

REGULAR MEETING MINUTES

Oceanport, New Jersey
March 18, 2004

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on March 18, 2004 at 8:00 P.M. with Mayor Gatta stating the meeting had been properly advertised in accordance with law.
- MEMBERS PRESENT:** Councilpersons Kahle, Mahon, Chaump, Johnson, Briscione and Mayor Gatta.
- OFFICIALS PRESENT:** Borough Clerk, Patricia L. Varca and A/Borough Attorney, Martin A. McGann.
- INVOCATION:** Borough Chaplain Berry gave the invocation.
- PLEDGE OF ALLEGIANCE:** Mayor 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 4, 2004 had been made available to the members of the Governing Body, Councilwoman Chaump moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Briscione and approved by Council.

Mayor Gatta then addressed the present Council vacancy stating that Councilman Apruzzi had resigned from the Council effective February 29, 2004 and the Democratic Party had fifteen days in which to file three names of potential candidates to fill this vacancy. She continued that Marilyn Regan, Oceanport Democratic Municipal Chair presented the list to the Borough Clerk on March 12, 2004 and the three names were David Redeschi, John W. Ibex and Robert Holden.

Mayor Gatta then offered the name of Robert Holden to fill the present vacancy on the Council.

Councilwoman Chaump moved to approve Robert Holden to fill the un-expired term ending December 31, 2005. It was seconded by Councilman Briscione and unanimously approved by Council, after which the Borough Clerk administered the Oath of Office to Councilman Holden who then took his seat on the dais.

CLERK'S REPORTS:

1. Police report for the month of FEBRUARY, 2004 and a copy will be posted on the Bulletin Board.
2. Applications made for raffle licenses made by the following:
 - a) St. Jerome PTA to be held on May 30, 2004 – off premise 50/50 cash raffle.
 - b) Oceanport PTO to be held on March 27, 2004 – prize: 4 Yankee tickets.

The Clerk advised that the applications were found to be in order and the required fees had been paid by the applicants, after which Councilwoman Johnson moved to approve the applications. It was seconded by Councilwoman Kahle and approved by Council.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle reported that the Environmental Commission met on March 8th and discussed the environmental impact in relationship to the proposed Jockey Club Estates and they also discussed the flood mitigation study that has been proposed and they will be following up on that. She continued that the poster contest this year will be on Birds in the Oceanport Environment.

Councilwoman Kahle reported that the Water Watch Committee met on March 9th and they are continuing to sample our waterways and their next sampling date is March 27th and they are concerned about the contaminants found in Long Branch in Troutman's Creek and they are investigating the impact that will have on Oceanport. She continued that Keith Collins who is a member of the Committee is resurrecting the Waterways Committee and he is looking for volunteers and she explained that this Committee patrols our waterways for navigational hazards such as debris and floating logs and removes them and anyone interested should contact Mr. Collins.

Councilwoman Kahle reported that the Recreation Committee met on March 10th and most of the evening's discussion revolved around Blackberry Bay Park renovation and Action Camp and the Committee is looking into the re-assignment of fields for sports for the next year as the fields will be under development starting late summer. She advised that at the Council workshop meeting held on Monday the Borough Engineer informed the Council that we are on schedule for an August/September start date. She continued that this poses a problem for our recreational sports teams and also for our annual summer's end festival, which is normally held at Blackberry Bay Park. Councilwoman Kahle advised that Christine Smith, Recreation Director is looking into the fields with Monmouth County Parks System and Peter Dellera is also looking for fields and also the summer's end celebrations for solutions and as soon as there is news, she will report further.

Councilwoman Kahle stated there are some changes in the Summer Action Camp and explained that due to previous year's feedback there will be a new Youth Program for children in 7th and 8th grades and it will be a two-2 week program which consists mainly of trips and pool time and the regular action camp program which consists of K-6th grades will be a four day week instead of 5 days and this was done to add on an optional trip on the Friday and also it is adding an extra day for the camp counselors to train. She advised that in the past from parent surveys and comments from the counselors, it was decided that there was not enough time for the counselors to develop programs and this will allow for that to happen and commented that Mrs. Smith was at our workshop meeting on Monday and explained the program changes and it looks like a very innovative program for this coming summer.

Councilwoman Kahle reported under Fire, the gear inspection was held this past Tuesday and they are still tabulating their findings. She also commented that Joe Wolf, Captain at Hook & Ladder has resigned his position because his unit is being deployed to Iraq and asked that everyone keep him in our prayers until he returns and stated that Jerry Bertekapp will be taking over the position of Captain at the Hook & Ladder and congratulated him on this appointment and also on the recent birth of his baby girl.

Councilwoman Kahle reminded everyone that the annual ham dinner at the Oceanport Hook & Ladder Fire House will be held on Sunday, April 4th between 12:00 – 5 p.m. and it is a fundraiser and everyone is welcome.

COUNCILMAN MAHON: Councilman Mahon asked the Clerk to read resolution **R-04-28** canceling un-expended balances in prior capital ordinances after which he moved to approve same. It was seconded by Councilman Briscione and approved by Council.

Councilman Mahon asked the Clerk to read resolution **R-04-29** awarding a contract to F & P Contractors for the reconstruction of Gooseneck and Cayuga regarding flood alleviation work, subject to the approval of the DOT after which he moved to approve same. It was seconded by Councilwoman Kahle and approved by Council.

Councilman Mahon offered his thanks to Congressman Rush Holt for ensuring this grant with former Councilman Marty McGann's assistance in getting this grant for the project.

Mayor Gatta stated it is hoped that this project will start in May and our Borough engineer has estimated that the projects will take approximately 1-1/2 months and hopefully we will have good weather and the projects can be completed within the estimated timeframe.

Councilman Mahon asked the Clerk to read resolution **R-04-30** approving emergency appropriations to the 2004 temporary budget after which he moved to approve same. It was seconded by Councilwoman Johnson and approved by Council.

Councilman Mahon reported that Public Works will continue working as we have this past week, clearing snow and ice and hopefully this will be the last episode of the season.

Councilman Mahon reported that the Flood Mitigation Committee will be conducting their first meeting of the year on March 30th and their agenda includes continuing the work in the flood rating review, updating repetitive property loss, establishing elevation certificates and a hazardous mitigation component that is going to be introduced by the Office of Emergency Management. He commented that one of the key elements to this flood rating update is that we need to complete the required number of elevation certificates for all those properties that have suffered repetitive losses over the last couple of decades and many have already made repairs and elevated their structures so the work is underway and we are continuing that work from previous years.

Councilman Mahon also reported that the Cable and Technology Committee is going to meet on March 23rd and will be working on the Borough Internet Administration and web site policy, a communications system issued, the cable franchise renewal which is up in a couple of years and we are going to be working on a work message capability for OEM as part of the cable franchise agreement.

COUNCILMAN HOLDEN: Councilman Holden thanked the Mayor and Council in their confidence for giving him the opportunity to serve the town and he promised to do what he can do openly, honestly and fairly to represent the citizens and anxiously await the committee assignments that he will get and perhaps at the next meeting he will have a report.

COUNCILWOMAN CHAUMP: Councilwoman Chaump reported that she attended the Teacher of the Year award committee as the Liaison to the Board of Education on Feb. 24th and announced that the two teachers are Shelly Mastriano from the Wolfhill School and Christine Speck from the Maple Place School.

Councilwoman Chaump advised that she attended the First Aid Squad meeting last night and they had a total of 51 calls in February with 509 man/woman hours and the Squad also trained the teachers at Maple Place and Wolfhill School on CPR and there were 10 teachers from each school who participated in this training.

Councilwoman Chaump stated at the March 4th meeting a resident questioned a missing piece of Borough equipment, a Zodiac. She continued that as liaison to the First Aid Squad she did some research into this matter and wanted to update the public and the Council on this information. She reported that the Zodiac, which is a boat, was purchased in 1983 by the Squad and the boat, motor and trailer cost less than \$1,500 and the Squad needed a new boat in 1996 and under the direction of Mayor Cavanagh and Council, a new boat was purchased and the motor was purchased by money donated by the Lions Club. Councilwoman Chaump continued that the Squad offered the Zodiac to the Fire Department and informed them that the Zodiac had a few holes and the Fire Department did not want this equipment, so the Squad was then approached by a non-member who had volunteered his time during the Christmas tree fund raiser, to take the dry rotted boat off their hands, which they graciously gave to this individual. She commented that the Zodiac boat is not missing and it was the Squad's equipment and not the Borough's equipment and now it is accounted for and she said if anyone had any further questions they should contact the First Aid Squad.

COUNCILWOMAN JOHNSON: Councilwoman Johnson stated all residents should have received a letter regarding the annual Health Screening which is going to be held on Saturday, April 3 at the First Aid Squad Building and the total cost will be \$58 and registration will be here at the Borough Hall on Wednesday, March 31st between 3:30-5:00 p.m. and 7:00-8:00 p.m. She also mentioned that Monmouth Medical is assisting us with many of the additional screenings that will be offered and encouraged everyone to participate in this program.

Councilwoman Johnson reported the Police Report shows that the total calls received by the Dispatchers in February totaled 856 and the officers responded to 522 and she offered her congratulations to Patrolmen Michael Chenoweth and Mike Kelly who completed a Heavy Truck Enforcement Seminar; Patrolman Kelly took a course called Street Encounter Stops and Sgt. Tagerty did a course on DARE Elementary Training.

COUNCILMAN BRISCIONE: Councilman Briscione offered his congratulations to Councilman Holden and looked forward to working with him in the future.

Councilman Briscione had some comments in reference to the last meeting and stated that no one is ever happy during budget negotiations, but he thought we had shown sensitivity in trying to balance the budget and salary requirements for a group of dedicated employees and volunteers and the needs of our infrastructure against the problem of escalating property taxes. He stated that he went back and did a comparison of the costs of some of the services in Oceanport relative to the costs of those services in neighboring towns and in almost every case we were at or mostly below the cost of the other towns and one example he looked into was legal costs and explained that Oceanport has 2,111 line items or property tax parcels and our legal costs last year were \$18,500; Monmouth Beach has 2,120 tax parcels and their legal costs were \$33,184; Little Silver has 2,502 tax parcels and their legal costs were \$65,000 and this figure is offset because of a large lawsuit they had against Commerce Bank; West Long Branch has 2,505 line items and their legal costs were \$35,000; Shrewsbury has 1,495 line items and their legal costs were \$18,721 and Rumson has 2,566 line items and their legal costs were \$18,200. He also had a lot of figures for various categories as well as the County providing a survey of relative costs for each town and he stated we are at or below most of those figures.

Councilman Briscione stated that additionally at that meeting comments were made that he felt were either misleading or incorrect and a comment was made to our Borough Auditor, Mr. Hulsart, about the wide disparity between the cost of the school board audit and the municipal audit, suggesting that this disparity was excessive. He advised that he had the opportunity to review the audit costs of neighboring towns and school boards and reported the following:

Oceanport's audit cost was \$26,500;	the school board: \$10,000
Little Silver's audit cost was \$28,600;	the school board: \$10,900
W. Long Branch's audit cost was \$22,000;	the school board: \$10,000
Shrewsbury's audit cost was \$24,000;	the school board: \$ 5,800
Rumson's audit cost was \$33,175;	the school board: \$ 9,380
Fair Haven's audit cost was \$25,475;	the school board: \$11,000

Councilman Briscione stated that it appears that this is not an unusual occurrence but reflects the difference in the time spent and the difference in audit procedures. He stated there were other comments made about a possible revaluation and explained that a revaluation would be ordered to be undertaken by the Monmouth County Board of Taxation and usually when the ratio of assessments to sales falls below 70% of value and there is a disparity in the ratio of assessment to sales around that average and it is not a decision that the municipality makes and it is completely out of our hands. He advised that the neighboring towns of Little Silver, Fair Haven and Shrewsbury have completed their revaluations in 2003; Sea Bright and Rumson will complete theirs in 2004 and Monmouth Beach has been ordered to revalue in 2005. He commented that the average increase in assessments in those towns is as follows: Sea Bright: 2.51; Fair Haven: 2.03; Rumson: 2.55; Little Silver: 1.9 and he continued that there was a noticeable shift in value to the waterfront areas of Sea Bright, Little Silver, Rumson and Fair Haven due to the fact that waterfront properties appreciate at a much higher rate than interior properties since the last revaluation. Councilman Briscione stated that additionally the average ratio of assessment to value in Oceanport as indicated by the Division of Taxation is 57.25% and not 68% and based upon his review of sales taken from the multiple listing service for the past year, the real ratio for non-waterfront homes is approximately 50% while the ratio for homes sold on the water was approximately 35% and he added that different areas of towns always appreciate at different rates between revaluations because of differing market conditions in those neighborhoods. He added that it would take an assessment of \$3 million dollars to generate a tax increase of \$1,000 based upon a rate increase of 3.3 cents and we have no homes in Oceanport assessed at \$3 million.

Councilman Briscione stated he would be against reducing our anticipated surplus because of the uncertainty of predicting the future and our largest ratable, Monmouth Park, is going through a possible transition with the State exploring the possibility of leasing the facility and our second largest ratable, GB Ltd. lost a major tenant in Tellium and a potential for a tax appeal exists. He commented that lastly, when we close on the soccer fields, the property becomes exempt from the tax roles and the site paid about \$40,000 in taxes last year.

Councilman Briscione reported that the school board made the same presentation to the seniors last night on their budget that was made at our workshop on Monday and the senior trip to Sight and Sound was cancelled due to lack of participation and they have another trip scheduled to Indian Head in NH in late August. He also advised that someone at the senior meeting reported that the Monmouth County Sheriff's Department has a program for helping to keep track of Alzheimer's patients should they wander or become disoriented and it is a type of electronic device and anyone interested or having questions about this program should contact the Sheriff's Office.

Councilman Briscione reported under Planning Board that the March 24th meeting will be devoted to the NJ Sports & Exposition Authority's application for the proposed development of the Jockey Club Estates which is a 46 unit, age restricted residential development located at the northwest corner of East Main St. and Port-au-Peck Ave. He advised that the Sports Authority has concluded their testimony in this matter so that depending on how long the objector's testimony takes and the public comment portion, he would think this matter would be voted on. He continued that the second part of the planned development, which would be the Village Center, may begin thereafter. He added that the County Engineer is reviewing the development in conjunction with the traffic patterns at the intersection of East Main Street and Port-au-Peck Ave. and will most likely require the turn lanes and signal arrows be installed at all corners.

Councilman Briscione reported on the Stake Holders Committee commenting that he spoke to Dan Riley, Legislative Assistant to Assemblyman Panter about enabling legislation that would permit the Sports & Exposition Authority to move forward with their efforts to explore the possibility of leasing Monmouth Park and the bill remains in the Tourism and Gaming Committee and he could give no estimate as to when it will be released to the Assembly. He continued that this morning he spoke with Bruce Garland, Senior Vice-President of Racing Operations with the Sports & Exposition Authority and there has been no change in the position of the Authority and they are waiting on the legislation and a companion bill has yet to be introduced in the Senate. He added that the earliest this could be passed now is into May, which will likely lengthen the process, and the next Stake Holder's Committee meeting will not take place until this legislation has been passed.

Councilman Briscione commented that Mr. Garland also commented that there is a meeting tomorrow with the casino interests and the Authority about the purse supplementation currently being negotiated. He continued that Assemblyman Panter has called on the Assembly Tourism and Gaming Committee to convene a special session to determine whether placing VLT's at NJ race tracks is feasible and he has requested that the hearing take place at Monmouth Park and as an aside to this, Saratoga Gaming and Raceway which opened on January 28th handled \$82 million and provided net earnings of \$6.3 million to the State through March 1st. He continued that in accordance with their legislation 61% of all revenue goes toward education so that amount was \$3.8 million and you can see why Pennsylvania and Maryland are so anxious to pass this legislation.

MAYOR GATTA: Mayor Gatta stated that she wanted to offer the Committee Assignments for the newly appointed Councilman and asked that some move that Councilman Holden will take on all the committee assignments previously held by former Councilman Apruzzi's with the exception of Recreation and asked that Councilwoman Chaump be Council Lead and Councilman Holden as lead for Special Events and all other Council assignments will remain as passed on Reorganization Day.

Councilwoman Johnson moved to approve the Council assignments as stated. It was seconded by Councilman Briscione and approved unanimously by Council.

Mayor Gatta advised that she had a conversation with the County Engineer, Ted Giannechini, and she had reported at the last Council meeting that they had promised that they would be out in the near future to strip the left hand turn lanes on Port-au-Peck Ave. and East Main Street and she received a phone call that when his people went to review this matter they found it was far beyond their capability and they needed to go out and receive three informal quotes and he was going to try and expedite the process. She spoke with him yesterday again and a bid has been awarded for this work to be done and hopefully it will be begin tomorrow through the weekend barring any snow.

Mayor Gatta stated that with regard to the bridge construction and the steel problem, she also discussed this matter with him since it was rumored that there would be a lengthy delay because of

the cost of the steel, but he advised that it will not be a problem because they will take a loss and realize the importance to getting the bridge re-opened in a timely manner before the race track season occurs. She also discussed the matter of the contaminated soil, which he had not heard, she also spoke with Chief Bebout who placed a call to the County and was assured that the soil was not contaminated, but merely a problem of getting the fill removed.

Mayor Gatta reported that last Thursday evening we held our first town meeting and she was pleased to say that approximately 80 of our residents came out and there was an article in today's Asbury Park Press in the Long Branch Reporter section talking about our town meeting and the concerns that were raised which were mainly centered around the race track, status of the proposed age restricted housing and the commercial site, the bridge on East Main Street, the soccer fields, utilities, code enforcement, space limitations at the Municipal Building and these will all be addressed by the Council and the appropriate Borough Officials and we will be reporting on the progress of the concerns raised by our residents. She stated that a new date for our next town meeting has not been scheduled, we will probably have one in the summer and a suggestion was raised that for everyone that was present at the town meeting, the next time they should bring a neighbor.

Mayor Gatta reported that the Oceanport Board of Education presented their proposed budget to the Governing Body this past Monday evening and she advised that they are going to have a public hearing on Tuesday, March 30th at 7:00 p.m. at the Maple Place School and she encouraged all residents to attend and she also encouraged residents to attend the public hearing on the Shore Regional Budget which unfortunately is the same date and time as Oceanport's.

Mayor Gatta advised that we have just received a Fax this evening from the Governor's Office ordering that the flags at all government offices be flown tomorrow at half staff on the one year anniversary of the Iraq conflict in honor of the NJ National Guard members and reservists who are serving and still on active duty in Iraq.

Mayor Gatta commented that on Thursday, March 4th, the proposed 2004 budget that had been worked on by the entire governing body for two months was defeated by a 3 -2 vote. The events that happened after that vote need to be clarified, as there are many rumors that seem to be circulating in this town and she offered the following 8 points as a means of effective communication.

1. The budget needed to be passed by two-thirds (4 votes) of the entire council in order to be adopted and the vote of the mayor cannot be counted toward that majority. Contrary to the notion expressed by one of the Council people that the Mayor can vote – the fact is the Mayor can only vote in a tie. As the 3-2 vote is not recognized as a tie, the Mayor could not vote and the budget was defeated as it lacked a 4th affirmative vote.
2. A letter written by an Oceanport citizen that was published in a local newspaper last week stated "if, in fact, after its workshops, the council expected its members to automatically vote for the budget's approval, despite the public's outrage, that is unconscionable." Obviously the writer felt that members of this council and she expected the two council people to vote in the affirmative regardless of his or her conviction. Let me make this perfectly clear. It is a person's right and obligation to vote the way he or she sees fit. The ability to vote is indeed part of what this country's basic rights are founded upon and no one should be denied that privilege. Councilman Mahon stated that a councilperson is expected to vote in the affirmative in public even if he, after workshop discussions still supports an opposing point of view. Nothing can be further from the truth. Workshops are a venue for expressing one's opinion – both pro and con. Long discussions take place and many times opinions have been changed. That's what a democracy is all about. She stated that she has been on council for 6 years and Board of Education for 15 years and

during that time, no one ever suggested or implied to publicly vote in the affirmative if you are diametrically opposed to a particular position. If anyone has compromised his or her vote just for the sake of unanimity, then shame on him or her. As to the public outrage – there were 6 citizens who addressed the council at the public hearing – 3 citizens/volunteers asked for additional money for their respective committees, 1 citizen spoke directly to the tax increase, 1 citizen talked about insurance increases and 1 citizen had concerns about the audit which he addressed to our auditor who was present as well as a concern about a piece of equipment owned by one of our emergency services. Mayor Gatta respectfully disagreed that this can be categorized as public outrage. While no one is ever satisfied with any tax increase, Oceanport's proposed 3.3 cents increase is very conservative in relation to surrounding municipalities. Would we have preferred to come in flat or even less, of course. Pick up the paper and read the increases that our neighboring towns are proposing – 7.7; 9.7; 4.5; 6.5, etc.

3. This governing body participated in many workshops meetings dealing with the creation of this 2004 budget. It is incumbent on any elected official to communicate his or her position so to avoid any negative consequences associated with that "no" vote. Instead of Councilman Mahon or Councilwoman Kahle agreeing with the budget line item compromises when continually poled around the table as we went through the entire budget process, these 2 council people should have communicated their inability to support the budget
 - a] Then we as a council would have gone back into our workshops, as the writer of the letter to the editor suggested, and not submit a final version until every option had been exhausted, including additional cutbacks. By not communicating to the rest of the Council their inability to support the budget, the Council members felt that we had all reached that final compromise.
 - b] For Council people to communicate to certain members of the community that they would publicly vote against the budget and not be forthright enough to communicate that same fact to the Council people who they have been working with for many weeks, in all due respect, can not be described as anything but unconscionable.
 - c] The fact is that she talked to Councilman Mahon about the public hearing about the budget adoption 3 times that March 4th afternoon of the public hearing and not once did he even imply that he was not supporting the budget and finds this incomprehensible. What was the big secret as an email that was circulating in this community stated that Council people would be voting against the budget.
4. Had the Borough Administrative and Financial officials known that there was a possibility that the budget would not have been approved, then money would have been transferred into our temporary budget so our government would continue to proceed as usual. Instead we were faced with the possibility of shutting down our government.
5. As a point of information, money cannot just be added to the budget at the time of the non-passing of the budget at the March 4th meeting. Each line item (salaries and others) for each Department must be reviewed and the needs calculated from this point through the month of April for all anticipated and normal expenses. A resolution approving the individual amounts for each of the departments must be prepared as an emergency to the temporary budget and approved at a regular meeting by this council and then it must be forward to the Division of Local Government Services.
6. The impact of not adopting the 2004 Municipal Budget on March 4th is as follows:
 - a. The following bills could not be paid due to lack of funds:

Police car lease (finance charges are now accruing); bills for periodicals in Library; natural gas bill for the Port-au-Peck Firehouse; no funds left in the recycling budget; Shade Tree budget expended, funds due to Becker's Tree Service; bills for Bennetts for OEM truck repairs cannot be paid.

- b. Debt service had to be paid and that account had to be over written since funds were not available in that line item. Had we not paid this debt service, we would be jeopardizing the Borough's credit rating,
- c. Finance Department employees have spent at least an additional day (8 hours) in reviewing the various departments to see where funds are needed and figuring out salary needs, since there were not ample funds to the next payday. In addition, there was overtime due for Public works employees from the recent snowstorm on March 16th. Additionally there was a concern that there would not be enough money to cover salaries for the Borough employees. There was talk of a class action suit being served on the Borough by some Borough employees if the payroll was not met.
- d. A list is being created of all necessary emergency amendments to the Temporary Budget for approval at the regular meeting in order to pay bills and make payroll.
- e. This has cost the Borough money in unanticipated expenditures, finance charges and precious time.

7. Where do we go from here?

- a. She had requested in memo form on Monday, March 8th that the two Council people who voted against the budget submit in writing to the Council their recommendations for additional cuttings to the budget by Friday, March 12th. We received that on the 12th.
- b. At Monday, March 15th workshop meeting, these recommendations were discussed. It was decided after a lengthy discussion that the Council sit down with Mr. Bob Hulsart, the Borough Auditor, and discusses Councilman Mahon's proposal, which our auditor has strongly cautioned us against.
- c. I have sent a memo to the members of the Council to attend a special workshop and public meeting on Monday evening, March 29th at 7:00 PM for the sole purpose of discussing the budget and possible adoption. The memo also stated that if the full council is not present then we would postpone the meeting until the full council is available. The Borough Auditor will also be present. Public is encouraged to attend.

8. RUMORS – In reaching out and speaking to some of the residents who were present at the March 4th public budget hearing, I want to dispel the following rumors that have been communicated to me:

- a. Health Insurance – There is not one councilperson sitting before you that is participating in the Borough's Health Insurance. There was no vote taken to give us health insurance and no councilperson is receiving any health benefits from the Borough
- b. Secret meetings – These Council workshop meetings are all public and have all been advertised in the Asbury Park Press and the Atlanticville; absence that we'd be in violation of the open public meeting act. All meeting schedules are posted on the bulletin board at Borough Hall. There has been coverage of our budget introduction in the Link, the Hub, the Long Branch Reported of the Asbury Park Press and the Coastal Monmouth Section of the Asbury Park Press.

Mayor Gatta stated this Council will move forward and asked the Council if they are all available on Monday, March 29th at 7:00 p.m. for a special meeting to discuss the Budget and all Council members advised they were available to attend this meeting. She stated we need to have

this commitment because we need to advertise this meeting in order to be in compliance with the Open Public Meetings Act.

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

Frank Barricelli, 67 Hiawatha Ave., a proud resident of Oceanport since 1985 and by proud resident he is serious about that and brags to all his friends that he lives in the best town with the best government that never appears in the front page of the newspapers, taking cheap shots, trying to run up legal bills and basically a town that worked. He continued that much to his chagrin, last Thursday he read in the paper that our budget was turned down for reasons that were incomprehensible; someone taking exception with a line item that is .088% of the budget, which is not even 1% but less than 1/10th of 1% of the budget. He also stated the other Councilperson took exception to raising debt that he could not even understand other than "I was for the budget, but I was not for the budget" and it was on partisan lines. He stated he does not believe in partisan elections on a local level and he would like to suggest to the Council that if this nonsense continues that Oceanport move to a non-partisan local elections and it is done in other towns and we do not need this type of nonsense and we need to get off the front pages of the newspapers and get this town working together the way it was since 1985 when he moved in, plain and simple and asked them to please think about this.

Bob Kelly, Gooseneck Point Road and has lived there for 33 years and when he was here at the last meeting he took particular pains to tell the Council that what he had to say was non-partisan and he didn't care locally what any candidate was and supported what Mr. Barricelli said and felt we should look into that because it is a dividing issue. He continued that when he was here the last time he recommended that the Council look into shared services and he has not heard anything from anyone that this is being done and there have been numerous articles in the local papers that this is what we should all be looking at and again commented that within a mile there are eight of every kind of municipal department and he felt that this does not work and we must find ways to combine services. Mr. Kelly felt we should not be firing anyone but looking ahead through attrition of our collective employees and finding out how we can do this to reduce the impact to taxes on the population.

Mr. Kelly felt that the Council was trying to do the best that they can and he commented that we are all neighbors and he knew most of the members on a first name basis and realized that they are all trying to do what is best for this town, however, we cannot walk away from some realistic facts and he had promised the Mayor some facts, but his computer died and he will get them to her as soon as possible and to Councilman Briscione who challenged him on something he said, where he commented that some residents on Little Silver Point Road, after the reassessment, had their taxes doubled and he checked into it and they didn't double and when he spoke to the people who had given him the information, they advised that their taxes went up 50% which is not double. He continued that although their taxes did not double, one person's taxes at the 50% increase went up \$21,000, another \$15,000 and these are serious numbers. Mr. Kelly commented that he is retired and does not want to sell his house and whatever his home is worth is only realistic when he sells it and he doesn't want to do that and wants to remain here and there is a possibility that he may get taxed out of his home.

Mr. Kelly stated there was an article in the Asbury Park Press, which stated that Oceanport's taxes rate 17th, highest of the 53 towns in Monmouth County and are the 20th highest in Monmouth and Oceanport counties.

Mayor Gatta asked if Mr. Kelly had reviewed the paperwork she had given him to which he said he has not had a chance, but will review it and make some comparisons, since he did notice some differences.

Mr. Kelly stated that this ranking is before the impact of the proposed municipal budget increase and the school increases which will total 12.9 cents per hundred which works out to approximately 13% and stated that the inflation rate is probably less than 2% as it is being projected and felt that something is wrong.. Mayor Gatta pointed out that you must also factor in the proposed increase from Shore Regional. Mr. Kelly stated that the revaluation will also play into this and it coming and most of the residents are unaware of this and commented that Councilman Briscione said that his percentages were wrong and he said that interior homes were valued at 68% of fair market value and the waterfront properties were at 50% and he got them from the Borough's Tax Assessor. Mr. Kelly stated as a retired resident paying \$17,000 in taxes, he cannot afford a 13% increase and then get reassessed, he will have to leave because he will not be able to live in Oceanport.

Mr. Kelly stated that one of the police officers at the town meeting mentioned that the service employees, Police, Fire, etc. feel the increase in the taxes as well and we must do something about this and he urged the Council to do everything possible to get a citizens' committee it that is what it takes to reach out to these other towns to find out what we can do to share services to reduce the impact on everyone in the town.

Councilman Briscione stated that given his 2-1/2 months in government, he would support looking into a change in the type of government to a non-partisan form and he also understood what Mr. Kelly was saying about taxes, but we are stuck with this system and he has not seen anyone figure out a better system but we are trying. He also commented that he did not think he could support sharing emergency services because he does not think it can be proven to him that the response time would not suffer and he could not jeopardize one person under those circumstances.

Mayor Gatta stated that the two comments regarding the change in government status would be something she will approach the Council on for further discussion and find out how everyone feels and there is a process that would have to be followed.

Joseph Irace, 10 Osprey Lane stated the Mayor made a point about the budget being voted down and how it cost the town money and asked how that could be since there are temporary budgets, to which Mayor Gatta explained that it would not have cost up money had we known the budget was going to be defeated since we would have had an opportunity to prepare an emergency amendment to the temporary budget which must be done on a line by line basis and since there was no indication that the budget would not be passed, we did not proceed in this manner.

Mr. Irace asked what the dollar amount is because of this to which Mayor Gatta stated we have not calculated that figure since we don't know what the finance charges will be on the late payment for one of the police vehicles.

Mr. Irace stated that she commented also about a possibility of the jeopardizing of the Borough's credit rating and he stated that the only bonds we have are insured, to which she stated she was speaking about debt service, to which he responded that he did not think Oceanport had a credit rating and it is a non-rated town. Mayor Gatta stated that we have received a memo from our Chief Financial Officer who advised that the debt service was due on March 15th and commented that if the payment is delinquent, the Borough's credit rating would be jeopardized, but Mr. Irace

questioned the memo since the Borough does not have a credit rating. Mayor Gatta suggested that Mr. Irace contact the Chief Financial Officer directly and speak with her.

Mr. Irace asked about the surplus in the budget and asked what has been our historical surplus in the budget and he stated this was something that came up in the previous meeting with regard to how much the surplus has been increased over last year and in previous year's and asked what we normally keep as a surplus for the past four to five years, to which Mayor Gatta stated she did not have those numbers and commented that this is something that would be a good question for our Borough Auditor on the March 29th meeting.

Maryann Housechild, Cayuga Ave. and asked when she is going to finally get a street and commented that everyone tonight has been saying how long they have been Borough residents and stated she has been here for 43 years and never had a nice street. She continued when Congressman Holt was here and presented us with a check for \$300,000 and questioned what happened to that money, to which Mayor Gatta explained that there was a lot of additional paperwork to be filled out and approvals through the federal government because these were federal funds and we have finally received bids, came in under budget and the project should begin in mid May and take approximately a month and a half, depending on weather conditions.

Mrs. Housechild questioned that now that we have gone out and received bids and awarded a contract to the low bidder, it must now still go through more channels before we can begin, to which Mayor Gatta stated that the contract must be approved by the DOT and the Engineer feels that this will not be a long process for the approval, since they have approved the design and he feels that May is a realistic starting time.

Mrs. Housechild stated as far as the taxes go if they go up anywhere where she thinks they are going up, Mr. Kelly is not the only one who is going to have to leave town since so will the Housechild's and stated that she has an 81 year old husband who wants to die in his home.

Mayor Gatta stated that we all have our reasons why we want to remain in Oceanport and this Council is trying very hard to keep the municipal tax increase at a minimum, to which Mrs. Housechild questioned why we can't use some of the surplus some of the time and not every year, to which Mayor Gatta stated we use our surplus every year and she asked Mrs. Housechild to attend the meeting on March 29th and raise these questions to our Borough Auditor.

Mayor Gatta advised that two weeks ago she was in the company of Governor McGreevey with Mayors from other municipalities in Monmouth and Middlesex County and every single Mayor there, regardless of the size of their town, were faced with tremendous tax increases and everyone is outraged and something must be done.

Mrs. Housechild felt that something must be done with the school taxes and felt that if the State does not come up with some solution, it is criminal that they cannot do something to ease the tax burden where the schools are concerned.

Jeannette Pratt, 26 Ausable Ave. stated when she first moved into Oceanport we had revenue from the race track and the key was that the track paid the Borough a per car fee that entered Monmouth Park and she suggested that we hold a meeting with the new people who are running the race track and the Borough and see what capacity we can get some funding since they use our roadways with the traffic, the residents put up with their flies and other inconveniences and felt that we need to look into getting some kind of revenue from the race track.

Mayor Gatta stated that the race track pays taxes to the Borough just like all the other residents, to which Mrs. Pratt disagreed with that and felt that they should be subsidizing us in other ways and does not feel that we get enough from the race track. Mayor Gatta stated that the NJ Sports & Exposition Authority has been a good neighbor and allow the Lions Club to use their facilities to hold the annual fair and the circus last year and there are many good things they do for the town.

Anthony LaMorte, 369 Port-au-Peck Ave. stated he has lived here since 1976 and his children are in the school system and he is concerned about the community and commented that Mr. Kelly said something earlier about shared services and he felt that some times they might be a good idea and it may not be and he felt that the Council should explore all different ideas but you don't want to lose the employees who work very hard for this Borough.

Mr. LaMorte said in Atlantic City they contribute some money from their slots called a host fee and if they did put slots in Monmouth Park, he felt you would find senior citizens there every day playing those slot machines and it brings in a lot of money to the town.

Mayor Gatta stated that in relation to the issue of host fees commented that we in Oceanport, while this Council has not taken a position on slots at Monmouth Park, there is impending legislation that is looking to allow slots to come into race tracks and we have written exactly what he is addressing to have host fees included in the legislation that the municipality in which a race track is located such that you see a bill in Pennsylvania with a 3% host fee and we are just trying to cover this matter.

Alan Johnson, 30 Belmar Ave. stated that he has lived in Oceanport for 52 years and when he was a young boy the race track used to fill up all the parking lots and we used to collect a nickel a car but we had one-third of the households at that time and to try and expect this to support two-thirds more households is tough. Mr. Johnson stated as far as the remarks made by Mr. Kelly, he had built a house on Monmouth Blvd. on the river and moved into the house in 1987 and had to sell the house in 1998 because his taxes were almost \$12,000 at the time and now he lives on Belmar Ave. and his taxes are \$5,000 and he loves the town and would not live anywhere else.

Ed Ryan, 24 Willow Court stated that last meeting someone approached the Council about where all the equipment goes to and he felt this was wrong because the equipment they were talking about was not purchased by the Borough and he also stated that none of the people on the Council have been here over four years and he felt that it would be similar to him coming to an individual Council member and questioning what happened to equipment in various departments of the Borough from years ago and it would be impossible for you to know what happened to these items and if someone has a question about a piece of equipment from years ago they should ask ahead of time because it is not fair.

Mr. Kelly mentioned again a reference by one of the police officers who was at the town meeting and commented about the possibility of a parking facility near the train stop near the race track and the other day he called Little Silver, which charges \$260 for a parking pass and they are sold out and there are none available. He stated he did not know if NJ Transit would be willing to stop there.

Mr. McGann pointed out that approximately 15 years ago Sen. Gagliano wanted to make that a train stop and the residents of the Borough opposed that proposal and he is not saying it is a bad idea today, but just wanted to give a little history about this idea.

Mr. Kelly stated that when he and Mr. Housechild are in need of emergency assistance they can rest assured knowing that our magnificent First Aid Squad, when they come for them, will not have to drive through 3 feet of water because our streets will be reconstructed.

Mr. Peter Deller, Sr., Turf Drive commented that everyone is talking about the race track and what they are doing to us and in reality they are not doing anything to us and when he was a child, we were just a little town and the race track paid two-thirds of our taxes back then and as the town grew, it leveled off and its only fair. He added that the track has been a great neighbor to this town and to this day the Lions Club pool that we built at Blackberry Bay still owe Mr. Iselin \$10,000 that he loaned us to allow the pool to be built because we were short and he also gave us equipment and the land that this Borough Hall is built as well as the Port-au-Peck Fire House. He felt that people who have moved here later on continually talk badly about the racetrack when they have no idea of the history of the track and all that they have given to this town, not to mention what they have done for baseball and the little league in the Borough and never say no to the town.

Mr. Deller stated he was not happy about the Recreation Committee and he is very disappointed and stated that he was thankful to Councilwoman Kahle the other night when she brought up the matter of the poles which should have been brought up a year ago and commended her for her efforts at the last Recreation Committee meeting where she explained in detail how that Committee should work and is supposed to work, because it has never worked that way during the fourteen months he has served on this committee.. He also stated that he has numerous items in the Recreation Committee budget that they have put forth and he can either do it now or he would like to sit down with Councilwomen Chaump and Kahle and Lee Poole to discuss these matters since he could not speak the other night and only the four people were allowed to say what they wanted the Council to hear, to which Mayor Gatta advised Mr. Deller that the sub-committee had been invited to speak on the subject of the action camp.

Mr. Deller went back to discussing the poles that could be used for the sun screen and stated that he had a meeting at the field and not one person there could tell him where the sun was at third base and he did not feel that this screen would do any good for anyone playing ball. Mayor Gatta stated that this matter was not going to be resolved this evening and asked that this be discussed with the Recreation Liaisons when they sit and have their meeting together with the members of the Recreation Committee.

Toni Sverapa, Cayuga Ave. commented that she felt that although Council knows, she felt the audience needs to know that Mr. Deller is also a member of the Recreation Committee and he joined us fourteen months ago and he did sit in on our budget meetings with us and we did go over every line in our budget and we did review the budget as a Committee and the Committee, of which he is part of approved the budget and he keeps talking about "they" and he is part of "they" and felt that everyone needs to now that.

Hugh Sharkey, Algonquin Ave. offered his congratulations to Councilman Holden.

Mr. Sharkey stated to Councilman Briscione that he made comments about the Attorney and the Auditor and continued that he felt that Councilman Briscione made some pretty good points about the fees and paid \$18,500 to the Attorney last year and his comments which he made last year and stated that the \$18,000 paid to the Attorney last year and yet we were in violation of one of New Jersey Statute 40A,11-14 which says that professional services contracts should be in writing and he did not understand how we could pay a Borough Attorney \$18,000 and not have him review one contract and then \$28,000 paid to a Borough Auditor who didn't catch it either or people who did not

file their Financial Disclosure forms, which is another serious control in town. He suggested perhaps we should pay more in order to catch these violations.

Mr. Sharkey stated that Mr. McGann has been on Council and is an Attorney and it wasn't caught to which Mr. McGann reminded Mr. Sharkey that he was not the Borough Attorney at that time and it was not his prerogative at that time. Mr. Sharkey stated that he was the Attorney as of January 1 and he brought it up at the January 4th meeting that everyone on Council voted for contracts to appoint people and not one person on Council had reviewed a professional services contract, to which Mr. McGann explained that it is not un-common to have those contracts prepared and reviewed during the month of January.

Mr. Sharkey asked if the appointments are made on January 1 is it not a better procedure that the professionals submit their contract, reviewed by the Borough Attorney and then he advises the Council that the contracts are in order, to which again Mr. McGann pointed out that it is not uncommon that resolutions passed on New Year's Day are subject to contracts being submitted and reviewed and if the Council does not want to sign those contracts, its within their prerogative to pass another resolution rescinding the award of the contract and pass a new resolution appointing someone else. Mr. McGann reminded Mr. Sharkey that he is serving as the Acting Borough Attorney as is the Engineer because these positions are going out to request proposals and added that all the contracts for professional services for 2004 have been reviewed and signed.

Councilman Briscione stated he has only been here for 2-1/2 months so he cannot comment on the past years, but his comments related to the comparison to the costs between towns and his comments about the audit relate to Mr. Sharkey's comments at the last meeting and he read as follows: "Mr. Sharkey stated that the audit fee charged by Mr. Hulsart was \$25,000 and stated that our budget is half the size of the Board of Education and their audit fee is \$10,000 and stated that the municipality with the smaller budget us paying 2-1/2 times the amount of the Board and asked how that can be justified". Councilman Briscione stated all he was showing is that every other town around us has similar discrepancies between school board audits and the municipal audits.

Mr. Sharkey gave another example stating that one of the contract laws says that if you are paying \$17,500 for services and its budgeted, you have to go out for bid and most of the utilities have been de-regulated except water and we pay over \$21,000 in phone bills and we did not go out for bid as far as he understands it, to which Councilman Briscione informed Mr. Sharkey that we are auditing the phone bills as we speak.

Mr. Briskey, Manitto Place was here to speak on behalf of his son this evening and wanted to report for the record that his son's wife presented him with a baby boy last night, Daniel Stuart Briskey, which is a St. Patrick's Day baby and he is the 6th generation of his family and will proudly be an Oceanport citizen and Mayor Gatta offered the congratulations of the entire Governing Body to the Briskey family.

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

Councilman Mahon moved to approve the vouchers on the Bill List dated March 18, 2004. It was seconded by Councilwoman Chaump and approved by Council. TOTAL CAPITAL TRUST \$171.80. 2003 VOUCHERS PAID \$57,097.19. 2003 VOUCHERS PAID THIS MEETING \$1,753.89. TOTAL 2003 VOUCHERS \$58,851.08. 2004 VOUCHERS PIAD \$3,890,425.84. 2004 VOUCHERS PAID THIS MEETING \$99,954.68. TOTAL 2004 VOUCHERS \$3,990,380.52. (SEE BILL LIST)

Mayor Gatta asked the Clerk to read resolution **R-04-31** with regard to the Council going into Executive Session to discuss a matter of litigation after which Councilwoman Chaump moved to approve same. It was seconded by Councilwoman Johnson and approved by Council.

At 10:13 p.m. the regular meeting was re-convened and all members of the Governing Body were present with Councilman Mahon moving to come out of Executive Session. It was seconded by Councilman Briscione and approved by Council.

At 10:14 p.m. Councilwoman Chaump moved to adjourn this meeting until the next regular meeting scheduled to be held on April 1, 2004 at 8:00 P.M. It was seconded by Councilwoman Kahle and approved by Council.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patricia L. Varca".

PATRICIA L. VARCA
BOROUGH CLERK