

REGULAR MEETING

Oceanport, New Jersey
March 21, 1991

- REGULAR MEETING:** The regular meeting of the Oceanport Mayor and Council was called to order on March 21, 1991 at 8:02 P.M.
- MEMBERS PRESENT:** Councilpersons McGee, Terra, Filippone, Miller, Rodman, Wolfe and Mayor Cavanagh.
- 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.

As copies of the minutes from the regular meeting held on March 7, 1991 had been made available for review by the Governing Body, Councilman Miller 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:

1. Raffle license applications made by the following:

- a] Monmouth Park Charity Fund, to be held 8/30/91, prize is Natural American Mahogany Mink Coat.
- b] Monmouth Park Charity Fund, to be held 7/20/91, assorted prizes.
- c] Monmouth Park Charity Fund, to be held 7/20/91, assorted prizes.
- d] Monmouth Park Charity Fund, to be held 7/20/91, 50/50 cash raffle.

The Clerk reported all fees had been paid and the paperwork found to be in order, after which Councilman Rodman moved to approve the raffle license applications. It was seconded by Councilwoman Filippone and unanimously approved by Council.

COMMITTEES:

COUNCILMAN MCGEE: Councilman McGee reported under Buildings & Grounds the exterior lights at Borough Hall have now been all repaired and several fixtures have been removed. He continued that interior painting has been performed at various locations inside Borough Hall utilizing Public Works employees and he asked Councilman Wolfe to thank Mike Giordano for their help.

Councilman McGee advised that the water fountain at the Community Center has been repaired and thanks to Bob Jensen, saved us some money by figuring out a way to repair the existing fountain rather than replacing the entire system.

Councilman McGee stated that under Street Lighting, we have repaired all the broken fixtures at the Blackberry Bay Park parking lot and hopefully the new lights will be stone resistant and hold up a little longer. He also reported that he and Councilman Miller had met over at Evergreen Park to review the lighting there since it was rather dark and he will be meeting with a representative of JCP & L on Monday to place the order to have a light installed at that location.

Councilman McGee commented under Community Development he attended a meeting in Freehold in Councilwoman Filippone's absence, and there will be a reorganization meeting that will be held on April 3, 1991 and Councilwoman Filippone will be attending that meeting and they will be getting organized for the purposes of the new grant applications.

COUNCILMAN TERRA: Councilman Terra called for the second reading and public hearing of an amendment to the dog ordinance and asked the Borough Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "DOGS" PASSED AND APPROVED ON JULY 2, 1953.** ORD.# 610.

Mayor Cavanagh then opened the meeting to the public for any comments they might care to make on this subject only.

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

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

The Clerk called the roll:

AYES: Councilpersons McGee, Terra, Filippone, Miller, Rodman & Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

Councilman Terra then offered a motion to withdraw the prior ordinance regarding the renewal of the Storer Cable Franchise. It was seconded by Councilman Rodman and unanimously approved by Council.

Councilman Terra then called for the introduction of an ordinance renewing the Storer Cable Franchise and asked the Clerk to read the proposed ordinance by title only as follows: **AN ORDINANCE GRANTING NON-EXCLUSIVE RENEWAL OF MUNICIPAL CONSENT TO STORER CABLE COMMUNICATIONS OF MONMOUTH COUNTY, INC., d/b/a STORER CABLE COMMUNICATIONS, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE BOROUGH OF OCEANPORT, NEW JERSEY.**

Councilman Terra moved to approve this ordinance on first reading. It was seconded by Councilwoman Filippone.

The Clerk called the roll:

AYES: Councilpersons McGee, Terra, Filippone, Miller, Rodman and Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

Councilman Terra then moved to hold the public hearing on this ordinance at the meeting scheduled to be held on April 4, 1991 and to advertise same in accordance with law. It was seconded by Councilman Rodman.

The Clerk called the roll:

AYES: Councilpersons McGee, Terra, Filippone, Miller,
Rodman and Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

Mayor Cavanagh stated for the record this ordinance was amended to delete some language which after consultation between the Borough Attorney and the Attorney representing Storer Cable, was felt would clash with State or Federal regulations. He stated that none of the material elements of the approval as originally introduced have been altered:

Councilman Terra reminded the public that the Oceanport Hook & Ladder Fire Company was conducting its annual Ham Dinner on Sunday, March 24, 1991 and the cost is \$7.00 for adults, \$6.00 for senior citizens and active military and \$5.00 for children under ten and the tickets can be purchased at the door.

COUNCILWOMAN FILIPPONE: Councilman Filippone thanked Councilman Wolfe for attending the First Aid meeting in her absence and gave the Captain's report from the Oceanport Volunteer First Aid & Rescue Squad for the month of February, 1991 and reported as follows: they received a total of 20 calls for a year to date amount of 40; they had 78 and one half person hours for a year to date total of 168 and one half.

Councilwoman Filippone reported that the Monmouth County Board of Health resumed their water sampling of the Monmouth Park Race Track surface waters and they started in February and they will be taking the information regarding the water quality prior to the horses returning to Monmouth Park and they will take the sampling from Branchport Creek. She stated this information is relevant to the continuing investigation of the discharge of the contaminated storm water run off emanating from the track during the racing season and she continued that this was going to be particularly relevant this year since all of the reforms at the track as pertain to the horse manure, will be in place before the horses arrive and this will be a real test as to what happens with the new system.

Councilwoman Filippone reminded all the residents of Oceanport that the annual Health Screening will be held on Saturday, April 13, 1991 at the Oceanport First Aid Squad Building between the hours of 8:30 - 10:30 a.m. and pre-registration is required and we will be conducting registration on Wednesday, April 10, 1991 at the Oceanport Borough Hall between 3:30 - 5:00 p.m. and 7:00 - 8:00 p.m. She stated we usually look for volunteers, but we have been lucky having the volunteers who have been with us for years continue to come back, but if anyone is interested in helping out, we can always use some extra help.

Councilwoman Filippone wished all the residents in the Borough a Happy Passover and Happy Easter.

COUNCILMAN MILLER: Councilman Miller reported under Parks & Recreation he was happy to announce that John Kerwin, Recreation Director, called him this evening to advise that the Parks & Recreation Committee has received a Ross Megan Award for exemplary maintenance of Old Wharf Park and this award is presented by the Monmouth County Parks Commission and one of our representatives will receive the award at the dinner next week which is conducted by the Monmouth County Parks System.

Councilman Miller announced that the tennis courts at Blackberry Bay Park have been opened up and they are ready for use as of March 15, 1991.

Councilman Miller reported that the annual Spring Egg Hunt will be held on April 6 at Blackberry Bay Park and will begin at 10:30 A.M.

Councilman Miller stated that at the last Recreation Committee meeting it was announced that a summer bocce league, a night time league, will take place and there are already a number of teams signed up and any one who is interested should register through John Briscione.

Councilman Miller reported our Shade Tree Committee with Arleen Mullen who is a member of the Committee will again be working with the Wolfhill Elementary School during their Arbor Day activities and the Shade Tree Committee will donate 200 river birch saplings which will be given out to the students to plant at their homes.

Councilman Miller stated under the WaterWatch Committee, we had our last meeting on March 12, and we had representatives from Little Silver and the Monmouth County Board of Health and we are going to start our non point source pollution project on April 13, 1991. He stated we have identified 9 outfall pipes which are readily available and drain a large portion of our community and we will be analyzing them for certain components.

Councilman Miller advised that at the next meeting of the WaterWatch Committee he has already contacted representatives from Monmouth Beach and the Long Branch Health Officer and Councilman Terra will be contacting representatives from Sea Bright because only with this type of coordinated effort will we be really able to do a job of cleaning up the Shrewsbury River.

Councilman Miller stated that last Saturday morning he and Councilman Wolfe attended a meeting at the NMCRSA treatment plant facilities in Monmouth Beach and it was primarily for them to take us on a tour and show us what the facilities were and to alert us to the fact that because of the new NJ Clean Water Act, some additions to the facility will have to take place. He continued that the new Act states that when a treatment plant reaches 80% flow, the system must be improved because of some infiltration and other kinds of problems and they have now reached 80% flow, so they must by law, re-design and improve the program. Councilman Miller stated it was very ironic that the Sewerage Authority must provide data to the DEP and the DEP can then turn around and use that data against the Authority if the Authority is not in compliance within six months and there are rather large fines involved and they range from first degree criminal fine goes from \$50,000-\$250,000 and obviously the six member towns as well as the six towns that also belong as non members would be responsible for that money.

Councilman Miller stated they went over their projected plans and improvements and advised that the first phase improvements will cost approximately 14 million dollars and in terms of what it will cost the residents, he stated it will be somewhere in the neighborhood of between 10 and 20% on your present sewer bill which is approximately \$200 per year. He continued that Phase II which will be undertaken three to four years down the line will cost about 20 million dollars which will further improve the system and he felt these plans that they reviewed will increase the capacity at a minimum cost to our communities and at the same time we will be producing an effluent that goes out into the ocean which will be quite a bit clearer and reduce the number of trucks going in and out taking out the sludge.

COUNCILMAN RODMAN: Councilman Rodman stated as the head of the Municipal Coordinating Committee he is pleased to announce the fruition that he has been working on for some time and that is the availability of a fuel oil and gasoline purchasing cooperative system to municipalities of Monmouth County. Councilman Rodman stated that he had set this as a goal for himself for some time and as someone who works in bureaucracy, he has been surprised at how difficult this has been working through the various stages. He explained that basically, his employer, the Monmouth County Educational Services Commission purchases cooperatively gasoline, fuel oil and diesel fuel for the schools and it is one of the largest cooperatives in the State of New Jersey and purchases between 3-4 million gallons per year and until recently, we have been frustrated in our attempts to extend this money saving economy to municipalities and he is very pleased to announce that today he received a letter from the NJ Dept. of Community Affairs clearing the way for municipalities to join in this cooperative effort and it is his estimate that the schools are saving approximately \$75,000 - \$100,000 per year by cooperatively purchasing in bulk, their fuel needs. He continued that these savings can easily be extended to the municipalities particularly in the area of gasoline, since municipalities are more gasoline intensive then the school districts are.

Councilman Rodman stated that his organization will be sending out some information which he will bring back to the Borough Council and will be going out to all the municipalities in Monmouth County regarding this program and he is hopeful that a number of municipalities may be able to avail themselves of this program, because when you buy in bulk you can save a lot of money and we have proven that and the Commission has run this program for six or seven years now and achieved considerable savings throughout the school districts.

COUNCILMAN WOLFE: Councilman Wolfe commented on the recent visit to the Sewage Authority that it is important for municipalities to attend these meetings in order to better keep our citizens informed of what is going on at these types of facilities.

Councilman Wolfe noted that he has spoken to Chief Joyce this past week relative to a discussion the Borough Council has been having regarding warnings in front of the Oceanport Gardens senior housing complex to alert drivers that there are seniors crossing the street. He continued that Chief Joyce suggested a raised strip being installed prior to the cross walk zone and he contacted a striping company that specializes in these raised stripes and received some information concerning the installation of a thermo plastic stripe about 5" wide running from the center line to the curb line about 12' going back at 2' intervals approximately 200' prior to entering the cross walk area. He stated that these stripes as compared to a white painted line, act as a rumble strip, so it would bring to the driver's attention that they are entering a zone where they should be alert for pedestrian's crossing the street and he stated we will also be installing additional signs as soon as the new DOT signs are available.

R-91-26 Councilman Wolfe asked the Clerk to read resolution R-91-26 regarding transferring funds. It was seconded by Councilman Miller and unanimously approved by Council.

R-91-27 Councilman Wolfe then asked the Clerk to read resolution R-91-27 amending the 1991 temporary budget, after which he moved to approve same. It was seconded by Councilman Terra and unanimously approved by Council.

MAYOR CAVANAGH: Mayor Cavanagh stated on a somber note, we recently lost a resident of the Borough named Bud Little and Bud was actively involved in a variety of things in town and was a fireman and was the first Chairman of the Waterways Committee and ran that Committee for many years and he has been ill for the last several years, but Mayor Cavanagh wanted to make note of his passing and stated he will be missed.

Mayor Cavanagh welcomed the Boy Scouts who were attending our meeting tonight.

Mayor Cavanagh reported that a week ago Saturday he attended a meeting of the Two Rivers Council of Mayors in Little Silver and we did a variety of things and the most important was that we had a coordinated discussion of the recycling programs throughout the entire 13 Boroughs involved and he was able to direct the group to our Recycling Coordinator, Councilman Terra and he took over a second discussion with the 13 recycling representatives. Mayor Cavanagh stated that Councilman Terra will try and coordinate the concepts and efforts and try and get uniform prices and understandings and perhaps we can all help each other in the area of recycling.

Mayor Cavanagh stated we also met with a representative from the NJ Department of Community Affairs who had some interesting ideas on coordinating services and purchasing power, however, when we asked if they would provide us the manpower to come down and do a study among the 13 towns to see what areas would be best served by combining services and the representative indicated that recent State cuts had resulted in the inability of the Department to have field people come out and do that, which is somewhat ironic since the State of NJ is trying to direct us to coordinate and merge and share responsibilities, while at the same time cutting back in the department that was able to assist us in doing that. He stated that hopefully we will be able to find out where we can best help each other without the DCA's assistance.

Mayor Cavanagh then opened the meeting to the public for any comments they might care to make.

PETITIONS FROM THE PUBLIC:

Mr. Turgyan, 44 Main Street stated he is here representing a group of residents in the Trinity Place Park area and they are basically asking the Borough Council to revoke the use of the tennis courts for skateboarding because it is driving the residents in that area crazy. He stated that they have a petition with 21 signatures on it from the residents who reside in the area.

Mrs. Turgyan, 44 Main Street read the petition to the Mayor and Council which requests the return of the tennis court to its intended use and to reverse the decision to allow skateboarding because of noise, debris left on the court, that the court will not be able to be used for tennis due to the placement of ramps, boards, etc., that the Borough Council did not petition the residents in the area prior to their decision to allow skateboarding and that the installation of a privacy screen is an unacceptable solution to the noise and privacy problems. Mrs. Turgyan then presented the petition to the Mayor and Council.

Mayor Cavanagh advised the residents that we will turn the petition over to the Recreation Committee which is where the recommendation came from in the first place to create the facility and ask them to take a look at the situation and find out what is going on in this regard.

Councilman Rodman asked if there was a particular time of the day during which this use is particularly offensive and asked if it is extending into late at night?

Mr. Turgyan stated that right now it continues until it is practically dark, so every day it gets worse because the days are becoming longer and he explained further that he and his wife get home from work a little after 4:00 P.M. and by then they are already on the court with the skateboards. He continued that he likes to be outside and since his property is right up against the court and it is becoming very nerve racking, since he gets to hear it and see it all the time. He further stated that even during the winter time with the windows closed and the house is some 150' away from the center of the court, you can still hear the pounding of the skateboards constantly and he stated it is enough to drive you out of your mind.

Mr. Turgyan also commented that they have nothing against the kids and they are good kids and are not doing anything wrong, but its the constant noise of the boards hitting the pavement and a privacy screen will not solve the problem. He also spoke to one of the kids, Andy Bova and he even said that the kids would rather see the Council give them some sort of a building for them to use.

Councilman Miller advised that we have already paved an area at Blackberry Bay Park last fall for the skateboarders to use, but it is obviously not working.

Mayor Cavanagh stated that he hoped they understood that the motivation on the Council's part was to keep the kids out of the street because it was becoming very dangerous. He continued that we were trying to locate something on both sides of town, so they don't have to skateboard from one side of town to the other and our primary objective was safety and we tried to find one location on each side of town. Mayor Cavanagh stated that there might be more suitable areas for the kids to use, but when the residents point out the paved playground areas of the Borough schools, we do not own that property and they were not allowed to go there and skateboard. Mayor Cavanagh stated the petition also suggests the paving parking lots at Monmouth Park, but again this is private property and we do not have the ability to designate private property as a place for our young people to go with their skateboards.

Mr. Turgyan pointed out that at Monmouth Park there are parking areas that are rarely ever used and he felt sure that the Mayor and Council have a good rapport with the race track and suggested that the Mayor talk to them about this possibility.

Mayor Cavanagh explained what he would be asking the race track to do is to take a problem that we have and make it their problem and if something goes wrong on that property, the race track would be at risk, just as we are at risk, but at least it is our problem. Mayor Cavanagh did not see how we could direct people to go to private property and put our ramps on their property because that just would not work.

Mr. Turgyan stated he was not saying that they should direct them, but perhaps approach them and ask them if it would be okay, to which Mayor Cavanagh explained that we would have to direct the children to go to Monmouth Park instead of the present location.

Mr. Turgyan commented that he walks around the Borough a lot and he noticed that at the Wolhill School there are always a lot of kids around there playing hockey up against the school and other activities and he questioned why that was okay, but not skateboarding.

Mayor Cavanagh stated that he is not trying to dodge Mr. Turgyan's question, but he really has to address that question to the School Board because this problem basically generated when the Wolfhill School Parking Lot was closed to the students and in essence, that is what happened.

Councilman Rodman stated he had a student arrive at his door a year or two ago asking him to sign a petition asking the School Board to reverse itself and allow the skateboarding to continue at Wolfhill School in particular and he did sign it and he has been in touch with the people at the School District and they are not willing to do it for two reasons. He stated he does not want to speak for the school, but at the time one of the reasons was the liability and the other reason was that the cement parking blocks were being moved around and someone would drive into the parking lot the next morning and not expect there to be a cement block in the middle of the driveway and hit the block. He also commented that the school had no way of monitoring anybody's use of the property, but he would back what Mayor Cavanagh said in that you must ask them again if they would be willing to reconsider.

Mayor Cavanagh stated all he really wanted the residents to understand is that it was not that we did this without thinking it through and we considered a few things and we tried an experiment to see how it would work and apparently the residents in the area do not think it is working well. He stated he cannot personally say he has been over there to listen to it, but he will try and visit the site and asked what time of day is it well populated?

Mrs. Boschert, 7 Center Street stated she lives right behind the courts and it begins right after school and on the weekends or holidays, it starts in the morning and goes on all day until it is dark and it is the pounding noise that is so terrible.

Cheryl Moore, 50 Algonquin Ave. stated as a member of the Recreation Committee, the Committee has had some discussions on this subject also, but one of the things she questioned as a person who has lived on a park in another state and having been subjected to noise levels and things like that, is when you move to an area that is backed up to a park, it gives you an advantage of having a nice back yard, but on the other hand you are going to be subjected to noise because the park is public and it is for use by the public. She stated she has great sympathy with the noise level with the skateboarding and the problem, but on the other hand if the tennis court was fixed up and people were making noise playing tennis, will that be a problem as well. Mrs. Moore also added that as a member of the Recreation Committee, the Committee does not really authorize the skateboarding at that park, but it has been allowed because it is a park and a public place and we cannot make a ruling as a Committee to say that people cannot use the park.

Mrs. Boschert stated that the tennis courts have been there for a very long time and there was never a problem when the people played and was not the same kind of noise.

Mayor Cavanagh stated we have young people who deserve somewhere to have activity and we have residents who don't deserve noise levels that are unfair and we are going to have to find a solution that somehow balances the two interests and this is not always easy. He continued that it is obvious that we do not want these young people in the streets, but by the same token we certainly do not want to impact the residents ability to

enjoy your home to the point where you feel it is intolerable. Mayor Cavanagh stated he would like to go over to the courts on a nice day and see what it is like and he is also going to speak to Recreation about their thoughts and ask them to look into it and we will get back to Mr. Turgyan and he can inform the rest of the residents, but he asked the residents to give us a little bit of time to speak with Recreation about this matter.

Mr. Turgyan asked how much time will be needed and Councilman Wolfe stated the next Recreation Committee is scheduled for the second Wednesday in April which will be April 10 and we have a meeting after that, so it will probably be some time in April.

Mrs. Moore asked the Council if a compromise could be reached, could there perhaps be specific times allowed for the kids to use the courts for skateboarding and would this be acceptable to the residents in the area?

Mrs. Turgyan stated this would still not allow people on that side of town to use the courts to play tennis, to which Mrs. Moore stated it was her understanding that the Trinity Park tennis court was not suitable for playing on, but Mrs. Turgyan commented that it was being used before the kids came and put up their ramps on the courts.

Councilman Miller stated he spoke with Mr. Turgyan on the telephone and over the winter he has visited the park once every couple of weeks on average and lately, more than that. He has noticed that Mr. Turgyan is right in some of his comments, and within the last couple of weeks the kids have added ramps above and beyond what was agreed upon and the park is dirty. He is also in contact with some of the kids that had organized this group and he spoke with them and told them that the ramps had to be removed with the exception of two that had been agreed upon and they had to clean the park up and this had to be done by the weekend. Councilman Miller wanted the residents to know that he has been going there as well as Councilman Wolfe and a member of the Recreation Committee has been there many times. Councilman Miller stated that we were ready to install the privacy canvas he has spoken to Mr. Turgyan about, but Mr. Turgyan stated that was not acceptable or appropriate and he was not willing to try that at all.

Ron Zigler, Pleasant Place stated that he and his friends that use the park have been cleaning it up but no one ever picks up the garbage from the park and it winds up just sitting there and then it just blows around.

Mayor Cavanagh stated that problem is easy in that we will just contact the contractor and make sure that the cans are emptied on a regular basis.

Mrs. Boschert commented that the problem also was not so much with the kids from Oceanport, because they behave okay, but there are kids that come from Eatontown, Fort Monmouth and some people come in vans from Long Branch and they cause problems, but as Mayor Cavanagh pointed out this is a public park paid for with public money and it is open to the public.

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

Councilman Wolfe moved to approve the vouchers as listed on the Voucher Register dated March 21, 1991. It was seconded by Councilman Miller and approved by Council with the exception of Councilman Wolfe who

abstained from voting on a bill due Clayton & Sons. TOTAL 1990 VOUCHERS PAID THIS MEETING \$2,517.75. TOTAL 1991 VOUCHERS \$50,047.09. TOTAL 1991 VOUCHERS PAID THIS MEETING \$45,750.45. TOTAL 1991 OPERATING FUND \$95,797.54. TOTAL TRUST ACCOUNT \$2,598.27. TOTAL RECREATION TRUST ACCOUNT \$191.22. TOTAL GENERAL LEDGER SHORE REGIONAL HIGH SCHOOL \$147,392.50. (SEE VOUCHER REGISTER)

At 8:55 P.M. Councilman Rodman moved to adjourn this meeting until the next regular meeting scheduled to be held on April 4, 1991. It was seconded by Councilwoman Filippone and unanimously approved by Council.

Respectfully submitted,

Patricia L. Varca

PATRICIA L. VARCA
BOROUGH CLERK