



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • JULY 26, 2022

Workshop

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Meeting Called to Order:** Mayor Coffey called the meeting to order at 7:05 PM.
- III. **Flag Salute:** Mayor Coffey led attendees and the members of Council in the flag salute.
- II. **Statement of Compliance with Open Public Meetings Act:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on July 19, 2022 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web S

IV. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Present	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Bryan Keeshen	Councilman	Present	7:10 PM
Michael O'Brien	Councilman	Present	
Thomas Tvrdik	Councilman	Present	
Meghan Walker	Councilwoman	Present	
Kelle Burrough for Jeanne Smith	Borough Clerk	Absent	
Scott Arnette	Board Attorney	Present	
Donna M. Phelps	Administrator	Absent	
Catherine D. LaPorta	Chief Financial Officer	Present	

- V. **Administrator's Report:** Ms. Phelps was not able to attend. Ms. LaPorta read report items. Ms. Phelps requested Council if they wanted to pursue this year's Open Space Grant application for Trinity Park – unanimously agreed upon. Ms. Phelps advised of status of locating an alternate site with OEM for debris management, FMERA has indicated that the site considered was not available, and it looks like the best location will be the leaf compost site but will need DEP approval. Given the lack of alternatives, consensus was yes, to pursue. Ms. Phelps also advised that the Borough will be receiving increase in State Aid beyond that which was anticipated so good news. Funds will be allocated to reserve account.
- VI. **Clerk's Report:** Mayor Coffey reviewed the agenda items for the regular meeting with no questions or objections.
- VII. **Discussion Items:**
1. Resolution supporting budget cap relief. Ms. LaPorta spoke to the recommendation by the CJIF to seek relief from the budget cap relief in order to address premiums that will be going up more than 2%; by raising the 2% it gives the budget a little more freedom. The insurance companies have asked municipalities to support their efforts in this but a resolution needs to be passed within each municipality individually. Councilman O'Brien asked if this was something internal or with the State. The resolution would appropriate funds for insurance costs at 2.5% due to COVID and associated claims, there is concern for increased claims as well as cyber claims. The resolution would be sent to the legislature to allow for an exception for these additional costs. Councilman O'Brien commented he would like to know a bit more about it before making a decision. Discussion to continue next workshop.
 2. **Grant Award for Old Wharf House Parking Lot Improvements:**
 - a. Resolution authorizing Old Wharf House Project Agreement with Monmouth County – Mayor Coffey summarized the resolution which authorize the agreement to proceed with the parking lot expansion project approved for grant funding.
 - b. Resolution prohibiting the use of excessive force or use of federal funds for lobbying - Mayor Coffey summarized the resolution and its intent and that it was a required item for acceptance of the County's grant funds for the Old Wharf parking lot expansion. Councilwoman Walker asked does that have to be done for each grant. Mayor Coffey responded yes.
 3. **Area in Need of Redevelopment- "Warehouse" and District "A" Parcels:**
 - a. Resolution designating the Warehouse and District A Parcels as Areas in Need of Redevelopment

- b. Ordinance Adopting a Redevelopment Plan for "Warehouse" and "District A" Parcels

Kevin McManimon, Redevelopment Attorney McManimon & Scotland, summarized the process undertaken to declare the subject parcels to be designated as an area in need of redevelopment; explained the process which involved review by the Planning Board, planning study authorized and performed by FMERA, and subsequent consideration by the governing body to approve the redevelopment plan by ordinance.

Liz Lehny, of FMERA's Planning Consultant Firm Philips Price, described the location of the subject property (Commissary, Warehouse and Post Office parcels on former Fort Monmouth) and surrounding areas, neighborhoods, the Fort Reuse Plan, plan amendment and the process by which to declare the subject property for an area in need of redevelopment. Discussion ensued on the planned reuses including restaurant, flex space, office buildings and warehouse space. There were no questions or objections to move to the regular meeting for action.

4. **Maria Gatta Park Improvements Phase II - Turf Fields:**

- a. An Ordinance Amending Ord. 1054 to increase the authorization of bonds or notes
b. Review of Facility Use Fees Ordinance: Maria Gatta Park Turf Fields

Councilman O'Brien explained that the ordinance will expand the original spending authorization to build in for potential overages and would not necessarily be spent, but would make it available should the need arise. The proposed ordinance to amend the facility use fees for Maria Gatta Park turf fields would permit the Borough to charge use rates in line with surrounding towns for the same uses. The intention is to keep the fields free for use by recognized in town programs while still providing a tool to cover costs by other users. Based on analysis of surrounding charges, it was proposed to set a higher rate for Gatta Park turf fields. Monies would go into Open Space which provides for debt service; any potential profits go to Open Space and can be used as excess revenues for any park improvements. Mayor Coffey added that the green acres requirements permits a higher fee for non-resident uses.

5. **Comcast Franchise Agreement:**

- a. An Ordinance Renewing Municipal Consent and Franchise Agreement with Comcast - *Held for a future date.*

6. **Land Development Ordinance Waiver Requests:**

- a. Resolution authorizing a limited temporary waiver of Chapter 390 for the Marina at Oceanport

Mayor Coffey summarized the purpose of the resolution which would allow the extension of their outdoor uses pursuant with State guidelines. No objections.

- b. Resolution requesting waiver of 390-17(F) - 39 Wardell Circle

Mayor Coffey summarized the resolution to permit the resident to install sprinkler heads in the right of way. No objections.

VIII. **Mayor's Report:** Will provide in the regular meeting.

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

Mrs. Scerbo, Whitehall Circle, gave accolades to Steve Brisky and Donna Phelps for all their help with the Senior Center at Old Wharf. She has concerns about the traffic, crossing Main St. to get to the Old Wharf. She also asked if she could work with one Council Member concerning questions and events. Councilman Gallo will be the Senior's liaison to Council.

Keith Salnick, 60 Shore Road, formally announced that he was nominated the Republican nominee for the upcoming November elections. Mr. Salnick stated that he was looking forward to running a campaign and introducing himself to more people here in town and explaining his platform, and why he'd like to get involved. Mr. Salnick explained that his situation here in Oceanport and his whole seven-year history is no secret to the people on this council. He said without getting into too many details and part of the reason that he's running for Public Office in this town is due to the fact of his personal experiences and how he's been treated as a taxpaying resident here in Oceanport. Mr. Salnick feels that he can add a lot of value to the town. He said he thinks one of his biggest frustrations is the lack of willingness to speak to him anymore so as to come to a resolution. He said he has reached out to almost all the Council Members and has copied them in many e-mails. Mr. Salnick says he would like to resolve a lot of issues that have been going on with him and the town. He believes there's a middle ground, and a way that they all can hopefully come to a resolution, because this has been going on for seven years. He says he's been sued by the town and questions if that's a good use of taxpayer's money. Mr. Salnick said he was happy to meet with the entire Council, the Mayor, the Construction Department, and others on some of those specific issues he would like to discuss. Mr. Salnick said he has presented information, stamped, and sealed Engineering plans, pictures, very clear track records of things that have gone down and he gets no response or answers to his questions. Mr. Salnick wanted to discuss matters about his street, Shore Road. He said the original set of plans included curbing along the entire road project for a variety of different reasons which he was not opposed to, he agreed with once

the construction commenced. He thinks certain residents made a request to the Engineer and the Foreman from the construction company that there was a desire to have depressed curbing put on the other side of the road, where they also have docks and other property. Mr. Salnick said Shore Road was the only street where property owners have property on each side of the road and then there's docks and things of that nature. Mr. Salnick said the Engineer made an on-site decision to approve these depressions and from his understanding, the Engineer said, if you're going to put a depression for one person, you need to do a depression for everybody. They went down the road, working towards Mr. Salnick's home and started putting depressions in front of each person's home. Mr. Salnick has questions about when they arrived at the portion of the project, that is in front of a deeded easement and dock structure, that he legally owns. At first the depression was formed. The crew was going down the line, pouring cement they poured the depression. Mr. Dale, who happens to be here in attendance tonight decided that it was his responsibility to come out and instruct the crews that he did not want a depression there that he wanted a vertical curve. Mr. Salnick was not sure what authority this gentleman thought he had, not sure why the crew took instruction from a resident, not from the engineer or the foreman. The engineer and the foreman were not on-site at this time, which he is confused about, as well, how is there a job site running when there is not even people in authority there at times. We now have residents instructing Borough contractors and crews what to do. One of the laborers didn't want to become argumentative so he changed the depression to vertical. Mr. Salnick believed this was another example of vindictiveness against him. If depressions are going to be granted for every other resident, himself being a taxpaying resident, why was a depression not granted to him. He did what he thought was right thing to do and went to the laborers. They told him the story of what happened with Mr. Dale. He asked for the phone number to the Foreman, Paul, called him and asked what's the story with the vertical curve in front of Mr. Salnick's area, where everyone else has a depression? He said he was unaware of the problem and that we can cut it out and replace it. The Crew's mentioned that the original depressed area was actually poured and formed only an hour or two before Mr. Dale came out. All they did was pour new cement before they broke the forms over that depressed area. Paul said you may be able to knock out the cement if its still wet, refloat it and touch it up, problem solved. Mr. Salnick says he was presented with a potential solution or a way to potentially rectify the problem and did that with the crew that was present there. Mr. Salnick says the next day he has a police officer in his driveway and was issued a complaint for criminal mischief. Mr. Salnick confronts the Borough Engineer about the situation. Mr. Salnick claims that the Engineer specifically instructed the onsite engineer and construction crew to not fix it and put it back to the original intended depressed curb like everyone else has but to put it as a vertical curb which in almost direct spite of himself. He had a disagreement and had a conversation with the Engineer; he reiterated the process for the project. Mr. Salnick continued that his requests for chases to be installed for utilities under the road which have gone ignored. He charged the Mayor with doing his job to oversee the Council and Borough officials and work together to bring to a resolution and he has seen the opposite of that. He expressed displeasure at how he's been treated and doesn't want to have to go down a legal pursuit to resolve and would like his construction issues resolved in a fair manner. He has a strong skill set and pretty much retired at 33, and he has the time and spunk to invest in giving back to Oceanport. He has spoken with each of them directly as individuals and receives a different response when the Council answers as one. He guarantees that if he gets in and joins the Council, there will be no rubber stamping or lack of due diligence. He has seen enough things in is own experience where it is apparent that some of them have not done their due diligence and decisions are being made based on one opinion. Mr. Salnick continued at length reiterating his concerns and various experiences with the town and its officials in attempting to resolve his matters.

Robert Portman, 29 Shore Road, commented that this was a complicated project (Shore Road), and there's no way that Bill White the Borough Engineer, anticipated in his plans, all the obstacles that would occur. They found out that certain water pipes weren't at the right levels. Gas pipes had to be moved, gas pipes were put in incorrectly. There were a lot of field decisions made, that's the reality of building a construction project like this. Mr. Portman said everyone on the job was very professional. He said the job was supervised well and the construction crew has been marvelous. Mr. Portman disputes what Mr. Salnick has said. He said they're doing a wonderful job and they should not be harassed. Mr. Portman objects to how this project is being personified. Mr. Portman said he knows Mr. Salnick and he does not speak for Shore Road. Everybody there recognizes it's difficult, but everybody is for this project, and the way it's going, and the process that it's going. He said Mr. Salnick may not have had much success because of the way he approaches things, but most of the people have gotten good response from the crews and they still have been consistent with the plans. He said Maser (Colliers) has done a very efficient job on this. The fact of the matter is, that the 4 homeowners on Shore Road have had curb cuts and they own the property on the other side of Shore Road abutting the water. That's an important thing. That's not an easement. They've been paying taxes on that property. Every one of those people that had utilities were placed years and years ago, to allow electric and water out to their docks. He said that is the difference – they have a right to these curb cuts and were made not for profit. These curb cuts were made for a very simple reason to make sure that when a lawn is mowed you don't have lawn maintenance equipment going over the curbs, possibly damaging them. So, it's a very practical kind of issue and that's the reason they're there. He encouraged the Council that they should feel good about the project which is progressing.

Michael Dale, 44 Shore Road, appeared and also commented on the Shore Road matter; he owns property on Shore Road that provides a right of way easement to Mr. Salnick - per the deed its 10' along the north-east section of his property. Mr. Dale has raised his concerns and sent this documentation to the Mayor and Borough Attorney as well as to Borough Engineer that the deed

includes this right of way, the title company also documented this right away along this 10 foot section and the dock that's in question where this depressed curb is, is outside of that 10' wide right of way easement – it's about 5' outside and effectively has taken 15' of Mr. Dale's property. The DEP issued a notice of violation that cited this as well. Mr. Dale expressed concern that if the depressed curb is installed, the Borough is effectively validating an acquisition of his property which is outside of that right of way easement. He argued that the 10' right of way is in the deed and the depressed curb would not be within that easement. Additionally, the deed itself says nothing about granting utilities, it says that is to build and maintain a dock.

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

- X. Adjournment:** The meeting was adjourned at 8:20 PM on a motion by Councilman O'Brien, seconded by Council President Walker and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK