receipt & Acceptance, Port Au Peck Captain's Report - July 2019

VIII. Discussion Items

1. Bid Results & Contract Award Recommendation - General Contract for New Municipal Complex
2. RFP Results for Real Property Data Collection & Verification Services
3. Contract Change Order #1 for Milton Ave Drainage Improvements Project
4. Solid Waste & Recycling Contract - Engineering Services to Provide Bidding Services
5. Lawn Maintenance Services, Councilman Gallo
6. Ordinances & Forms to Expand CO/CCO requirements, Councilman Proto
7. Police Overtime, Councilman Irace
8. Compensation for employees & officials for 2019, F&A Committee
9. "Americans with Disabilities Act" Compliance, Council President Solan
Ordinance Creating an ADA Committee
Resolution appointing an ADA Coordinator

IX. Mayor's Report

1. Appointment to Water Watch Committee
2. Monmouth Park Helipad Proposal

X. Petitions from the Public**XI. Adjournment**



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • AUGUST 15, 2019

Workshop

Maple Place School

7:00 PM

2 Maple Place, Oceanport, NJ 07757

- I. **Meeting Called to Order:** Mayor Coffey called the meeting to order at 7:00 p.m.
- II. **Statement of Compliance with Open Public Meetings Act:** Mayor Coffey stated "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 9, 2019, and by the posting of same on the municipal bulletin board and Borough Web Site."
- III. **Flag Salute:** Mayor Coffey led the audience and members of the Council in the flag salute
- IV. **Invocation:** 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	Present	
Joseph A. Irace	Councilman	Present	
Michael O'Brien	Councilman	Late	7:34 PM
Robert Proto	Councilman	Present	
Stephen Solan	Council President	Present	
Donna M. Phelps	Borough Administrator	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	
Catherine D. LaPorta	Chief Financial Office	Present	

VI. **Administrator's Report:**

1. Resolution appointing a seasonal laborer for the Public Works Dept
Ms. Phelps advised that the last person appointed had not lasted but another recommendation to fill the position was being made with a resolution prepared by the Clerk provided in their meeting information. Ms. Phelps also reported on items including progress on affordable housing administrative agent, submittal of new reimbursement request to FEMA for architectural fees; water leak at Charles Park and issue with NJ American Water's billing which resulted in large bill which NJAW agreed to provide a credit; participation in the NJSEM recommended by the MEL-JIF and future inclusion of the new municipal complex; annual renewal process and coverages with the JIF, cyber-risk insurance program and the pre-construction meeting for the new municipal complex subject to Council award of the contract later in the regular meeting.

VII. **Clerk's Report:**

Permits/Licenses:

1. Resolution authorizing waiver of Street Opening Moratorium for 22 Shrewsbury Ave – Ms. Smith summarized a request by the property owner to upgrade utility connections on a road with moratorium through Jan. 2021 and if approved would be subject to the recently adopted requirements for repairs to roads under moratorium to which there was no objection.
2. Request for Extension of Temporary Relief from Zoning Ordinance - 22 Asbury Ave – Ms. Smith summarized the matter of a property owner with small children wishing to maintain a fence along

property but located in the right of way, history of previous enforcement and request to extend temporary waiver. While there were no objections this matter was tabled for further review.

3. Boat Ramp Permits – Ms. Smith provided a review of the boat ramp use ordinance, enforcement issues and recommendation to add language to the ordinance to address vehicles/trailers parked in the facility's parking lot not having a launch permit.
4. Dog License Fees – Ms. Smith reported on dog license compliance, drop in number of registered, reduced revenue to cover animal control related costs, history of fee increases – last one in 2010 and prior to that 1983. Recommendation for an enforcement compliance program including educational campaign and a request to increase fees to cover costs. Councilman Irace stated he would prefer to focus on compliance and education before increasing fees for people that already comply and do fees next year. Ms. Smith advised the fee increase would be for January and now would be the time to do the ordinance. She also advised that there is no late fee which many other towns have implemented. After discussion it was agreed that an ordinance to increase the fee to a total of \$15 not including the \$3 surcharge for non-spayed/neutered due the State be drafted. Ms. Smith will also do an email blast, use the new website and work on education and compliance.

Ms. Smith gave updates on OPRA requests and manhours used, new website up with report a concern, online forms and welcomed suggestions or recommendation. Councilman Irace stated he would like to discuss fees for OPRA and ensure that the costs are being born by the requesters whenever appropriate. Ms. Smith advised that the fee that is available is a special service charge when the request is considered extensive and requires extraordinary amount of time and the law specifies what and what cannot be charged and when appropriate that fee is being charged.

August 15, 2019 Regular Meeting Items:

5. Resolution authorizing payment of BILL LIST 08-15-2019
6. Resolution authorizing permits for Facility Use - Fall 2019
7. Resolution authorizing a fireworks display at 2019 Summer's End
8. Resolution for temp. permission for alcoholic consumption at Summer's End
9. Resolution authorizing letter of representation and agreement with MCIA for Shore Reg Guaranty
10. Resolution approving Special Event Permit for The Center in Asbury Park
11. Mayor & Council - Workshop - Jul 18, 2019 7:00 PM
12. Mayor & Council - Regular Meeting - Jul 18, 2019 7:30 PM
13. Receipt & Acceptance of Minutes, Historical Committee, April 11, 2019
14. Receipt & Acceptance of Minutes, Historical Committee, June 14, 2019
15. Receipt & Acceptance of Minutes, Parks & Recreation Committee, June 12, 2019
16. Receipt & Acceptance, Port Au Peck Captain's Report - April 2019
17. Receipt & Acceptance, Port Au Peck Captain's Report - May 2019
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Ms. Smith asked for any questions or comments on the items for the regular meeting and as there were none, Items 5-19 were moved to the Regular meeting for action.

VIII. Discussion Items:

1. Resolution awarding contract for the General Contract for the New Municipal Complex
Mayor Coffey summarized the project and the award to the lowest responsible bidder so that work could begin. Ms. Phelps reviewed the bids received and the recommendation to award to Benjamin R. Harvey Co. Ms. Smith added that the contractor's pollution liability was not effective until Sept. 15th, reviewed with the Borough Attorney and that the resolution should be amended to include no site work to commence until Sept. 15th with no objections.
2. Resolution awarding contract for Real Property Data Collection & Verification Services

Ms. Phelps advised that one response was received and there was a resolution on to award tonight, explained the purpose of the program and that the Assessor was working with the Attorney on the contract but asked that language be added to subject it to review by the attorney approval as to terms with no objections.

3. Resolution authorizing Milton Ave Improvements Change Order #1

Ms. Phelps reviewed the terms of the change order including adjustments for asphalt prices, as-built quantities and underestimate of traffic control. Councilman Irace asked questions about the process and if it was approved by the Engineer. Ms. LaPorta added that payment for the change order was on the bill list for approval as it was tied to close out of a grant project in order to proceed with this year's application.

4. Resolution awarding contract to Maser Consulting - Bid & Specs for Solid Waste & Recycling

Ms. Phelps reviewed proposal from Maser for services to put together to be the bid specifications for garbage contract which has to be out to bid for 60 days so this was the first step. Councilman Irace commented that they know this number is going to be big and asked that alternates be included such as weekly recycling. Mayor Coffey added that we shouldn't leave it open-ended but give the Engineer 3 options – parameters. Ms. Phelps commented that Maser did include in their proposal an alternate to include recycling collection to 4x per month so avoid the 5th week issue. Basically, going out to bid for what we have now with an alternate to increase recycling to 4x per month.

5. Resolution authorizing grass cutting services through State Contract

Councilman Gallo reported on public works, staffing, option to have lawns cut – Ms. Phelps added that it was a State contract and would not need to go out to bid and if they were to do for a couple of months this year, they would have a better idea how to proceed for next year. Ms. Phelps continued that it's a small staff and even with the grass they had plenty to do that they just can't get to what with the grass and just this month storm debris pickup. Company is out of Wall Township. Consensus was it was a good idea to try and to move it forward.

6. Ordinances & Forms to Expand CO/CCO requirements, Councilman Proto

Councilman Proto led discussion concerning issues with rental properties that had been brought to their attention through emergency calls and complaints to code enforcement, zoning laws not being adhered to and there are some gaps in application process that they are working on using other area towns, give enforcement the tools they need for information and gathering and hope was to have something for consideration at September's workshop. Mayor Coffey added that the Borough was only taking advantage of what statutes allow to gain information about these type of units as the owner-occupied units have a lot of information but need to work on having landlords and tenants provide with better information.

7. Police Overtime

Councilman Irace summarized a report on police overtime, increase over last year largely due to non-work injuries and the like, and not any increase in crime; wanted them to know that more properties are coming on all the time at Fort Monmouth and they will need at least one additional officer in the future. Councilman Irace reported the budget versus actual and that a transfer may be necessary at the end of the year.

8. Resolution fixing compensation for employees & officials for 2019

Councilman Irace reported this would provide a 2% increase for the employees, as the Administrator gets more involved in the day to day, will start individual personnel reviews now that she has and that numbers may be adjusted.

9. "Americans with Disabilities Act" Compliance, Council President Solan

Council President Solan advised that it was brought to their attention that they were not up to standards and needed to supplement current policies with the implementation of an ADA Committee, representatives from the community and staff through the drafted ordinance. Council President Solan requested that language in the ordinance be added to include that the appointment in #4 was with advice and consent of Council to match language in the proposed resolution.

IX. Mayor's Report:

1. Appointment to Water Watch Committee

Mayor Coffey advised that at the last meeting Councilman O'Brien for the Water Watch committee had recommended the appointment of Dr. Jessica Gruskos, which he agreed with and would be made during the regular meeting with no objections from Council.

2. Monmouth Park Helipad Proposal

Mayor Coffey brought up request by Dennis Drazen discussed a couple of meetings back to increase number of flights, Council requested additional information which was provided back on July 18 and now for discussion or refer to Committee. Councilman Proto commented that he had reviewed the proposal and does not believe that Oceanport, a quiet suburban town, is the place for a commercial heliport and his opposition. Councilman Irace stated he agreed with Councilman Proto; the proposed new location was not moved and abuts the County dog park and residences on the other side of the parking lot, expressed issues with the heliport at the corporate center and while the Borough remains a big supporter of the track, he opposes the request. Council President Solan stated he wholeheartedly agreed as well as Councilman O'Brien and Deerin and therefore the matter would not move forward.

Mayor Coffey recognized Dennis Drazen who was present and wished to comment for which there were no objections by the Council. Mr. Drazen appealed to the Council concerning the portion of the request for additional flights for the Bailey family and accepts the decision concerning commercial use. At Council's consent, Mayor Coffey opened the meeting to the public on this matter.

PUBLIC:

Christine Nazarro-Cofone, on behalf of her parents, residents in the Jockey Club, and a Professional Planner, presented opposition for the expanded use arguing why the proposed use was not acceptable for the area, the change in flight path that brings flight closer to Jockey Club.

Paul Stack, 3 Haskell Way, appeared and thanked Councilmembers Proto, Irace and Solan for sending him the material as he had no idea it was under consideration, concern that there were no materials for the public on the matter; asked about the # of flights per season, asked whether expansion would be for 12 months if it was also intended to support the sports betting operation, and expressed his pleasure that the Council was opposed to the commercial service, commented on Uber for helicopters now and what that would bring to the neighborhood – noise, annoying, reduce flights and avoid residential and parks which puts the relocation right next to it and opposed the expansion of the use.

Kathy Heist, 5 Haskell Way, stated she was a huge supporter of Monmouth Park and one of the reasons they had purchased their home but expressed concern with items including compliance by the company being proposed to provide service, flight curfew, commuter service and while okay with Mr. Bailey using the heliport but was opposed to commercial or ride-sharing type of use.

Christina Hewitt, 19 Iselin Lane, a horse owner and big supporter of the track but was violently opposed to the proposed use and questioned if anyone had considered the danger of helicopter accident over a residential area.

Ray Bebarian, 4 Iselin Lane, having been involved in the establishment of 2 heliports in North Jersey, expressed concern for liability and accidents as well, there was already a heliport at the corporate center and he hears that landing and taking off and to establish one here in Oceanport was out of the realm.

Mayor Coffey summarized for Mr. Drazen the commercial issue was a dead issue. Councilman Irace asked Mr. Drazen regarding the number of flights used thus far this season – 5 of the 10, and Mr. Bailey looking to leave at 8:30 am and arrive end of day everyday through mid-September and would act as a good test case. Mr. Drazen continued that he hears them on the commercial aspect but from what he heard they didn't seem opposed to the flights for Mr. Bailey (outcry from audience, no). Councilman Proto asked how it went from 88 trips 2 months ago to the current proposal with commercial. Mr. Drazen responded that he had discussed the commercial use when he appeared before them, not in the letter.

Jean Stack, 3 Haskell Way, expressed opposition to anything more than the current 10 flights and the impacts to her quality of life.

Sam Zimmerman, 6 Iselin Lane, Board president of the Jockey Club, whose home is right behind the heliport, discussed his experience with the site's current use, a period of increased flights in the past which decreased after he reached out to the Borough, but not satisfied with proposal and read a letter from the Borough to the FAA limiting the flights to 10 and no more, his involvement with issues for the site at the corporate center and expressed the annoyance with the sound and their opposition to the proposal.

Christina Hewitt, reappeared to address comments by Mr. Drazin regarding attracting high rollers from New York – it didn't work for Atlantic City and it won't work here.

Mayor Coffey concluded that based on what they heard from the public and Mr. Drazin, they were all in agreement with no commercial and asked the Council if they were considering the additional flights for non-commercial. The majority of Council expressed no interest in furthering the discussion.

X. Petitions from the Public: Mayor Coffey opened the meeting to petitions from the public:

Jean Zimmerman, 6 Iselin Lane, stated why this wasn't written about instead of other nonsense and only found out about this 2 days earlier.

Rick McKenna, 119 Sagamore Avenue, addressed the Governing Body, gave a statement regarding his involvement with the community over the years, including as member of both Boards of Education, announced his retirement and thanked the community for the opportunity to serve such a great town.

Mark Patterson, 40 Ithaca Ave, asked questions about the lawn maintenance service and would they continue to cut current properties such as emergency buildings and was told yes, asked who was cutting for the schools and would they be vetted; asked about flood insurance for Port Au Peck firehouse and why wasn't it covered by the JIF and was told that they had gone to the JIF but it had a higher cost. Mr. Patterson asked why was the JIF covering the Hook's flood insurance for the Hook? Councilman Irace said he should work with Ms. Phelps on that. Mr. Patterson asked about the police overtime and where would the money be transferred from and was told moved from non-expended accounts. Mr. Patterson asked if they've been over in the past why weren't they considering hiring another officer. Councilman Irace answered it was over once in the recent past and its not that they aren't considering it but hadn't for this year and the people that had been out would be coming out. Ms. LaPorta commented that they were never going to get rid of overtime completely. Mr. Patterson asked about the police department hours during the day and at times no one there. Chief Kelly advised that if no one was at window to use the phone and call the number provided and officer would be sent.

Ellynn Kahle, 38 Burnt Mill Circle, asked about the dog license discussion if cats would be included and years ago the boy scouts did a dog census. Ms. Smith advised that she had tried to work with leaders and scouts and information to do the project was provided but never moved forward. Councilman Irace asked that cats be added to the campaign for compliance.

Robin Kelly, 43 Cayuga Ave, member of Historical Committee and Centennial Committee and asked about the transfer of funds at the end of the year and if there were any left over to please consider donating to the centennial as they are trying to publish a book. Costs estimated at about \$4,000 for the book. Mayor Coffey asked what were other costs and was told t-shirts to sell at Summer's end and others to raise funds for the centennial events.

XI. Adjournment: As there was no further business, the meeting was adjourned at 8:42 PM on a motion by Councilman Irace, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK