

REGULAR MEETING MINUTES

Oceanport, New Jersey
June 5, 2008

The Regular Meeting of the Oceanport Mayor and Council was called to order on June 5, 2008 at 8:00 P.M. with Mayor Mahon stating the meeting had been properly advertised in accordance with the law.

MEMBERS PRESENT: Councilpersons Briscione, Gallo, Ibex, Kahle, Irace, Johnson and Mayor Mahon

OFFICIALS PRESENT: Borough Clerk, Kimberly A. Jungfer and Borough Attorney, John O. Bennett, III.

INVOCATION: Borough Chaplin Robert Mills gave the invocation

PLEDGE OF ALLEGIANCE: Mayor Mahon led the audience and members of the Council in the flag salute.

The Mayor stated there was an item not on the Agenda and that he wanted to open the meeting with Council's consent and invited the Clerk to the center along with Councilman Irace so that he may present to the Clerk a Proclamation for the Municipal Clerk's Honor Roll 2008 Honorary. Councilman Irace announced that the Clerk had been nominated for the Municipal Clerk's Honor Roll in appreciation of outstanding and dedicated service as the Clerk of the Borough of Oceanport and awarded a Certificate of Recognition to Kimberly Jungfer. Councilman Irace stated that she has helped everyone tremendously and has been a benefit to the Borough and that they couldn't do this job without her and presented her with a Clerk's pin. Councilman Irace commented that only 11 clerks in the New Jersey that a received the award and they are very proud of her.

CONSENT AGENDA

1. Resolution Authorizing the Payment of Bills. **R-08-86**
2. Resolution authorizing an inter local agreement with the Board of Education for Lawn Maintenance. **R-08-87**
3. Resolution authorizing the purchase of a digital recording system and sound system for the meeting room. **R-08-88**
4. Resolution appointing an assistant in the Tax Assessor's office. **R-08-89**
5. Resolution amending the Personnel Policy and Employee Handbook. **R-08-90**
6. Resolution awarding contract for Old Wharf Park Phase II. **R-08-91**
7. Approval of the regular minutes of May 1, 2008
8. Approval of the regular minutes of May 15, 2008
9. Approval of the workshop minutes of May 15, 2008.
10. Acceptance of the resignation due to retirement of Helen Ward.
11. Approval of the Fire Department membership application of Phillip J. Gallo.
12. Approval of the Fire Department membership application of Steven P. Gallo

The Borough Clerk stated there were 12 items listed on the Consent Agenda. Councilman Ibex requested that Item #7 be removed. Councilman Gallo requested that Item #11 and #12 be removed.

Councilman Johnson moved to approve the remaining items on the Consent Agenda, which was seconded by Councilwoman Kahle and approved by the Council.

The Clerk asked for a motion on Item #7. Councilman Johnson moved to approve Item #7, which was seconded by Councilwoman Kahle and approved by Council with the exception of Councilman Ibex who abstained.

The Clerk asked for a motion on Item #11. Councilman Johnson moved to approve Item #11, which was seconded by Councilwoman Kahle and approved by Council with the exception of Councilman Gallo who abstained due to a conflict.

The Clerk asked for a motion on Item #12. Councilman Johnson moved to approve Item #12, which was seconded by Councilwoman Kahle and approved by Council with the exception of Councilman Gallo who abstained due to a conflict.

CLERK'S REPORT: The Clerk stated she had no report but extended her thanks for the honor presented to her that evening.

COMMITTEES:

COUNCILMAN BRISCIONE: Councilman Briscione reported on Recycling and that he attended a meeting on May 29th with Public Works, Custodians, Norma Tursi of the Board of Education, Jim Haze from Monmouth County Solid Waste regarding recycling at the Borough's schools and that they are working on improving their recycling efforts to reduce the Borough's landfill disposal costs. They are also monitoring the hours of the recycling yard and stated that residents have been notified of the schedule change. Councilman Briscione reported that they have finalized the shared services with the Board of Education whereas Public Works will be performing the lawn maintenance and snowplowing for the two schools and they will be continuing to explore other ways to save taxpayers money while improving the quality of service to the community.

Councilman Briscione reported on Fort Monmouth and a tour of the Barker Circle area of Fort Monmouth on Tuesday, May 27th with Councilman Irace, John Clarke and Michael Sullivan the Borough's Planners, Horace Smith from Monmouth Park and Rick Harrison and Frank Cosentino from FMERPA. Councilman Briscione gave a description of the area and the buildings that were observed and stated that there was one building, #206, that was renovated and if the Council were to ever entertain the moving of Borough Hall if redevelopment takes place, he thought that this would be one of the buildings to be considered.

COUNCILMAN GALLO: Councilman Gallo reported that Oceanport Recreation has provided funding for the safety resurfacing of the area around the swing sets in the Borough's parks and that the work was scheduled to be done during the upcoming weekend with Public Works and stated they are looking for volunteers if anyone was interested it would be Saturday at the Community Center at 9 am

COUNCILMAN IBEX: Councilman Ibex reported that he was in receipt of the First Aid report for April and the Police report. He stated that the First Aid made 54 calls in the month of April and unfortunately one was a fatality and finished by acknowledging that they are all working hard and they are appreciated.

COUNCILWOMAN KAHLE: Councilwoman Kahle started with an update on the Quality of Life initiative that was passed at the last meeting and that they are working with the Code Enforcement Officer who has been hard at work with the calls that have made to the office. She stated that the Committee is being formed at that Councilman Irace will act as the other Council liaison to the Committee and that they are seeking 2 other residents to be a part of the Committee which has been posted on the website and the Boro Hall sign and advised that anyone interested should contact the main office and let the Clerk know. She also reported on the availability of calling in complaints to the main number and that there is no caller id and complaints can be made anonymously or a positive comment and that after hours a message can be left at the prompter if anyone is more comfortable with that means.

Councilwoman Kahle also reported that they are working on new Welcome to Oceanport signs and when the prototype would be available.

Councilwoman Kahle reported that the Garage Sale weekend will be September 20th and 21st and no permit will be required and the Borough will be performing the advertising. After the Garage Sale weekend there will be a special edition Bulletin dealing with Monmouth County Recycling which will provide information on how to dispose of various items.

Councilwoman Kahle next reported on a meeting that she attended along with the Borough Clerk, Kim Jungfer, at Long Branch Borough Hall regarding Monmouth Park and the upcoming season's environmental issues, who was present and what was discussed during the meeting including the water runoff issue and various solutions being implemented to address the pollution of the local waterways.

Councilman Briscione asked to comment and stated the cost to cure is estimated at \$18 million and asked if there was a cost for the estimated flow to Long Branch and Two Rivers. Mayor Mahon responded as high as \$6 million and that the \$18 million improvement would replace the \$6 million which was an estimate based on a number of connections...there's more to it than that.

Councilwoman Kahle finished her report by announcing that there would be a new program beginning called Oceanport Over Seas. She explained what the program was about – supporting Oceanport residents being or already deployed to Iraq and that there would be information in the front foyer with names, addresses, items needed and times when they would gather to put care packages together to send over seas. She invited anyone who knows of someone over seas to contact her or the main office so that they could be added to the list. She stated that she was excited about the project and hoped it would be a means for bringing the community together and was a good way to support the troops and loved ones while they are over seas.

Mayor Mahon added that he had received an invitation which was also extended to the Council from Major Glenn R. Wreath to attend a Farewell Salute for troops from New Jersey being deployed and provided the details of the event.

COUNCILMAN IRACE: Councilman Irace reported under Finance and Administration and that during the Workshop they approved a proposal to create an Ad-Hoc insurance committee which would consist of 3 members of Council which would be the Finance and Administration committee under the head of Councilman Ibex, himself and Councilman Johnson along with 3 public members and stated they are seeking those 3, a representative from the PBA and Kim Jungfer would represent the front office to meet, discuss and review any alternatives for recommendations which would then be brought back to the Council as to what should be done regarding the Borough's insurance for 2009.

Councilman Irace reported under Planning that during the Workshop it was discussed that the Mayor and Council fully support Monmouth Park Racetrack as the Borough's largest ratable and advised that they would be putting together a Resolution to support the proposal by the Horsemen's Association to use some of the Fort Monmouth land for a training facility and also in support of the Racetrack as a whole. He stated that he along with Councilman Briscione, Mayor Mahon and Councilman Johnson would be meeting with the Racetrack and members of the Sports and Exposition Authority to discuss their needs.

COUNCILMAN JOHNSON: Councilman Johnson called for the 2nd reading and public hearing of the **Cable Franchise Ordinance** and then asked the Clerk to read the affidavit of publication and proposed ordinance by title only.

Mayor Mahon then opened the meeting to the public for anyone who wished to be heard. As no one from the public wished to be heard Mayor Mahon closed the public portion of the hearing.

Councilman Johnson then made a motion to adopt the Ordinance on second and final reading and advertise same in accordance with the law, which was seconded by Councilman Irace.

The Clerk called roll:

AYES:	Biscione, Gallo, Ibex, Kahle, Irace, Johnson
NAYES:	None
ABSTAIN:	None
ABSENT:	None

Councilman Johnson called for the 2nd reading and public hearing of an amendment to the **License and Permits Ordinance** and then asked the Clerk to read the affidavit of publication.

Mayor Mahon then opened the meeting to the public for anyone who wished to be heard. As no one from the public wished to be heard Mayor Mahon closed the public portion of the hearing.

Councilman Johnson then made a motion to adopt the Ordinance on second and final reading and advertise same in accordance with the law, which was seconded by Councilman Irace.

The Clerk called roll:

AYES: Briscione, Gallo, Ibex, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: None

Councilman Johnson called for the 2nd reading and public hearing of an amendment to the **Flood Mitigation Committee** and then asked the Clerk to read the affidavit of publication.

Mayor Mahon then opened the meeting to the public for anyone who wished to be heard. As no one from the public wished to be heard Mayor Mahon closed the public portion of the hearing.

Councilman Johnson then made a motion to adopt the Ordinance on second and final reading and advertise same in accordance with the law, which was seconded by Councilman Irace.

The Clerk called roll:

AYES: Briscione, Gallo, Ibex, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: None

Councilman Johnson called for the 2nd reading and public hearing of an amendment to the **Fire Department Ordinance** and then asked the Clerk to read the affidavit of publication.

Mayor Mahon then opened the meeting to the public for anyone who wished to be heard. As no one from the public wished to be heard Mayor Mahon closed the public portion of the hearing.

Councilman Johnson then made a motion to adopt the Ordinance on second and final reading and advertise same in accordance with the law, which was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES: Briscione, Gallo, Ibex, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: None

Mayor Mahon stated that previously with the Public Safety Committee, the Emergency Management Director would provide a list of names for appointment and the Ordinance calls for the Mayor to make those appointments, but he would like the Public Safety Committee to make those recommendations along with the OEM Director. Councilman Ibex asked if he had a list of names. Mayor Mahon answered that Captain Baldanza has the names. Councilman Ibex stated that the Public Safety Committee would be meeting next week and perhaps could incorporate that into their meeting. Mayor Mahon stated he would like to be able to make the appointments at their next meeting.

MAYOR MAHON: Mayor Mahon reported on FMERPA and that they are scheduled to begin the 45 day review period and materials were distributed to the Council, Planning Board, Economic Development, Borough Professionals, Auditors, CFO, etc. with the data that was formulated thus far and the official review period would be beginning shortly. He asked that everyone make their comments and forward them back to the Clerk as a single collection point and the Planning Board and Council will adopt a common resolution with requests for changes.

Mayor Mahon provided his report on the activities involving Monmouth Park and the resolution of the problem with the flow of untreated water into Branchport Creek. Mayor Mahon stated he attended a meeting of the Commissioners of the NJ Sports and Exposition Authority and then read for the Council and public his remarks that he brought to that meeting. He also read a letter that was submitted to Lisa Jackson, Commissioner of the NJDEP requesting a release of the ban on the sewer moratorium and remarked on its importance in order to address the immediate need for a solution to the pollution of the waterways.

GUEST: Mayor Mahon introduced Assemblyman Declan O'Scanlon who was present to discuss the State Budget. Assemblyman O'Scanlon stated he was here on 2 items and commented in addition to the Mayor's comments on Monmouth Park that they were working with the DEP and Monmouth Park and were actively pursuing a solution to the problem and hope to as quickly as possible.

Assemblyman O'Scanlon continued by stating that he was appearing that evening to speak to them regarding the situation with the State budget and as it effects the Borough's taxpayers and the Borough's budget. He discussed at length the State's budget process and an alternate plan to the Governor's that they would be presenting that can be afforded and would hold the line on property taxes and one day cut property taxes. He highlighted various items of their alternate plan including property taxes and their offsets, \$1.3 billion in proposed cuts and what those cuts were and items that were in contrary to the proposals by the Governor. Assemblyman O'Scanlon also discussed in more detail the more significant cuts one being municipal aid – specifically by those municipalities that are receiving funding in excess of need. Assemblyman O'Scanlon discussed various reforms being implemented or discussed including pension and health insurance reform, how school funding is calculated and purchasing by procurement.

Assemblyman O'Scanlon concluded by emphasizing the need for the State to live within its means and based on the information he provided, requested that the governing body consider adopting a resolution in support of their alternate plan for the State budget.

Mayor Mahon asked about the timeline for the budget's adoption and if it were on schedule. Assemblyman O'Scanlon answered that they don't know yet but it was his understanding that they are very close on a compromised budget and they would know better in the next several days, but he was cautiously optimistic that it would be resolved before the July 1st deadline.

Mayor Mahon asked about the pension/health care reform and if it were similar to the separation that was effective January 1st for new hires to go into a separate system. Assemblyman O' Scanlon explained how it would be implemented and that it would be similar. Mayor Mahon commented that he thought it important to move from a 3 year average to a 5 year average to address appointed officials that move from a part time to full time position. Assemblyman O' Scanlon discussed it and stated going to 5 years would help and that they also had a bill in that would prohibit persons in the last few years of their employment from receiving a raise that is disproportionate to the salary increases that are generally accepted.

There were additional questions and discussion on issues regarding the homestead rebate process and sick time payout and who it would apply to.

Mayor Mahon asked about a recent notice that he received regarding a proposed bill mandating a municipality to designate a specific employee as a qualified purchasing agent and have the impacts of the mandate been considered as to how they will affect a town such as Oceanport. Assemblyman O'Scanlon explained where the mandate came from and what they are doing to oppose the matter so that it does not place another unnecessary layer of "watch dog". He used the example of a situation that occurred in Fair Haven where one person was performing a function for a significant amount of time along with another title and the State came in and mandated that a separate individual be hired to perform that sole function which went to court and the municipality won.

Mayor Mahon stated that they are very similar to Fair Haven where the Borough's staff are wearing multiple "hats", a variety of titles, whether it is Planning Board Secretary by night and Deputy Borough Clerk by day or Registrar, there is always the wearing of 2 "hats" and to mandate a stand-alone

title would be a problem. Mayor Mahon also commented on the consolidation fund and how the Council is involved in studies for shared services and mentioned some of them and asked Councilman Irace if he knew the number of shared services the Borough was currently participating. Councilman Irace and the Clerk responded that it was about 13 most of which have been in place for at least 10 years. Mayor Mahon stated that the Borough has been doing these things *without* the incentive and it was a disincentive to have their aid cut. Assemblyman O' Scanlon responded that that is why they are proposing that the Governor restore *all* the aid cuts as they understand that the general perception out there is that small government is inefficient but that there is no empirical evidence to confirm that. There was additional discussion on the evidence that small governments are working efficiently and are actively pursuing shared services without being pushed into it by the State.

Councilman Briscione commented that there are impediments in place that disallow them from joining the Board of Education co-op on supplies, electricity, telephone and they are telling the Borough to do things that they can't do while their hands are tied. Assemblyman O' Scanlon agreed and asked Councilman Briscione to assist by documenting those items as he comes across them.

The Mayor then asked for comments or questions from the Council.

Councilman Briscione thanked the Assemblyman for coming and asked Assemblyman O' Scanlon if his initiative failed would he support a constitutional convention for property taxes. Assemblyman O' Scanlon answered that ultimately it may be necessary, but explained some of the issues involved, and yes, if it were to come before them, he would support it. Councilman Briscione stated he thought moving from political rebates to direct tax credits would be a great idea and asked if he had any idea what the bureaucracy of the rebate costs. Assemblyman O' Scanlon answered that \$10 million was easily documented as far as printing costs, mailing cost, but there were probably another \$1-2 million in collateral expenses not taken into account. Councilman Briscione asked if the procurement reform would be brought to the county and municipal levels which Assemblyman O' Scanlon answered yes, that it would be brought to every public entity. Councilman Briscione asked if he would be in favor of privatizing the assets of the Sports and Exposition Authority. Assemblyman O' Scanlon answered that some assets may be able to and he does support privatization but had not a firm decision as he wanted to hear both sides of the issue. Councilman Briscione asked which ones would he be in favor of. Assemblyman O' Scanlon answered yes and the one right in our backyard – the racetrack and there was discussion on the horseracing industry and the value of keeping Monmouth Park as a racetrack.

Councilman Gallo commented that looking over the information was an eye opener the costs of the State and how they have bloomed over the years and some that were supposed to disappear but just keep getting bigger and bigger.

Councilman Ibex commented that he thought there were some impressive items in their alternate plan and if they cut through, there are a handful of items, 4 or 5, where a lot of money could be had. From his personal experience, the Abbott districts, a few years back there were studies done on the non-educational spending and great sums of waste were identified there. He referred to an article done recently of the audit that was performed on the Abbott districts again of all spending and there were all kinds of wasting spending going on. He stated that he thought it admirable that they are trying to real in the dollar but cautioned that the State has a very small auditor as he has been to his office and they do not have that many people and there needs to be viewing of spending before it ever happens and deal with the providers and how they are going to monitor and report back on all the monies they would receive for the services they were providing. Councilman Ibex thought that was a place that would be tremendous opportunity to control the costs at that level even if it requires "beefing" up other department to be able to have that ability to do oversight that is meaningful and a handful of 10 or 15 persons can not do it. Assemblyman O' Scanlon agreed that spending a little more money on oversight could save a lot of money on the back end if its done right. There was additional discussion about what could be done at the audit level to help save.

Councilwoman Kahle commented that she was impressed and that some of the things they have shown were eye opening and there are items that they have uncovered that she wouldn't have even thought were there and thanked the Assemblyman for coming.

Councilman Irace also thanked the Assemblyman for coming. He stated that he wanted to focus on the local municipal aid and that he would put the Borough's government against any government including the State and stated that the efficiencies that are done in the Borough and the services that are provided for the amount of money and urged that they should take it back to the Governor and let him know. He also commented separately on the COAH matter and the burdens that it will bring on a town the size of Oceanport and to urge them to take a look at COAH. He lastly commented on the Governor's moratorium on all borrowing, however, the Governor is asking for more money for some of the school districts and that somehow those are outside of this plan and asked if the Assemblyman could explain that. Assemblyman O' Scanlon clarified on behalf of the Governor, the language he used but then offered the comment that he did not think that it was consistent intellectually and agreed and gave examples of the inconsistencies.

Councilman Johnson stated he wished to "echo" Councilman Irace and the burden that COAH is placing on small towns such as Oceanport and that that issue is even more important than the municipal aid issue. Assemblyman O' Scanlon agreed and affirmed that they are tackling the COAH issue. Councilman Johnson thanked the Assemblyman for the hard work and for taking time to come.

Councilman Briscione asked about the pilot reform, payment in lieu of taxes, and that they are showing a \$30 million savings and stated he would probably argue that developers are entering into those as they are getting a discount and the towns are entering the discounts because they are not paying to the schools and the municipalities and the more they cut that the less favorable it is made for someone to develop in an area that's in need of development. Assemblyman responded that it was a valid point and there was definitely a need to balance that in tightening that loophole.

Mayor Mahon requested that the Council unanimously consent to the Resolution supporting the Assemblyman's plan with the recommended change of substituting the word "alternate" for "republican" which was moved by Councilman Johnson and seconded by Councilwoman Kahle and approved by the Council. **R-08-92**

PUBLIC:

The Mayor then opened the meeting for anyone from the public who wished to be heard. As no one else from the public wished to be heard Mayor Mahon closed the public portion of the meeting.

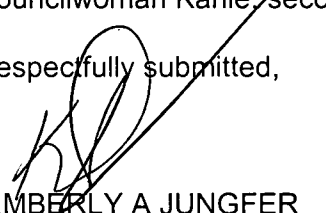
Bill List: Capital Trust \$18,043.48. Dog Registry \$617.50. Escrow Trust \$6,120.00. Open Space \$1,405.00. 2007 Vouchers Paid \$160,984.00. 2007 Vouchers Paid this Meeting \$250.00. Total 2007 Vouchers Paid \$161,234.00. 2008 Vouchers Paid \$9,085,083.92. 2008 Vouchers Paid this Meeting \$118,556.87. Total 2008 Vouchers Paid \$9,203,640.79.

At 9:25 p.m. the Clerk read a Resolution authorizing the meeting to enter Executive Session on a motion by Councilwoman Ibex and seconded by Councilwoman Kahle and approved by Council.

At 10:40 p.m. the Regular Meeting was re-opened on a motion by Councilman Ibex which was seconded by Councilwoman Kahle and approved by Council.

As there was no further business, the meeting was adjourned at 10:41 p.m. on a motion from Councilwoman Kahle, seconded by Councilman Irace and approved by Council.

Respectfully submitted,


KIMBERLY A JUNGFER
BOROUGH CLERK