

REGULAR MEETING

Oceanport, New Jersey
February 3, 1994

- REGULAR MEETING:** The regular meeting of the Oceanport Mayor and Council was held on February 3, 1994 at 8:00 P.M.
- MEMBERS PRESENT:** Councilpersons Clark, McGee, Filippone, Miller and Mayor Cavanagh.
- MEMBERS ABSENT:** Councilmen Taylor and Wolfe.
- 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 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 Borough Clerk. It was seconded by Councilman Clark and approved by Council with the exception of Councilman Miller who abstained from voting since he was not present at the meeting.

CLERK'S REPORTS: NO REPORTS.

COMMITTEES:

COUNCILMAN CLARK: Councilman Clark moved to appoint Councilman Miller temporarily to the Finance Committee, in the absence of Councilman Wolfe, for the purpose of signing vouchers. It was seconded by Councilwoman Filippone and approved by Council.

ORD.
#642

Councilman Clark called for the second reading and public hearing of an ordinance regarding an agreement between the County of Monmouth and the Borough regarding the 9-1-1 services and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **ORDINANCE AUTHORIZING INTERLOCAL SERVICE AGREEMENT WITH THE COUNTY OF MONMOUTH FOR PARTICIPATION IN THE COUNTY'S EMERGENCY TELECOMMUNICATIONS SYSTEM (ENHANCED 9-1-1 SERVICE).**

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

As no one from the public wished to be heard on this matter, Councilman Clark moved to close the public hearing on this matter. It was seconded by Councilwoman Filippone and approved by Council.

Councilman Clark moved to approve this ordinance on second and final reading and to advertise same in accordance with law. It was seconded by Councilman Miller.

The Clerk called the roll:

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

R-94-14

Councilman Clark then asked the Clerk to read resolution **R-94-14** regarding tax assessments after which he moved to approve same. It was seconded by Councilwoman Filippone and approved by Council.

R-94-15

Councilman Clark asked the Clerk to read resolution **R-94-15** transferring funds, after which he moved to approve same. It was seconded by Councilman Miller and approved by Council.

R-94-16

Councilman Clark then asked the Clerk to read resolution **R-94-16** amending the 1994 temporary budget, after which he moved to approve same. It was seconded by Councilwoman Filippone and approved by Council.

R-94-17

COUNCILMAN MCGEE: Councilman McGee asked the Clerk to read resolution **R-94-17** approving the submission of the 9-1-1 application after which he moved to approve same. It was seconded by Councilwoman Filippone and approved by Council.

Councilman McGee reported he had attended a seminar on Local Government at Brookdale College this past weekend and reviewed some of the new regulations and purchasing procedures, which he felt would be helpful in the future.

Councilman McGee also advised the Borough is a member of the Statewide Excess Liability Fund and he attended a meeting today with this group to vote on new by-laws.

Councilman McGee commented that he has been involved with the Americans with Disability Act regulations and has been speaking with other municipalities in our area and our Borough Engineer and will be preparing a report to the Governing Body for discussion in the near future.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone offered her condolences to the Foggia Family on the death of Margaret Foggia and commented that she has been a long time resident of this Borough and will be missed.

Councilwoman Filippone wanted to make note of the fact that the Borough has a new Welfare Director, Sharon Myers, who has hours every Friday, 8:30-10:30 A.M. and she is a State Certified Welfare Director and we are pleased to have her working here.

Councilwoman Filippone also advised that the annual Health Screening would be held on April 16, 1994 and the pre-registration, which is mandatory, will be held on Wednesday, April 13, 1994 and she will be reporting on the cost and other information shortly.

COUNCILMAN MILLER: Councilman Miller thanked all the Borough Employees and the Mayor and Council for the great fruit basket they sent, as well as the Recreation Committee. He also thanked all the residents who sent him cards wishing him well during his recuperation from surgery.

Councilman Miller offered his congratulations to the newly elected officers on the Recreation Committee, Phil Apruzzi, Chairman for two years; Richard Gruskos, Vice Chairman; Cheryl Moore, Treasurer; Roseanne Pizzulli, Recording Secretary and Addie Nelson, Correspondence Secretary. He also offered his thanks to the great job Nancy Sheridan did for the past two years as Chairman.

Councilman Miller noted that the new Bulletin just out was great and on page 6, pointed out there were two articles from the Water Watch Committee, one which gives tips regarding your car and how you can help the environment.

COUNCILMAN TAYLOR: ABSENT.

COUNCILMAN WOLFE: ABSENT.

MAYOR CAVANAGH: Mayor Cavanagh also offered formal condolences on behalf of the Governing Body to the Foggia family on the loss of Margaret Foggia, who has been a member of this community for approximately 60 years and her loss will be felt by all.

Mayor Cavanagh also read into the record a letter from Dr. Morgan of the Oceanport School thanking the Police Department for their efforts when they had the water pipes burst on Monday, January 17, 1994 and commended Sgt. Sutton and Patrolmen Cioffi and Ross for all their assistance.

Councilwoman Filippone also stated that the Fire Department had also responded to that emergency and helped greatly by pumping out the water and she offered her congratulations to them as well.

Mayor Cavanagh opened the meeting to the public for any comments or questions they might have.

PETITIONS FROM THE PUBLIC:

Barbara Silkworth, 29 Mohawk Avenue stated she was here tonight to follow up on a request made by residents and users of Blackberry Bay to alleviate the problems with the jet ski use. She stated she is aware that the Council has been working on this matter and have been in contact with various agencies, and in response to the last letter she received from Mayor Cavanagh, wherein he indicated that Councilman Miller had spoken with several representatives from the Marine Police, she also contacted this agency, since there seemed to be some disparity between what Councilman Miller had been told and what she had been advised with regard to the statutes that are available to take care of the problems. She stated that she had been advised that the Borough should have some ordinances that would back up the State Statutes, similar to what Rumson has. Mrs. Silkworth continued that she spoke with Officer Berelli yesterday and he sent over some of the Statutes that they use and he recommended to her that the Borough consider adopting these particular references into Borough ordinances and she felt that he wanted to see Oceanport adopt something similar to what was done in Rumson.

Mrs. Silkworth also commented that Councilman Miller had given her a copy of a newspaper article this evening from the Asbury Park Press dealing with the passage of a State Law in this regard as well and her concern was that most of what was contained in the Bill has been in effect in what the Marine Police utilize and nothing seems to be different from what was there last summer, which did nothing to help with the problems. She would like to see something done locally,

with a little more teeth in it since the biggest problems appears to be that it is very easy for people to launch their jet skis from the ramp at Blackberry Bay. She stated her neighbors are very concerned with this problem and time is going by and warm weather will be here shortly and if we wait too long to resolve this, we will continue to experience the problems we had last summer. Mrs. Silkworth also complained about the people who use the launch ramp late at night and very early in the morning, who are very loud and appear to be in various states of partying and often use inappropriate language, etc.

Mrs. Silkworth felt that the really good users of the water are the people who have been brought up around the water, realize that voices carry and try to be quiet, but unfortunately, there are a few people who abuse the privilege and pointed out that we live in a residential neighborhood and should not have to tolerate these types of things. She would like to see the Borough take a stronger position on this matter and not just rely on the Marine Police, but take a pro-active approach to the problem.

Councilman Miller stated when we first received the letter and petition from the people who reside near Blackberry Bay, the matter was discussed by various groups and by people on the various boards, who had signed the original petition and they basically thought there were enough Statutes on the State level that could be enforced by the Marine Police. He also stated they did not want the heavy hand of Government to come down to make things so tight that it would be detrimental to the average person and that was the sentiment of these groups. Councilman Miller felt that if someone comes in and is drunk and disorderly, there would already be a Statute to cover that and if the Police were brought in, they could make an arrest, etc. although in some cases, the person making the complaint would have to sign the complaint. Councilman Miller stated that we cannot eliminate groups of people using that ramp because that ramp was built with federal funding.

Mrs. Silkworth commented that she spoke with Bambi Cross of Green Acres and was advised that jet skis could be restricted from launching at the boat ramp at Blackberry Bay Park and it was not a problem especially from a safety aspect and felt that this is an accident waiting to happen when someone is out on the river, for two and three hours at a time, two weeks at a stretch, it has a tendency to stretch people's nerves and you become very aware of what is going on. She continued that when boaters have to stop because jet skis are criss-crossing in front of them and when kids are riding one person on the front of a jet ski at dusk, there is going to be a serious problem.

Councilman Miller stated that one of the things commented on at the meeting was that it was only a couple of people who were causing the problem and as far as anyone knew, they did not think they were from Oceanport and Mrs. Silkworth stated that if you call the Marine Police and they show up and stop whatever is going on, the next night the kids are right back out there doing the same things.

Mrs. Silkworth also commented that she felt the Marine Police had more important things to do, but also felt that the people who are very concerned about this matter are going to drive the Marine Police crazy next summer as well as the local Police Departments because it is a very serious problem and although she respects what the various committees are saying, they do not live right there and do not have to listen to what is going on and do not see what is happening.

Mayor Cavanagh asked Mrs. Silkworth if what she is saying is that the Borough should adopt local ordinances for the purposes of expanding the type of protection available or simply local ordinances to repeat the State Statutes so that we will trigger the involvement of another

enforcement bureau, to which Mrs. Silkworth stated she is saying to adopt what was brought down by the Marine Police which is known as Title 12 in order to strengthen what the Borough's code is and pointed out that Rumson adopted a separate ordinance placing a speed limit and Mr. Samon, Administrator in Rumson, stated he felt it should have been 5 MPH. She stated they also have a provision that a jet ski cannot be used in a dead-end creek, which is what Blackberry Bay is, so it would apply.

Mayor Cavanagh asked if the Borough would then ask the Marine Police to enforce more stringent restrictions in our ordinance or would we be asking our Police to enforce it, to which she stated as far as her understanding goes, if the Borough adopts what the Marine Police have, that gives our Police Department the authority to enforce what is here in the State Statute and if the Borough adopts the provisions that have restrictions for Blackberry Bay, the Marine Police can then also fall back on the municipal ordinance, so it would be a combination. Mayor Cavanagh stated that is the point he does not understand because if the Marine Police have a State Statute and we simply parrot the State Statute into our local ordinances, why is the Marine Policeman any better armed to address the problem. Mrs. Silkworth used as an example, if the Borough had a speed limit ordinance of 5 MPH in Blackberry Bay, the Marine Police could enforce same.

Mrs. Silkworth stated she is also asking the Council to take it one more step and ban the launching of jet skis from Blackberry Bay Park because that is the source of the problem and could be enforced by the local Police.

Councilman McGee commented that at Seven President's Park they have restricted the use of personal water craft to specific areas and times, but they confine it to a specific section of the beach where they can be launched.

Councilwoman Filippone stated that living on the river as well, they also have problems with the jet skis and although it is not the problem caused by the launching of the jet skis, they have neighbors who launch from floats, but if we do adopt an ordinance, she would want to include all bodies of water in Oceanport, but the Borough Attorney commented that it would only cover dead end creeks, where the section near her home is bounded by both Oceanport and Long Branch.

Mayor Cavanagh asked Mrs. Silkworth if we distinguish between the bad user and the good user, if he understands her proposal, she would like to see the Council ban the launching of jet skis from Blackberry Bay since it is rather impossible to pick and chose who will launch. Mrs. Silkworth stated when Blackberry Bay Park was developed, jet skis were not around. Mayor Cavanagh commented that we must have jet ski users who are good users and use jet skis from Blackberry Bay and he wondered about the problem of prohibiting everyone from using the launch for this purpose.

Mrs. Silkworth stated that unfortunately there are lots of rules and regulations because of bad people and the biggest majority of the population does not behave badly, but we still have the regulations and she does not know how else this matter can be resolved.

Mayor Cavanagh commented that this troubles him somewhat because people who are respectful and have no desire to harm anyone and just want to use a jet ski to have fun will also be barred from launching.

Mayor Cavanagh stated that we place this matter on the next work shop agenda for further discussion and asked Councilman Miller to discuss this at the next Recreation Committee because there may be further action on this matter. Mayor Cavanagh suggested that Mrs. Silkworth attend

the Recreation Committee meeting to make her views known to the members as well as some of the problems that have occurred.

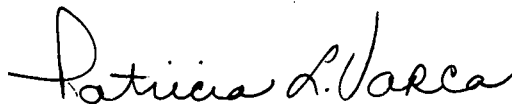
Mrs. Silkworth also advised that in Rumson they charge a permit fee to use the launch ramp, to which Councilman Miller stated that is a Borough run ramp and the residents get a sticker and they have someone on the weekends to issue permits, but he also stated this was discussed previously at Recreation and they were very much opposed to any type of charge at the ramp.

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

Councilman Clark moved to amend the Voucher Register to include a bill due Stavola in the amount of \$55,051.81 and to approve the remainder of the bills as listed on the Voucher Register dated February 4, 1994. It was seconded by Councilwoman Filippone and approved by Council. TOTAL 1993 VOUCHERS PAID THIS MEETING \$65,218.43. TOTAL 1994 VOUCHERS \$348,689.90. TOTAL 1994 OPERATING FUND 369,233.99. TOTAL DOG REGISTRY ACCOUNT \$303.60. TOTAL TRUST-SUI ACCOUNT \$389.54. TOTAL TRUST ACCOUNT \$18.40. TOTAL GENERAL LEDGER-COUNTY TAX \$499,550.28. TOTAL GENREAL LEDGER-LIBRARY TAX \$20,977.43. TOTAL GENREAL LEDGER-ADDED & OMITTED TAX COUNTY TAX \$7,006.90. TOTAL GENERAL LEDGER-ADDED & OMITTED TAX LIBRARY TAX \$293.19. TOTAL GENERAL LEDGER-OPEN SPACE TAX \$11,489.29. TOTAL GENERAL LEDGER-ADDED & OMITTED OPEN SPACE TAX \$161.39. TOTAL GENERAL LEDGER=HEALTH TAX \$8,774.54. TOTAL GENERAL LEDGER-ADDED & OMITTED HEALTH TAX \$122.55. TOTAL GENERAL LEDGER-OCEANPORT BOARD OF EDUCATION \$359,762.60. (SEE VOUCHER REGISTER)

At 8:36 P.M. Councilman Clark moved to adjourn this meeting until the next regular meeting scheduled to be held on February 17, 1994 at 8:00 P.M. It was seconded by Councilwoman Filippone and approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK