

REGULAR MEETING

Oceanport, New Jersey
February 15, 1990

REGULAR MEETING: The regular meeting of the Mayor and Council of the Borough of Oceanport was called to order on February 15, 1990 at 8:07 P.M.

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

MEMBERS ABSENT: Councilman Terra.

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 Borough Council in the Flag Salute.

As copies of the minutes from the regular meeting held on February 2, 1990 had been made available for review by the Governing Body, Councilman Miller moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Wolfe and approved by those Councilmembers present, with the exception of Councilwoman Filippone who abstained from voting because she was not present at that meeting.

CLERK'S REPORTS: NO REPORTS.

COMMITTEES:

COUNCILMAN MCGEE: Councilman McGee reported under insurance, he has been advised that there is going to be a National Flood Insurance work shop in Atlantic City next month and the purpose of this meeting is for communities to improve their flood plain management and direct activities towards flood mitigation. He continued that the benefit to the Borough would be to each property owner to possibly have a reduction in flood insurance premiums and he will attend this seminar and report back to the Council.

COUNCILMAN TERRA: ABSENT.

ORD-#603 COUNCILWOMAN FILIPPONE: Councilwoman Filippone called for the second reading and public hearing of an amendment to the Zoning Ordinance with regard to recycling and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 68 THE BOROUGH OF OCEANPORT ZONING ORDINANCE PASSED AND APPROVED ON JULY 3, 1969.

Mayor Cavanagh opened the meeting to the public for any comments they might wish to make on this subject only.

As no one from the public wished to be heard on this subject, Councilman Wolfe moved to close the public hearing. It was seconded by Councilman McGee and unanimously approved by Council.

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

The Clerk called the roll:

AYES: Councilpersons McGee, Filippone, Miller, Rodman & Wolfe.
NAYS: NONE.
ABSENT: Councilman Terra.
ABSTAIN: NONE.

Councilwoman Filippone announced that the rabies clinic will be held on Saturday, March 17 at the Port-au-Peck Chemical Hose Fire House between 9:00 AM - 11:00 AM and commented that we are encouraging all cat owners to participate in this program as well because there is an almost epidemic proportion of rabies in wild animals in the western section of the State and we are concerned that it will be coming into our area.

Councilwoman Filippone also announced that the annual health screening program will be held on Saturday, March 24 between 8:30 - 10:30 A.M. at the Oceanport First Aid Squad Building. She continued the fee this year will be \$23 and will include the Smack 23, hemocult test, HDL test for cholesterol and urinalysis. Councilwoman Filippone reminded everyone that you must pre-register and they will be here at the Borough Hall on Wednesday, March 21 from 2:00-4:00 PM and from 7:00-8:00 P.M. She encouraged everyone to participate in this program.

Councilwoman Filippone advised that on March 7, 1990 we will be part of the Monmouth County Board of Health system and we think this will be advantageous to the Borough and it will be a minor cost saving, but we think the services will be better.

Councilwoman Filippone reported that Fire Chief, John Schneider and our Fire Marshal, Jim Slattery gave an excellent presentation at Oceanport Gardens last Friday evening with regard to safety procedures and congratulated both the Chief and Fire Marshal on a job well done and she commented that the seniors really seemed to appreciate the talk.

COUNCILMAN MILLER: Councilman Miller commented that under Buildings and Grounds, a contract has been made to repair the roof that is leaking and the water damage inside the building.

Councilman Miller reported under Waterways, work has begun on the Litterbug boat which is used to help clean up the Shrewsbury River and we plan on a water monitoring project in conjunction with the Monmouth County Board of Health and we will take the samples early in the morning and Councilman Rodman will take them to the laboratory for us, since he works in Freehold and we hope with a closer monitoring of the water, perhaps the County Health Dept. will be able to come up with some long range plans to help clean up the river.

Councilman Miller reported that last night he and Councilman Wolfe attended the first regular meeting of the Recreation Committee in 1990 and committee assignments were made and assignments for many of the activities for the coming year and he advised that the Spring Egg Hunt will be held on April 7 with a rain date on April 8 and a list of repair needs was reviewed to decide which items the Public Works Department will be able to undertake and he and Councilman Wolfe will be making a survey of all of the parks in the Borough on Saturday to see what repairs can be done by Public Works.

COUNCILMAN RODMAN: Councilman Rodman reported that he attended a recycling meeting sponsored by the County Recycling people in Freehold recently and he was proud to report that Oceanport is doing significantly better than average in terms of our recycling and we are one of only six towns that presently recycle plastic. He stated that he is going to follow up on whether we can get the County and the State to begin to agree to set target levels for themselves to buy recycled goods such as paper and one of the problems we have experienced is that there is not a considerable market to sell these items and if the County and State pitch in, we may be able to create some markets for these items.

Councilman Rodman commented that recently he was honored to be requested by the Oceanport Board of Education to sit on a committee whereby the Oceanport Board of Education, the Teacher's Association and the PTO came together to participate, for the first time, in the Governor's Teacher Recognition Program and two teachers were selected, one from each school, Peg Post and Donna Alessi as the Governor's Outstanding Teachers. Councilman Rodman stated he was extremely pleased to see our Board of Education participate in this program because many of the districts in the State do not participate and the selection of these two fine teachers will result in a \$1,000 grant to each of those two schools to be used at the discretion of the two outstanding teachers. Councilman Rodman offered his thanks to the Board of Education for undertaking this program and he feels this is a great morale builder and continues to recognize the good schools we have here in Oceanport.

R-90-18

COUNCILMAN WOLFE: Councilman Wolfe asked the Clerk to read resolution R-90-18 transferring funds, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

R-90-19

Councilman Wolfe then asked the Clerk to read resolution R-90-19 amending the 1990 temporary budget, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Wolfe moved to authorize the release of a performance bond in the amount of \$11,750 for Block 108, Lot 8, Park St. and Orchard Drive in accordance with the recommendation of the Borough Engineer. It was seconded by Councilman Rodman and unanimously approved by Council.

Councilman Wolfe stated that due to the spring like weather, the Public Works Department head by Mike Giordano, Superintendent have been doing some work in the parks and throughout the parks, through the recommendation of the Recreation Committee, we have had new signs installed saying No Dogs in Parks - Children's Play Area in accordance with the Borough ordinance and he is going to ask the Police Department to try and monitor that situation.

MAYOR CAVANAGH: NO REPORT.

Mayor Cavanagh opened the meeting to the public for any comments they might wish to make on any subject.

PETITIONS FROM THE PUBLIC:

Mr. John Vivona, 348 Myrtle Ave., commented to the Governing Body that he is appalled at the proposal from NJ Transit to place a railroad station and parking lot on Myrtle Ave. at Port-au-Peck Ave. just feet from his baby daughter's bedroom windows. He continued that Mayor Cavanagh has assured him that he is completely opposed to that same

proposal and he wished to express his support for the Mayor and encourage the Borough Council to continue their support to keep the area that is zoned residential, truly residential by asking NJ Transit to place this facility on Port-au-Peck Ave. across the tracks from Myrtle Ave.

Mayor Cavanagh stated for the record that after he and the Borough Council listened to the presentation made by NJ Transit several weeks ago, this matter was discussed at length the other evening and we are all of the same opinion that we do not want a parking facility on that residential plot of land either. He continued as he had told everyone he would, he contacted the General Manager of Monmouth Park and indicated to him that as far as we were concerned, we would appreciate them cooperating with NJ Transit to provide enough land to move to the western side and his indication from the track was that they would be willing to sit with NJ Transit and work that out.

Mayor Cavanagh advised that he has communicated this in a letter to Mr. Gagliano of NJ Transit and informed him that the Borough Council had indicated that they were not in favor of allowing the residential piece to be used for parking. Mayor Cavanagh stated that when he spoke with Mr. Gagliano he indicated that he would be willing to sit down with him and the General Manager of Monmouth Park and he seemed to think this was a good idea to discuss further where this facility should be situated with the understanding that the Governing Body knew where it should not be located. Mayor Cavanagh commented that at this point in time, he cannot really report anything further except that we have taken that position formally and he has sent correspondence to Mr. Gagliano and we will see what happens and he will keep the residents advised.

Mrs. Ann Maher, 27 Doreen Drive asked if Mr. Gagliano had indicated any date had been mentioned when he would be getting back to the Mayor?

Mayor Cavanagh advised that when he spoke with Mr. Gagliano, he had not received the Mayor's letter which addressed many of the problems with the location and he felt that Mr. Gagliano would want to read the letter first prior to making any commitment. Mayor Cavanagh felt that within the next two weeks, we should be sitting down with him and Monmouth Park to discuss this matter further.

Mr. Tom Byram, 13 Sea Girt Ave., commented that NJ Transit seems to be moving very fast on this project and from the time any public notices that they were about to do this, there are already survey stakes out on the property. He questioned if there are any hard plans available for the public to look at?

Mayor Cavanagh stated we have received one drawing which at this point in time may be moot, since it showed the plan on Myrtle Ave. which we have advised that we are not interested in and advised that there is one sheet available in the Clerk's Office if anyone wanted to take a look at it, but it is not terribly detailed.

Mr. Byram stated his question was in regard to the platforms and how close they will be to Port-au-Peck Avenue?

Mayor Cavanagh stated that we are at the position now where until that initial phase changes, we are not interested in discussing it any further and in his letter, he stated that when we cure that problem, we have a whole host of other details we want to address. He continued that his understanding was that before NJ Transit could move forward with

it as a result of regulations, they have to have an environmental impact statement performed, which would be at least a booklet form type concept which would allow everyone to get the type of information that we are speaking of this evening with regard to distances.

Councilman Wolfe stated he had observed the surveyors at the site and stopped to see what they were doing and he was advised that what they were doing was to set the elevations and grades and parameters of the property so they could submit their environmental impact study to the State Authorities.

Mayor Cavanagh stated when we get to a point where it is specific, we will either do it with everyone or let NJ Transit give a presentation when we have a plan we feel is acceptable to everyone.

Mr. Sal Gentile, 9 Sea Girt Ave., asked if we are going to have a public hearing on this matter.

Mayor Cavanagh stated that after the plan comes back and that major objection has been worked out and the environmental impact statement has been completed and is available to hand out to the public, then we will have a public hearing on this subject.

Sal Vecchione, Woodbine Way, commented as one of the Mayor's supporters, we agreed the last time that Wolfhill Farm should be open space and he and some of his neighbors have gone before the Board of Freeholders and the draft plan of the County for Open Space shows that Turtle Mill Creek area would be a nature trail and Wolfhill Farm be a park and he thanked the Mayor for fighting for this and the record shows the Mayor as being for this plan.

Mr. Vecchione commented that someone must put the cards on the table and stated that we learned about the Giants from the Asbury Park Press, we learned about Mr. Cali from the Press as well as the train station proposal. He continued that over the last few days the Asbury Park Press has been running advertisements for the flea market which will have an impact on him and his neighbors who live across the street from the race track. He stated there was no general conversation with the public, no message from the Governing Body with regard to this, which will run most of the year. He is trying to explain that the Sports Authority purchased a race track and over the last several months want to add a train station, the Giants, 500 vendor flea market to run on Fridays, Saturdays and Sundays and exhibition hall. He felt that somewhere, someone like the Mayor, must have the Authority put their cards on the table so that the rest of the public does not have to learn about what is going to happen at the track they way he and his neighbors do via the newspapers. He is suggested that Oceanport is becoming a company town for the racetrack and he felt there should be more open communication between the Council and the Authority so that the residents do not have to read about the plans in the newspapers.

Mr. Vecchione stated there are many rumors around including that there was a meeting with some Council members present regarding a mall with a victorian theme, to which no one on the Council knew about. He also commented on a rumor of a committee which was formed to help clean up Turtle Mill Creek and met someone who claimed her husband had been appointed, to which the Mayor and Council stated they knew of no such committee.

Mr. Vecchione asked if it is true that some of the members of the Governing Body have met with the track regarding the pollution problems of Turtle Mill Creek, to which Mayor Cavanagh stated that is not a rumor and did take place.

Mr. Vecchione questioned if the source of the pollution was due to the track bulldozing into the creek to which the Council had never heard of this comment. Mr. Vecchione then questioned if this is not true, what is the major problem with the pollution.

Mayor Cavanagh commented that with the number of horses kept at the track there is a potential for a problem with drainage, storm drains into the river, etc. He continued that over the last two years the Environmental Commission, members of the Council, the Health Dept. have met on and off with Monmouth Park in an attempt to solve the problem, which had never been addressed before in the sense that for many years, no one ever went over and informed the track that fecal matter was running into the river and causing problems. Mayor Cavanagh continued that at the present time the NJ Sports & Exposition Authority is entering into and working out a consent order with the DEP, and the DEP has given them a program of what they want done in terms of the environment. He stated that when the consent order is signed, and his understanding is that it is going to be a graded programs that will be done with back up programs if the first does not work, and he was not at that hearing with the DEP, Monmouth Park and the County Health Dept., but our new Health Dept. was there and within the next several weeks there will be a consent order which sets all this out and he has advised Monmouth Park that when this is received, we will be forwarded a copy and it will be available for the public to review and should be received within the next 30 days.

Mr. Vecchione commented that the track is in his neighborhood a slum landlord and he has presented the problems to the Mayor previously and he thanked him for getting some of the homes fixed up, but he commented that since the homes are leased, they are constantly in a state of disrepair and looks like a blighted area. He stated that as hard as the Mayor and Councilman Wolfe worked to take care of the problem, the homes are not being maintained properly. Mr. Vecchione read a headline from the Press which read Sports Authority tires - track revenues continue to slide and he stated that if the Authority is doing crisis management and they are tottering, they are bringing in 500 vendors on a Sunday opposite his home and the homes of his neighbors, not maintaining their properties surrounding their homes and bringing in all types of developers trying to make money on a lease basis, which is crisis management, they are un-tottering themselves on our backs. He continued that no one has addressed the question as to what these 500 vendors are going to do, what type of traffic situation are we going to have to deal with, and stated that if a mall was built, the people would have to pay the Borough a lot of taxes, but the vendors are leasing so the track will continue to pay their 1.5 million dollars, but if it were he and the Mayor in a corporation and they owned what the track owns, they would not be paying 1.5 million in his opinion and therefore, he is paying some of their taxes.

Mayor Cavanagh advised Mr. Vecchione that if the problem of maintenance arises again, if Mr. Vecchione brings it to his attention, he and Councilman Wolfe and Mr. Vecchione can set up a meeting with the track and address the issue. Mayor Cavanagh stated that we try to address some of these matters at our meetings, and he does not think the NJ Transit proposal was a surprise because it had been in the papers for

a while and it had been discussed previously. Mayor Cavanagh also commented that the Council does not address each and every rumor that arises in the Borough in connection with the Sports Authority.

Mayor Cavanagh stated he does try to keep on top of this matters and does try to take into account the thoughts of the people who are impacted and the Council's position regarding the proposed station is pretty much in line with sentiments of the people who are in that general area and will continue to monitor the situation and if necessary, if Monmouth Park gets involved in a situation where we feel it is inappropriate, we will do what we did with this situation and let them know as much as we can if we are not in agreement with their plans. He stated that communication is always good and the more the better, but the open air market will be done through the Borough Bulletin when it is all put together and let everyone know the details when they confirmed. He also commented that this is something that under the present zoning is allowed to take place on that land.

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

Councilman Wolfe moved to approve the bills listed on the Voucher Register dated February 15, 1990. It was seconded by Councilwoman Filippone and unanimously approved by Council. TOTAL 1989 VOUCHERS PAID THIS MEETING \$6,315.30. TOTAL 1990 VOUCHERS \$35,367.77. TOTAL 1990 VOUCHERS PAID THIS MEETING \$135,738.88. TOTAL 1990 OPERATING FUND \$171,106.65. TOTAL PUBLIC ASSISTANCE TRUST ACCOUNT \$107.00. TOTAL TRUST-SUI ACCOUNT \$257.92. TOTAL DOG REGISTRY ACCOUNT \$492.60. TOTAL GENERAL LEDGER \$338.84. TOTAL GENERAL LEDGER SHORE REGIONAL HIGH SCHOOL \$145,379.80. TOTAL GENERAL LEDGER INVESTMENT \$3,126,086.00. (SEE VOUCHER REGISTER)

At 8:43 P.M. Councilwoman Filippone moved to adjourn this meeting until the next regular meeting scheduled to be held on March 1, 1990 at 8:00 P.M. It was seconded by Councilman Rodman and unanimously approved by Council.

Respectfully submitted,

Patricia L. Varca

PATRICIA L. VARCA
BOROUGH CLERK