

REGULAR MEETING MINUTES

Oceanport, New Jersey
January 20, 2005

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on January 20, 2005 at 8:05 p.m. with Mayor Gatta stating the meeting had been properly advertised in accordance with law.
- MEMBERS PRESENT:** Councilpersons Kahle, Johnson, Gallo, Chaump, Sharkey, Briscione and Mayor Gatta.
- OFFICIALS PRESENT:** Borough Clerk, Patricia L. Varca.
- OFFICIALS ABSENT:** Borough Attorney, Martin A. McGann, Jr.
- INVOCATION:** Borough Chaplain Berry gave the invocation.
- PLEDGE OF ALLEGIANCE:** Mayor Gatta led the audience and members of the Council in the flag salute.

As copies of the minutes from the regular meeting held on December 16, 2004 and the reorganization meeting held on January 1, 2005 had been made available to the members of the Governing Body, Councilwoman Chaump moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Gallo and approved by Council with the exception of Councilman Sharkey who abstained from voting on the December 16th minutes since he was not a member of the Borough Council at that time.

Mayor Gatta stated for the record that the Governing Body met in Executive Session at the workshop meetings held on January 6 and 18, 2004 on matters of personnel.

CLERK'S REPORTS:

1. Police report for the month of December, 2004 and a copy will be posted on the Bulletin Board.
2. Application for membership to the Port-au-Peck Chemical Hose Fire Co. made by Greg Bebout and the Clerk advised that she is in receipt of an approved background check from the Police Department, after which Councilwoman Johnson moved to approve same. It was seconded by Councilwoman Kahle and unanimously approved by Council.
3. Raffle application made by the Phil Daly Hose Co., No. 2, Long Branch Fire Department, to be held on May 22, 2005, 50/50 cash raffle, off premise and the Clerk advised that the required fees had been paid and the application was found to be in order, after which Councilman Briscione moved to approve same. It was seconded by Councilwoman Kahle and unanimously approved by Council.
4. Raffle application made by the Oceanport PTO to be held on Feb. 25, 2005, 50/50 cash raffle, on premise and the Clerk advised the application was found to be in order, after which

Councilman Briscione moved to approve same. It was seconded by Councilwoman Kahle and unanimously approved by Council.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle reported that the Environmental Commission met in January and reviewed the hockey lights over at Blackberry Bay Park and originally there were supposed to be four lights at the hockey rink, but it has been upgraded to six lights. She continued that the plan was reviewed by the Commission and they approved the plan as long as it doesn't affect any houses in the surrounding area. She stated that right now they think that the lights won't affect anyone within 75' and there are no houses within 75' of the hockey rink. Councilwoman Kahle stated the only concern might be the houses or if residents can see the lights from their houses and if they can, then the hockey association will install shields so that it would shield the lights from the residences.

Councilwoman Kahle reported that the Water Watch Committee reorganized and for 2005 Steve Collins is the Chairperson.

Councilwoman Kahle advised under Buildings & Grounds, Public Works is working with the seniors and repainting the Olde Wharf Senior Center and she thanked Tom Crochet and his Department for all their hard work.

Councilwoman Kahle asked the Clerk to read resolution **R-05-16** re-appointing Ward Coles as the Borough's representative to the Two Rivers Water Reclamation Authority for a five-year term, after which she moved to approve same. It was seconded by Councilwoman Johnson and unanimously approved by Council.

Mayor Gatta asked that Councilwoman Kahle see that Steve Tagerty from Roller Hockey receives a copy of the letter from the Environmental Commission regarding the lights.

COUNCILWOMAN JOHNSON: Councilwoman Johnson reported under the Fire Department, in the month of December they had 11 calls and the Hook & Ladder Company had their first meeting on Jan. 11th and are going forward with LOSAP and they have been having great success with the Explorer's Program and presently Lenny Santos has graduated from the Fire Academy and Sam Schneider is still in the process of completing his course and as soon as they turn eighteen, they can become full members of the Fire Department. She added that they also now have five cadets who will be attending the Fire Academy beginning in February.

Councilwoman Johnson also reported that the recently installed generator is working at the Hook & Ladder Fire House and they are ready for any emergency.

Councilwoman Johnson commented that at the Hook & Ladder meeting she spoke with Pete Dellera who advised that he has been given the okay for the Festival to be held on Labor Day weekend at the race track to benefit the Hook & Ladder Fire Company.

Councilwoman Johnson reported under the Board of Health that they held their reorganization meeting on Jan. 5 and Connie Savarese is President; Carol Connor is Vice-President. She continued that at the meeting, Dr. Kaloss mentioned that anyone interested in volunteering on the Water Watch Committee should contact him. She also mentioned that the Health Inspector for the County, Rich Englert, reported that there are no reports of rabies in Monmouth County, which is a good thing.

Councilwoman Johnson advised that she and Councilwoman Kahle attended the Rabies Clinic held on Saturday, January 15th at the Port-au-Peck Chemical Hose Fire Company and they estimated between 185-190 animals were vaccinated and she thanked all the volunteers for their help during this event.

COUNCILMAN GALLO: Councilman Gallo advised that he began meeting with some of his committees and met with the seniors and had the opportunity to go to their meeting along with the Mayor and he commented that they have a great group of people there and they will be having bunco nights and several day trips and suggested that anyone of that age, it would be a nice thing to join.

Councilman Gallo stated he met with some of the officers of First Aid along with Councilpersons Chaump and Sharkey and discussed their budget and also the aspects of the First Aid Squad and he looks forward to working with them and moving ahead with them and their members.

Councilman Gallo noted for the Street Department that since their salt bin is full, they are ready for the first big storm of the year.

COUNCILWOMAN CHAUMP: Councilwoman Chaump asked the Clerk to read resolution **R-05-17** appointing Monmouth County Community Development representative and alternate for 2005 after which Councilwoman Chaump moved to approve same. It was seconded by Councilwoman Johnson and unanimously approved by Council.

Councilwoman Chaump asked the Clerk to read resolution **R-05-18** appointing a Public Agency Compliance Officer for 2005 after which she moved to approve same. It was seconded by Councilwoman Johnson and unanimously approved by Council.

Councilwoman Chaump asked the Clerk to read resolution **R-05-19** transferring funds, after which she moved to approve same. It was seconded by Councilwoman Kahle and unanimously approved by Council.

Councilwoman Chaump asked the Clerk to read resolution **R-05-20** accepting the \$200,000 grant regarding the refurbishing of the tennis courts at Blackberry Bay Park after which she moved to approve same. It was seconded by Councilwoman Kahle and unanimously approved by Council.

Councilwoman Chaump asked the Clerk to read resolution **R-05-21** authorizing the Borough to execute an Interlocal Service Agreement with the County of Monmouth for the MOD IV Tax System Service utilized by the Borough's Tax Assessor, after which she moved to approve same. It was seconded by Councilwoman Kahle with the Clerk calling the roll and all members voting unanimously to approve the resolution.

Councilwoman Chaump moved to authorize the release of the Performance Guarantee for The Cove at Horseneck Point Subdivision – Block 107, Lot 1 contingent upon the posting of a two-year Maintenance Bond in the amount of \$19,335 and the posting of \$1,000 as the maintenance period inspection fee and project close out as recommended by the Borough Engineer. It was seconded by Councilwoman Kahle with the Clerk calling the roll and all members voting unanimously to approve the resolution.

Councilwoman Chaump advised that she attended the Board of Education meeting on , December 21st and the girl's field hockey team, the boy's soccer team, the Veteran's Day essay

contest winners, students who participated in the Celebrate Young Poets NJ Spring 2004 were all honored. She continued that at this meeting, the Director of Special Services will be retiring on May 1, 2005 and the Board of Education is actively going out advertising for this position. She also noted that the Board held one of three budget meetings and presentation on January 18 on salaries and benefits, which is 81% of their budget; the next presentation is Feb. 15 on technology and facilities.

Councilwoman Chaump reported that she also contacted Shore Regional and explained to them that last year their budget presentation was held the same night as the Oceanport and West Long Branch Boards of Education and requested if they could please coordinate with us and with West Long Branch so as not to have it on the same night and they advised they would pass on the information to the Superintendent.

Councilwoman Chaump stated that the Coastal Alliance will be having a program on Tuesday, January 25th at Maple Place School at 7:00 p.m. on setting boundaries.

Councilwoman Chaump noted that the water company has begun work on the water main installation on Shrewsbury Avenue for the four residents who are still hooked up to well water.

Councilwoman Chaump reported under Public Works that leaf collection was completed on schedule and more leaves were collected this year than last due to the fact that there were no early winter storms this year. She continued that the first snowfall was on Dec. 26 & 27 and approximately 2" of snow fell and 40 tons of salt were used and the Public Works Department did some plowing on the 27th and the town was cleaned in six hours.

Councilwoman Chaump also advised that two goose busters have now been installed-one at Blackberry Bay Park and one at Olde Wharf Park and it seems that they are working well and the geese are not coming around.

Councilwoman Chaump stated with regard to shared services, she and Councilman Briscione attended a meeting on Wed. Jan. 19th and as soon as the Council has been updated at our next workshop meeting, she will report back to the public on the findings.

Councilwoman Chaump reported under the Finance Committee, she and Councilman Sharkey met on Jan. 11 to discuss our committee and they also met this morning again with our new auditor concerning procedures on Borough purchasing and we will be discussing with the Council our concerns and procedures at the next workshop meeting.

COUNCILMAN SHARKEY: Councilman Sharkey reported under insurance, that we had the health insurance broker in and we had some questions that were raised and some items that are going to be reflected in the upcoming budget that will be fine-tuned shortly.

Councilman Sharkey advised that this coming Monday, there will be another presentation by the property/casualty insurance broker and we will be reviewing the Borough's coverage. He stated that there are a number of insurance professionals in town who he has gotten to know over the years and he has asked to sit in on these meetings, so that we have some knowledgeable insurance professionals sitting in on our meetings, which he thinks is pretty good and he has gotten some good feedback already.

Councilman Sharkey reported under Recreation, the Committee had their annual kick-off dinner reorganization at A'vanti's and it went well and they are getting geared up with their budget process, looking at the items they need and the activities they want to perform.

Councilman Sharkey advised that Street Lights is another Committee that he is on and had no activity during the month and he is supposed to find out if there are street lights out and report them to the appropriate facility authorities, but there were no street lights out as far as he is aware of or have been reported.

Councilman Sharkey stated that under Municipal Coordinating Committee there was no activity last year and there has been no activity yet this year, but there may be an opportunity to do something with that Committee shortly.

Councilman Sharkey commented that the Finance and Administration Committee met with the new Auditor this morning and he got here about three hours before reviewing some items on the procedures for purchasing goods and supplies for our town. He continued that during that review process, we did have some concerns and he stated they are legitimate concerns that need to be addressed quickly.

COUNCILMAN BRISCIONE: Councilman Briscione asked the Clerk to read resolution **R-05-22** reappointing Class I Special Police Officers for 2005 after which he moved to approve same. It was seconded by Councilwoman Kahle with the Clerk calling the roll and all members voting unanimously to approve the resolution.

Councilman Briscione asked the Clerk to read resolution **R-05-23** appointing a Borough Prosecutor for 2005 after which he moved to approve same. It was seconded by Councilwoman Chaump with the Clerk calling the roll and all members voting unanimously to approve the resolution.

Councilman Briscione asked the Clerk to read resolution **R-05-24** appointing a Borough Public Defender for 2005 after which he moved to approve same. It was seconded by Councilwoman Chaump with the Clerk calling the roll and all members voting unanimously to approve the resolution.

Councilman Briscione called for the introduction of an amendment to the 2004 salary ordinance to include the 2004 police salaries and asked the Clerk to read the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED ON MARCH 16, 1939.**

Councilman Briscione moved to approve this ordinance on first reading. It was seconded by Councilwoman Johnson.

The Clerk called the roll:

AYES: Councilpersons Kahle, Johnson, Gallo, Chaump, Sharkey and Briscione.
NAYS: None.
ABSENT: None.
ABSTAIN: None.

Councilman Briscione moved to hold the public hearing on this ordinance at the Council meeting scheduled to be held on February 17, 2005 and to advertise same in accordance with law. It was seconded by Councilwoman Kahle.

The Clerk called the roll:

AYES: Councilpersons Kahle, Johnson, Gallo, Chaump, Sharkey and Briscione.
NAYS: None.
ABSENT: None.
ABSTAIN: None.

Councilman Briscione reported that the Planning Board reorganized for 2005 at the meeting of Jan. 12 and Chris Widdis is the Chairman; Bob Broege, Vice-Chairman; Pat Menna, Board Attorney and Kim Jungfer, Secretary. He continued that a hearing on the remand of the variance application of Gary and Phyllis Edwards on an omitted variance from the subdivision application on Comanche Drive, Block 40, Lot 9 was heard and that application for a subdivision was denied by the Planning Board.

Councilman Briscione reported with regard to the Police, he thought the promotional ceremony went very well last night and was very well attended. He offered his congratulations to the newly promoted officers and welcomed Michael Fagliarone to the Department.

Councilman Briscione commented that the Police Report for the month of December indicates that the Department answered 1,352 calls with officers responding to 507 calls, 125 summonses issued and 134 motor vehicle stops. Councilman Briscione also recognized Sgt. Steve Tagerty who completed the Newark DEA Drug Up Date In Service Training in conjunction with the D.A.R.E Program and Special Officer Patrick Shaffery completed a course in Dispatcher 9-1-1 updates.

Councilman Briscione stated with regard to the local race track advisory committee, that Committee met on Jan. 4th and initial discussions involved night racing at Monmouth Park and while we have had no official notification, we have heard from un-named, but reliable sources that there will be no night racing at Monmouth Park in 2005. He further stated that we will continue to monitor this situation and attempt to get an official confirmation of same. He continued that the Committee then discussed focusing our efforts to insure that Oceanport is prepared and in a position to capitalize on the Breeder's Cup in 2007 and we will attempt to formalize specific Committee assignments at the next meeting. Councilman Briscione advised that also discussed was having an Oceanport Day at the races in 2005 and the Committee unanimously agreed that this was a worthwhile project and a good community function and we will be meeting shortly with Pete Verdi and Bob Kulina of Monmouth Park to discuss this matter.

Councilman Briscione wanted to make some comments on statements regarding appointments that were made on New Year's Day and reported in the Asbury Park Press article of Jan. 13 and stated that with respect to the appointment of Borough Attorney our minutes reflect a statement by Councilwoman Kahle that the practice of advertising for the Attorney is done by word of mouth. He stated that this is contrary to the facts and he contacted Little Silver, Monmouth Beach, West Long Branch and Red Bank and none of those towns went out to bid for legal services but if they did, they stated they would bid on them as they would any other professional service, which is by publication, which is exactly what we did. Councilman Briscione continued that Sea Bright did go out to bid and only received two responses.

Councilman Briscione commented that Marty McGann does not need him to defend his experience: he was the Municipal Judge in Oceanport for six years, he served on Council for six years and he served on the Board of Education for six years. He stated that of the three important items facing us this year that were mentioned in the Press article, the town center, senior housing and the revaluation, two are land use related and Mr. McGann has an excellent reputation in zoning

and land use law. He stated that he considers himself very knowledgeable in the area of revaluations and his discussions with Mr. McGann on that topic indicate his expertise in that field as well. Councilman Briscione stated that he has worked with or against many municipal attorneys throughout the last 15 years and he believes that we are fortunate to have an attorney of Mr. McGann's experience, credentials and passion for Oceanport.

Councilman Briscione stated with regard to the Auditor's position, the Council narrowed down the possible auditors from five to three at a workshop meeting and brought three in for interviews. He continued that in an effort to work together and reach a consensus, he was willing to consider the two other firms: Fallon & Fallon and Oliwa. Councilman Briscione commented that all three firms under consideration had contributed to the local political parties in previous years but none had contributed to his campaign and all the firms are in compliance with our recently enacted Pay for Play ordinance. He continued that the Oliwa firm consisted of three individuals of which one was a 2003 college graduate and one was a registered municipal accountant and additionally, their proposal was for the audit of 2004 and not in compliance with the specifications. He stated on the other hand, Fallon & Fallon has eleven employees, of which three are registered municipal accountants and they have extensive experience in municipal audit fields and yes they were \$4,200 higher than then lowest bid, but they clearly had superior credentials and we are talking of our municipal audit. He stated when he questioned all the applicants, they all said that the audit should not be viewed as a commodity or solely determined by a fee.

MAYOR GATTA: Mayor Gatta commented that she too was very happy to see all the people who turned out last night for the police promotions and it as wonderful to see former police officers in attendance, as well as families of police officers who have passed away and also see former Council people as well as residents and she stated there were over 400 people in attendance. She felt this was a fine reflection on our police department and while we are very happy and congratulate our newly promoted officers and newly hired patrolman, we will also have to say goodbye to our current police chief, Chief Bebout and January 31st will be his last day and last night, she mentioned that she wanted to read a proclamation proclaiming January 31st as Chief Bebout Day in Oceanport in recognition of his service to the Borough over the past 32 years.

Mayor Gatta stated as many have read in the newspapers, there was a meeting this past Tuesday in Eatontown with Sen. Corzine on the present BRAC situation and the pro active way in which both Congressmen Pallone and Holt, the Patriot's Alliance and the Mayors of the surrounding towns now along with Senator Corzine will continue to fight very hard for the Fort to remain open and as many read in the newspaper, there is a timetable, starting with March 15 when President Bush submits names of BRAC commissions to the Senate and as it goes through the process, even if we do not make that original list, there is always a possibility that we can make a subsequent list if the original listed bases prove that they should not be on the list, so this is going to be a year of talks and pro active campaigns. She continued that from the meeting on Tuesday, she felt that everyone is optimistically confident that we will withstand the BRAC situation, because of the Fort's wonderful things that they do in the areas of research and development and the technology that our soldiers are fighting with in Iraq and she will continue to attend these meetings and will continue to report to the Council and to our residents. She also commented that everyone on both sides of the aisle in Trenton, is supportive of all New Jersey bases remaining open and what we understand is that anywhere from 20 to 25% of the bases in the United States will close with this round of BRAC. She urged everyone to forward letters of support to keep the Fort open.

Mayor Gatta thanked the two Council Liaisons and the volunteers for the rabies clinic and appreciates their efforts.

Mayor Gatta asked that if anyone has pictures for our 2nd Wall of Honor, to please drop them off at her office at Borough Hall and if we get a sufficient number, we will do a corresponding Wall of Honor.

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

Stu Briskey, 46 Werah Place asked Councilman Briscione with regard to the Auditor and the \$4,200 premium that we are paying, coming from the Fire Department side and any budget in this town, that is a lot of money and he has been coming to the Council meetings for over 14 years and he has never heard of any problems with the other auditor and asked if there were issues with our previous auditor.

Councilman Briscione stated not with him, but there were with several other Councilpersons and he felt they could speak for themselves.

Councilman Sharkey stated he had a concern with the other auditor because of items that were missed in his audit and for the record he wanted to note that the firm that was \$4,200 less, does Monmouth Beach and his work was acceptable by our recent Freeholder, Bill Barham and this firm is also used by Eatontown which is another town and they did not have a problem as well, so he voted for the savings of the \$4,200 and he is in the accounting field and feels there was no reason to pay the extra money.

Mr. Briskey commented that \$4,200 is half his tax bill and as far as Mr. Fallon goes, he understands he is a good contributor to the democratic party and he may not have gone directly to the local campaign, but he is sure he took some money from the Monmouth County Democrats which he is sure some of his checks went through, so he sees a little pay for play here.

Councilman Briscione disagreed with Mr. Briskey's comments and stated that the two auditors put side by side, one had three people and one was a 2003 graduate from Monmouth College and if he is hiring for his personal business, he is not going to hire that type of firm, because if they do have three or four towns and keep adding more towns, where are they going to get the people to staff the audit. He continued that this is his opinion based on what he saw between the two audit firms and stated that he hires professionals all the time.

Mayor Gatta pointed out that we were one of the few towns to go out for requests for proposals for our professionals. She stated that you take the most responsible bid and in the case of one of the auditors, one firm bid on doing the audit for the wrong year.

Councilman Sharkey stated that there was another larger firm that was cheaper than Fallon & Fallon and they could have been an equal candidate but for whatever reason and he did not recall the specifics on why, but they were not allowed to continue the interview process. He stated that he had recommended that we bring all five of the firms back in and interview all five and not exclude any of them and that would have allowed us an opportunity to go with a larger firm, if that was the concern, and would have still saved us approximately \$2,000.

Mayor Gatta stated with all due respect when all five auditors were discussed by the Council, the Council agreed to narrow the number down to three and that was the decision of the Council to conduct interviews for the three auditors and they came in and gave their presentations and the Council voted.

Councilwoman Kahle stated that with the one auditor that Councilman Sharkey is talking about, he was disqualified because of Councilman Briscione's concern with Sea Bright and then later on we found out that it wasn't really a concern and then we couldn't have him back, so that was that concern.

Councilman Sharkey addressed Mr. Briskey's comment on pay to play stating that we passed an ordinance that is not retroactive, unfortunately, but if it was retroactive the voting by Council members for this firm, he believed would violate the spirit and intent of that pay for play ordinance.

Mr. Briskey stated he sees that as well.

Councilman Briscione commented that at the workshop, all three firms had contributed in the past to both republican and democratic campaigns and all of them complied with the recent pay to play ordinance enacted. He continued that Oliwa contributed to Councilman Mahon's campaign and Hulsart contributed he believed, to both campaigns.

Mayor Gatta stated that in compliance with the pay to play ordinance we have sworn affidavits from the professionals that we have hired that specify that they have complied with our ordinance and have not contributed and that was part of the ordinance and we do have the required affidavits in place.

Mr. Briskey stated that he thought that was fine and he hoped that we will be as professional when we do our roads and don't take the lowest bid, but the most responsible bid.

Councilman Briscione pointed out that by the research that he did, we are one of the few towns that did go out to bid for our professional services to which Mr. Briskey commented that he felt there is still a lot of pay for play out there and he hoped Oceanport

Mayor Gatta felt that this Council should be commended for going ahead and going out for the request for proposals because she does not know of many other towns that did this and she hoped that this continues with other towns.

Councilman Sharkey commented on the auditor situation for the public's information and stated that he called the auditor after it was agreed that he was going to be appointed as the Borough Auditor and asked him if he would be interested in teaching a class on government accounting for a group of CPAs in town who are not on any committees, but just interested and live in Oceanport and want to understand how the accounting works and he agreed to do this. He continued that subsequently the Mayor and Councilwoman Chaump approached the auditor and he then rescinded that offer to teach this class and that was very disappointing and he did not think it was appropriate for this auditor to back down like he did and wanted it to be on the record.

Councilwoman Kahle stated she wanted to comment on Councilman Briscione's comments about the Attorneys and commented that her position was when she went down to the League of Municipalities convention and in speaking to different attorneys down there, that is what she was told that if there is an opening in your Borough you would just call other Boroughs and let them know you have an opening and not necessarily call the attorney, but just say that you have an opening so you will get more people applying and attorneys are not necessarily looking in the want ads for other positions. She continued that we only received two bids on our attorneys and both were in house with one being Marty McGann and the other was from someone else who is Mr. Menna's back up who is our Planning Board Attorney, so he knew from him, so it wasn't really that they saw it in the

newspaper themselves or found out about that position in that way and we only had two respondents and her position was that really we should open it up for more because both those respondents were connected in different ways and she felt we should have other attorneys out there that could give us a lower price and a fairer perspective and more experience. She stated she really does believe that we need a more experienced municipal attorney and that is her opinion and Mr. McGann is \$25 more an hour and she just does not see what we are paying for and that is her opinion.

Councilman Briscione commented that he could read from the minutes what was said, but he did not think that is necessary and when he did talk to Sea Bright, they did send out requests for proposals but only two people responded and the reason the Deputy Clerk in Sea Bright thought was because some times attorneys don't want to remove existing attorneys.

Councilwoman Kahle stated that actually the one attorney who came right here to our office and asked if we were going out to bid and if so, could he be contacted and he was not contacted and that was another concern and she felt that it really was not as open as it could have been.

Mayor Gatta commented that with all due respect, when we mentioned Acting Attorney at last year's Reorganization Meeting, she received three phone calls from attorneys who said they would be interested in applying for the job and then they asked what we pay here in Oceanport and when she related the rate, they advised they were not interested. She just wanted to point out that the interest was there and you can't force people to go to a Borough if they don't have the interest, for whatever reason and advertising in the newspaper as we did, gives everyone an opportunity to decide whether or not they are interested in requesting a proposal.

Councilwoman Kahle stated that the one individual she spoke to came right to Borough Hall and said he was interested and he was aware of what the fee was and she continued that according to the League of Municipalities, our fee is right there with what everyone else is paying.

Councilman Sharkey asked if these three attorneys called the Mayor directly and she had a conversation with them and they told her they were not interested, to which she advised that what she said was that they called her because they knew we were looking for an attorney and they wanted to know when we would be going to submit the request for proposals and at that point, we are speaking about last January after the reorganization meeting and she informed them that this was something we would be developing all year and she never had another subsequent phone call from them other than saying to them that we would be advertising in the newspapers.

Councilman Sharkey commented that this was a problem he has in that it took a full year to develop a bid spec for the attorney and that should have been started much earlier and the same thing with the pay for play ordinance and that ordinance was promised and looked at in 2003 and was one of the Mayor's agenda items in 2004 and then it wasn't passed until eleven months later and that is a problem and there are ways to intentionally discourage competitive competition when you delay things or talk to people in a certain way and its very easy to become discouraged. He does not know who would have been the appropriate Council Liaison to deal with these legal attorneys who are calling and did not feel it was the Mayor's responsibility to be dealing with that and if these calls come in the future, he asked who they should be assigned to.

Mayor Gatta stated it was only a question raised and she did not accept their resume and in all fairness to the two individuals who worked on the pay for play ordinance this past year, this Council was faced with many, many challenges throughout the year and the individuals who came up to the plate, Councilwomen Kahle and Chaump, who were also very heavily involved with the school boards, heavily involved with other Council committees and she applauds them for getting the job

done. She continued that as far as requests for proposals are concerned, she will say again that we are one of a few towns who did that and she believed that she would like to see other towns do the same thing, so she thinks it is a very unfair criticism of a very hard working Council and she did not think anyone wanted to steam roll anything through and she does not believe there were any delayed tactics, it was just the time it took to get the job done in a way in which everyone was satisfied.

Jim Gallo, 45 Bradley Ave. commented under street lighting, at the intersection of Monmouth Boulevard and Comanche Drive there was an accident approximately two months ago and a County property light post came down and it is a very dangerous situation, especially when it snows and people can trip over it while walking on the sidewalk and asked if the County can be contacted to try and get this fixture removed.

Mayor Gatta advised that the County has been called several times and there is a fight going on as to who is supposed to take care of it since JCP & L is on strike which is half the problem and we have had other concerns brought forward.

Robert Kelly, Gooseneck Point asked Councilman Sharkey if he or anyone on the Council knew what the prescribed distance is between streetlights, to which Councilman Sharkey stated he had no idea. Mr. Kelly stated he would like to know that since there are several areas on his street that are extremely dark.

Mr. Kelly stated as far as the pay for play ordinance is concerned, it is not a partisan issue since we had members of the Council from both parties working on this matter, but the draft proposal was available early in the Spring and it was simply a matter of taking the blank document and putting in the Borough of Oceanport and signing off on it and he did not feel this matter took a lot of brain power and work in his opinion and felt it could have been done months and months earlier and thought it could have been simplified by pulling down something out of the State and/or Federal Government and we can put our name on it. He continued he had a question on pay to play that he needs to understand how this works and he is thinking about a situation and asked if a union of employees who donate money to affect the outcome of an election and wondered if he should be referred to the Borough Attorney.

Councilman Briscione stated that we are not lawyers and Mayor Gatta felt that we need to address this to our Borough Attorney.

Councilwoman Chaump stated as far as the comments made this evening with regard to the pay for play ordinance, she and Councilwoman Kahle attended a seminar in September and there were many different versions out there and there were five attorneys present who spoke and gave many different views and it helped us as to what to best do for Oceanport.

Mr. Kelly stated that he was to the Board of Education presentation the other night and he was impressed by the quality of the presentation made and the seemingly open approach to things and their view is that the slides they put up, everything is in transition and all the numbers may change as they move on in the budget process, which gave him a great deal of confidence. He stated that he got up and since he was reasonably instrumental in defeating the budget last year, he complemented them on their openness and willingness to have four or five public hearings on individual segments of the budget and he thought it was very enlightening.

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

Councilwoman Chaump moved to approve the vouchers on the Bill List dated January 20, 2005 pending a second signature. It was seconded by Councilwoman Kahle with the Clerk calling the roll with all members voting in the affirmative, with the exception of Councilman Sharkey who voted no. AD HOC \$221.26. TOTAL CAPITAL TRUST \$9,233.75. TOTAL DOG REGISTRY \$122.10. TOTAL ESCROW TRUST \$2,000.00. LAW ENFORCEMENT \$130.04. 2004 VOUCHERS PAID \$103,737.57. 2004 VOUCHERS PAID THIS MEETING \$71,690.02. TOTAL 2004 VOUCHERS PAID \$175,427.59. 2005 VOUCHERS PAID \$393,842.64. 2005 VOUCHERS PAID THIS MEETING \$1,918,650.75. TOTAL 2005 VOUCHERS PAID \$2,312,493.39. (SEE BILL LIST)

At 9:05 p.m. Councilman Briscione moved to adjourn this meeting until the next regular meeting scheduled to be held on February 17, 2005 at 8:00 P.M. It was seconded by Councilwoman Chaump and unanimously approved by Council.

Respectfully submitted,

A handwritten signature in black ink, reading "Patricia L. Varca". The signature is written in a cursive style with a large, stylized initial "P".

PATRICIA L. VARCA
BOROUGH CLERK