

REGULAR MEETING MINUTES

Oceanport, New Jersey
June 4, 1998

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on June 4, 1998 at 8:00 P.M.
- MEMBERS PRESENT:** Councilpersons Apruzzi, Filippone, Miller, Wolfe, McGann Silkworth and Mayor Gemma.
- OFFICIALS PRESENT:** Borough Clerk, Patricia L. Varca and Borough Attorney, Francis A. Margalotti.
- INVOCATION:** The invocation was given by Borough Chaplain Berry.
- PLEDGE OF ALLEGIANCE:** Mayor Gemma led the audience and members of the Council in the flag salute.

As copies of the minutes from the regular meeting held on May 21, 1998 had been made available to the members of the Governing Body, Councilwoman Silkworth moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Wolfe and unanimously approved by Council.

CLERK'S REPORTS: No Reports.

COMMITTEES:

COUNCILMAN APRUZZI: Councilman Apruzzi commented that he recently made an inspection of the baseball fields in the Borough and we have undertaken a new program where we have hired someone to rake out the fields and they are in great shape and he does not ever remember the fields looking so good and he commended the work of Tom Crochet and his Public Works Department.

Councilman Apruzzi reported that the site has been readied for the installation of the new playground equipment for the Kiddy Playground located at the Community Center and as soon as the materials arrive, it can begin being assembled.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone thanked everyone who participated in the preparations for the Memorial Day Parade and especially thanked Joe Lyons for his assistance in organizing the marchers as well as Cliff Hepburn from the VFW, who's help was invaluable and even though the weather was questionable, we were able to have the parade and a very successful program.

Councilwoman Filippone reported that last Monday evening Jim Slattery, the Borough's Emergency Management Coordinator, presented a video of the 92 Nor'easter and there were over 50 people in attendance and it was very well received and she thanked Jim for his efforts in this presentation.

Councilwoman Filippone commented that the Historical Society has become very active over the last several years and recently they received copies of wills from a resident of North Jersey, whose relatives had lived in Oceanport during the 1700's and the documents were quite interesting.

Councilwoman Filippone advised that Chief Bebout and Captain Sutton have been very cooperative in attending the senior meeting and giving talks on safety, etc. and next month they will be bringing all the new officers to be introduced to the seniors, so that during any type of emergency, they are familiar with our Police Officers and she felt that this was an excellent idea.

Councilwoman Filippone offered her congratulations to Art Abruzzio who was recently selected as Principal of Red Bank Regional High School and she wished him well.

Councilwoman Filippone also offered her congratulations to all the candidates who were running in the Primary Election held last Tuesday.

COUNCILMAN MILLER: Councilman Miller also wished all the candidates running for office in the Fall the best of luck and commented that this would be the first time in nine years that he was not involved and it was quite a bittersweet moment.

Councilman Miller stated with regard to the comments made earlier by Councilman Apruzzi concerning the baseball fields, he wanted to state that this is something that Recreation and the Public Works Department have been trying to resolve and it appears that we have finally reached a solution to the problem, since we have added fields from the Board of Education and now have six fields to maintain for over 300 children and it is working out very well and hoped it would continue.

Councilman Miller reported that the Water Watch Committee took samples on May 16 and although the water quality was 75%, which is average, the phosphates and nutrient numbers were very high which is what causes algae growth, since this is what it feeds on, so the turbidity of the water is not good because of large amounts of sediment, which came from the storm drains following all of the heavy rains we experienced and the fecal coliform numbers were down, but residents must be careful in the use of their fertilizers, because this is one of our problems with our water quality.

Councilman Miller advised that on May 27, which was right after the track opened, he and other volunteers went out and sampled for only fecal coliform numbers which samples are done at no charge by the Monmouth County Board of Health and at the Case Comida Bridge, the numbers were 1368 which is 6 times higher than the safe level and out to Blackberry Bay which was at 44. He continued that all the numbers in Branchport Creek were over 200 and contrary to what a Mayor from another town reported, you cannot clam in these areas and if you crab, the green substance contained in the crabs should not be eaten. He also advised that in the last Borough Bulletin, there was an article concerning fish and the amounts of certain types of fish that should be eaten, due to certain toxins in our waterways.

R-98-40

COUNCILMAN WOLFE: Councilman Wolfe asked the Clerk to read resolution **R-98-40** accepting the 1997 Municipal Audit, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

R 98-41

Councilman Wolfe then asked the Clerk to read resolution **R-98-41** authorizing the Tax Collector to refund property tax overpayments back to the property owners, after which he moved to approve same. It was seconded by Councilwoman Silkworth and unanimously approved by Council.

COUNCILMAN MCGANN: Councilman McGann called for the second reading and public hearing of an amendment to the ordinance regarding licenses and permits and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only, as follows: **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 41B (LICENSES AND PERMITS) OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THE LICENSING OF THE CONDUCT, OPERATION AND PLAYING OF CERTAIN AMUSEMENT GAMES WITHIN THE BOROUGH OF OCEANPORT AT AGRICULTURAL FAIRS AND EXHIBITIONS.**

Mayor Gemma opened the meeting to the public on this subject only.

As no one from the public wished to be heard on this matter, Councilman McGann moved to close the public hearing. It was seconded by Councilwoman Filippone and unanimously approved by Council.

Councilman McGann then moved to adopt this ordinance on second and final reading and to advertise same in accordance with law. It was seconded by Councilman Wolfe.

The Clerk called the roll:

AYES: Councilpersons Apruzzi, Filippone, Miller, Wolfe, McGann and Silkworth.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

Councilman McGann reported that on June 30, 1998 at 9:00 A.M. FEMA representatives will be at the Borough Hall to give a presentation about flooding problems, first floor elevations, etc., to help the homeowner and they will also be advising about any loans/grants programs that may be available.

COUNCILWOMAN SILKWORTH: No Report.

MAYOR GEMMA: Mayor Gemma thanked Councilwoman Filippone for the excellent job she did regarding the Memorial Day Parade and ceremonies.

Mayor Gemma announced that there will be a public hearing at the next Council meeting on June 18 regarding an application made to Blue Acres to acquire property located on Horseneck Point.

Mayor Gemma offered the name of James Whitson as a member of the Oceanport Historical Society.

Councilwoman Filippone moved to approve this appointment. It was seconded by Councilman Wolfe and unanimously approved by Council.

Mayor Gemma advised that there are still openings for volunteers to sit in the "dunk" tank at the Oceanport Lions Club Fair and so far, it is his understanding that he is the only person signed up at this point. He indicated that there is a list on his desk if anyone is interested in signing up.

Mayor Gemma then opened meeting to the public for any comments or questions they might have.

PETITIONS FROM THE PUBLIC:

John Deller, 46 Tecumseh Ave. stated that he appreciates that the road has been repaved, but he is very dissatisfied with the manner in which the extra asphalt was buried under the dirt and instead of the top soil that was promised, they were given fill dirt with stones and other debris included. He also complained that the contractor planted rye grass, which as soon as the weather gets hot, will die. Mr. Deller stated that if this is not going to be done the right way, he wants the fill dirt removed and he will purchase his own top soil and grass seed, because he keeps his lawn up and does not want to have something in front of his home that looks terrible.

Mr. Deller also commented that he has called the Borough Engineer's Office ten times about the condition of the fill dirt, rocks and asphalt problems, but has received no reply.

Mayor Gemma stated that he will speak with the Engineer, Mr. Rospos, tomorrow and find out what is happening and see that someone gets back to Mr. Deller with a response as to what is going on with the project.

Mr. George Hyndsman, 67 Tecumseh Ave., stated he also has the same problem with his front yard and was also told that his rock garden would be replaced which has not been done to date and he had to replace a sprinkler in his yard because it was dug up and although he was told not to worry about these details, nothing is happening to make the repairs. He also stated that when they regraded the street, his driveway is worse then before the reconstruction began.

Mayor Gemma stated he would include Mr. Hyndsman's remarks in his discussion with Mr. Rospos and stated that there has not been a final punch list prepared and he will request one and then have it reviewed by the residents to make sure nothing has been left out or omitted.

Mr. Anthony LaMorte, 369 Port-au-Peck Avenue explained that he lives on the corner of Port-au-Peck Ave. and Tecumseh Ave. and has 120' of his property on Tecumseh and he presented the Mayor and Council with several photographs of how it looks after the fill dirt was put down and also a bag with a sample of the type of soil used, showing the rocks, sand, chunks of asphalt, etc. which he explained you could take a shovel from anyone's front yard and find the same materials. He was upset because he takes very good care of his property and does not want to have one section that looks unattractive. He also did not think it was an environmentally sound idea to backfill the asphalt underneath the dirt, since that is not going to ever breakdown.

Sedim Al-Aaraji, 82 Tecumseh Ave. commented that he is also experiencing the same type of problem with the fill dirt, rocks and asphalt pieces that Mr. LaMorte advised, but also now that the curbs are installed, he has two entrances to his driveway and now the water rushes down the street and erodes parts of his driveway. He also stated that there is an empty lot located next to his property which has always held some water, but with the curbing installed now, the water cannot drain and when he addressed this problem to one of the inspectors from Birdsall Engineering, he was told that this was not their problem, but the owner of the property. He further stated that in his opinion, when the first layer of asphalt was put down, they used way too much and then had to remove some of it and in the process damaged the new curbing that had been installed.

Mayor Gemma again assured everyone that he would be addressing all of these issues with the Borough Engineer and have him look into the various complaints that have been reported this evening.

Mr. Scott Poyner, 38 Tecumseh Ave., stated he wanted to say for the record that he is also experiencing the same problems with regard to the fill dirt, stones and asphalt as well as when he had his sprinkler system turned back on, one of the heads was damaged and had to be replaced and he wanted to know if the contractor is going to take care of the bill, to which the Mayor requested he leave a copy with the Borough Clerk and she will see that the Engineer receives the bill to give to the contractor, since they would be responsible for any repairs.

Mr. Ralph Maida, 39 Tecumseh Ave. also had the same problems and stated that he spent a full day raking up all the asphalt chunks that were left on his property and piled them at the roadway so the contractor could pick them up, only to learn that they were backfilled into his front yard. He also had a broken sprinkler head and one installed upside down and Mayor Gemma again assured him this would also be brought to the Engineer's attention.

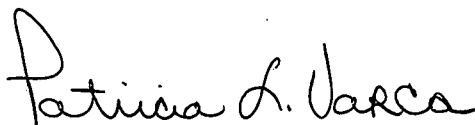
Mr. LaMorte questioned if there was a performance bond posted, to which Mayor Gemma stated there was and assured Mr. LaMorte nothing would be returned until the final punch list was addressed and also commented that following the release of a performance bond, the contractor is made to post a maintenance bond for an agreed upon length of time.

As no one had any further questions or comments, Mayor Gemma closed the public portion of the meeting.

Councilman Wolfe moved to approve the bills listed on the Voucher Register dated June 4, 1998. It was seconded by Councilman Apruzzi and unanimously approved by Council. TOTAL 1998 VOUCHES \$61,577.59. TOTAL 1998 VOUCHERS PAID THIS MEETING \$36,467.32. TOTAL 1998 OPERATING FUND \$98,044.91. TOTAL DOG REGISTRY ACCOUNT \$160.80. TOTAL WATER WATCH TRUST ACCOUNT \$32.81. TOTAL TRUST ACCOUNT \$91.00. TOTAL GENERAL LEDGER-SHORE REGIONAL HIGH SCHOOL \$323,903.62. TOTAL GENERAL LEDGER-OCEANPORT BOARD OF EDUCATION \$10,477.33. (SEE VOUCHER REGISTER)

At 8:38 P.M. Councilwoman Silkworth moved to adjourn this meeting until the next regular meeting scheduled to be held on June 18, 1998 at 8:00 P.M. It was seconded by Councilman Apruzzi and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK