

REGULAR MEETING

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Oceanport, New Jersey
February 21, 1991

REGULAR MEETING: The regular meeting of the Oceanport Mayor and Council was called to order on February 21, 1991 at 8:05 P.M.

MEMBERS PRESENT: Councilpersons McGee, Filippone, Rodman, Wolfe and Mayor Cavanagh.

MEMBERS ABSENT: Councilmen Terra and Miller.

OFFICIALS PRESENT: Borough Clerk, Patricia L. Varca and Borough Attorney, Francis A. Margalotti.

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

As copies of the minutes from the regular meeting held on February 7, 1991 had been made available to the members of the Governing Body for review previously, Councilman McGee moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Rodman and unanimously approved by those Councilpersons in attendance.

CLERK'S REPORTS: No Reports.

COMMITTEES:

COUNCILMAN MCGEE: Councilman McGee reported under Street Lighting that at Blackberry Bay Park Councilman Miller had inquired about some of the lights in that area that had their lenses broken and he has spoken with JCP & L about getting some type of bulb resistant to stone throwing and he will be meeting with a JCP & L Representative tomorrow to inspect the lights and they will also go over to Evergreen Park and see if something can be done to light up the walk through better because it is rather dark and the citizens in that area have expressed concern.

Councilman McGee reported under Buildings & Grounds we are going to update with a maintenance report of the Borough buildings and we are still in the process of getting bids so that we can better maintain the buildings and the mechanical systems.

COUNCILMAN TERRA: ABSENT.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone stated that anyone who attended the Borough's Veteran's Day ceremonies might remember that our guest speaker was Sgt. Major Nelson and while she was watching the McNeil/Leher report on Monday evening, she observed Sgt. Major Nelson on television and he is in charge of communications in Saudi Arabia and he was giving a lengthy presentation on media and keeping the troops happy through the media.

Councilwoman Filippone reminded the residents that this Saturday, February 23, 1991 there will be a free rabies clinic at the Port-au-Peck Chemical Hose Firehouse between the hours of 9 - 11 AM and she urged anyone with cats to please have them vaccinated, because the rabies outbreak is moving east in the County and the more animals that are vaccinated against rabies, the better off we will all be.

2 Councilwoman Filippone mentioned that on Sunday, one of our residents, Sal Vecchione, has organized a support the troops rally at Old Wharf Park at 12:00 Noon and she urged everyone to come out and support this cause.

Councilwoman Filippone stated she wanted to give the Oceanport First Aid Squad report for the month of January and continued that there were 15 emergency calls; 3 advance life support calls; 1 motor vehicle accident; 1 transportation; 2 mutual aid calls and 1 fire response call for a total of 20 calls and adding up to 90 person hours. She continued that to show the residents how lucky we are in Oceanport, the Squad received a letter from someone who does not live in Oceanport, but received help because she works at Concurrent Computer and she read the letter in which the individual expressed her gratitude and appreciation for the assistance given to her when she recently became ill.

Councilwoman Filippone stated that she has been attending the First Aid Squad meetings for a little over a year and she has always had a lot of appreciation for them, but the more meetings she attends, the more respect she has for them and realizes how very lucky we are in this Borough to have such dedicated people and well trained.

Councilwoman Filippone wanted to make special note that the First Aid Squad honored three of our Police Officers for their dedication to the Squad and to the citizens of Oceanport above and beyond and two of them administered CPR and the other assisted a child and in order to save the child who was experiencing breathing distress and they found him in the shower with the child and this will be discussed later in the meeting.

COUNCILMAN MILLER: ABSENT.

COUNCILMAN RODMAN: Councilman Rodman wanted to express some feelings about an article in the Press and other major papers regarding State School Aid and several proposed solutions or modifications to the Quality Education Act and he just wanted to express a little bit of caution about those numbers, because the last set of numbers promulgated by Sen. Lynch in the process of talking about his bill, turned out to be seriously wrong in that they did contain the proper aid amounts in towns that were constituent members of regional school districts, which is Oceanport and these figures have been turned around very quickly he is sure. He continued that the State Dept. of Education has pretty much told the Legislature that they are going to need 2 weeks to turn around and present relatively accurate figures and he just wants to advise the residents not to take these numbers to heart and be cautious about these numbers because there are numerous proposals going around Trenton.

Councilman Rodman offered his wishes for a hopeful solution to the Gulf crisis particularly with what is going on tonight.

COUNCILMAN WOLFE: Councilman Wolfe asked the Clerk to read the proposed ordinance renewing the cable franchise with Storer Cable Communications by title only as follows: **AN ORDINANCE GRANTING NON-EXCLUSIVE RENEWAL OF MUNICIPAL CONSENT TO STORER CABLE COMMUNICATIONS OF MONMOUTH COUNTY, INC., d/b/a STORER CABLE COMMUNICATIONS, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE BOROUGH OF OCEANPORT, NEW JERSEY.**

Mayor Cavanagh stated this is the introduction so there is no public hearing tonight, but he wanted to point out that there are probably two

salient parts of the ordinance that perhaps are distinguishable from years past and one is the term of the franchise is now five years rather than ten years which has been the standard previously and there is a clause which includes the creation of a resident's Advisory Committee, which is partially the outgrowth of a survey through the cable company and much of the commentary that we received in response to that, it is now our plan in adopting this ordinance to create and appoint a committee and we will be placing an article in the next Bulletin asking interested people who want to volunteer for this committee to advise us and we feel that this committee who will have regular meetings with a Storer representative throughout the year and this way we do not find ourselves in a situation where ten years go by before people have a viable method of articulating suggestions, questions, complaints, etc. and if we do this on a regular basis it may alleviate these types of problems.

Councilman Wolfe moved to approve this ordinance on first reading. It was seconded by Councilman Rodman.

The Clerk called the roll:

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

Councilman Wolfe then moved to conduct the public hearing on this ordinance at the next regular meeting to be held on March 7, 1991 beginning at 8:00 P.M. and to advertise same in accordance with law. It was seconded by Councilman Rodman.

The Clerk called the roll:

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

Councilman Wolfe reported he has received a letter from the State Dept. of Environmental Protection this past week in response to the Borough's application for another Clean Communities Grant, which the Clean Communities Coordinator who is Councilman Terra and himself have submitted and they have advised that our grant has been approved in the amount of \$7,248 and we have also been approved for a supplemental amount of \$1,143 and this money will be used to purchase receptacles along the Borough roadways as well as in the Borough parks.

Councilman Wolfe reported on the 1990 road improvement program, which has been completed and was the first of a five year plan and we repaved the entire length of Ithaca Ave., Shrewsbury Ave. and Maple Pl. as well as a portion of Algonquin Ave. and we are now looking into what we are going to do in 1991.

Councilman Wolfe advised that the Recreation Committee had agreed several months ago that they wanted to have some internal improvements on the Old Wharf House and the Community Center and one of those improvements was to repaint the interior of Old Wharf House and Mike Giordano and his crew from Public Works have recently completed this work.

4 Councilman Wolfe commented that over the past several weeks Councilman McGee has been making a survey of the various public buildings and the interior of the Library was brought to his attention and he and Councilman McGee investigated the matter and found that there were some window sills and interior painting that had to be done and again he asked Mike Giordano and he and his crew will take care of that matter and complete these repairs as well. Councilman Wolfe thanked Councilman McGee for his efforts and hoped that he keeps up the good work on the survey of the public buildings.

Councilman Wolfe reported that as many residents who live near Blackberry Bay Park have noticed, the Sewer Authority has been working there over the past week and he was at the site today and they have found that there is a major break in the pipe, which is 23 feet below the street level and luckily it is located in the parking area, so it is off the street, but they now have to get equipment large enough to dig down that deep and it will probably be completed by late next week.

Councilman Wolfe stated that Councilman Miller had asked him to report that the Shade Tree Committee recently held their reorganization meeting and Bill Sullivan will be the Chairman, Ralph Walsh will be Vice Chairman, Recording Secretary is Margaretta Swoope and the Corresponding Secretary is Adrienne Bedell and he stated that the Committee is presently doing a survey of what they will be undertaking in 1991 and what parts the Public Works Department may be able to help out with some trimming.

Councilman Wolfe advised that the Recreation Committee had suggested that yellow ribbons be placed at all the entrances to the Borough Parks and Councilman Miller and his wife Carol completed that request over last weekend.

Councilman Wolfe stated that the Recreation Director, John Kerwin has once again gone through the parks and made a list of things that need to be addressed before the warm weather comes and the Public Works Department will be completing 99% of the work on the punch list.

MAYOR CAVANAGH: Mayor Cavanagh stated we had originally intended to introduce our budget tonight but we are still fine tuning and plan to introduce next week. He stated he brought the paper in tonight because he has noticed that for a change nearly everything that has been reported has some kind of a relationship to what we are doing as each of the towns has begun to announce their budgets and some of the towns have not introduced them because they are still trying to figure out how they are going to handle them, but the overwhelming trend this year it appears is that every town is experiencing a problem which is directly related to the economy and when the economy sags, taxes are not paid with the same frequency as when the economy is robust.

Mayor Cavanagh stated what this does is causes a two fold problem and it causes a problem if you are short in what you anticipated as the rate of collection, you must make that up and then you must reduce what you may anticipate for the coming year, so you get hit twice. He noticed that as each of the towns discuss their budgets, it is a very common trend that most towns are collecting less then they did last year and he said he does not feel it is because people do not want to pay them, but that they just cannot and it is becoming more and more difficult for people in this economy to keep their taxes current. Mayor Cavanagh reported that we collected approximately 96% of our taxes, which is about what we anticipated so we did not run short, however, last year we

collected 97.75% and although it does not appear to be a big difference, the percent and three quarters translates to revenue in the amount of almost \$150,000 which divided by 44 cents is about three cents on your tax dollar that becomes a revenue loss, not a spending problem which means we have less to work with than we had last year, and this is before we spend anything.

Mayor Cavanagh stated that now what happens is we must reduce our anticipated level of collection again so now you have to take into account less revenue, therefore it impacts your tax dollar again, and unfortunately the people who keep current with their taxes will wind up subsidizing those who have not and although it is not fair this is how the system works and we are powerless to do anything about that until the one year expires and we can then sell tax certificates in an attempt to collect that money back and we have done that for 1989 and were quite successful and we will do that again some time after July of 1991 for the unpaid taxes for 1990.

Mayor Cavanagh stated to some degree he shares Councilman Rodman's feelings about the numbers that were published in the newspapers today and he does not know if this is a public service or not, because people look at these numbers and see these large amounts of money they will be receiving if Governor Florio's plan is accepted and then they expect it to happen, which is not an unfair position for people to take. He has no idea if these numbers will prove out or if we will ever see those numbers, but unfortunately, he would be pleased to see them because it would alleviate everyone's tax burden. He continued if any of these plans are acceptable, it would appear that neither Shore nor Oceanport would be hit hard in the State Aid situation, but there are so many variables that it is really not fair to say that it will be okay and we are doing our budget without really knowing what the numbers are going to look like.

Mayor Cavanagh stated that there are friends of his, some in the audience tonight, who were not enamored with our recent survey, but before we discuss that he must say that it is not arguable that we did not get a single benefit out of that survey because we received with one of the surveys, a donation for the fireworks fund and he wanted to start the discussion off on a positive note.

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

PETITIONS FROM THE PUBLIC:

Mr. Ron Maher, 27 Doreen Drive stated he wanted to address the map which was on the bulletin board and express some concern for the residents of Doreen Drive, Morris Place and Centennial Place at least. He stated we have all been good neighbors to the race track for a long time and the track talks a good game about being good neighbors to us, but they have done us a disservice, as well as the Governing Body and themselves by getting to the stage they have now reached regarding the manure storage building in our backyards with no apparent concern for the feelings or the welfare of the people that border that area. He pointed out that it is not like they are putting up another garage and this building is a bit unusual and he is sure the Council can imagine the concern, especially when the first thing he heard about this was that they were putting a building up and were going to burn manure and this

6 was ten days ago, and thankfully his mind has been put to rest and yesterday he finally got a chance to review the plans that are on the board this evening.

Mr. Maher commented that it should not take so much to get to this point and felt the track could make a big step forward if they had at least come to the neighbors and discussed what their plans were. He is not completely happy with what he sees here, but he is satisfied that they are complying with the regulations and he is very pleased that they will be working with a new sewer line but he is still concerned about the pollution, the smell, the noise and the aesthetics and does not feel that the neighbors should have to sit around their swimming pools and watch trucks coming in and out with loads of manure all day and yet, there is no indication at all that the track plans to address that problem with some type of planting to screen it out of the view of the residents. He stated he will continue to watch the situation and he does realize that this will probably be a big step forward as far as cleaning up the river is concerned and that makes him happy. He just wanted to go on record to say he felt it was a shame that we have to constantly dig out the information and that they do not demonstrate even trying to make the neighbors feel better about this plan by perhaps planting some trees.

Mayor Cavanagh stated that we were aware that people were concerned and we had known that this was a potential plan, but he does not think the plans are terribly old and are relatively new.

Councilman Wolfe stated he only picked up a copy of the plans two days ago and met with Mr. Maher the following day and he was informed by a representative of Monmouth Park that these are not the final plans and there are no site improvements on the plan which may be part of the project.

Mayor Cavanagh stated what we are going to have to do and what we have been doing for years, is we are attacking the problem of pollution in the river and we all agree must be addressed. He stated we have succeeded in getting a lot of people involved from the Environmental Prosecutor down to the County Health Department to focus attention on what has been fed to us and we have been doing this since 1987 and obviously he has received calls from concerned residents and that is why he had contacted Councilman Wolfe and requested he get a plan of what was happening to see what the project was exactly.

Mayor Cavanagh stated he is also in the process of securing a copy of the consent order which he has read about but not seen, but he understands that it provides that they must remove manure six days a week in the sense that it cannot accumulate in tremendous proportions and he was happy about the sewer line as well and only wished they could have hooked the sewer line into the entire equation and we would have had a clean, easier solution to the problem, but there was too much volume for the Sewer Authority to handle. Mayor Cavanagh stated that we will continue to watch the project and he is not adverse to speaking with the race track about dressing up the area and we will stay in touch with them and with the residents and try and work with you and do the best we can to solve any problems.

Councilman Rodman stated about the consent order that the Mayor mentioned, he thinks that will cause the track to be removing manure more rapidly and there will be less manure for a longer period of time than there ever has been over at the track. He stated that with regard to Mr. Maher's comment about notification, the only reason anyone on the Council

knows about this project is that he happened to see the public notice for the bid in the Star Ledger and in their defense, he will not speak for them, but felt they would probably say that they are the Sports & Exposition Authority and we really do not have to come to the Borough Officials, but we have had a good relationship with the track and he does wish we had seen this plan in advance, but he is willing to allow this to roll off his back because of what he perceives to be with the water tight containers, schedule of removal and particularly that sanitary sewer hook up, he thinks we are going to see a dramatic improvement in the water quality.

Francine Marks, 26 Doreen Drive stated that the race track is her backyard and she will be able to see the storage facility and she was concerned about the traffic in and out as well as the noise from the diesel trucks in the evening, and when they bring the horses in at night you hear the trucks all night long and she cannot open any of her windows along the back of her home and her house is brown all summer long because of the dirt and she skims diesel fuel off her pool.

Councilman Wolfe commented that he did not think the problem would be as bad because the reason the trucks come in at night to remove the manure is because the horses are around the barns buildings and that is where the manure piles were, but with the current structure being away from the barns and away from the horses, possibly they may be removing the manure during the day time so you may not have a night time problem.

Mayor Cavanagh stated that we looked at the plan to see how far it was from her home and calculated that it looks to be about 500 feet away and Mrs. Marks commented that they have removed a lot of the top soil and she has a direct view of the small walking track as well as all of the barns.

Councilman Wolfe commented that when he walked the site he could see that Mrs. Marks out of all the neighbors who live in that area, has the most visual line of sight with the new building, but the point that he brought up with Mr. Maher and will repeat again, is that we will address this problem with the track and request some type of buffer either some type of earth mound with trees or a tight evergreen double row buffer, we will try and get some screen installed for the neighbors.

Mrs. Marks questioned why the trucks did not go out onto Route 36 where there is a traffic light there and they can go right out onto the highway instead of driving through the Borough with the manure on the Borough streets.

Councilman Wolfe stated that they will be exiting from the entrance at Myrtle & Port-au-Peck Aves. and going down Myrtle Avenue but not going through the residential area of the Borough.

Mayor Cavanagh stated we did not address any of these matters because our immediate goal was to get the manure out of the water and the next is to try and get rid of it and he commented that he did not feel the race track was enamored with the cost involved with purchasing 84 containers and 3 trucks and the new building and this must be a major expense for them and he is sure this is not something they were thrilled to have happen, but it was something that had to be addressed.

Mayor Cavanagh assured the residents that we will continue to talk with them and monitor the situation and we will try and do what we can to help them out with the problems.

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Joe Lombardo, Vice President, Oceanport First Aid Squad would like to re-award the certificates to the Police Officers that were awarded last night and Mayor Cavanagh invited him to come up and make his presentations.

Mr. Lombardo called up Sgts. Bebout and Hendley and Patrolman Tagerty and commented that Sgt. Hendley is being presented with the Life Saver Award for a CPR call at the senior citizens housing on Oct. 26, 1990 and as usual the Police are the first ones to arrive at the scene and they usually start things alone and this is our way of thanking the officers. Mr. Lombardo commented that the Squad receives lots of thanks and each month they receive letters similar to the one Councilwoman Filippone read tonight and the Police do not usually get a thank you and we started this last year and hope to continue this award presentation.

Mr. Lombardo explained that when they arrived at the call Sgt. Bebout was at, they found him in the shower trying to assist a child on Christmas Eve recuperate from croup and it was a sudden onset and the child was having difficulty breathing and the moist air helped him breathe until the Squad could get there and take over and got the child to the hospital.

Mr. Lombardo commented that Patrolman Tagerty responded to a CPR call on Bridgewater Drive and we were able to keep him viable, but unfortunately he died at the hospital and he explained that timing is the greatest factor involving CPR and if it gets done soon enough, we can some times save a life.

Mr. Lombardo offered the thanks of the entire Oceanport First Aid Squad to these officers and presented each of the officers a certificate and pin for their efforts.

Ed Ryan, Captain of the Oceanport First Aid Squad presented the Mayor with a first aid tee shirt, which the Mayor thanked the Squad for.

Michael Smith, 130 Sagamore Avenue asked the Mayor if he was going to share the results of the recent budget survey and how helpful has it been with regard to the outcome. He also commented that he has very strong objections to any cuts being made in the Police Department and he did not feel that the Officers should be left without a back up and he also felt that the presentation tonight by the First Aid Squad says more than he could put into words.

Mayor Cavanagh stated that he did not tabulate them yet because everyday we are still receiving surveys and we have received just short of 200 responses and some of the things he read were helpful, some of the things were not necessarily relevant. He stated that this survey helps in several ways because some of the things he read in the survey show him that perhaps the Governing Body has to do a better job of educating people of what we really do and what we control and what function we serve, because there are people who really do not understand what the Governing Body does and it shows when residents ask us to reduce the State and County taxes or the school taxes, which we have no control over so it is sometimes helpful to find out what the people do not understand.

Mayor Cavanagh commented that basically what the people are saying is that in this day and these times, do not purchase any major capital items that we do not need immediately or that can be put off instead of getting into debt and that seems to be a common theme and truthfully, we will utilize that thinking in part of our budget. He stated that there

was a lot of positive comments contained in the survey about the Police Department, the Public Works Department, the Recreation Committee and that may not seem important to people at large, but it is to us because when you are spending everyone else's money, it is good to know that many people feel that the people they are spending it on are worthwhile and people might say that is a negative, but it is not because he likes to know how the people feel. He stated that if people take the time to write on the survey that the Police and Public Works Department are doing a good job and they feel no cuts should be made and during the race track season the Police are essential, that shows him something because most of the time people tend to be negative when they take the time to write out something, but if they take the time to write positively, it reinforces to him some of things he feels and he has learned something from that.

Mayor Cavanagh stated that he is aware that the press has spent some time in the last week focusing on the situation with the Police Department and he thinks that his comments have been pretty constant throughout as to his feelings about the Department and how it functions and he feels that this is shared by the other members who sit on the dais, and he believes the budget will reflect that. He commented that all this survey was about, was an opportunity to give people a chance, if they felt strongly, to communicate that to him and the Council so that we could go to the next step and figure out how to address the problem. He stated that he and the Chief of Police speak frequently and he is aware that we have not added a new spot for at least 13 years and he thinks that most people would look at that and say that it does not sound like an exaggerated percentage and he hoped that the people would believe that we think about things before doing anything.

Mayor Cavanagh commented that he has stated this before that economically if we were to remove a police officer, it probably would not save us any money because we would lose our Safe Supplemental Grant funding and we would have to pay overtime and candidly, he does not think we would save any money and he thinks the populace at large bore that out in their response to the questionnaire. He continued that he feels this town functions well and people are happy here and sometimes he likes to have that reinforced to make sure he is correct because if he is not, than, he has issues to address.

Mayor Cavanagh felt that if there is no out pouring of complaints at budget time in the present economy, maybe we can say that things are running smoothly and people are basically happy and he wants to give people that chance and then he can have it reinforced to himself, so the absence of an overwhelmingly negative response does say something because if it we were ever going to receive it, we would have received it now during times like this when people are being taxed beyond belief in many different directions and if we can maintain our equilibrium and keep people basically happy in this economic situation, then he is rather pleased with what is going on and that was his impression from the questionnaires.

Mayor Cavanagh stated as far as the Police Department is concerned, he thinks the Officers know him well enough that we have never had a problem and we have had things we have had to work out and he considers them all to be his friends and he felt that the people on the dais feels that way as well and he has the utmost respect for the Chief and feels he runs a very professional department.

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

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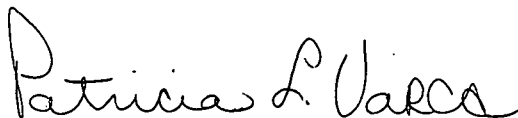
Councilman Wolfe moved to temporarily appoint Councilwoman Filippone to the Finance Committee in the absence of Councilman Miller for the purpose of signing several vouchers. It was seconded by Councilman McGee and approved by those Councilpersons in attendance.

Councilman Wolfe moved to approve the bills as listed on the Voucher Register dated February 21, 1991. It was seconded by Councilwoman Filippone and approved by those Councilpersons in attendance. TOTAL 1990 VOUCHERS PAID THIS MEETING \$478.12. TOTAL 1991 VOUCHERS \$39,868.59. TOTAL 1991 VOUCHERS PAID THIS MEETING \$32,493.87. TOTAL 1991 OPERATING FUND \$72,362.46. TOTAL TRUST ACCOUNT \$201.00. TOTAL GENERAL LEDGER SHORE REGIONAL HIGH SCHOOL \$147,392.50. TOTAL GENERAL LEDGER BIRDSALL ENGINEERING, INC. \$2,263.00 (SEE VOUCHER REGISTER).

Mayor Cavanagh announced that the Police Department will be playing basketball with the 8th Grade Students from Maple Place School on Friday night at 7:30 P.M. at Maple Place School and he invited everyone to come out and enjoy a fun evening, even though the Police have never won a game.

At 9:00 P.M. Councilwoman Filippone moved to adjourn this meeting until the next regular meeting scheduled to be held on March 7, 1991 at 8:00 P.M. It was seconded by Councilman Rodman and approved by those Councilpersons in attendance.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK