

REGULAR MEETING MINUTES

Oceanport, New Jersey
March 20, 2003

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on March 20, 2003 at 8:00 P.M. with Mayor Gemma stating the meeting had been properly advertised in accordance with law.
- MEMBERS PRESENT:** Councilpersons Kahle, Mahon, Gatta, Cooper and Mayor Gemma.
- MEMBERS ABSENT:** Councilpersons Apruzzi and McGann.
- OFFICIALS PRESENT:** Borough Clerk, Patricia L. Varca and Francis A. Margalotti.
- INVOCATION:** Borough Chaplain Berry gave the invocation.
- PLEDGE OF ALLEGIANCE:** Council President Gatta led the audience and members of the Council in the flag salute.

As copies of the minutes from the regular meeting held on March 6, 2003 had been made available to the members of the Governing Body, Councilwoman Gatta moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Mahon and approved by Council.

CLERK'S REPORTS:

1. Police report for the month of FEBRUARY and a copy will be posted on the bulletin board.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle reported that the Water Watch Committee finally has been able to take some water samples since the weather has warmed up and the water quality results were where they should be.

Councilwoman Kahle advised that the Environmental Commission would again be sponsoring the annual poster contest and this year's theme was Trees and the Oceanport Environment and will be open to all the children in the school system.

Councilwoman Kahle stated that both Dr. Kaloss of the Environmental Commission and Tom Crochet, Superintendent of Public Works attended a seminar at Rutgers's on geese control and one of the items discussed was that the present goose population will double over the next several years and they learned of some preventive measures that we will be trying.

Councilwoman Kahle announced that we have hired a new Editor for the Oceanport Bulletin and welcomed Laura McCrae who comes to us with some publishing experience.

Councilwoman Kahle commented with the state of affairs our nation is facing, our Oceanport Police, Fire, First Aid Squad and our Director of Emergency Management are preparing an enactment of a disaster at Monmouth Park on April 6, 2003 and this will be involving the community,

the Boy Scouts, Girl Scouts, our neighboring communities for Mutual Aid and any volunteers who may wish to participate and anyone wanting to join in on this should contact Linda Johnson of the First Aid Squad and she commended them for taking the initiative to plan and help the community finding out our strengths and weaknesses in an event of a true disaster.

Councilwoman Kahle added that her prayers and thoughts are with our servicemen and women and with the nation and hoped that this war would end quickly with a minimum loss of life.

COUNCILMAN MAHON: Councilman Mahon moved to authorize the Borough Engineer to prepare plans and specifications and advertise and receive bids for the 2003 Road Program. It was seconded by Councilwoman Kahle and approved by Council.

Councilman Mahon then asked the Clerk to read resolution **R-03-29** authorizing the Borough to participate in the municipal auction being held at the Tinton Falls Municipal Complex on May 3, 2003, after which he moved to approve same. It was seconded by Councilwoman Gatta and approved by Council.

R-03-29

Councilman Mahon explained that the 1969 Ford Van being auctioned off started out as an ambulance in the Borough and its most recent service includes use by the Fire Police Captain, Dale Burd and this vehicle has served the Borough very well; the American LaFrance Pumper was retired last month and taken out of service and any equipment we can use off that truck will be removed as well as the Ford Rescue Truck and transferred to other equipment in the Borough. He further explained that the proceeds from this auction will return to the Borough and go into the general fund.

Councilman Mahon commented that one of the vehicles residents may have noticed riding around town is a Ford Bronco which was donated by the County at the end of last year for use by the Emergency Management Director and the Fire Department and especially during the blizzard, we used it to provide transportation to Monmouth Medical Center for medical personnel to get to work by one of our OEM volunteers, Ron Stubbington and we have seen good use for this vehicle so far. He continued that the Fire Department has equipped this vehicle with a radio and a hitch, which will enable OEM to transport the OEM boat. Councilman Mahon also advised that the Director has also suggested we can use this vehicle to get the radar speed limit trailer out on the road without using a patrol car.

Councilman Mahon reported this past Tuesday he and the Fire Chief, Jim Gallo and the OEM Deputy, Ron Stubbington took a day off from work and traveled out to PA to get some military surplus equipment for the new truck behind the Borough Hall and we acquired this vehicle in January and it is a 1969 Kaiser military truck which will enable us to get into the areas in the Borough that flood during a northeast storm or full moon high tides and will keep us from putting unnecessary wear and tear on fire apparatus which is significantly more expensive and the work on this truck is on going and it is presently read to go in any emergency and he offered a special thanks to Ron Stubbington and Kevin Arban for their hard work and Captain Sutton in getting this equipment ready.

Councilman Mahon reported that this past weekend with the assistance of Brummer Tree Service and their bucket truck, we were able to measure the siren at the Community Center for a muffler to help out the neighbors in that area and the parts have been ordered.

COUNCILMAN APRUZZI: Absent.

R-03-30 **COUNCILWOMAN GATTA:** Councilwoman Gatta asked the Clerk to read resolution **R-03-30** appointing a Borough Prosecutor under the Local Public Contracts Law, after which she moved to approve same. It was seconded by Councilman Mahon and approved by Council.

Councilwoman Gatta called for the introduction of a bond ordinance and asked the Clerk to read the proposed ordinance by title only, as follows: **BOND ORDINANCE APPROPRIATING \$661,560. AND AUTHORIZING THE ISSUANCE OF \$628,482. BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY.**

Councilwoman Gatta moved to approve this ordinance on first reading. It was seconded by Councilman Mahon.

The Clerk called the roll:

AYES: Councilpersons Kahle, Mahon, Gatta and Cooper.
NAYS: None.
ABSENT: Councilmen Apruzzi and McGann.
ABSTAIN: None.

Councilwoman Gatta moved to hold the public hearing on this ordinance at the Council meeting scheduled to be held on April 14, 2003 and to advertise same in accordance with law. It was seconded by Councilman Mahon.

The Clerk called the roll:

AYES: Councilpersons Kahle, Mahon, Gatta and Cooper.
NAYS: None.
ABSENT: Councilmen Apruzzi and McGann.
ABSTAIN: None.

ORD.
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Councilwoman Gatta called for the second reading and public hearing on the amendment to the salary ordinance to include 2003 salaries 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.**

Mayor Gemma opened the meeting to the public for any comments or questions on this subject only.

As no one wished to be heard on this subject, Councilwoman Gatta moved to close the public portion of the meeting. It was seconded by Councilman Mahon and approved by Council.

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

The Clerk called the roll:

AYES: Councilpersons Kahle, Mahon, Gatta and Cooper.
 NAYS: None.
 ABSENT: Councilmen Apruzzi and McGann.
 ABSTAIN: None.

Councilwoman Gatta congratulated the 7th Graders for the great job they did tonight in putting on their meeting earlier this evening for Student Government Day.

Councilwoman Gatta reported under the Coastal Alliance that 344 families have signed the Safe Homes Pledge, which states that parents will not permit parties or gatherings in their homes when an adult is not present, that they will not allow underage drinking or illegal use of drugs in their homes or on their property. She commented that this is the 6th year the Alliance has been doing this and the first year we had only 199 families sign the pledge, so we have made great strides in this area.

Councilwoman Gatta stated at the First Aid Meeting it was reported that there were 59 calls in the month of February, which equaled to 1,717 hours for our volunteers. She continued that the First Aid Squad had attended a previous meeting of the Capital Improvement Committee and one of their needs of their five year capital plan was to have an addition to the bay area and they have now agreed to attempt to raise the funds themselves through a very large fundraiser and she will be bringing more details to the Council when their plans are set.

Councilwoman Gatta reported that the annual Health Screening will be held on Saturday, April 5th at the First Aid Squad Building and the registration will be on April 1 at the Borough Hall from 3:30-5:00 p.m. and 7:00-8:00 p.m. and she added that this year we have added some additional screenings for skin cancer and eye exams and she thanked Monmouth Medical who is supplying the technicians and giving us a reduced rate for the blood tests, which will be \$30 for the blood screening and \$26 for the PSA tests.

Councilwoman Gatta reminded everyone that on Saturday, March 29 at the Old Wharf House from 8:30 a.m. to 1:30 p.m. will be the Women's Day Program and we will be having participation not only from local people but from representatives from both the State and Federal governments and she urged anyone interested to please sign up for this program.

Councilwoman Gatta commented she was in touch with the Borough Engineer earlier and the tree removal on Wardell Circle is going to be much sooner than first thought and she just wanted to alert the Council of this timeframe.

Councilwoman Gatta extended the appreciation from the senior citizens to Tom Crochet and all the employees in the Public Works Department for their efforts during the blizzard and at the senior meeting, they had asked that she bring back their thanks for all they did to clear the roadways so quickly.

Councilwoman Gatta offered her sympathy to the Ingram family over the recent passing of Mr. Ingram who was a former Mayor, Councilman and Planning Board member.

COUNCILMAN McGANN: Absent.

COUNCILWOMAN COOPER: Councilwoman Cooper moved to temporarily appoint Councilwoman Gatta to the Finance Committee for the purpose of signing the vouchers. It was seconded by Councilman Mahon and approved by Council.

Councilwoman Cooper asked the Clerk to read resolution **R-03-31** requesting the Director of the Division of Local Government Services to approve an item of revenue into the 2003 municipal budget regarding a grant in the amount of \$1,340.20 for Body Armor Replacement, after which she moved to approve same. It was seconded by Councilwoman Gatta and approved by Council.

Councilwoman Cooper announced that the next Capital Improvement Committee meeting is scheduled for Thursday, March 27th at 7:30 p.m. and added that she has met with the Finance Department employees this week in an effort to familiarize herself with that Department.

MAYOR GEMMA: Mayor Gemma made the following appointments to the Planning Board:

James Whitson, Class IV to fill the un-expired term ending 12/3/105
David Gruskos, Alternate #1, Class VI, to fill the un-expired term ending 12/31/04

Mayor Gemma then offered the name of Councilwoman Gatta to serve as the Council Liaison to the Planning Board as a Class III member which term expires 12/31/03.

Councilman Mahon moved to approve this appointment to the Planning Board. It was seconded by Councilwoman Cooper and approved by Council.

Mayor Gemma asked for a motion to approve the re-assigned Council Committee appointments for 2003. Councilwoman Gatta moved to approve those appointments. It was seconded by Councilman Mahon and approved by Council.

Mayor Gemma also offered his condolences to the Ingram family over the recent death of Mr. Ingram and commented that he was a very well like gentleman in this community.

Mayor Gemma thanked the students from Maple Place School for putting on an excellent meeting this year as part of their Student Government Day project.

Mayor Gemma reported that he had a meeting with Harry Sutton who is now the Borough's Emergency Management Director with regard to a set plan for our school children in case of an emergency and he was pleased to advise that a plan is now in place and has been discussed with the Superintendent of Schools.

Mayor Gemma then offered the following appointments in regard to certain requirements under the Emergency Management and commented that some are appointments of people and some are appointments for the actual position held in the Borough:

Office of Emergency Management – Three-year appointments expiring 03/20/06

Steven Cioffi, Kevin Arban, Pam Malley, Steven Briskey and Cristi Mazzarella

Local Emergency Planning Council (Permanent Appointments)

Emergency Management Coordinator (Chairman)

Mayor, Police Chief, Fire Chief, 1st Asst. Fire Chief, First Aid Squad Captain and Lt., Road Department Supervisor, Fire Police Captain, Borough Construction Official, Borough Engineer, Superintendent of Oceanport Schools and the Borough's Chief Financial Officer.

Local Emergency Planning Council –Three-year appointments expiring 03/20/06

Det.Sgt. Baldanza, School Safety Subcommittee Chairman

Kerin Slattery, 1st Dep. EMA/Hazmat Coordinator

Robert Juliano, Monmouth Park Race Track

Council President Maria Gatta, Social Service Coordinator

School Safety Subcommittee – Three-year appointments expiring 03/20/06

Det.Sgt. Baldanza, Subcommittee Chairman

Superintendent James DiGiovanni, Oceanport Board of Education

Arlene Welch, Maple Place School

Fran McMurrin, Monmouth Medical Center

Toni Sverapa, Parent

Dr. Madeline Badalaty, Parent

Patricia Schaffery, Oceanport Fire Department

Councilwoman Gatta moved to approve these appointments regarding the Borough Emergency Management Office. It was seconded by Councilman Mahon and approved by Council.

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

PETITIONS FROM THE PUBLIC:

Mr. Alan Schneider, Horseneck Point Road first wished good luck to Councilwoman Cooper in her position on the Council. He then presented a petition to the Governing Body signed by all thirty residences of that street requesting that something be done about the deplorable condition of the road, which was due to the heavy truck traffic during the recent construction work done on Park Street as soon as possible.

Mayor Gemma commented that we have a program whereby we try and look at the worse streets first and attend to them and he agreed that Horseneck was in a deplorable condition and that street is on the list, but he will not lie to the residents and tell them something that he will not be able to deliver. He advised that this year the budget is already completed and we have selected the streets to be done within the budget constraints and Horseneck is not on the streets to be done, but it is up near the top of the streets that need to be done. He continued that he understands that the residents don't want to hear this and want their street done now, but it is not possible for us to promise that this is going to happen nor even next year, since he cannot predict what next year's budget will be like and what other problems the Council may be facing.

Mr. Schneider stated that he and the other residents support the idea that something must be done with this road and stated that he is aware that the Council can apply for an emergency appropriation through an emergency bonding procedure in order to make repairs to this road.

Mr. Pekmezian, 112 Orchard Drive stated he realizes that the Mayor and Governing Body are aware of the road conditions on Horseneck Point and he appreciates the possibility of this work being considered for next year. He also wished to comment that he felt as a town, the Council might want to become better negotiators as we allow companies, such as PRC, to come into our town and development property. He continued that everyone is pleased to have the new homes on Park Street, but now there are an additional twelve vehicles traveling on the road and as the leaders of the community, the Council should have encouraged PRC to in addition to having to install Park Street they could have gone a bit further and made some improvements to Horseneck since their development brought them approximately \$4 million dollars and increased the traffic on this street.

Mr. Pekmezian stated again that the Council did not negotiate well in this matter and commented that he has had to fight tooth and nail with PRC and even the people here in the town to get PRC to do some things that are just common sense and had we not written letters and badgered these people to clean up the town right-of-way which is adjacent to that little water culvert coming in on Park Street, and it was a simple matter in that the Dwyer property included a town right of way opposite the culvert, which was an unbuildable area and PRC advised they were not going to clean it up and the dumped debris that was there was going to remain had they not harassed them and that includes the people in this building as well as the Borough Engineer and he did not understand why they had to fight to get this done.

Mr. Pekmezian questioned why there is dump material just off the footprint of the original Dwyer property in plain sight of the residents in those new five houses, accessible by their children, large cement boulders that if they shifted, could cause injury to small children and when you bring in \$4 million in sales of homes, you would think we could bring in a builder who is going to clean up these types of things for the privilege to build here. He continued they did a very bad job when they finally did clean up the town's right of way next to the culvert and left bricks, cement, rusted metal among other things. Mr. Pekmezian stated when you speak to the town they tell you to speak to the builder and the builder sends you to the DEP and the DEP sends you to the Borough Engineer.

Mr. Pekmezian stated he has been told that years ago Horseneck Point was a dump and we all want this to be cleaned up. He stated there is an area that sits adjacent to the town right of way which is on his property that he has asked PRC to take care of since they had plowed some of the debris a little bit on his property and he offered to put some money toward this and have them take it away since they had heavy equipment out there at the time, but they refused for various reasons, including the DEP said they could not do this. He continued that the DEP also told them not to cut 50' of trees along the water and they cut them down to give that property more value and when he came to report that the bulldozers were there he was told at Borough Hall he had to call the DEP and when he did the DEP advised him that they only have two inspectors for the entire State.

Mr. Pekmezian wasn't sure what could be done right now but he would like to see the town right of way cleared which includes a small area of his property and other conditions which include open water drains that children can go into which are 2 feet in diameter and until and unless we harass these people including PRC and the Borough Engineer, they are not going to put a screen over it and there are drop offs that have been created as a result of these things and this water retention during the summer becomes a mosquito haven and a drowning hazard since the water does not percolate below and we now have nine new children in the area.

Mayor Gemma said what we can do now is we can hold up their performance guaranty release and we can get Mr. Kirk to go out there to see if there are any zoning violations as well as speaking with the Engineer to make sure the performance guarantees are not released. Mr. Pekmezian stated he was informed by the Borough Engineer this week that PRC has agreed to come in ten feet off the property line and clean up some loose debris not including the property line on his side and he commented that they are going to say the debris was there previously and it is not from them. Mayor Gemma commented that with regard to the DEP issues we can also write a letter to them and we have been successful in getting them down on Ithaca where we were having a problem and he asked Mr. Pekmezian to give all the information to the Borough Clerk since if they have disturbed wetlands, they can be fined, to which Mr. Pekmezian stated that what they are going to say is that there was dumped debris the only way they could get in and clean it out was to remove the trees when in actuality if they had left the trees up, they would have been in the living room of the house they were building because the plans were in error.

Mr. Pekmezian also addressed another issue in that as a parent, if you leave Horseneck Point and try to take your children in a carriage and/or small bicycle, there is no sidewalk that allows you to leave your property without getting run over by a car in the street and once you get to the main road, there are no sidewalk on the east side of Oceanport Avenue.

Mayor Gemma stated one of the items we have been discussing has been about sidewalks and where they should be installed and what it involves, since if the area is flat you need to put a curb and then the water stagnates on the roadway and if we were to make a policy issue about putting in sidewalks, the first place would be in and around the schools in town, but there are many issues involved with a project like this. He also advised that Oceanport Avenue is a County road and we have no jurisdiction in this matter.

Mr. Pekmezian asked what happens if someone gets hit by a car because there is no sidewalk, to which Mr. Margalotti stated that it is not that this is a legitimate question, its just that if there is a problem the resolution must come from the County since as a town we have no jurisdiction over Oceanport Avenue as compared to Horseneck Point which is a local roadway.

Mr. Pekmezian asked what the solution was in regard to this and Mayor Gemma stated that you can see how long we have been waiting for the County to get the traffic light working in front of Borough Hall, but suggested that he write to the County and explain the situation.

Mr. Schneider stated that a comment was made earlier about how to prove that debris wasn't left there and had been pushed over during the construction and stated that the other property is the property the Borough purchased from him under the Blue Acres program and which had to be cleared of any debris on that property before the closing took place.

David Chouinard, 135 Horseneck Point wanted to state for the record that if some work does take place on Horseneck, he has a major water issue at the end of Horseneck and after any rain event at all, we have water almost measured in feet at the end of that street and when he finishes the house he is working on, he is sure it is going to be an issue where water would actually go over the curb and could be something easily fixed by some type of drainage.

Jennifer Rosen, 124 Horseneck Point suggested that another point that should be made to the DEP is about the standing water in the drainage ditch and knows that PRC has said the water has to percolate so that it doesn't just flow into the river, but that is not true and there are many ways to engineer the culvert so that children will not be able to fall in but one direct DEP regulation that she is aware of is the matter of mosquito control and the standing water is there for two weeks at a time.

Mayor Gemma asked if she has some kind of background in this area to which she stated not in the building side but in the environmental side and he asked that she stop in at Borough Hall and mark up on the plans where the problem is and we can ask our Engineer to review that area and come up with the best solution.

John Bonforte, 111 Horseneck Point stated he and his wife have lived here for thirty-eight years and we really have not had any improvement on that road for many, many years and although we have had pot holes repaired, he would guess that the road has never been re-done in the thirty-eight years he has lived out there. He also commented that the residents on Horseneck are probably just as much to blame for not having the road repaired because they have never come before the Council and made a lot of noise and we have done a lot to help the town and pointed out that as a part of the Horseneck Property Owners Association, they were responsible for Fort Monmouth fencing in the homeless shelter so that Oceanport's First Aid, Fire and Police no longer have that problem with homeless people wandering off the property and Fort Monmouth now has that responsibility.

Mr. Bonforte asked for a list of the Council's priorities of streets and then asked if something can be done to patch the road and make it look like it was paved as a start and try and give us some kind of promise for when the work can be done.

Mayor Gemma asked Tom Crochet, Superintendent of Public Works, who was in the audience, to provide Mr. Bonforte a copy of the list of streets.

Mr. Schneider advised that Horseneck Point was dug up in 1967 when a water main was installed and totally repaved in 1976 when the sewers were installed.

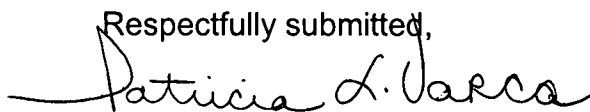
Ed Ryan, 24 Willow Court asked why the Borough advertises in the Atlanticville when they no longer cover Oceanport and why we don't advertise in The Link which always covers what is going on, and it was explained that for the Borough to publish in a newspaper, it must be in business for two years and we must have two newspapers for publication under State Statute.

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

Councilwoman Cooper moved to approve the vouchers on the Bill List dated March 20, 2003. It was seconded by Councilwoman Gatta and approved by Council with the exceptions of Councilwoman Kahle who abstained from voting on a voucher reimbursing her and Councilman Mahon for a voucher reimbursing him. TOTAL DOG REGISTRY \$155.00. TOTAL ESCROW TRUST \$437.75. 2002 VOUCHERS PAID \$69,320.79. 2002 VOUCHERS PAID THIS MEETING \$449.00. TOTAL 2002 VOUCHERS \$69,769.79. 2003 VOUCHERS PAID \$2,663,687.77. 2003 VOUCHERS PAID THIS MEETING \$356,438.50. TOTAL 2003 VOUCHERS \$3,020,126.27. (SEE BILL LIST)

At 8:53 p.m. Councilwoman Gatta moved to adjourn this meeting until the next regular meeting scheduled to be held on April 3, 2003 at 8:00 P.M. It was seconded by Councilman Mahon and approved by Council.

Respectfully submitted,



PATRICIA L. VARCA, BOROUGH CLERK