

REGULAR MEETING MINUTES

Oceanport, New Jersey
March 6, 2008

The Regular Meeting of the Oceanport Mayor and Council was called to order on March 6, 2008 at 8:08 P.M. with Mayor Mahon stating the meeting had been properly advertised in accordance with the law.

MEMBERS PRESENT: Councilpersons Briscione, Gallo, Kahle, Irace, Johnson and Mayor Mahon

MEMBERS ABSENT: Councilman Ibex

OFFICIALS PRESENT: Borough Clerk, Kimberly A. Jungfer, Borough Attorney, John O. Bennett and Borough Engineer, William White.

INVOCATION: Borough Chaplin Robert Mills gave the invocation.

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

Mayor Mahon requested a motion to take the Agenda out of order and begin with the Petitions from the Public which was moved by Councilwoman Kahle and seconded by Councilman Briscione which was approved by the Council members present.

PUBLIC:

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

John Bonforte, 111 Horseneck Point Road, began with his comments regarding shared services. Mr. Bonforte then asked the Council to vote unanimously to reject the train station that is proposed for Horseneck Point. Mr. Bonforte also described the map that he provided and discussed a comparison of the 400 acres in the Fort Monmouth Plan with Jockey Club Estates development and what he thought could be built knowing that there are pluses and minuses and asked the Council to consider this even though the plan is already done. Mr. Bonforte then commented on the Professionals involved and what they say can and can't be done versus what the community would get done contrary to what Professionals said. He provided examples such as the Community Center and the Lions Swim Club and how those projects came about. He stated that the Council should examine closely what the Professionals say and question it before accepting it.

Barbara Bonforte, 111 Horseneck Point Road, asked how it was determined that 700 or so homes could be proposed with only 70 school children when the housing is not age restricted. Mayor Mahon described how the Planners determined those numbers.

Lillian Petrocelli, 108 Surrey Court, asked what are the chances that FMERPA will approve the plan that the Borough will be giving them. Mayor Mahon responded that he thought the chances of approval of the plan are good and explained why.

Grace Ann Corhart, 99 Horseneck Point Road, asked why the zoning is under the control of the Fort and not Oceanport even though its going to be part of the Borough and stated why she was concerned about this. Mayor Mahon explained how the legislation gave FMERPA the power to overlay local zoning but that they are also charged to work with the local municipalities and their Master Plans and incorporate them to the extent that is possible and this is the process that will be ongoing over the next 6 months, however, if there is disagreement on a decision, ultimately FMERPA has the say. Ms. Corhart asked if it was taken into consideration the impact the proposed village would have on Parker's Creek and the ecology of that area and asked the Council to consider that in their presentation. Mayor Mahon responded yes it has been considered and there is a concern for the environment and advised

where the FMERPA plan will be presented. Mr. Bennett also commented that the original Oceanport plan has since been reduced as a result of some of those issues.

Langley Schneider, Horseneck Point, asked if the Borough is prepared in the event that more children come in than the forecasted figures of 70 school children discussed earlier because in today's housing market families are not purchasing 3-4 bedrooms but 1-2 bedrooms as that is what they can afford. Mayor Mahon answered how it was looked at over various periods of time and explained again how those numbers were determined.

Ms. Schneider also asked if the shared services that were discussed in the Workshop were in conjunction with the Fort plans or separate. Mayor Mahon answered it was in conjunction and that the three communities involved were being asked to consider shared services. Ms. Schneider asked then if Oceanport is expected to regionalize with Tinton Falls and Eatontown. Mayor Mahon stated that is the implication but not the Borough's desire. Ms. Schneider also commented regarding the proposal about the police station and the dispatching in another town and that she wanted a "live" person available when she needs to call the Borough's police station.

Councilman Briscione asked Mayor Mahon to elaborate a little more on the timeline of the development and when the actual shovel will hit the ground. Mayor Mahon described in further detail the timeline of the base closure and the process of the change over while waiting for development to begin. Ms. Schneider asked what the legal terms of the three towns merging were and Mayor Mahon answered they did not know and it is just beginning but they are trying to schedule a public session to discuss in public so everyone will be familiar with the process. Ms. Schneider asked Mayor Mahon what he meant about a future transit issue. Mayor Mahon explained what he meant and that he doesn't think the train station issue will go away and whether or not the Borough likes it, transit is an issue as more people move into the local area.

Joan Leonard, 25 Pemberton Ave., commented on the projected 70 school children and if relocating the school might be more feasible than construction to add on to the existing building. She also stated she agreed that when Fort Monmouth leaves they need to level all instead of leaving buildings, etc. up.

Michael Tober, 15 Horicon Ave., commented on the impact that the new development will have on the schools and why he thinks that the Planners numbers are pretty accurate.

John Tier, 10 Allenhurst Ave., asked what happened to the Thoroughbred Breeder's proposal or proposition. Mayor Mahon responded with an explanation of where its at and how it will be proceeding but stated he thought it unlikely that it will go anywhere given the speed at which the other plan is proceeding. Mr. Tier asked about the valuation of the property and what was the Army looking to get and if any numbers were being tossed around. Mayor Mahon answered that the term that is being used is the highest and best use and that the greatest economic recovery has been used. Mayor Mahon also discussed a Congressional meeting that he attended in December and what was discussed there concerning the impacts the closure would have on the local economy. Mr. Tier stated lastly, that there is no visual timeline available to residents for instance on the Borough's website so that residents would be able to see a timeline and know what is going on stage by stage. Mayor Mahon answered that that is something they can do as soon as the plan becomes public. Mr. Briscione addressed Mr. Tier's question about the value of the Fort's land and what was involved.

Joan Leonard, 25 Pemberton Ave., asked if they are cleaning up the environmental sites on the base before it becomes the Borough's. Mayor Mahon stated that the environment conditions are the responsibility of the US Army and the information that he has currently this base is very clean in terms of other bases. Councilwoman Kahle added that there is an Environmental committee that is looking solely at the hot spots and contaminated sites some of which have already been mediated and some are in the process of being mediated and some will require on-going monitoring even after the base closes.

Alan Schneider, 79 Horseneck Point Road, stated that they have sat through many charrettes and presentations. They can recommend but the decision is made by the members of FMERPA who is made up of 5 appointees by the Governor, the 3 mayors and a freeholder and asked *who* is going to

decide. Mayor Mahon responded that there is a provision in the legislation that requires a super majority which means 1 of the 3 communities or the county must vote in support of any action and that as long as they remain united they can't be divided.

Adam Siegel, 34 Branch Ave., stated he was new to the town and a resident for 2 years and jumped when his family was able to get into Oceanport. Mr. Siegel stated his concerns about how Oceanport will be changed by these new plans and he is trusting this Council who he gave his vote to go down fighting to keep Oceanport the way it is.

Jay Coffey, 39 Oneida Ave., commented on the requirement of a super majority and said its only required for 4 different things, none of which is the approval of the plan and summarized the 4 things that require a super majority and stated the approval of the plan is a 5-4 vote. Mr. Coffey asked if the Borough's experts, Clarke, Caton & Hintz, are done and they are not going to be representing the Borough's interest with FMERPA, correct? Mayor Mahon stated no, that's not correct. Mr. Coffey asked if the Borough is continuing their contract. Mayor Mahon responded that there are other things that they will be involved. Mr. Coffey asked if the Borough will have economic experts at the FMERPA level advancing the Borough's position. Mayor Mahon answered that Clarke, Caton & Hintz will be providing a proposal to the Borough to represent them and he described some of the things that the proposal would be covering.

Mr. Coffey referred to Mr. Bennett's comment about the reduction in homes from EDC's plan of 1800 to 700+ and asked if it was a change in the setbacks. Mayor Mahon responded that that was one of the factors. Mr. Coffey asked for confirmation on a comment that the Borough's experts said that the train station is not an economic necessity in order to develop. Mayor Mahon responded no, the term economic necessity was not used but that the train station was not an item to be included based on the opinion of the public and the removal of the train station further supported the rationale for the reduction in housing.

Alan Hoffman, 29 Monmouth Road, asked if there is the ability to reserve the right to revise the plan regarding the density. Mayor Mahon answered that the Borough's opinion is subordinate to that of FMERPA and that the best hope is that the Borough's plan meets with FMERPA's goals and plans and they are able to incorporate that and there is no guarantee that it will but so far it appears very positive that the Borough's plan will be incorporated very similar to what it is now. Mayor Mahon then described the process that the plans will go thru over a specific time period once FMERPA has presented their plan on March 19th.

Mr. Hoffman stated his concerns regarding the length of time that it will take to develop the project and questions if it is something the town wants to have going on for such a length of time and be involved in such a large project that may just sit there. Mayor Mahon stated he needed to make clear that it is not the Borough of Oceanport that is undertaking this project. The local redevelopment authority, FMERPA, is the one undertaking the project because it involves 3 towns and was taken up by the State to appoint FMERPA.

Jay Coffey, 39 Oneida Ave., asked if FMERPA has the final say on the plan and doesn't FMERPA need to submit it to the federal government and then said even FMERPA isn't the final say. Mayor Mahon then described his understanding of the process of how the FMERPA plan is presented to the public, it's presentation to each of the Planning Boards of the 3 municipalities involved, various other agency reviews and the time requirements for the presentation of the final plan.

Mr. Coffey asked for clarification on whether the discussion of shared services would be for the regionalization of the new areas only or would it be a complete sharing of services between the municipalities. Mayor Mahon responded that there were 2 possible models provided for consideration and the 3 towns have been asked to consider one or the other as it suits that town's needs. Mayor Mahon stated they have asked the Borough to begin now with the rateables, which he is not comfortable with and gave an example of Sea Bright and Shore Regional, and stated that the Borough is taking a cautious approach but they are very sensitive to the fact that regionalization, whether with these 3 communities or another 3 communities is a tool that the governing body can use to deliver services to the taxpayers at an efficient and less expensive way as compared to going it alone. Mr. Coffey asked if

the Borough has an opt out ability or is it going to be imposed upon the Borough via a special improvement district situation. Mayor Mahon stated he had his fear and is one of the reason he wants the meeting to be public as opposed to dividing the Council. Mr. Coffey stated to Mr. Bennett that he can go back to them that they have that 3 person meeting in order to avoid the above means act and get their complaint moved prerogative writ the next morning. There was additional discussion by Mr. Coffey, Mayor Mahon and Councilman Irace that the Borough needs to be ready to address when the Borough is approached about regionalization and the impacts that it will have on the Oceanport community.

Mayor Mahon stated that one positive for regionalization is the COAH obligation to which Mr. Coffey commented further on what that could involve including the other 2 towns involved and their obligations.

John Gatta, 27 Horicon Ave., asked Mayor Mahon about the projected 70-80 new school children in the new construction being proposed and that was in the realm of what Oceanport can deal with and has handled to which Mayor Mahon answered yes. Mr. Gatta asked if that means the 70 or 80 plus the normal 70 and 80 they normally handled becomes 150 new students. Mayor Mahon stated he could not answer that but was working with the numbers that he was given and that the other wild card are the Fort Monmouth children that currently attend in Eatontown that are in areas of Oceanport producing school age children then become the burden of Oceanport. Mr. Gatta then asked if the local authority, the Board of Education was consulted about this plan. Mayor Mahon responded yes and then explained who was involved. Mr. Gatta asked then the President of and the Board of Education are on board with the moving of the 2 elementary schools from the present locations over to the Fort property. Mayor Mahon responded no, it has not gone that far and that the proposed school locations were reservations for an opportunity to reserve the land for those purposes. Mr. Gatta asked if they had consulted with the State Department of Education. Mayor Mahon answered no, he had not. Mr. Gatta stated that they should keep in mind that the State Department of Education has to give approval of this through the local Board of Education who is the authority to run the schools and not the Mayor and Council.

Mr. Gatta then commented on the statement that the Feds want top dollar for the land, which comes as no surprise, but he finds it interesting that top dollar for land with schools because a school doesn't bring any ratables into the Borough of Oceanport and to pay top dollar for that Oceanport will have to extend itself which is an issue they need to consider. Mr. Gatta also commented on the power of the State Board of Education to state that 2 schools can't be moved that there can be only one school that will be combined to one large school of K-8 on very expensive property. Mr. Gatta further commented on the regionalization being called consolidation of schools and the impacts that will have on the local schools which the Borough may not have a vote as it could be mandated and this something the Council is going to have to think about.

John Tier, 10 Allenhurst Ave., asked for clarification about the Borough's low income housing obligation ratio. Mr. Bennett responded by explaining the Borough's requirements and what the ratio was under Builder's Remedy and what is presently, however it is not set as the rates have not been set and are pending for this year.

Councilman Briscione asked Mayor Mahon about the public hearing process for the Borough's amendment of the Master Plan, the public comment period and that there are other public meetings on these plans upcoming that the public should be aware of. Mr. Bennett said yes, but it is a Planning Board issue and not before the Council.

As there were no additional comments from the public, Mayor Mahon closed the public portion of the meeting on a motion by Councilman Johnson and seconded by Councilwoman Kahle.

Councilman Johnson thanked the Economic Development Committee for their hard work and contributions and thanked the residents that participated in the Borough's public charrettes.

Councilman Johnson made a motion to approve the Resolution accepting the Fort Monmouth Vision Plan as prepared by Clarke, Caton and Hintz which was seconded by Councilman Irace.

Councilman Briscione commented that everyone is trying to do what is right for Oceanport and though he has issues with the financial feasibility of the plan and the impact that it has on the other areas of the town but will vote yes.

The Clerk called roll:

AYES: Briscione, Gallo, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: Ibex

The Borough Clerk stated there were 10 items listed on the Consent Agenda and added an 11th item that was discussed in Workshop. Councilwoman Kahle asked that Item 6 be removed.

CONSENT AGENDA

1. Resolution authorizing the payment of bills. **R-08-43**
2. Resolution appointing Monmouth Park Racetrack liaisons **R-08-44**
3. Resolution awarding a fencing contract for the Batters Warm Up areas at Blackberry Bay Park. **R-08-45**
4. Resolution opposing the proposed toll hikes for certain state highways. **R-08-46**
5. Approval of the January 1, 2008 reorganization minutes.
6. Approval of the Workshop minutes of February 7, 2008.
7. Approval of the Workshop minutes of February 21, 2008.
8. Approval of the Regular meeting minutes of February 7, 2008.
9. Raffle Application, Monmouth Park Charity Fund, Off Premise Merchandise Raffle
10. Raffle Application, Monmouth Park Charity Fund, Off Premise 50/50.
11. Application of Jason Patterson for Membership in the Hook & Ladder

Councilman Johnson moved to approve the remaining items on the Consent Agenda, which was seconded by Councilwoman Kahle and approved by the Council members present.

The Clerk asked for a motion on Item #6. Councilman Irace moved to approve Item #6, which was seconded by Councilman Gallo and approved by Council members present with the exception of Councilwoman Kahle who abstained.

Mayor Mahon stated that he would like to go out of order and return to Councilman Johnson's report.

COUNCILMAN JOHNSON: Councilman Johnson called for the re-introduction of an **Amendment to the Land Use Procedures Ordinance for a Communications Tower**, and then asked the Clerk to read the proposed Ordinance by title only, after which he moved to approve the Ordinance upon first reading, which was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES: Briscione, Gallo, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: Ibex

Councilman Johnson made a motion to hold the public hearing on the proposed ordinance at the Council meeting of March 20, 2008 and to advertise same in accordance with the law and was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES: Briscione, Gallo, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: Ibex

Councilman Johnson called for the introduction of an Ordinance for creating an “**HISTORICAL COMMITTEE**”, and then asked the Clerk to read the proposed Ordinance by title only, after which he moved to approve the Ordinance upon first reading, which was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES: Briscione, Gallo, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: Ibex

Councilman Johnson made a motion to hold the public hearing on the proposed ordinance at the Council meeting of March 20, 2008 and to advertise same in accordance with the law and was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES: Briscione, Gallo, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: Ibex

Councilman Johnson called for the introduction of an amendment to the **Vehicle and Traffic Ordinance**, and then asked the Clerk to read the proposed Ordinance by title only, after which he moved to approve the Ordinance upon first reading, which was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES: Briscione, Gallo, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: Ibex

Councilman Johnson made a motion to hold the public hearing on the proposed ordinance at the Council meeting of March 20, 2008 and to advertise same in accordance with the law and was seconded by Councilman Irace.

The Clerk called roll:

AYES: Briscione, Gallo, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: Ibex

COMMITTEES:

COUNCILMAN BRISCIONE: Councilman Briscione reported on Monmouth Park and that an agreement has been reached between the Atlantic City casinos, the State and the various horseman's associations to supplement purses by \$90 million dollars over 3 years which will enable tracks to remain competitive with neighboring states purse structures which for the most part are funded by slot machines. In exchange, the Racing Association has agreed not to pursue slot machines at the racetrack for 3 years which is a stop gap measure as at the end of 3 years more than likely, Maryland, Pennsylvania, Delaware and New York will have the shore businesses fueled by VLT's and slot machines. He stated

the racing industry in New Jersey is a \$3.2 billion that needs long-term strategy to remain sustainable in view of competition from neighboring states.

COUNCILMAN GALLO: Councilman Gallo reported that the batter's warm up areas that were approved by resolution earlier that night will provide needed protection for the ball players, the fans and will be for the baseball and softball fields at the recommendation of the Rec Department and will be paid for out of the Open Space fund.

COUNCILMAN IBEX: Absent

COUNCILWOMAN KAHLE: Councilwoman Kahle stated she wanted to make everyone aware that the Office of Emergency Management is holding a public meeting on March 18th, Tuesday, at Maple Place School for all Oceanport residents to explain and provide feedback on the Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Plan and specifically the plan details for Oceanport. She stated that there will be 2 speakers at the meeting that will discuss the funding grants available and also will be explaining the National Flood Insurance program and how it works. Councilwoman Kahle reported that Captain Baldanza, the Borough's Emergency Coordinator, says that out of 16 hazard identified, Oceanport is impacted by 14 and is an important meeting for any resident interested. She reported what the plans will identify and that they will be available on the Monmouth County website as well as the Oceanport website.

COUNCILMAN IRACE: Councilman Irace reported that on February 26, 2008 he met with the three mayors and Tinton Falls Administrator that are involved with the Fort Monmouth ratable sharing plan. He stated that he and Mayor Mahon voiced their concerns regarding shared services with Eatontown and Tinton Falls and expressed their desire to stay within the Shore Regional towns as a first look for shared services. They also noted the pending police study with the Two River towns to voice their objection with an arrangement that may send the Borough's school children to 2 schools in 2 districts. He stated that these communities are unequal partners with unequal demands for services by their populations and a partnership with them would lead to the creation of another state agency to monitor, collect and distribute ratables. Councilman Irace stated that he supports shared services but wants to make sure that in any arrangement that Oceanport maintains the character of its small community.

Councilman Irace then reported that on February 28th, he and Mayor Mahon attended an Economic Development Committee meeting with a focus on the Fort Monmouth Redevelopment Plan and the reasons for the cancellation of the December 12th charrette and would discuss this further later in his report.

Councilman Irace reported that the Finance Committee was in the process of finalizing a manageable budget when they were blindsided by Governor Corzine's call for reduction in municipal aid to towns with populations below 10,000. He stated that this will cost Oceanport approximately \$175,000 in State aid and in his opinion it is unconscionable and unfortunately the shortfall will have to be made up by the Borough's residents in the form of additional property taxes. Councilman Irace commented that the Governor singled out small towns while large cities have not been effected at all and places an unfair burden on Oceanport's residents and municipal employees, many of whom where 2-3 hats in their day to day jobs. He read from a letter that he sent to Senator Beck, Assemblyman Declan O'Scanlon and Assemblywoman Carolyn Casagrande regarding the budget.

Councilman Irace completed his report by stating that he wanted to address the Fort Monmouth Redevelopment Planner and that no one is happy with the BRAC's decision to close the Fort but they all have a responsibility to plan for the town's future in the event that the Fort does close in 2011. He summarized the items of the plan that brought concern and what that his issue was the same as it was when he heard of the plan to add 1800 homes to Oceanport and that he did not want his town doubled in size. His goal as an elected official was to reduce the density of the proposed development and eliminate the proposed train station on Fort Monmouth knowing at the same time that they must maintain a viable plan that made sense for the Army, the Department of Defense and most importantly the residents of Oceanport. He stated he was proud to report that the current plan achieves both of those

goals as the density has been reduced by over 55% and the train station has been eliminated and replaced by a jitney bus stop. He stated that the Borough's Planners, Clarke, Caton & Hintz, have assured them that the revised plan is viable and that the Planners are paid to tell them the truth and not just what the Borough wants to hear. He assured everyone their commitment to do what is best for Oceanport.

MAYOR MAHON: Mayor Mahon stated he wanted to read a letter he received from a resident to provide a contrast to their desire to stay independent as a community and the fiscal realities that they face and read portions of the letter. Mayor Mahon stated he wanted to read the letter as an example of the opposite ends of the spectrum that they find themselves being faced with. On one hand, they want to be the Oceanport that is known and loved while on the other hand faced with economic realities that may force them to consider alternatives that are undesirable and that in any case it is their obligation to do that and that there are residents that feel strongly both ways. Mayor Mahon also stated that it is incumbent upon this Administration to look elsewhere to see where they can save the resident's money and that they worked to cut as much as they could in the budget process and still be happy with the services that they provide. He also advised of the upcoming budget meeting to examine what else they can cut in light of the Governor's plan to cut aid to avoid shifting the burden to the taxpayers and that it may impact the services they had planned on providing this year.

PUBLIC:

The Mayor re-opened the meeting for anyone else from the public who wished to be heard.

Stuart Briskey, 46 Werah Place, commented on the new street signs that have been installed as a response to a State mandate to be able to receive future funding for roads. He stated that they had just installed the sign for his street and there was no cross street in effect reducing the signage and as an ex-Chief twice he sees it as a public safety issue and that every sign should have a cross street.

As no one else from the public wished to be heard the Mayor closed the public portion of the meeting on a motion by Councilwoman Kahle which was seconded by Councilman Johnson.

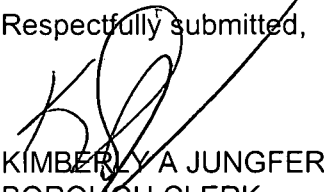
At 9:46 p.m. Councilwoman Kahle made a motion to continue the Regular Meeting of the Mayor and Council which was seconded by Councilman Gallo and approved by Council.

At 9:50 p.m., the Regular meeting was temporarily adjourned on a motion by Councilman Johnson and seconded by Councilman Irace.

Bill List: Capital Trust \$8,865.00. Dog Registry \$ 491.40. Escrow Trust \$200.00. 2007 Vouchers Paid \$95,721.05. 2007 Voucher Paid this Meeting \$1,766.77. Total 2007 Vouchers Paid \$97,487.82. 2008 Vouchers Paid \$4,049,089.14. 2008 Vouchers Paid this Meeting \$985,274.78. Total 2008 Vouchers Paid \$5,034,363.92.

As there was no further business, the meeting was adjourned at 10:47 p.m. on a motion from Councilwoman Kahle, seconded by Councilman Irace and approved by the Council members present.

Respectfully submitted,


KIMBERLY A JUNGFER
BOROUGH CLERK