

REGULAR MEETING MINUTES

Oceanport, New Jersey
May 3, 2012

The Regular Meeting of the Oceanport Mayor and Council was called to order on May 3, 2012 at 8:00 P.M. with Mayor Mahon announcing that the meeting had been properly advertised in accordance with the law.

MEMBERS PRESENT: Councilpersons Gallo, Irace, Bertekap, Johnson, Mayor Mahon

MEMBERS ABSENT: Councilpersons Ibex, Kahle

OFFICIALS PRESENT: Borough Clerk, Kimberly A. Jungfer and Christopher Ackerman, Esq. on behalf of Borough Attorney, John O. Bennett, III

INVOCATION: Borough Chaplain Robert Mills gave the invocation.

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

CLERK/ADMINISTRATOR REPORT: The Clerk stated there were 6 items on the consent agenda and asked for a motion. Councilman Irace made a motion to approve the Consent agenda which was seconded by Councilman Bertekap and approved by Council with Councilman Bertekap abstaining from Items 4, 5 and 6.

CONSENT AGENDA

1. Resolution authorizing the payment of bills. **R-12-75**
2. Resolution authorizing tax refunds due to overpayment. **R-12-76**
3. Resolution authorizing Maser Consulting to oversee all phases of the 2012 Road Program **R-12-77**
4. Approval of the Workshop meeting minutes of April 19, 2012.
5. Approval of the Regular meeting minutes of April 19, 2012.
6. Approval of the Executive Session minutes of April 19, 2012.

COMMITTEES:

COUNCILMAN GALLO: No report

COUNCILMAN IRACE: Councilman Irace reported that the Finance Committee would be meeting to close out the 2012 Budget process and begin preparing for 2013 and 2014.

COUNCILMAN BERTEKAP: No report

COUNCILMAN JOHNSON:

1. 2nd reading and public hearing of a Bond Ordinance **#903**
2. 2nd reading and public hearing of a Re-appropriation Bond Ordinance **#904**

Councilman Johnson called for the 2nd reading and public hearing of **AN ORDINANCE OF THE BOROUGH OF OCEANPORT IN THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES FOR THE BOROUGH OF OCEANPORT AND APPROPRIATING \$550,000 THEREFOR INCLUDING A GRANT IN THE AMOUNT OF \$200,000 EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND A COMMUNITY BLOCK GRANT IN THE AMOUNT OF \$121,000 AND PROVIDING FOR THE ISSUANCE OF \$222,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF**

THE BOROUGH OF OCEANPORT TO FINANCE SAME and then asked the Clerk to read the affidavit of publication 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.

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: Gallo, Irace, Bertekap, Johnson
NAYES: None
ABSTAIN: None
ABSENT: Ibex, Kahle

The Clerk stated that the motion carried.

Councilman Johnson called for the 2nd reading and public hearing of **ORDINANCE REAPPROPRIATING \$31,514.15 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY** and then asked the Clerk to read the affidavit of publication 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.

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: Gallo, Irace, Bertekap, Johnson
NAYES: None
ABSTAIN: None
ABSENT: Ibex, Kahle

The Clerk stated that the motion carried.

Mayor Mahon advised that Councilwoman Kahle was not present as she was attending her daughter's college graduation.

MAYOR MAHON: Mayor Mahon announced details regarding the NJ Marathon on Sunday, May 6th.

Mayor Mahon then opened the meeting for anyone from the public who wished to be heard.

PUBLIC:

Hugh Sharkey, Oceanport, NJ, questioned if the meeting was being recorded and was advised yes. Mr. Sharkey questioned why his legal bills had not been paid on the Johnson v. Oceanport OPRA matter.

Mayor Mahon responded that the final action considered by the Council had been taken and was a matter of signatures and documentation between the parties before the payments would be executed.

Mr. Sharkey questioned who reviews Mr. Bennett's legal bills. Mayor Mahon replied that as he, Mr. Sharkey, was aware having formerly been on the Borough's Finance and Administration Committee,

reviews all bills. Mr. Sharkey stated it had been more than 2 weeks since he had signed the documents and could not understand why they had not been counter-signed yet by the Borough. Mayor Mahon answered that he could not speak to that.

Mr. Sharkey stated as he pointed out during the Workshop meeting, there was a lot of concern over in Marlboro about Mr. Bennett's billing practices over there and he believed there should be some concern here as well.

Mayor Mahon stated there was not...Mr. Sharkey questioned there was not...Mayor Mahon stated there was not.

Mr. Sharkey: "Oceanport spent \$20,000 to Mr. Bennett's firm on this"

Mayor Mahon: "with respect sir you know full well what the matter was about and you were deeply involved in it..."

Mr. Sharkey: "that's why I'm making this comment"

Mayor Mahon: "and you bear full responsibility for what the Borough has expended on that particular issue"

Mr. Sharkey: "that, that's your opinion"

Mayor Mahon: "you...the matter involves you sir"

Mr. Sharkey: "I filed a claim against myself?"

Mayor Mahon asked if there were any other comments from the public. As no one else from the public wished to be heard Mayor Mahon closed the public portion of the meeting on a motion by Councilman Irace and seconded by Councilman Bertekap and approved by Council.

Bill List: Ad Hoc \$427.43 Capital Trust \$22,548.71 Escrow Trust \$2,310.00 Open Space Trust \$345.00 Unemployment Trust \$1,203.21 2011 Vouchers Paid \$297,520.64 2011 Vouchers Paid this Meeting \$0.00 Total 2011 Vouchers Paid \$297,520.64 2012 Vouchers Paid \$7,968,780.58 2012 Vouchers Paid this Meeting \$1,410,439.63. Total 2012 Vouchers Paid \$9,379,220.21

At 7:40 p.m. the Clerk read a Resolution authorizing the meeting to enter Executive Session for the purposes of land acquisition and personnel on a motion made by Councilman Bertekap and seconded by Councilman Gallo and approved by Council.

At 8:20 p.m. the Council returned from Executive Session and re-opened the Regular Meeting on a motion by Councilman Johnson which was seconded by Councilman Irace and approved by Council.

Councilman Johnson made a motion to approve a Resolution rescinding Resolution R-12-54 approved on March 15, 2012 which was seconded by Councilman Irace and approved unanimously by those Council members present. **R-12-78**

As there was no further business, the meeting was adjourned at 8:25 p.m. on a motion by Councilman Johnson, which was seconded by Councilman Irace and approved by Council.

Respectfully submitted,



KIMBERLY A JUNGFER
BOROUGH CLERK