

REGULAR MEETING

Oceanport, New Jersey
February 1, 1996

- REGULAR MEETING:** The regular meeting of the Oceanport Mayor and Council was called to order on February 1, 1996 at 8:11 P.M.
- MEMBERS PRESENT:** Councilpersons McGee, Filippone, Miller, Taylor, Silkworth and Mayor Cavanagh.
- MEMBERS ABSENT:** Councilman Wolfe.
- OFFICIALS PRESENT:** Borough Clerk, Patricia L. Varca and Borough Attorney, Francis A. Margalotti.
- INVOCATION:** Reverend Tavener gave the invocation.
- 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 January 18, 1996 had been made available for review by the members of the Governing Body, Councilwoman Silkworth moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Miller and approved by Council.

CLERK'S REPORTS: NO REPORTS.

COMMITTEES:

COUNCILMAN MCGEE: NO REPORT.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone wished Councilman Wolfe a speedy recovery.

ORD. 36 Councilwoman Filippone called for the second reading and public hearing of an ordinance regulating towing requirements and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only, as follows: **AN ORDINANCE REGULATING WITHIN THE BOROUGH OF OCEANPORT THE TOWING OF VEHICLES FROM THE SCENE OF AN ACCIDENT OR STOLEN VEHICLES, AND/OR VEHICLES WHEN NECESSARY TO SAFEGUARD THE PUBLIC HEALTH, SAFETY AND WELFARE WITHIN THE BOROUGH OF OCEANPORT.**

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

Arthur VanPelt, 1198 Turf Drive stated he is the only towing contractor for the Borough and has been for the last three years and he also tows for the City of Long Branch and Monmouth Beach. Mr. VanPelt commented that he read the proposed ordinance and felt there should be several

changes made, if possible and stated that he would like to see the million dollar insurance policy for liability and he contacted his insurance agent, who felt this amount was overkill and stated that most of the towing operators carry \$500,000 and in order for him to raise that limit to one million dollars it would cost him an additional \$860 per year. Mr. VanPelt advised that last month in the Borough of Oceanport, he had one towing job which made him \$40 for the month of January.

Mr. VanPelt requested that the number of towing contractors be reduced from the total of six now contained in the ordinance, because he felt that it is too many and he can see the purpose of having a backup or two and would request the number be reduced to three instead of the six. He explained that if you have six contractors on a month to month rotation schedule, you would have a possibility of one tow in a month and possibly two tows per year. He felt if it was reduced to three and there was a month to month rotation, you would have a chance at least four times per year.

Mr. VanPelt also would like to see the month to month rotation changed to a 24 hour rotation system so that the three companies that tow for the Borough are available at all times. He stated that in this town we do not have a lot of tows and last year there were approximately 50 tows all year therefore, every contractor would have a chance of at least getting a tow on a regular basis.

Mr. VanPelt stated these were the only changes he would request and had no problems with the remainder of the proposed ordinance.

Mr. Margalotti, Borough Attorney asked Mr. VanPelt if when he gets his insurance for his business, that insurance covers him in whatever towns he may be called upon to work in, to which Mr. VanPelt stated was correct.

Mr. Margalotti commented that Mr. VanPelt is not required to get a separate policy for Oceanport, another one for Monmouth Beach, etc. but in fact, has a master policy that covers his operation within certain limits, to which Mr. VanPelt stated was correct. Mr. Margalotti stated that when Mr. VanPelt states that to go from \$500,000 to \$1,000,000 coverage would cost him an additional \$847 a year, he commented that it is not only for Mr. VanPelt to work in Oceanport, but covers all of the other towns he works in as well, to which Mr. VanPelt commented that this is true, but it is not required in the other towns that he works for, since their limit is \$500,000.

Mr. Margalotti stated if we went to a rotation system on a 24 hour basis, would it be, as an example, if we have three contractors, today is Mr. VanPelt's day, tomorrow is Contractor #2 and the third day would be Contractor #3, to which Mr. VanPelt stated that is not what he meant and explained that today would include all three towers: if there were three accidents in one day, each tower would get a chance to be called for that day. Mr. Margalotti stated when Mr. VanPelt says a 24 hour rotating basis, he asked how this would operate since it is not rotating if you have 3 towers and they are all on call every day, since there would be no rotation. Mr. VanPelt answered that it would be a rotating basis because if you have a call today, tomorrow is your next call and it rotates to the next tower and if there are no further towing calls for ten days, tower #3 is the next tower up for the call. Mr. Margalotti pointed out that this is not then a 24 hour rotating system, but a rotating schedule between the three contractors.

Mr. VanPelt pointed out that if the rotation is on a monthly basis and tower A has this month, towers B and C don't have to be around because they know that it's not their month and if something happens where tower A cannot respond, you may not have your other contractors available.

Mayor Cavanagh asked Chief Joyce if he wanted to address any of the suggestions made by Mr. VanPelt, to which Chief Joyce commented he had no problem with the lessening of the limit of insurance to \$500,000 for liability, unless there are some legal ramifications. Chief Joyce felt the change in the rotation system would increase the record keeping for his Department because on a monthly system, he can create a schedule for the entire year, otherwise he will have to depend on his Dispatchers to make sure they call the appropriate individual when it is their turn, since each incident would be a different tower. Chief Joyce stated he had no problem with a lesser amount of towing contractors because we don't have that many tows during the year and by having three towers, it allows everyone to get a chance and you can have quality people working for the Borough.

Councilman McGee asked of the approximately 50 tows that the Department had last year, were they evenly distributed between the three towers that are normally used, to which Chief Joyce stated that he has only used Mr. VanPelt, because the other tower he used had closed down his business, but it is in the process of re-opening and the other tower had an accident with his equipment and has been unavailable for this purpose.

Mayor Cavanagh felt that the comments made tonight make sense and felt that they should be discussed further before finally adopting this ordinance.

Mayor Cavanagh asked for a motion to table this ordinance tonight to allow the Council to discuss the suggestions made and make any amendments they see fit.

Councilwoman Filippone moved to table the adoption of this ordinance until the meeting of February 15, 1996. It was seconded by Councilman McGee and unanimously approved by Council.

Councilwoman Filippone called for the second reading and public hearing on an ordinance requiring the licensing of professional landscapers and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "LICENSES AND PERMITS OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON FEBRUARY 2, 1989.** ORD.# 671

Mayor Cavanagh opened the meeting to the public for any questions or comments on this subject only.

As no one from the public wished to be heard on this matter, Councilman McGee moved to close the public hearing. It was seconded by Councilman Taylor and 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 Councilwoman Silkworth.

The Clerk called the roll:

AYES: Councilpersons McGee, Filippone, Miller, Taylor and Silkworth.
NAYS: NONE.
ABSENT: Councilman Wolfe.
ABSTAIN: NONE.

Councilwoman Filippone called for the introduction of an ordinance requiring locking devices on cigarette vending machines and asked the Clerk to read the proposed ordinance by title only as follows: **AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH,**

STATE OF NEW JERSEY PROHIBITING THE SALES OF TOBACCO TO MINORS AND LIMITING LOCATIONS OF CIGARETTE VENDING MACHINES.

Councilwoman Filippone moved to approve this ordinance on first reading. It was seconded by Councilwoman Silkworth.

The Clerk called the roll:

AYES: Councilpersons McGee, Filippone, Miller and Silkworth.
NAYS: NONE.
ABSENT: Councilman Wolfe.
ABSTAIN: Councilman Taylor.

Councilwoman Filippone moved to hold the public hearing on this ordinance at the regular meeting scheduled to be held on February 15, 1996 at 8:00 P.M. and to advertise same in accordance with law. It was seconded by Councilwoman Silkworth.

The Clerk called the roll:

AYES: Councilpersons McGee, Filippone, Miller and Silkworth.
NAYS: NONE.
ABSENT: Councilman Wolfe.
ABSTAIN: Councilman Taylor.

Councilwoman Filippone called for the introduction of an ordinance creating the Cable Committee in the Borough and asked the Clerk to read the proposed ordinance by title only as follows: **AN ORDINANCE CREATING IN THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY A CABLE TELEVISION ADVISORY COMMITTEE PROVIDING FOR THE APPOINTMENT OF MEMBERS AND FIXING ITS PURPOSE, POWERS AND DUTIES.**

Councilwoman Filippone moved to approve this ordinance on first reading. It was seconded by Councilman Miller.

The Clerk called the roll:

AYES: Councilpersons McGee, Filippone, Miller, Taylor and Silkworth.
NAYS: NONE.
ABSENT: Councilman Wolfe.
ABSTAIN: NONE.

Councilwoman Filippone moved to hold the public hearing on this ordinance at the next regular meeting scheduled to be held on February 15, 1996 at 8:00 P.M. and to advertise same in accordance with law. It was seconded by Councilman Miller.

The Clerk called the roll:

AYES: Councilpersons McGee, Filippone, Miller, Taylor and Silkworth.
NAYS: NONE.
ABSENT: Councilman Wolfe.

ABSTAIN: NONE.

Councilwoman Filippone asked the Clerk to read resolution **R-96-16** authorizing a Veteran's Tax deduction, after which she moved to approve same. It was seconded by Councilwoman Silkworth and approved by Council. R-96-16

Councilwoman Filippone asked the Clerk to read resolution **R-96-17** transferring funds, after which she moved to approve same. It was seconded by Councilman Miller and approved by Council. R-96-17

Councilwoman Filippone asked the Clerk to read resolution **R-96-18** amending the 1996 temporary budget, after which she moved to approve same. It was seconded by Councilwoman Silkworth and approved by Council. R-96-18

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

COUNCILMAN MILLER: NO REPORT.

COUNCILMAN TAYLOR: Councilman Taylor moved to authorize the Monmouth County Mosquito Extermination Commission to continue their Aerial Spray Program on March 15 through October 31, 1996 and the Mayor and Borough Clerk to sign the appropriate documents. It was seconded by Councilwoman Silkworth and approved by Council.

Councilman Taylor advised the residents that the Backyard Composting Workshop for Monmouth County residents will begin in March and he will post a copy of the work shops which run from March through September and there is a registration fee of \$20 and you receive an Earth Machine Compost Bin, booklet and a kitchen scrap bucket, which together has a retail value of \$100.

Councilman Taylor informed everyone that the PTO and Drug Alliance will present Substance Abuse - Helping Our Children Grow Up Drug and Alcohol Free and it will be held on Thursday, February 15, 1996 at 7:30 P.M. at the Maple Place School.

COUNCILMAN WOLFE: ABSENT.

COUNCILWOMAN SILKWORTH: NO REPORT.

MAYOR CAVANAGH: Mayor Cavanagh read a letter from the Mayor of Shrewsbury, Bob Forrester, expressing the appreciation of the Borough of Shrewsbury for the outstanding cooperation received from Oceanport concerning an emergency which occurred during the recent blizzard. He continued that during the height of the storm, the Shrewsbury First Aid Squad was called to attend to a 3 month old child who's life was in jeopardy and required the baby to be taken immediately to Monmouth Medical Center and in a display which can only be characterized as an incredible effort and cooperation between municipalities, the Shrewsbury plows escorted the ambulance to Little Silver, where it was met by Little Silver plows who cleared a path till the ambulance was met by Oceanport plows, who cleared a path to West Long Branch plows who cleared a path to Long Branch and they in turn got the ambulance to the hospital. Mayor Cavanagh stated that Mayor Forrester commended the Office of the Borough's Emergency Management, Public Works Department and Police Department for their efforts in this lifesaving situation.

Mayor Cavanagh offered his appreciation to these departments and asked Tom Crochet of the Public Works Department who is in the audience this evening, to make his men aware of the appreciation of both the Borough of Shrewsbury and Oceanport.

Mayor Cavanagh stated that this evening we have the Boy Scouts with us and he has several letters that were written by members of the Troop and the first dealt with street hockey and the proposed rink that is going to be at Blackberry Bay Park during certain times of the year, should be allowed to stay up all year so that other children can skate and play hockey which keeps them off the streets and keeps them away from drugs and alcohol.

Mayor Cavanagh stated that when they are constructed, he will ask Councilman Miller to pass along this suggestion to the Recreation Committee, because that is the group that would make a recommendation on this type of request, but also commented that this facility is scheduled for use in February, March and April and there may be a problem with the summer activities at the park, with the boating activity and parking of trailers and the walking track.

Mayor Cavanagh read a second letter from Chris Petrillo who states that he is an environmental type of person who is concerned about the development of the marsh and forest land in Oceanport and used Blackberry Bay Estates as an example and hoped that some of the land would be kept vacant for the animals.

Mayor Cavanagh commended Chris on his letter and stated that the members of the Borough Council like to think of themselves as environmentalists as well and we try to think about these things as we go along and you have to balance the building need and who owns the land and what is going to be done with it, but some of the land next to the Borough Hall has remained undeveloped and basically forest like and a safe place for animals and did not think that area would be developed and he agreed with Chris' statements.

Mayor Cavanagh explained to the Scouts that the major sources of income to the Borough come from property taxes and that money is used to run the schools, we send money to the County for environmental issues and we keep the smallest amount of the money for running the Borough. He continued that the largest expenditures would be the salaries to pay the people who work for the town, recycling and the dumping fees for our garbage, which is approximately \$230,000 each year, which is why we urge everyone to recycle as much as possible.

Mayor Cavanagh stated as far as the services provided to the town, we have the Police Department who patrol the town and make it a safe place to be, our Public Works employees plow the snow and clear the streets when we have storms and they also take care of the parks; we purchase the equipment and trucks for the Fire Department who help protect the residents, although the men who do the job are all volunteers as well as in the First Aid Squad and these are people who give of their time to help keep everyone safe and protected.

Mayor Cavanagh thanked the Scouts from coming out tonight and informed them that the members of the Council are always available to them if they have any questions and hoped that when they grow up they will become involved in some way in the Borough.

Nicholas Signorelli, 24 Comanche Drive stated that the light at Port-au-Peck Avenue and Monmouth Blvd. is too short and when he is crossing that intersection during the summer on his way to camp with his younger sister, they cannot get across the street before the light changes to red.

Mayor Cavanagh asked Chief Joyce to check out the timing of this light and perhaps the County could reset the timing device so it will be safer for the children to cross.

Michael Reagor, 481 Driveway requested that a traffic light be installed at Myrtle Avenue and Monmouth Blvd.

Mayor Cavanagh stated that he agreed with this suggestion and he and Chief Joyce have requested this from the County of Monmouth, because this is a County road and the Borough has no jurisdiction over having a traffic light installed. He advised that both he and Chief Joyce have made this request to the County at least a dozen times, but the County does not feel that this is needed and he suggested that perhaps the Scouts should write to their Freeholders and let them know how they feel.

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

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

Councilwoman Filippone moved to approve the bills as listed on the Voucher Register dated February 1, 1996. It was seconded by Councilman Taylor and approved by Council. TOTAL 1995 VOUCHERS \$71.80. TOTAL 1995 VOUCHERS PAID THIS MEETING \$12,290.66. TOTAL 1995 OPERATING FUND \$12,362.46. TOTAL 1996 VOUCHERS \$164,822.50. TOTAL 1996 VOUCHERS PAID THIS MEETING \$46,353.37. TOTAL 1996 OPERATING FUND \$211,175.87. TOTAL DOG REGISTRY ACCOUNT \$573.60. TOTAL TRUST ACCOUNT \$393.24. TOTAL GENERAL LEDGER-OCEANPORT BOARD OF EDUCATION \$379,698.60. TOTAL GENERAL LEDGER-STATE TRAINING FEES \$770.88. (SEE VOUCHER REGISTER)

At 8:48 P.M. Councilwoman Filippone moved to adjourn this meeting until the next regular meeting scheduled to be held on February 15, 1996 at 8:00 P.M. It was seconded by Councilwoman Silkworth and approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK