

REGULAR MEETING

Oceanport, New Jersey
May 23, 1994

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on May 23, 1994 at 8:00 P.M.
- MEMBERS PRESENT:** Councilpersons Clark, McGee, Filippone, Miller, Wolfe and Mayor Cavanagh.
- MEMBERS ABSENT:** Councilman Taylor.
- OFFICIALS PRESENT:** Borough Clerk, Patricia L. Varca and Borough Attorney, Francis A. Margalotti.
- PLEDGE OF ALLEGIANCE:** Mayor Cavanagh led the audience and members of the Council in the flag salute.

Mayor Cavanagh commented that before we get to the Regular Agenda, he stated that he felt that there are people in the audience who are not here for the budget meeting and he explained that he had been out of town last week and understands that there is some question that has arisen about the commercial garbage collection issue. Mayor Cavanagh went on to state that the resolution to accept the garbage contract will be adopted prior to the public portion of the meeting and he did not feel this was what should be done. He proposed that anyone interested in discussing this issue, attend our next work shop meeting scheduled for Tuesday, May 31, which would give everyone an opportunity to make a presentation and allow enough time for everyone to speak and what we will do is to put together a flexible type resolution tonight which will allow us to do either of the two choices of either continuing the collection or to discontinue same.

Mayor Cavanagh stated that he is always sensitive to people having a right to speak before the issue is decided, it does not make sense to conduct this discussion tonight. He asked if anyone had a problem with the date for the work shop meeting, to which everyone who was present to discuss this matter, agreed upon and will return on May 31 at 8:00 P.M.

Mayor Cavanagh stated that we will now conduct the public hearing on the 1994 municipal budget and stated that the Borough Auditor, Mr. Hulsart, is with us this evening to answer any questions the public might have and the Chief and Captain of the Police Department are present in case there are any questions regarding that department.

Mayor Cavanagh took a moment to extend his condolences to Chief Joyce, who's father passed away today and he was sorry for his loss.

Mayor Cavanagh explained several documents that were on the Bulletin Board with regard to the budget and stated that he has always felt you cannot analyze a budget in a one year cycle because it doesn't make sense and he felt that you have to spread it over a few years and try to assess the rates in that manner. He continued that what he has done is shown the tax rates from 1990 to 1994, which is a four year analysis and pointed out that the municipal tax rate is only approximately 16% of the total tax dollar, which includes the County portion and the Schools. He stated that in 1990 we were at 31.6 cents and in 1994 we are at 37.7 cents per \$100 of assessed

valuation, which over four years shows an average increase of 4.8% per year on the municipal portion and the total tax rate over four years averages out to an increase of 3.23% per year, which is about what the inflation rate is this year.

Mayor Cavanagh stated this year we do not have a spending problem, but a revenue and surplus problem and went on to point out that in 1993 the total appropriations within the CAP was \$134,000 of which we only spent \$114,500, which means we are \$20,000 under the CAP limitation. Mayor Cavanagh explained that in 1993 the general appropriations was \$3,165,794 and this year it is \$3,117,334, which means our entire budget, top to bottom, is \$48,000 less than last year or 2% less than we spent in 1993. He commented that the reason for the increase in the tax rate is because when we anticipated what our revenues would be last year, we used a number based on the previous year and other formulas and we received less and wound up \$70,000 less than anticipated. Mayor Cavanagh also advised that we have less surplus to use than last year and the interests on investments was also down.

Mayor Cavanagh stated that back in 1990, which was the last year before they made us do the pre-collected tax situation, we had approximately \$205,000, which meant we could invest this money, but in the wisdom of the State Legislature, they decided that we had to spend that money, so now we went from \$205,000 to \$36,500 and even with the decline in interest rates, it is still a lot less money.

Mayor Cavanagh stated that this pre-collected tax situation is going to have to be addressed by Legislation because next year, it is our fourth year of the pre-collected tax and we are not going to have \$504,000. He has written and spoken to our Assemblyman as well as meeting with him and Mr. Hulsart about this matter, and he has informed the Mayor that a Bill has been drafted and he is hoping for some Legislative ability to keep us from great shock in the next year.

Mayor Cavanagh stated he also had some good news because we have received the balance of our FEMA funds, which is from the storm of December 1992 and we are one of the earliest recipients of the final money and this money will be earmarked for surplus next year and Mr. Hulsart will see that this \$70,000 is put away safely.

Mayor Cavanagh then opened the meeting to the public for any questions or comments on the 1994 Municipal Budget.

Richard Gruskos, 204 Comanche Drive asked about the total ratables over the four year period that the Mayor covered, to which Mayor Cavanagh answered the ratables are down and although he cannot supply him with an exact number, they are down and it has not been a big period of growth. Mayor Cavanagh stated that in 1990 the ratables were at \$459,000,000 and in 1993 they are at \$454,500,000, which information was supplied by Mr. Hulsart, who also advised that proposed ratables for 1994 are \$454,700,000 which is a little bit up from last year, but less than in 1990.

Mr. Gruskos asked if there have been any assessments in there that may have changed the percentage numbers from 1990 to 1994, to which Mayor Cavanagh stated that each time there is a tax appeal, it changes what happens. Mayor Cavanagh stated that the only large appeal we have had was when Concurrent had a tax appeal, and stated that we have not had any appeal from the Sports Authority.

Mr. Paul Roller, 69 Monmouth Road commented that we had a revaluation back in the late eighties and then after five years due to the rate of inflation, etc. they called for another revaluation,

and he assumed that was why the tax rate dropped from 316 to 175, to which Mayor Cavanagh stated that is not what happened. He explained to Mr. Rolleri that back in 1990 the Legislature decided that all the towns that had pre-collected school taxes, which are taxes we collect for the schools, months in advance of when we pay the schools, so we are always ahead, and after our budget was introduced and sent to Trenton, someone introduced Legislation which passed, that they were going to take a percentage of our pre-collected taxes and infuse it into the budget as revenue. Mayor Cavanagh stated that when this happened, he told the Council and the people who were present at the meeting, that this was absolutely the wrong thing to do and you don't take a 16 cent pop in a given year because the next year, you have to find that 16 cents. Mayor Cavanagh stated in his opinion what they should have done four cents over time, because you can find 3-4 cents, but you can never find 16 cents and it only worked for one year.

Mr. Rolleri asked if the State mandated us to do that or was this an option to the Borough, to which Mayor Cavanagh stated it was not our option and explained that what happened was that our budget had been completed, introduced and sent to Trenton and we were told that the money had been inserted in our budget.

Mr. Hulsart explained that there was a law in place which mandated that the money be used and the Borough had no other choice. He continued that what it did was take the school money that we collected in advance, created a false surplus and made us use it in the budget, so technically, if the Borough were to cease operation today, we would owe the schools money.

Mr. Rick Gallo, 556 Shrewsbury Ave. asked what Monmouth Park was valued at as a ratable now to which Mayor Cavanagh stated that this is a better question for the Tax Assessor, but he thought it was approximately 44 million dollars, but he really was not sure of the exact amount, but stated that they pay over one million dollars in taxes and they are clearly our largest ratable.

Mr. Gallo then asked what the value of Concurrent was, to which the Mayor stated he thought it was substantially less, but probably our second biggest tax payer.

As no one else from the public wished to be heard on the 1994 Municipal Budget, Councilman Miller moved to close the public hearing. It was seconded by Councilman Clark and approved by those Councilpersons in attendance.

R-94-41 Mayor Cavanagh stated that prior to adopting the 1994 municipal budget we must pass a resolution amending same, as directed by the Division of Local Government Services, and asked the Clerk to read resolution **R-94-41** after which Councilman Wolfe moved to approve this resolution. It was seconded by Councilman Clark.

The Clerk called the roll:

AYES: Councilpersons Clark, McGee, Filippone, Miller and Wolfe.
NAYS: NONE.
ABSENT: Councilman Taylor.
ABSTAIN: NONE.

Mayor Cavanagh then asked the Clerk to read resolution R-94-42 adopting the 1994 municipal budget, after which Councilman Clark moved to approve same. It was seconded by Councilman Wolfe.

The Clerk called the roll:

AYES: Councilpersons Clark, Filippone, Miller and Wolfe.
NAYS: Councilman McGee.
ABSENT: Councilman Taylor.
ABSTAIN: NONE.

Councilman Wolfe moved to waive the reading of the minutes from the regular meeting held on May 5, 1994 and to approve them as submitted by the Clerk. It was seconded by Councilman Miller and approved by those Councilpersons in attendance.

CLERK'S REPORTS:

1. Raffle license applications made by the following:

- a) Jr. Auxiliary to Monmouth Park Charity Fund and the Monmouth Park Charity Fund, to be held 7/04/94/ - 50/50 cash raffle.
- b) Monmouth Park Charity Fund, to be held 9/04/94 - 50/50 cash raffle.
- c) Monmouth Park Charity Fund, to be held 9/03/94 - 4 Super Bowl tickets.
- d) Legal Aid Society of Monmouth County, to be held 6/04/94, 50/50 cash raffle.

The Clerk advised that all applications were found to be in order and required fees had been paid, after which Councilman Wolfe moved to approve said raffles. It was seconded by Councilwoman Filippone and approved by those Councilpersons in attendance.

2. Application for membership to the Oceanport Hook & Ladder Fire Company made by Raymond V. Ciani.

Councilman Wolfe moved to approve said membership application. It was seconded by Councilwoman Filippone and approved by those Councilpersons in attendance.

COMMITTEES:

COUNCILMAN CLARK: Councilman Clark called for the second reading and public hearing of the amendment to the 1994 salary ordinance and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED MARCH 16, 1939.** ORD.# 652

Mayor Cavanagh opened the meeting to the public for any comments on this subject only.

As no one from the public wished to be heard, Councilman Clark moved to close the public portion on this subject. It was seconded by Councilman Miller and approved by those Councilpersons in attendance.

Councilman Clark 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 Clark, McGee, Filippone, Miller and Wolfe.
NAYS: NONE.
ABSENT: Councilman Taylor.
ABSTAIN: NONE.

R-94-43 Councilman Clark asked the Clerk to read resolution **R-94-43** regarding tax overpayments, after which he moved to approve same. It was seconded by Councilman Miller and approved by those Councilpersons in attendance.

COUNCILMAN MCGEE: Councilman McGee reported that this past Wednesday he attended a Flood Insurance Seminar in Toms River and the purpose of this seminar was to encourage municipalities to participate in the National Flood Insurance Program. He continued that in order to do this, they have made volumes of material available for the Construction Office and the Library and by making residents aware of flood insurance and what they can do to minimize their flood losses, they may give us from 5-10% reduction for flood insurance policies for every resident in Oceanport. Councilman McGee advised that the Borough also maintains flood insurance on its buildings and would also receive this type of reduction in our premiums.

Councilman McGee has toured the public buildings with Architect Eric Wagner of Kellenyi Associates in Red Bank for the purposes of determining the Borough's compliance with the American's With Disabilities Act and Mr. Wagner will be presenting us with a report on what needs to be done to be in compliance with this Act.

Councilman McGee expressed his condolences to Chief Joyce and his family on the passing of his father and also to Tony Cuppari in the Public Works Department, who's wife also passed away.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone also wanted to express her condolences to Chief Joyce and to Tony Cuppari.

Councilwoman Filippone also advised that Rabbi Daina has been very ill for many months and he will unfortunately not be able to be here for the Memorial Day Parade and that is one of the first times she can remember that the Rabbi did not participate.

Councilwoman Filippone reminded everyone that Monday is the parade and this is the 50th Anniversary of D-Day and we will be honoring our D-Day Veterans and we have as our Grand Marshal, a member of the Oceanport VFW, Al Raymond, who entered the beaches of Normandy six times on D-Day. She also advised that there will be four other veterans of D-Day, some of whom are Oceanport residents and will be honored on that day and she urged everyone to come out and join with us on this special Memorial Day. She also invited anyone interested in marching, especially the children, to be at the Park and stated that if we do not instill some sense of loyalty and patriotism in our young children, they will never develop it and informed the public that we will be assembling at 10:00 A.M. on Monday morning at Blackberry Bay Park and the parade will go off rain or shine.

Councilwoman Filippone reported our First Aid Squad had an extremely busy month and advised that in addition to the Squad assisting her with the Health Screening, which was very successful, they answered 16 calls and put in 195 hours and 8 of those calls were for advanced life support systems and one was for Monmouth Park. She stated it just shows everyone the tremendous amount of effort these volunteers give to the Community and she hoped that when the fund drive begins, the residents will be generous to their cause.

Councilwoman Filippone mentioned that she has been in contact with the Monmouth County Board of Health regarding flu shots, which she did for the first time last year and it was very successful, and turned out to be a monumental day because for a while the County insisted that only Oceanport residents could take advantage of this program, but then changed their minds and opened it to everyone in the State of New Jersey and they had 240 people and volunteers to handle 60, but it worked out well. She stated she has already been advised that this year it will be open to anyone in the State of New Jersey and they will be ready this year and it will be held about the third Friday in October and the cost will be \$5.00 which is the same as last year.

COUNCILMAN MILLER: Councilman Miller reported that last Saturday morning the Water Watch Committee did their sampling process in the Shrewsbury River and the preliminary studies show that during April and May, the water is in pretty good shape and there were two representatives from Little Silver go out with us to show them how to take the samples, etc. because they are going to begin their own programs as well.

Councilman Miller also reported that they have begun the sampling in Branchport Creek which is basically to keep a watch over the effects on the river when the horses are at the track.

Councilman Miller advised that the Water Watch Committee was very happy to receive a grant from the NY/NJ Harbor Estuary Program that our Chairman, Mr. Gruskos, put in for and we received a grant in the amount of \$3,900, which will allow us to computerize our data and keep it up to date and help with reports. He stated it will also allow us to purchase chemicals that are necessary for the testing.

Councilman Miller wanted to thank Steve Remaley of Pleasure Bay Marina for taking care of our other two boats and he does this free of charge other than any equipment that needs to be purchased and he is also a member of the Water Watch Committee. He also extended his thanks to Keith Seeley of Oceanport Landing for taking care of the Litterbug and its nice to see the two marinas in town helping out with our water quality process.

Councilman Miller stated he has a copy of a public notice which has to do with the entering in of an Administrative Consent Order between the NJ Sports & Exposition Authority and the DEPE and this has to do with Monmouth Park's discharge process generated waste water and this would allow the construction of a collection and treatment system for the processed generated waste water at Monmouth Park and to cease all discharge of processed waste water by May 1995 and we have been working toward this end for nine years and this is a victory to everyone who was involved.

COUNCILMAN TAYLOR: ABSENT.

COUNCILMAN WOLFE: Councilman Wolfe extended his condolences to Bobby and Walter Joyce on the recent passing of their father and also to Tony Cuppari, who has been in the Public Works Department for 15 years, on the passing of wife.

Councilman Wolfe stated he had received a request at one of the Recreation meetings about getting an outside phone at the Community Center Park because there are ballgames, basketball games, tennis matches, etc. and if the building is closed, a person who might need medical assistance would not have the use of a phone. Councilman Wolfe stated he contacted Mr. DeMarco the next day and we are presently working out trying to get the phone installed within the next several weeks.

Councilman Wolfe reported that we have contracted with a street sweeping company to perform the annual street sweeping of the Borough and it was originally scheduled to begin the week of May 9, but due to the volume of sand that is out everywhere, they had to delay us for two weeks and they will be in tomorrow and normally it takes one week, but this year we are allowing two weeks and asked all residents to keep their cars off the streets so that they are able to sweep close to the curb.

Councilman Wolfe reminded residents on behalf of Councilman Taylor, that the next hazardous waste day is scheduled for June 4, 1994 at the County Social Services Building on Kozloski Road in Freehold.

Councilman Wolfe commented that we have received our final payment from FEMA in the amount of \$72,990 and we are in the first batch of final close out projects and there were 60 applications for close outs out of 140 that had originally applied after the December 1992 storm and he is pleased that we have now closed out and other than the emotional scars we have suffered, everything appears to be back to normal and hopefully we will not see another storm like that one in our life times.

Councilwoman Filippone wanted to just make a comment about Councilman Taylor and stated that recently a West Long Branch resident stopped her, who happens to be a teacher at Shore Regional High School and his words to her were "we are so lucky to have Councilman Taylor because he does such a phenomenal job with the Substance Abuse Committee".

MAYOR CAVANAGH: Mayor Cavanagh offered the name of Judith Baxter to fill a vacancy on the Board of Health, which term expires December 31, 1997.

Councilwoman Filippone moved to approve this appointment. It was seconded by Councilman Wolfe and approved by those Councilpersons in attendance.

Mayor Cavanagh then offered the name of Lisa Brooks to fill a vacancy on the Environmental Commission, which term expires December 31, 1996.

Councilman Clark moved to approve this appointment. It was seconded by Councilman Miller and approved by those Councilpersons in attendance.

Mayor Cavanagh stated that after hearing Councilman Wolfe's report on the street sweeping and the amount of sand that had been used over the winter, he goes back to something Councilman Miller thought about over the winter and that was the liquid calcium chloride since you don't have to worry about sweeping it up after the winter and environmentally and economically, it would appear a better way to go in the future.

Councilman Wolfe pointed out that it might cut down about 20% of the total sand usage because you still have to use sand and the calcium chloride just activates the sand, but Mayor

Cavanagh felt we should look into this since we spend a lot of money on throwing sand all over and winds up going into the storm sewers and then we pay money to have it swept up after the winter.

Mayor Cavanagh wanted to make a final commentary on the budget and wanted to address his own perspective, since he does not vote on the budget unless there was a tie, which has never happened. He does like to feel that he has a role in the budget process, but does not get to vote. Mayor Cavanagh stated that his own personal observation tonight was that while none of us were very happy with where we wound up this year in terms of what we have to do, he really did not see any other realistic options. He must state that he is concerned by the dissenting vote on the budget, not so much because he objects to dissent, but because of the logic of doing that and as he looks through his budget, there are almost 300 line items in the Budget and totals almost \$3,000,000 under CAP and over \$3,000,000 outside the CAP.

Mayor Cavanagh commented that when the dissenting Councilman stated he had a problem with the budget and he asked him what it was, he indicated to the Mayor that it was about a \$750 item that he objected to and these statements are contained in the minutes from the last meeting. He stated if that was the extent of his concern, it would seem to him that it is either ill advised or illogical to vote against the Borough being able to continue functioning as a result of a minuscule expense. Mayor Cavanagh stated that more significantly, he sat here at the last meeting as well as tonight and heard the dissenting Councilman vote in favor of the salary ordinance and if you turn to page three of this ordinance, you will find the very expense he is complaining about, in the salary ordinance, so he is now on record as voting yes and no on the same issue.

Mayor Cavanagh stated that since we as a Governing Body were never told that there was going to be a no vote on the budget during numerous budget hearings, he just hoped that this is not the germination of a political issue as opposed to a governmental concern, but he has to say that in looking at the logic and looking at the salary ordinance and the conflicting votes on the same item, he is left with no other conclusion.

Mayor Cavanagh then opened the meeting to the public.

PETITIONS FROM THE PUBLIC:

Mr. Paul Rolleri, 69 Monmouth Road stated that one year ago he came before the Mayor and Council about a hole on his property from a sewer easement which runs through his property and 3-4 years ago the Public Works Department came out and fixed it and a year later it happened and they came out and repaired it again, it happened again and this time the Borough had Mr. Lagrotteria come out and fix it and he was back to see the Council one year ago about the same matter, because six months after the repair, the dirt sunk again. He continued that last June he was assured that this would be taken care of by the Street Department and he spoke to the Council President after that, who assured him that he would look into it and got back to him stating it would be taken care of within the next week. Mr. Rolleri also advised that during this last incident, the Borough Engineer also came out and looked at the situation.

Mr. Rolleri asked if the repairs were going to be made by the Borough or should he hire a lawyer to take care of this.

Mayor Cavanagh asked what type of easement is on Mr. Rolleri's property, whether it is a Borough easement or a Sewer Authority easement, to which it was a storm drain easement, therefore making it a Borough easement. Mayor Cavanagh asked the number of times that repairs have been

made to this area, to which Mr. Rolleri stated that since 1988 it has been repaired 3 times, the first time they poured cement on it, but the pipe was leaking; the second time they came out, around 1990, they poured more cement on the area and that lasted about a year and a half, and finally they decided that it could not be repaired from the outside, so it would have to be done on the inside, and they sleeved the pipe, which was done late 1992 and he came back in May of 1993 and the Engineer stated he did not think it had been filled properly, but since that time nothing has happened.

Mayor Cavanagh asked Mr. Rolleri when was the last time he spoke to someone about this situation, to which Mr. Rolleri stated it was June, 1993. Mayor Cavanagh asked if Mr. Rolleri has spoken to anyone since last June, to which he stated no because the winter came.

Mayor Cavanagh stated that between June of 1993 and the winter, there were five months in between, but he did not speak to anyone and now we will once again place this on the list and he asked Councilman Wolfe to see that this situation is resolved.

Councilman Wolfe stated he will contact the Borough Engineer and he will go over to Mr. Rolleri's home tomorrow morning, since he is aware of the location of the problem. Councilman Wolfe stated that he had never received a report back from the Engineer, but if Mr. Rolleri had followed up with another phone call, he would have realized that it had not been taken care of and would have followed up with the Engineer.

Mrs. Marie Quackenbush, 572 Shrewsbury Avenue asked how much difference we are talking about regarding the 11 businesses that are presently included and also commented that she is wondering how we can discuss this at the next meeting when the budget was adopted this evening.

Mayor Cavanagh explained that the budget was submitted with an estimate for the garbage because the contract begins in July of 1994, but the good news is that we are going to save some money on the new contract, so we will have a little extra money left over, but we calculated at a higher rate, but it will have no effect on her problem. Mayor Cavanagh also advised that the savings to remove the businesses from the new contract would be a savings of \$6,000.

Mr. Phil Apruzzi, 64 Werah Place wanted to address the matter of the \$750 budget item that was discussed and there is some history behind this matter, which is the part time employee in charge of the Adult Basketball Program in the Borough which runs from November through May. He stated that at a Recreation meeting in February, 1994 it came to his attention when someone approached him questioning why they were paying this person \$750 and during the meeting, Mr. Kerwin, Recreation Director, explained that the reason this individual is there is because the Adult Basketball Association, unlike any other association in the Borough, is not organized with a President, Vice President, etc. and we realized that this is the only group who had no one wanting to take charge of the programs. He stated that it was agreed that at the March meeting they invited John Feiter, who is the part time employee in question, explain what he does because Recreation felt it was unfair to ask Council to let this person go without understanding exactly what he did.

Mr. Apruzzi stated after hearing what he does, it was agreed that Mr. Kerwin would attend the next meeting of the Adult Basketball and organize them, but in April there were only two people there because daylight savings had begun and everyone was playing softball and it is not possible to organize 2-3 people and during the winter months there are anywhere from 8 to 30 people playing. Mr. Apruzzi stated it was agreed to hold this matter until basketball starts up in November and we passed this along to Councilman Miller and it was an unanimous decision of Recreation that we would keep Mr. Feiter on until we see what happens come November, when it is hoped that this

Program can get itself organized and if they could not, then they would leave the decision of what happens up to the Borough Council as to whether someone will be in charge or the volunteers will organize.

Mayor Cavanagh thanked Mr. Apruzzi for his comments and stated that Councilman Miller did bring back this information and reported it to the Borough Council and it is the Mayor's understanding that this \$750 may not be spent in the fall, if the program can organize.

Mrs. Donna Liska, 95 Cayuga Ave. stated she has been following the lack of progress on a particular property located on Hiawatha Ave. and she has been to see Mr. Joyce, the Borough Construction Official who advised her that it is now completely out of his hands and to direct any inquiries she may have about this to the Borough Council.

Mayor Cavanagh stated because he lives within 200' of this particular property, he is disqualified from discussing the matter, but he will tell her that the Council has forwarded correspondence to our Legislators which essentially includes several legal opinions about what appears to be a problem in the Legislation that once you grant a building permit, the State takes over the supervision and the local Building Inspector is left to figure out if anything has happened in the last 6 months. He continued that apparently based on the legal opinions we have been given by both the Borough Attorney and the Planning Board Attorney, as well as a letter that was received from the Dept. of Community Affairs and sent these off with a letter from our Borough Clerk which says if the only solution is going to come Legislatively, let's get to it, but in fairness, the letter just went out last week so it may be too early to expect a response.

Councilwoman Filippone stated that we have been attempting to address this situation for a very long time, but to no avail and the Mayor has been very careful, because he lives so close to the situation, but we have certainly not been ignoring the matter.

Mayor Cavanagh stated it was his understanding that there are a number of towns that are experiencing this same type of problem and one of the Boards even sent us a sample of an ordinance from another town which says if we grant a variance and you don't do certain items within a certain time, the variance can be revoked, but when the lawyers looked at it, they did not think you could supersede the authority of the State and it was their considered opinion that we might have a pre-emption problem. He felt that the solution must come from the Legislature and he felt that what we will do next is that Mrs. Varca will also forward that letter to the Two Rivers Council of Mayors and see if they feel this way as well and get 13 towns to get ask Legislators to assist in this area, we may see some results.

Mrs. Liska stated she had been advised several months ago that there is a possibility of flapper valves on Cayuga Ave. and Gooseneck Point as well as other locations, to which Mayor Cavanagh stated there is one flapper valve coming toward Gooseneck Point on Myrtle Ave. and there is a 6-8 week ordering time and these are a new type of valve they have been looking into and these are being done through the County and not the Borough.

Mrs. Liska asked what type of cost was involved, to which the Mayor did not know, but he stated between the cost of the valve, the installation and the maintenance, because it must be cleaned out on a regular basis and the old type valve needed to be cleaned out almost constantly and Councilman Wolfe had been concerned about this since it would certainly put a strain on his Road Department employees.

Mrs. Liska asked if the Code Enforcement Officer reports to Mr. Joyce, to which the Mayor stated that he does. Mrs. Liska asked if there is a policy in town to not rock the boat unless someone complains about a particular violation or does this individual go around and cite the violations as he sees them.

Mayor Cavanagh stated that Mr. Kirk has a copy of the code and if we were to check the salary ordinance, you will see that his annual salary is \$3,000, which on a weekly amount it becomes difficult he thinks, to be fluent to all the things that may come up and Mayor Cavanagh felt that he does try to work with the residents in the sense of being neighborly if there is a problem, rather than immediately writing out a summons, but more than that you would have to question Mr. Joyce, who is his immediate Supervisor.

Mayor Cavanagh pointed out that we appoint the Construction Official, who receives tenure following his next appointment and the Code Enforcement Officer is appointed every year, but there is not a lengthy list of people applying for these types of positions. He suggested that Mrs. Liska refer these types of questions to Mr. Joyce as to what procedures are followed. Mayor Cavanagh stated that we have been discussing these types of situations and we are going to set up a quarterly type of discussion with these employees with the Council in order to address certain areas and just as a kind of informational session.

Mrs. Liska stated as a member of the Zoning Board she has received inquiries from people about situations where there are boats in the front yard, and Mayor Cavanagh again stated that this should be given to Walter for him to handle. Mrs. Liska commented that people do not want to go to the Construction Official and complain about their neighbors, to which Mayor Cavanagh stated if they don't make him aware of a particular situation, how can we follow up on the matter.

Mrs. Liska stated she felt that the Zoning Officer could drive down the streets and see the violation himself, to which Mayor Cavanagh commented that for \$3,000 per year, it would be unrealistic for him to assume that he is going to police every street in the Borough. Mayor Cavanagh stated the solution might be if we had a full time Zoning Code Officer, but he felt the cost would be prohibitive, unless we were to split a position among several other towns.

Mayor Cavanagh suggested to make it even easier, just have the person who knows about a violation contact the Borough Clerk's Office and Patti will see that a message gets to Mr. Kirk for him to look at the situation.

Richard Gruskos, 204 Comanche Drive wanted to ask that the Council forward a note with regard to the public responses to the race track's permit application and went on to state that during their presentation made a year ago, describing the project, which he felt was a very admirable project, but felt that the important thing to look at is that processed water system which the track will be putting in place may not be in the long run of things, the cure all for everything because the system has a capacity that could be overwhelmed in a major or minor rain event. Mr. Gruskos was hoping that the Borough Council, through the Borough Attorney, could make a note about the capabilities and limitations of the system and somehow put in wording that in the event of any type of transfer of ownership of the track at a future date, that they basically be in compliance with Legislation related to clean water.

Mayor Cavanagh stated that he did not think we had to do this because the Clean Water people have been involved in this entire equation for the last several years, including the BayKeeper

and the Clean Ocean Action have been actively involved and they are the ones that are part of this system that got us to where we are now. Mayor Cavanagh stated we will discuss Mr. Gruskos's request, but he would hate to do anything that would delay this process in any way.

Councilman Miller read from the actual permit document in which it stated that the construction of a collection and treatment system for the processed generated waste water at Monmouth Park and to cease all discharge of processed generated waste water by May 1, 1995.

Mr. Gruskos stated the key phrase in that document is "processed generated waste water" which has a capacity of 200,000 gallons a day, which may be what the Mayor was thinking about, but the key issue is that this is all the wash water that is generated by their normal daily usage, but the rain water can overwhelm the system. Mr. Gruskos stated when they used the terms which he did not think were used in a deceitful manner, but they were using the correct terminology, but their storm water system is going to be sized for a substantial, like a 1 in 40 year rain storm, and that is just to clear the area and prevent puddling and flooding, but it does not mean that the processed water, which is more on the order of a light rain and hoses, cannot be overwhelmed. He continued when you look at that, it is somewhat related to the sizing of the catch basins that they have and when you consider the relatively impermeable nature of the stable area, we have to realize that in the event of a significant summer thunder storm, this system can be overwhelmed.

Mayor Cavanagh suggested that Councilman Miller call the track's Engineer and review what Mr. Gruskos has brought up this evening. Mayor Cavanagh also commented that if you read federal legislation, there are people who are going to make everyone adhere to those regulations, and as he recalls, the Act also provides for Counsel fees if you win, so the irony of that would be that you could sue, and if you are successful, you get paid for suing the people who are discharging and with that kind of threat, it puts the person who is discharging in an awful position.

Rick Gallo, 556 Shrewsbury Ave. asked if there has been any testing done in Parker's Creek or the other Creeks?

Councilman Miller stated that the Monmouth County Planning Board has done something very unique and have divided the County into 9 environmental regions relative to estuaries or lake regions and we get together on a semi-monthly basis and talk about problems relative to our area and we are part of the NorthCoast Region and there are approximately 9 other towns that we are involved with in this program. He wanted to get other towns involved in sampling their parts like Parkers Creek, which originates way back in the Due Process Stables in Tinton Falls and there are other areas that are involved. He stated that at the last meeting it was proposed that our group sample 23 sites throughout this NorthCoast Region and Oceanport is responsible for 3 sites in our immediate area. He also advised that this sampling will be done on a bi-monthly basis and this will give us a base line data and will give us a handle on storm water management as well as non point source pollution processes.

As no one else from the public wished to be heard, Mayor Cavanagh closed the public portion of the meeting.

Councilman Miller moved to award the garbage and trash contract to the successful bidder, Marpal Company, Lincroft, NJ, for the bid price of \$1,039,480. for a three year term beginning July 1, 1994, and to reserve the right of the Borough Council to make a final determination as to that portion of the bid proposal as it relates to the continuation of the collection of garbage from certain businesses that have been serviced previously and that determination to be made at the next public

meeting scheduled to be held on June 2, 1994. It was seconded by Councilman Wolfe and approved by those Councilpersons in attendance.

Councilman Miller then moved to return the bids bonds to the unsuccessful bidders. It was seconded by Councilman Wolfe and approved by those Councilpersons in attendance.

Councilman Clark then moved to approve the bills as listed on the Voucher Register dated May 23, 1994. It was seconded by Councilman Wolfe and approved by those Councilpersons in attendance. TOTAL 1993 VOUCHERS PAID THIS MEETING \$430.12. TOTAL 1994 VOUCHERS \$1,484,963.85. TOTAL 1994 VOUCHERS PAID THIS MEETING \$97,630.13. TOTAL 1994 OPERATING FUND \$1,582,593.98. TOTAL RECREATION TRUST ACCOUNT \$2,397.50. TOTAL TRUST ACCOUNT \$1,276.50. TOTAL GENERAL LEDGER-SHORE REGIONAL HIGH SCHOOL \$288,150.92. TOTAL GENERAL LEDGER-LIEN REDEMPTION \$366.92. (SEE VOUCHER REGISTER).

At 9:35 P.M. Councilwoman Filippone moved to adjourn this meeting until the next regular meeting scheduled to be held on June 2, 1994 at 8:00 P.M. It was seconded by Councilman Miller and approved by those Councilpersons in attendance.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK