

REGULAR MEETING

Oceanport, New Jersey
March 3, 1994

- REGULAR MEETING:** The regular meeting of the Oceanport Mayor and Council was called to order on March 3, 1994 at 8:03 P.M.
- MEMBERS PRESENT:** Councilpersons Clark, McGee, Filippone, Miller, Taylor, Wolfe and Mayor Cavanagh.
- OFFICIALS PRESENT:** Borough Clerk, Patricia L. Varca and Borough Attorney, Francis A. Margalotti.
- PLEDGE OF ALLEGIANCE:** Mayor Cavanagh led the audience and members of the Council in the flag salute.

As copies of the minutes from the Regular Meetings held on February 3 and 17, 1994 had been made available to the Governing Body for their review, Councilwoman Filippone moved to waive the reading of same and approve the minutes as presented by the Clerk. It was seconded by Councilman Wolfe and approved by Council with the exceptions of Councilmen Taylor and Wolfe, who abstained from voting on the minutes from the meeting of February 3, 1994 because they were absent.

CLERK'S REPORTS:

1. Police report for the month of FEBRUARY, 1994 and a copy will be posted on the Bulletin Board.
2. Raffle license application made by the Oceanport First Aid & Rescue Squad, to be held on June 3, 1994, 50/50 cash raffle.

After the Clerk advised that the application was in order and the required fee had been paid, Councilwoman Filippone moved to approve this raffle application. It was seconded by Councilman Wolfe and unanimously approved by Council.

COMMITTEES:

COUNCILMAN CLARK: Councilman Clark thanked the League of Women Voters of the Greater Red Bank Area, who had made a presentation to the Mayor and Council prior to the start of the meeting.

Councilman Clark asked the Clerk to read resolution **R-94-22** transferring funds, after which he moved to approve same. It was seconded by Councilman Wolfe and unanimously approved by Council. R-94-22

Councilman Clark asked the Clerk to read resolution **R-94-23** amending the 1994 temporary budget, after which he moved to approve same. It was seconded by Councilman Taylor and unanimously approved by Council. R-94-23

Councilman Clark then called for the introduction of an amendment to the traffic ordinance with regard to overnight parking and asked the Clerk to read the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE TRAFFIC ORDINANCE" OF THE BOROUGH OF OCEANPORT PASSED AND APPROVED ON APRIL 1, 1993.**

Councilman Clark moved to approve this ordinance on first reading. It was seconded by Councilman McGee.

The Clerk called the roll:

AYES: Councilpersons Clark, McGee, Filippone, Miller, Taylor & Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

Councilman Clark then moved to hold the public hearing on this ordinance at the next regular meeting scheduled to be held on March 17, 1994 at 8:00 P.M. and to advertise same in accordance with law. It was seconded by Councilman Wolfe.

The Clerk called the roll:

AYES: Councilpersons Clark, McGee, Filippone, Miller, Taylor & Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

COUNCILMAN MCGEE: Councilman McGee also thanked the League of Women Voters for their presentation this evening.

Councilman McGee reported that at the work shop meeting on Monday evening, a presentation was given on the Americans with Disabilities Act by a representative of the Provident Life and Accident Insurance Company, who explained how the law effects our community and what items that need to be addressed and the Governing Body were supplied with a proposal regarding this presentation and will be discussed following a review by the Council members.

Councilman McGee also reported that on Tuesday he met with an Architect who surveyed the Borough Hall with regard to the ADA requirements and he will be receiving a written report in the near future and he will be meeting with him again to discuss the matter further.

Councilman McGee advised Mayor Cavanagh that as we had discussed at the work shop meeting on Monday evening, the fund regarding the new workmen's compensation coverage for the Borough is not a pool situation and the Borough will have its own experience rating, so we will not be eating someone else's losses and we will realize a significant savings.

Councilman McGee extended his condolences to the family of Edward C. Wilson, Sr. who passed away this Sunday and he had been a resident of Oceanport for about 60 years and left his mark on this community. He continued that Ed served Oceanport as a Councilman and from 1950 to 1967 as Mayor; he was a Charter Member of the Oceanport Lions Club, Charter Member of the

Senior Citizens Club of Oceanport, Founder and Member of the Oceanport Library Association and he also found time to serve on other committees and boards as well as his Church. Councilman McGee stated he felt privileged to have known him and he will be missed by all who knew him.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone wished Mayor Cavanagh a Happy Birthday.

Councilwoman Filippone offered her sympathies to the family of Ed Dangler, who was one of our more active volunteers not only in our town, but in many others as well. She continued that he will be sorely missed by the residents of Oceanport for many reasons, not the least of which is the annual Health Screening, which has been scheduled for April 16, this year, he always helped out by serving the refreshments. Councilwoman Filippone commented that he was also very active in the First Aid Squad and the Oceanport Senior Citizens as well. She stated that unfortunately, his wife passed away two days after he did and it has been a very tragic situation.

Councilwoman Filippone read a letter from Carole Connor of the Oceanport First Aid Squad advising her that the Squad delivered a baby girl on February 26 at 2:17 A.M. and Squad EMT's Doris Agaman, John Connor, Linda Fujimoto, Joe Lombardo and Ed Ryan and the MONARC Paramedics were on their way to Monmouth Medical when it became apparent that the baby was coming and the ambulance had to pull over on Branchport Ave. where the baby was delivered and then they were transported to Monmouth Medical Center and are reportedly doing fine. She advised that the letter went on to say "as the Oceanport First Aid Squad celebrates its 45th Anniversary this year, it is significant to note that this is only the second baby born in an Oceanport ambulance" and she was very pleased for them and stated it just goes to show everyone how they are always there for us whenever we have a need.

Councilwoman Filippone ended her report by thanking the League of Women Voters for their very fine appreciation award and commented that it is very nice to be honored by a group such as theirs who are quite outstanding and dedicated volunteers.

COUNCILMAN MILLER: Councilman Miller wished the Mayor a Happy Birthday and extended his thanks also to the League of Women Voters for their award.

Councilman Miller stated as did Councilman McGee earlier, its very sad to lose someone of Ed Wilson's stature and commented that he was Mayor of Oceanport for 17 years.

Councilman Miller reported at the last Council meeting we had representatives come before us regarding a problem with the use of jet skis in Blackberry Bay and we had a very fruitful meeting with Recreation as well as two gentlemen who were interested in the jet ski problem from the other side and came up with some possible solutions, which we brought back to the Chief of Police. He continued that he met with the Chief of Police and Mrs. Silkworth and at this particular time, we have plenty of ordinances on our books that can be enforced by Chief Joyce as well as enforcing the State Statute which was passed in December. He also commented that the important factor is that the residents who are having these problems at Blackberry Bay, must call the Police Dispatcher and bring this to their attention and the local Police will act upon any complaints first before going to the Marine Police. Councilman Miller also advised that the Marine Police will be putting up low speed signs at the entrance to Blackberry Bay and at the ramp.

Councilman Miller reported under the Cable Committee, that Oceanport is about one year away from the final year of negotiation process with Storer Cable and are now in the assessment period. He strongly urged any community member who has anything to say about the service of Storer Cable to please get in contact with him or Mr. Joe Lyons who is the Chairman of the Cable Committee. He continued that we are presently in the process of surveying other towns who are either in the negotiation phase or have signed contracts with Storer Cable to see exactly what the terms of their contracts were. He commented that it is also interesting to note that Storer Cable and quite a few other cable companies in Monmouth and Ocean Counties are being questioned right now about their fees in light of the new FCC rules that were passed in 1993 about a 10% decrease and the State Public Advocate is now petitioning the FCC to take a closer look at some of the fees being charged.

Councilman Miller wanted to give an update on what is happening with Monmouth Park Race Track and reported that there was an article in the Asbury Park Press two days ago and they reported that we are now on the final track to finalize the \$1.4 million treatment system at the northern section of the track and it will be a self contained project, which we have discussed and will treat approximately 100,000 gallons of water that comes from the storm drains within the track and that water will be turned into useable water that the track will be able to use. He stated the article referred to Martin Chomsky, the Chairman of the Water Resources Association as being responsible for much of the progress and he agreed with that, but also wanted to point out that Lester Jargowsky of the Monmouth County Board of Health and especially Bill Simmons and Sue Williams have worked with the Borough to a great degree in pinpointing problems; Clean Ocean Action members brought a lot of pressure as did the American Littoral Society and also our own Oceanport Water Watch Committee. He also felt we should give kudos to our Mayor who has kept in close contact with the representatives of the track and keeping subtle pressure to get them to this point in time. Councilman Miller stated the only bad news is that the completion date on this project will not be until May, 1995.

Councilman Miller reported that the latest water sampling by the Monmouth County Board of Health within the track confines of Turtle Mews Creek were all pretty good, except for one site and there was a fecal coliform count of 300 just to the left of the bridge near Casa Comida and he felt that this was probably just a cleaning out of the storm drains in the area.

Councilman Miller advised that it has recently come out that the process of absentee voting in the April, 1994 Board of Education elections, will not be able to take place and those people who will be out of the State will not be allowed to vote by Absentee Ballot because of the lateness in telling the Board of Education their final numbers as far as State Funding is concerned to allow them to finalize their budgets and the time line will not be sufficient to print the Absentee Ballots and have them mailed out and returned to the County. He stated that he finds this reprehensible and felt it was another example of large Government not doing what they should be doing.

Councilman Miller reported that the second half of the repairs to the tennis courts at Blackberry Bay Park is getting ready and he has been in touch with our Electrical Contractor yesterday and he is getting ready to order the necessary materials in order to be completed before the summer.

COUNCILMAN TAYLOR: Councilman Taylor also wished the Mayor a Happy Birthday.

Councilman Taylor reported under Recycling, he wanted to advise the residents that public education campaign has started from Monmouth County Recycling Program and there will be four half page articles in the local newspaper in reference to recycling.

Councilman Taylor thanked all the students and parents who attended the Police/Student Basketball Game at Maple Place last Friday evening and Crazy George showed up and it was a very good time with a huge crowd of over 400 people attended.

COUNCILMAN WOLFE: Councilman Wolfe also thanked the League of Women Voters from the Greater Red Bank Area for coming out tonight and presenting us with their certification of appreciate and it was a very nice commendation.

Councilman Wolfe stated he just wanted to say a few things about storm #14 which hit the Borough yesterday and we are still in the throws of it since it has changed from snow to rain and back to snow again tonight. He continued that this storm was a very intense storm and with the addition of the coastal flooding that followed, was very similar to the December 92 storm we had experienced. Councilman Wolfe reported that the volunteers in the Borough were out in force last night and commended the Fire Department, Fire Police and the First Aid Squad because they were out all last night directing traffic after we lost power, answering first aid calls, etc. He also stated that due to the ice and high winds there has been a lot of damage done to trees with limbs down all throughout the town and the Road Department had to constantly remove large branches and limbs from streets which had become impassable.

Councilman Wolfe publicly commended the efforts of the Public Works Department as well as all the volunteers who spent many hours in the freezing cold.

Councilman Wolfe ended his report by wishing the Mayor a Happy Birthday.

MAYOR CAVANAGH: Mayor Cavanagh commented that Mayor Wilson was the longest serving Mayor in the history of this Borough and had been Mayor for 17 years and will be missed by the Community.

Mayor Cavanagh advised that there have been several newspaper articles over the past several weeks about the privatization of the Sports Authority's assets and he had a chance to briefly speak with the Governor a week ago Saturday and she had asked that he speak directly with Mike Francis, who he has sent a letter to requesting a meeting, and he will probably speak with the Governor again when the race track opens and he will probably sit down with Mr. Francis when we can set up a time convenient with his schedule regarding the local land situation.

Mayor Cavanagh then opened the meeting to the public for any comments or questions.

PETITIONS FROM THE PUBLIC:

Peter Dellera, 8 Maple Court stated he first comment was to Councilman McGee who he had spoken to after the last meeting with regard to why other people don't come out to the Council meetings and say things about what happens to them and with regard to building inspections and Building Inspectors, he felt that people take what is handed to them out of fear or what the unknown will bring tomorrow. He explained that after the statements he made at the last meeting, the next day the State was called to inspect the roadway and the following Tuesday he received a visit from

the State and everything was found to be in order. He felt that what happened to him happens to many other people in this community in different ways and the difference with him, is that he is able to handle the situation. He stated that since the complaint made was about some dirt coming onto the roadway, he was advised that there is no violation because the roadway has not been dedicated yet and was also informed by the Borough Engineer that it would be at least 1-1/2 to 2 years before anything was done.

Mr. Dellera stated that if he is aware of these things, he felt that the Building Department should be aware of them as well and he felt there was something wrong when people are threatened and that is why people do not come out and speak their minds because they are afraid and must move into their new homes.

Mr. Dellera then stated he has reviewed the Uniform Construction Code Law which he recently purchased through the State and he did not feel the Building Construction Officials are aware of what is contained in the law. He stated after reviewing the laws, he does not read in them that he must go to Walter Joyce first before coming to the Mayor with a complaint. He stated he would be willing, in all fairness, to go to see him and straighten out this situation, because he will not allow anyone to harass him and requested that the Mayor and Councilman McGee come with him and sit and meet with Mr. Joyce to discuss and resolve this matter and felt this would be the best way to handle this solution in order to help out the public.

Mayor Cavanagh advised Mr. Dellera that right after the meeting this evening, he is on his way to go to Disneyworld and stated when he gets back if Mr. Dellera still feels there is a problem following his meeting with Mr. Joyce, he will see what can be done.

Mr. Dellera asked if Councilman McGee would come with him to meet with Mr. Joyce, to which Councilman McGee stated he felt that Mr. Dellera should meet with Mr. Joyce first and follow proper channels.

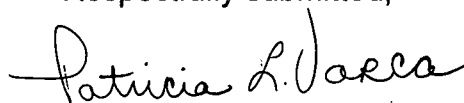
Mayor Cavanagh directed Mr. Dellera to ask his questions through the Mayor and suggested he speak with Councilman McGee about this matter after the meeting.

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

Mayor Cavanagh stated that we are not able to pay the bills this evening because the Borough Hall was without power for the entire day and there is no Voucher Register available.

At 8:45 P.M. Councilwoman Filippone moved to adjourn this meeting until the next regular meeting scheduled to be held on March 17, 1994 at 8:00 P.M. It was seconded by Councilman Taylor and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK