

REGULAR MEETING

Oceanport, New Jersey
January 18, 1990

REGULAR MEETING: The regular meeting of the Mayor and Council of the Borough of Oceanport was called to order on January 18, 1990 at 8:10 P.M.

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

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

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

As copies of the minutes from the regular meetings held on December 7, 21 and 28, 1989 were submitted to the Governing Body for their review, Councilman Rodman moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Terra and approved by Council, with the exception of Councilman Miller who abstained from voting since he was not a member of the Council during 1989.

CLERK'S REPORTS:

1. Police report for the month of DECEMBER, 1989, a copy of same will be posted on the Bulletin Board.
2. Taxi license renewal application made by Michael Bottone t/a POST TAXI. The Borough Clerk reported that the required fee had been paid and the vehicle had been inspected and approved by the Police Department.

Councilwoman Filippone moved to approve the renewal of said taxi license. It was seconded by Councilman Rodman and unanimously approved by Council.

COMMITTEES:

COUNCILMAN MCGEE: NO REPORT.

COUNCILMAN TERRA: Councilman Terra thanked the residents of Oceanport for their cooperation in our recycling effort and we break records every month and the drop off site is being kept in an orderly and clean manner.

Councilman Terra reported that the recertification of our recycling program will take place February 7, 1990 and in order to qualify for recertification, surveys must be done, all tonnage reports must be submitted in a timely manner and we are all set with our requirements and he is looking forward to receiving our certification next month.

Councilman Terra reported on a grant which the Borough recently received from the Clean Communities Program, which will help us with the litter problem and he is the Coordinator of this Program and late last year we became eligible for a grant in the amount of approximately \$8,000,

which purpose was to work on and clean up litter, placement of receptacles in certain areas of town, educational programs and to continue to work on keeping the Borough clean. Councilman Terra continued that we applied for and received the \$8,000 and were then informed that we were eligible for an additional \$2,229. because many other communities did not apply, so there was extra money left over. He commented that we immediately applied for these additional funds and that check should be coming in a few days.

Councilman Terra stated he is pleased to report that we will have received \$10,229. from this Program.

Mayor Cavanagh informed the public that there are many other towns with paid recycling coordinators, but Councilman Terra does this on a voluntary basis and in essence, he makes up money by going out and getting grants for the Borough, which help us with your tax dollar.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone called for the introduction of an ordinance amending the present personnel ordinance and asked the Clerk to read the proposed ordinance by title only as follows: AN ORDINANCE AMENDING CHAPTER 13 OF THE GENERAL ORDINANCES OF THE BOROUGH OF OCEANPORT ENTITLED "PERSONNEL POLICE" PASSED AND APPROVED ON MARCH 20, 1986.

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

The Clerk called the roll:

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

Councilwoman Filippone then moved to hold the public hearing on this ordinance at the regular meeting scheduled to be held on February 1, 1990 and to advertise same in accordance with law. It was seconded by Councilman Terra.

The Clerk called the roll:

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

Councilwoman Filippone then asked the Clerk to read resolution R-90-8 R-90-8 renewing SCAT service for 1990 after which she commented that she was very pleased to move this resolution since she helped start this SCAT Program when she worked for the County.

Councilwoman Filippone then moved to approve resolution R-90-8. It was seconded by Councilman Miller and unanimously approved by Council.

Councilwoman Filippone asked the Clerk to read resolution R-90-9 R-90-9 appointing a Representative to the Monmouth County Community Development Program, after which she moved to approve same. It was seconded by Councilman Rodman and unanimously approved by Council.

Councilwoman Filippone called for the introduction of an ordinance regarding the amending of the Interlocal Services Agreement and she asked the Clerk to read the proposed ordinance by title only as follows: ORDINANCE AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT WITH MONMOUTH COUNTY TO MODIFY THE INTERLOCAL SERVICES AGREEMENT DATED SEPTEMBER 22, 1987.

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

The Clerk called the roll:

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

Councilwoman Filippone moved to hold the public hearing on this ordinance at the regular meeting to be held on February 1, 1990 and to advertise same in accordance with law. It was seconded by Councilman Terra.

The Clerk called the roll:

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

Councilwoman Filippone called for the introduction of an ordinance repealing the tip sheet license requirements and asked the Clerk to read the proposed ordinance by title only as follows: AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED "LICENSES FOR PUBLICATIONS" PASSED AND APPROVED ON FEBRUARY 21, 1946.

Councilwoman Filippone moved to approve the ordinance on first reading. It was seconded by Councilman Rodman.

The Clerk called the roll:

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

Councilwoman Filippone moved to hold the public hearing on this matter at the regular meeting to be held on February 1, 1990 and to advertise same in accordance with law. It was seconded by Councilman Terra.

The Clerk called the roll:

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

~~Councilwoman Filippone then called for the introduction of an ordinance amending the fire prevention ordinance and asked the Clerk to read the proposed ordinance by title only as follows: AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT FIRE PREVENTION ORDINANCE" PASSED AND APPROVED ON OCTOBER 1, 1970.~~

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

The Clerk called the roll:

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

Councilwoman Filippone moved to hold the public hearing on this matter at the regular meeting to be held on February 1, 1990 and to advertise same in accordance with law. It was seconded by Councilman Miller.

The Clerk called the roll:

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

Councilwoman Filippone called for the first reading of an ordinance regarding the Clean Communities Program and asked the Clerk to read the proposed ordinance by title only as follows: AN ORDINANCE PROHIBITING LITTERING AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

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

The Clerk called the roll:

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

Councilwoman Filippone moved to hold the public hearing on this ordinance at the regular meeting to be held on February 1, 1990 and to advertise same in accordance with law. It was seconded by Councilman Terra.

The Clerk called the roll:

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

Councilwoman Filippone reported that we will be doing the annual Health Screening Program on a Saturday either late in March or in early April and she is still waiting to hear from the lab to confirm the date. She stated as soon as the date is confirmed, we will begin advertising the program and reminded the residents that this is a very worthwhile program and she is not sure what the exact cost will be, but she was sure that it would certainly be within reach for everyone as it has been in the past years. Councilwoman Filippone urged everyone to participate in this program, because even if you have a regular check up with your own doctor, for the sum of \$20-\$22 it is certainly worth it to have this testing done more than once a year and she advised the results be forwarded to your private physician, since it is the same lab that the majority of doctors use as well.

Councilwoman Filippone reported that the State of New Jersey is having a problem with rabies and there is an epidemic proportion in Pennsylvania in rabies in raccoons and other wild animals, including ground hogs and they are moving into New Jersey and we are becoming quite fearful of this. She continued that last night at the Board of Health meeting, our County Board of Health Director told us that by the year 1991 or 1992 if we don't really start to control this now, we are going to be in a critical situation so she is encouraging those residents who have cats to please have the cats inoculated against rabies as well as your dogs, because the cats seem to be the ones who fight with the raccoons.

Councilwoman Filippone stated that we are going to try and hold a rabies clinic in the Borough possibly some time in March or early April.

Councilwoman Filippone reminded all residents that 1990 dog licenses are due during the month of January and stated that after January, summonses will be mailed to residents who have not renewed the licenses.

Councilwoman Filippone also wanted to let everyone know that the First Aid Squad has asked her to remind all residents that if they have an emergency and they require the First Aid, do not call the First Aid Building or a First Aid member at home. She stated recently a First Aid member received two calls at home and although they do not mind this happening, it wastes valuable time during an emergency and they want everyone to call the Police Department number - 222-6300 for all emergencies and she suggested that this number be kept near your telephone.

Councilwoman Filippone noted the fact that the 1989 First Aid Squad awards were presented last evening at their regular meeting and she recognized our Police Chief, Robert Joyce who received an award for cooperation and assistance for 1989; Joseph Lombardo received the First Aider of the year award; Kerin Slattery and Bob Shaw received awards for the most first aid calls answered for 1989. She also stated that she had a list of the number of calls, rig miles, etc. from the First Aid, but unfortunately she was delayed due to another meeting and it was in her box, but she assured the Squad that these numbers would be included in the next Borough Bulletin and commented that when the public sees the amount of time that these volunteers give to this town, it is really something and they do it out of the goodness of their hearts and she asked that all residents give generously when they have their fund drive.

COUNCILMAN MILLER: Councilman Miller stated he wanted to report on some Health and Welfare items, which are a carry over from his being a representative of the Borough to the Regional Board of Health and as Vice-President of the local Board of Health during 1989. He stated that during that time he was involved in their budget process and between himself and Patricia Orlando, President of the Board of Health and Councilwoman Filippone who is the Council Liaison, we decided that a 64% budget increase was a bit too much for this Borough to absorb. He continued that we investigated what the County Board of Health could do for us and we found out that we would get better services for less money and the Council passed a resolution that the Borough withdraw from the Regional Board of Health and beginning in March of this year we will be going with the County Board of Health. Councilman Miller reported that due to this happening, Mr. Lester Jargowsky will attend our Feb. 5, 1990 budget meeting to discuss what services the County will be providing to the Borough and discuss what our budget numbers will be for the balance of 1990.

Councilman Miller reported that last evening while the local Board of Health reorganization meeting was taking place, he attended the Regional Board of Health's meeting and one of the problems they are working on, as Councilwoman Filippone pointed out earlier, is the rabies problem and at this particular time in Monmouth County, we do not have an animal shelter in operation or a dog warden. He stated that we have an agreement with Long Branch to assist us in an emergency, and they have to take the animals to Rahway, NJ. He stated at last night's meeting it was communicated to the Board that Middletown is in the process of possibly starting their own animal shelter and they are going to offer their services to some of the surrounding communities and Oceanport might be in line for this. He stated he also understands that there are several people in Middletown who are certified to be dog wardens that we might be able to contact in the future.

Councilman Miller offered his congratulations to Lee Poole as Chairman of the Recreation Committee.

Councilman Miller reported that Bell Telephone will be here in approximately 3 weeks to replace an old underground cable service, with an overhead cable service which links up the Public Works Garage to the Borough Hall, as well as providing the siren for emergency calls.

COUNCILMAN RODMAN: NO REPORT.

COUNCILMAN WOLFE: Councilman Wolfe asked the Clerk to read resolution R-90-10 R-90-10 appointing the Borough Attorney for 1990, after which Councilman Wolfe moved to approve same. It was seconded by Councilman Terra and unanimously approved by Council.

Councilman Wolfe asked the Clerk to read resolution R-90-11 R-90-11 regarding the appointment of the Borough Auditor for 1990, after which he moved to approve same. It was seconded by Councilman Terra and unanimously approved by Council.

Councilman Wolfe asked the Clerk to read resolution R-90-12 R-90-12 regarding the appointment of the Borough Engineer for 1990, after which he moved to approve same. It was seconded by Councilman Rodman and unanimously approved by Council.

R-90-13 76 Councilman Wolfe asked the Clerk to read resolution R-90-13 regarding transfers of funds, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

R-90-14 Councilman Wolfe asked the Clerk to read resolution R-90-14 amending the 1990 temporary budget, after which he moved to approve same. It was seconded by Councilwoman Filippone and unanimously approved by Council.

Councilman Wolfe moved to authorize the Borough Clerk to advertise and receive bids for the gasoline and fuel oil needs of the Borough for 1990. It was seconded by Councilwoman Filippone and unanimously approved by Council.

Councilman Wolfe commented that this past Sunday there was a call for emergency personnel at Blackberry Bay Park where a large dog had fallen in through the ice and was unable to get out of the water. He stated that all emergency personnel responded and through a combined effort of fire, first aid and police personnel, they were able to rescue the dog and he stated that it was very interesting in the way this situation was handled and the people were very professional in the manner in which they retrieved the dog and if the dog had been left there much longer, he would have undoubtedly drowned. Councilman Wolfe stated that the quickness and skill used by everyone to save this dog was really a good training session for everyone, but he also felt that it would have been the same for an iceboater or anyone else who might go through the ice and he commended everyone for their efforts.

Councilman Wolfe announced that the Borough has received radon test kits which will be distributed through Borough Hall and they are in the Clerk's Office and are available during normal working hours. He stated the price of the kit is \$8.00 and the check is made payable directly to the company and the Borough will give out the kit. He commented that the directions are extremely simple and the results come back within two weeks and he has checked with several different companies and this one is the cheapest and the results come back the quickest.

Councilman Wolfe received several calls following the freak rain/snow storm which created a lot of icy/slushy conditions and they were all very complimentary to the Public Works Department for the quickness in responding to the weather conditions and two callers stated they were leaving Oceanport, one going to Eatontown and the other travelling to Little Silver and the roads in both those towns were in terrible condition. Councilman Wolfe passed on his compliments to Mike Giordano and his Public Works Department for doing a fine job during that storm.

MAYOR CAVANAGH: Mayor Cavanagh appointed Michael Sullivan as an Alternate #2-Class IV member of the Planning Board, which term expires on December 31, 1991.

Mayor Cavanagh then offered the name of Philip D. Apruzzi to fill a vacancy on the Recreation Committee, which term expires December 31, 1990.

Councilwoman Filippone moved to approve this appointment. It was seconded by Councilman Wolfe and unanimously approved by Council.

Mayor Cavanagh commented that on New Year's Day he had indicated that our Municipal Judge had indicated he would not be able to serve out another full term and we have gone through selection process and we had the Judge that we are going to appoint tonight, fill in for Judge McGann last Wednesday during Court and apparently he worked well within the system and with our personnel and we received many favorable comments on his work and he is presently sitting as the Municipal Magistrate for Middletown.

Mayor Cavanagh then offered the name of Richard B. Thompson to fill the unexpired term of Municipal Court Judge, said term to expire on December 31, 1992.

Councilman Wolfe moved to approve this appointment for a Municipal Court Judge. It was seconded by Councilman Rodman and unanimously approved by Council.

Mayor Cavanagh requested the Borough Clerk forward letters to the gentlemen not selected and thank them for their interest in this position.

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

PETITIONS FROM THE PUBLIC:

Mr. Walter Dangler, President, Senior Citizens Club, stated they had a meeting last night and discussed our taxes and revaluation notices and we signed a petition, which he had presented to the Mayor earlier and the Mayor had informed him that there was nothing that could be done tonight because he would have to consult with the Tax Assessor.

Mayor Cavanagh stated that this was correct and he continued that the questions that will probably be raised this evening, are questions that the representatives from Realty Appraisal or Mr. Hoffman will have to answer. Mayor Cavanagh suggested that he will try and set up a procedure where we could have Mr. Hoffman and a representative of the Realty Appraisal Company attend a meeting and speak to the residents on a general scale as to what goes into the revaluation formula.

Mr. Dangler stated what they are concerned about is the item in the letter where it states the current tax rate and amount of taxes and then shows what the new rate would be, and since it was lower, our taxes would not go up. He is concerned about the next year since taxes usually go up.

Mayor Cavanagh stated that there are four items that go into the tax rate which are the schools, both local and high school; the County, Open Space, and the Borough and none of those four have completed a budget yet for 1990 and the Borough's is not scheduled to be introduced until some time in March and will not be finally adopted until some time in April and the school budgets come in a little earlier but we are not always able to tell everyone even in March what that means to the tax payers.

Mayor Cavanagh explained that what was stated in everyone's letter means that if this had been in affect this year, you would have paid the amount of taxes shown. He continued that the reason they do that is

because there are some people who when the assessed value doubles, don't realize that the budgeted amount on the other side, the actual tax assessment will go down and sometimes they multiply it and feel that they are going to be paying substantially more than they would be paying that is done for informational purposes only. Mayor Cavanagh commented that he is willing to state that there is no chance that the number listed will be the same for 1990 as it was in 1989, since taxes always seem to go up.

Mr. Sal Vecchione, 114 Woodbine Way, stated that going through a reassessment in Long Branch 16 years ago, he could tell the people here that the meetings used to drag out till midnight before the people were allowed to speak about the revaluation. He commented that there is a local real estate agent who has his house listed in Homes Magazine for \$1.5 million and he felt it would be interesting if he and his neighbors had a \$100,000 home at fair market value and we got assessed at \$90,000, our taxes may go up a couple of hundred dollars or may not. He continued that it would then be interesting to go around to check the Borough Officials' homes and the real estate agent who has the \$1.5 million home for sale, to see that he came in within \$800,000 and that everyone else was assessed proportionately. Mr. Vecchione stated the issue is did this company really assess everyone at fair market value and is the town assessed that way, because if someone who is looking to sell their home for \$1.5 million gets on the tax books for \$800,000, the rest of the people are paying their taxes. He stated this is the real issue, not the budget and he has not gone around and checked on other assessments, but he has he doubts and he is very suspect, not so much of the company, but of the Borough Tax Assessor because of the way Mr. Hoffman dealt with him previously.

Mr. Vecchione stated the reason he is here tonight is to discuss what is going on at the racetrack and he and his neighbors want to remain in their homes and although they realize they have no political pull, this is a concern, since thirty homeowners cannot take on the NJ Sports Authority. Mr. Vecchione felt it made sense when they were asked to come down a few years ago and we talked about preserving some of the open space and having some good planning in that area, so that when unnamed developers meet with people to put in apartments, condos, etc. that the people who live in that area become concerned and wonder what is going on. Mr. Vecchione commented that he did not think there was an open door policy in this matter since it comes out in the newspapers that these concepts that Mr. Mulcahy has for Oceanport are really not concepts, because there are too many people riding around his neighborhood in limousines, too many people coming in by helicopter to look around, and too many developers that may be talking to those officials and perhaps even the Borough Council. He stated he has no idea of how many times one of the members of the Governing Body may have gone to the racetrack to discuss these issues and commented that there is supposed to be a Sunshine Law and he felt that if anyone on the Council went over to the track to discuss issues there that are pertinent to the Borough, the residents do not know about it and he does not think it ever comes out.

Mayor Cavanagh stated that Mr. Vecchione is incorrect regarding his comments on the Sunshine Law and explained that this law is only applicable to a majority of the Governing Body meeting with someone, so that if an individual Councilperson wanted to go to the track to talk about anything, this law would not apply.

Mayor Cavanagh also pointed out to Mr. Vecchione that any time any of the Council visits Monmouth Park to do anything, it is then discussed at a public meeting and there are minutes about whatever goes on.

Mr. Vecchione asked where he would be able to find these minutes to see if the Borough Council ever discussed the pollution problems in Turtle Mill Creek with the track and he specifically asked if this was true that there had been these discussions regarding this Creek and the pollution problem?

Mayor Cavanagh informed Mr. Vecchione that there have been discussions about pollution on a broader scale including that area.

Mr. Vecchione stated that he and some of his neighbors live right next to that Creek and they have no idea if there is a problem with the Creek or not and he asked where the openness of this town is since we were not made aware that there was a pollution problem in the Creek next to our homes. He wanted to know when they get to find out what the issues are and when do they get to know what Mr. Mulcahy has for them. He commented that the Mayor has invited someone down to talk about mass transit; why is there no mass transit at the Meadowlands and he questioned why no one is questioning Mr. Mulcahy or Mr. Gagliano as to why there is no mass transit at the Meadowlands, but there is a plan for mass transit here.

Mr. Vecchione stated that he came here to say that anyone within reason would go for some development with some open space area to help keep the town from being over developed, but many developers seem to be greedy and want to develop everything and you cannot bring the Giants here, which we would probably welcome, but then put up a hotel and then an exposition hall and then apartments and then condos, which is the concept that was reported in the newspaper.

Mayor Cavanagh stated this was one of the references, not by the unnamed, now named developer, and he does not think that any concept has come out in the newspaper that is any more than a passing discussion because no one seems to have formed a concept.

Mr. Vecchione stated the Mayor just hit on it when he said the unnamed developer who met with Mr. Mulcahy is now a named developer.

Mayor Cavanagh stated he did not know if he met with Mr. Mulcahy.

Mr. Vecchione stated he felt it would be interesting to find out how many other un-named developers have plans for this town and he felt that this was more than a passing interest on the part of the people who live in this Borough.

Mayor Cavanagh asked Mr. Vecchione what his question is.

Mr. Vecchione commented that he felt the Mayor should do a little more homework and be more open with the residents, to which Mayor Cavanagh asked him exactly what it was he wanted to know.

Mr. Vecchione stated he wanted the Mayor to ask Mr. Mulcahy what his plans are for the town and how many developers has he met with. He also discussed plans that were discussed several years ago with regard to a mall being built across the street from where he lives.

Mayor Cavanagh stated that years ago in accordance with the zoning ordinance, the track before it was ever sold to the Sports Authority, had thought about, but never went before the Zoning or Planning Boards, of running Oceanport Avenue all the way through the parking lot and this Borough had gone on record at the time of desiring that and the meeting Mr. Vecchione is speaking about, culminated in everyone suggesting that there may be some wisdom in that and very shortly after that the track was purchased by the Sports Authority and Mr. Lynch took the position that if the Sports Authority wanted to profit from that, they could build the street themselves and he became negative about running the street through there.

Mr. Vecchione stated it was a private entity sitting down in their offices and plan all they want and the Borough has no right to ask them anything. He continued now it is the NJ Sports & Exposition Authority and we are dealing with a public body here, a Borough supposedly dealing with openness with a public entity. He continued that if the Sports Authority is meeting with developers concerning our town, the Mayor should demand openness on their part and any information they have. He stated that Mr. Mulcahy could have met with fifty developers with fifty plans and the no one knows what is going on.

Mayor Cavanagh stated that this is not true and did not happen. He explained to Mr. Vecchione that each developer that has approached the Sports Authority with a plan with regard to development of the land, the arrangement has always been that when it comes to that point where there is something given to them that they would then send them to the town first. He commented that he has met several times with developers who have come down and shown projects that were major intensified use projects, none of which we were interested in because of the open space concept. He stated after we told them that, the plans went away. He continued that when NJ Transit made a proposal to Monmouth Park, they told NJ Transit to go to the Mayor and Council and then go back to them and that is what we are going to do on January 29, 1990 and when they were approached about running an open air market in the track, which is not even construction, they sent those people to us and told them to work with the Council first and see if the concept is acceptable. Mayor Cavanagh informed Mr. Vecchione that to the best of his knowledge, anyone who has presented a plan to Monmouth Park has been sent to the Governing Body.

Mayor Cavanagh stated that the problem Mr. Vecchione is speaking of occurred as best as he can determine, subsequent to a meeting, the outgoing Chairman of the Authority indicated that he had only heard of one concept that he thought was interesting regarding Monmouth Park and that maybe could occur during the nineties and when he was pinned down he said something about the Giants situation and his version then became a second version when he read what the developer had to say and the bottom line was that the headline said something along the lines of sketchy because no one has apparently drawn up a plan or made a proposal other than to say in passing, maybe this would be a good idea. He continued that when it becomes a plan, he has been assured consistent harmony with what we have done throughout, then whoever is making that proposal will be here also.

Mayor Cavanagh reminded everyone that in April of 1990, Monmouth Park will have been owned by the NJ Sports & Exposition Authority for five years and there has not been one square foot developed in these five

years, so that apparently for the last five years we have been doing our homework and he stands on our record since for five years nothing has occurred.

Mr. Vecchione stated he felt better than reading in the paper that the Mayor cannot respond to a concept, because our homes are there and the response just given by the Mayor showed him that there is leadership and responsible undertakings.

Mayor Cavanagh explained to Mr. Vecchione that he was asked by a reporter what his reaction was to the concept of a giant convention center and when he asked her what she meant by that, she answered that she was not sure because they were not sure and he then responded, as a Mayor and a Leader, to be responsible and to not get caught up in a discussion of what might be or what could take place. He sets in motion a chain of events as to what does happen and so far, nothing has happened other than what we have been consulted about. Mayor Cavanagh continued that insofar as the Giant concept is concerned, when it becomes something that everyone can look at and see and analyze, we will be consulted and he has that assurance from Mr. Mulcahy and he has been good to his word for the last five years and he believes that relationship will continue. He commented that he cannot address himself to what the newspapers may conceive as a plan because there is no plan and he cannot say anything else because nothing else exists.

Mr. Vecchione stated what he has heard tonight is something that he can take back to his neighbors and inform them, to which Mayor Cavanagh asked Mr. Vecchione if he has ever asked the Mayor any of these questions to which Mr. Vecchione stated that is why he came here this evening.

Mayor Cavanagh stated he is here in Borough Hall every Thursday morning and anyone can come by and ask him any questions they might have.

Mr. Dominic Strollo, Sagamore Avenue asked who benefits from a reassessment?

Mayor Cavanagh explained that when the real estate property values in your town go below a certain percentage, the Monmouth County Board of Taxation orders the Borough to revalue and when we were ordered, we did not do it and applied for an extension because we felt with land values being as high as they were at the time and on their way down, it would be a truer picture if we could wait another year. He stated as to who benefits, no one is supposed to benefit, but you are supposed to evenly and fairly spread the tax load throughout the town. He gave an example if your property values are at 50% of what they are really worth, that makes the system inconsistent and inaccurate. He continued that when you revalue, theoretically, everyone's property is supposed to come up to 100% of real market value and if some people pay more or less, that's not supposed to be the issue, but is everyone being treated fairly and being assessed using the same formula and criteria.

Mr. Strollo felt that everyone was probably treated on the same formula, but asked if the County comes out ahead, since they always seem to come out ahead and we have to pay them more and more every year. Mr. Strollo stated that he felt the Borough was being run properly and felt that the people had no complaints with the way the Borough was being run, but the County seems to be spending money like there is no tomorrow. and every year we are paying them more and more and his children will not be able to afford to live in this area if this continues. He felt there must be some type of a stop put on all the spending that the County does.

Mayor Cavanagh stated that the County is also under a CAP restriction, but besides that these questions have to be asked of the Freeholders.

Mr. Strollo asked what the Mayor and Council could do to help the residents of the Borough.

Mayor Cavanagh stated he has been saying for six years, and more than the County even, but the State Government must begin to take the position of State mandates, State pays because if they are going to make us do things and institute programs to be followed, then the State must pay for these programs. He stated they conceive of one theory after another that costs the municipalities money and then just tell the towns to pay for these things. He stated that the Borough budget is put out before the public every March and he knows that if people are upset with it they would be here and tell us what the problems, but there are not many people who come out to complain about our budget.

Mr. Strollo stated he had no complaint with the local Government and he felt that the Borough Council spends its money wisely and tries to save the residents money and we all realize that, but when it comes to the County something has got to be done to make them stop spending.

Mayor Cavanagh stated he will convey Mr. Strollo's thoughts to the Freeholders the next time he sees them and suggested that perhaps Mr. Strollo should communicate with them. Mayor Cavanagh also commented that they are due to hold one of their meetings in Oceanport, since they have not been here in a while and he will find out when they are scheduled for this Borough.

Mayor Cavanagh stated that he appreciated Mr. Strollo's comments about the Governing Body and he stated that we all try every year because he understands the position some of the people are in when you live on a fixed income. He stated our Public Works Department is one of the smallest ones around, but does probably more work than most of the others from surrounding towns; we have an unpaid Recycling Coordinator; we have not added an additional police officer since 1978; our administrative staff for the entire building is five people; we do try as best we can to help the residents through this and it is frustrating when we are told our garbage dumpings fees are going to quadruple and we have no other option but to pass the increases on to the taxpayers. He wondered when the people in Trenton are going to recognize that your property tax dollars cannot do this any more.

Mayor Cavanagh stated he will convey Mr. Strollo's thoughts to the Freeholders and he will see when there will be a meeting in Oceanport and at least give them an opportunity, since in fairness Mr. Strollo's question is well put and they should have a chance to explain to the public because when the newspapers did a survey of four years of tax increases, Oceanport's municipal budget was only the fourth highest in increases out of 53 and he was quite pleased with that and so, he feels that the Freeholders should have a chance to explain their side of the situation.

Mr. Strollo asked how much money does the Borough pay to the County, to which the Mayor stated he would have to check on what the exact number is.

Councilman Rodman commented that one thing that he does share in Mr. Strollo's frustration that the Mayor did not mention, in the four parts of the property taxes that Mayor Cavanagh did mention, this municipality on your tax bill accounts for only 16% of your property taxes, to which Mr. Strollo stated he still wanted to know what amount we pay to the County.

Mr. Apruzzi, 64 Werah Place stated that in 1989 we paid \$.0863 which would be subtracted from the \$3.527 tax rate per hundred and it adds up to a lot of money.

Mr. Raymond Varetoni, Irma Place asked if we are mandated to reevaluate in 1990 or have we used up our extension already, since the property values are dropping fast.

Mayor Cavanagh stated we have used up our extension time and unfortunately, we have no control over that except to ask for the extension and when we received our approval of same we were one of six towns that received an extension.

Mr. Varetoni asked how often is the Borough ordered to reevaluate, to which Mayor Cavanagh answered that it depends upon the percentage and this time is was only six years since the last time because property values jumped so much between 1983 and when we were ordered, but the time before that it was closer to ten years. He continued when we go below 50%, the County orders us to reevaluate and if we did not do it, they would go get an order from the State and they will come in and do and take charge and do it their way.

Mr. Walter Prang, Bridgewaters Drive commented that his 4-1/2 room shack has been revaluated to approximately \$200,000 and when they were going over his property they asked him if there was any new construction, and when he said no, they inquired about the new deck, which he had to explain to them that the deck belonged to his neighbor and he was going to come down and recheck his card.

Mayor Cavanagh reminded everyone that they have the right to make an appointment with the people who reviewed their property and to informally go over their card and they also have the right to take a tax appeal if they feel something is not fair. Mayor Cavanagh urged everyone to make an appointment because it is possible that a mistake was made, as Mr. Prang just pointed out and it should be double checked. He will also speak with the Tax Assessor to see if some type of a group function could be worked out within the time limits and perhaps he can get some answers, but again he reminded everyone that the Mayor and Council have nothing to do with the numbers or the process.

Margaretta Swoope, 165 Monmouth Blvd., commented that she was in on a discussion several months ago in another town where they are trying to formulate some process where consideration would be given to the long term residents of the town. She continued that since she has lived here for 30 years she felt she would qualify for this and wondered if our Borough Council is aware of any proposal whereby you can roll back the taxes to what they were 30 years ago for the residents who have occupied their homes for that amount of time and she stated that it was also mentioned to even within 10 years.

Borough Attorney Margalotti stated that this is illegal and unconstitutional and commented that you cannot distinguish between property owners and it does not matter if you own the property for one year or 50

years, you cannot discriminate between property owners because any consideration that is given to you or any long term owner, that slack is going to be picked up by the other property owners who do not fall into that category, because what it costs to run the town does not decrease because 50% of the property owners in town may have lived in town 30 years or longer. He continued that whatever it costs to run the town has to be raised each year and must be spread among all owners of taxable property and if someone is given a special dispensation or special consideration and pays taxes at a lesser rate because they have owned their property for a certain number years, that money still has to be raised and if it is not raised on your property its going to be raised on your neighbor's property and that is discriminatory and that is unconstitutional and any kind of ordinance that would propose to put forth that kind of plan, in his opinion, would be struck down by the courts.

Mrs. Swoope stated when she moved here thirty years ago people kept asking her why she wanted to live on the water with high tides, etc., and than years later, they came around and said well you live on the water, its going to cost you more and isn't that discrimination. She stated she moved here with the idea that because of the racetrack and because of the beautiful spot, her taxes would never go up and she is willing to pay a fair increase, not because she lives on the water and the developers want the property. She is on a fixed income and does not understand why she should be penalized because she got there first.

Mr. Margalotti stated that she is not being discriminated against because she owns property on the water, but the problem that Mrs. Swoope now finds herself in is that whereas 30 years ago there were hundreds and hundreds of acres of waterfront property, undeveloped and therefore, waterfront property was so available that it was not at a premium, but today, all you have to do is look at your waterfront communities like Monmouth Beach, Sea Bright, areas that five to ten years ago were marsh lands, have now been filled and have been developed, so that today, the availability of waterfront property is really at a premium and this is the concept of supply and demand. Mr. Margalotti further stated that the Tax Assessor, by law, must ascribe and assess a fair market value to everyone's property in the Borough and if because of the laws of supply and demand, waterfront property is more valuable today because it is less plentiful, he must reflect that in his value and that is where the problem is and she is not being discriminated because she owns waterfront property, but the Assessor must recognize the fact that waterfront property carries with it a higher value today because it is in greater demand.

Mrs. Swoope thanked Mr. Margalotti for his explanation, but she still believed that the \$250 off her taxes is not even a scratching of the surface for homeowners who are on a fixed income and stated that it is costing her \$400 on a home she has owned for 30 years and is now mortgage free and people on social security are barely making much more than that a month and how are they to live.

Mayor Cavanagh asked Mrs. Swoope what she would have the Governing Body do to which she asked him to give the people a break.

Mayor Cavanagh commented that when Councilman Miller gave his report earlier he reported that we are going to switch health departments because the budget came in too high and we all agreed that it was intolerable and we got out; the Police Chief will tell everyone that

years ago he used to get 2 police cars every year and now he gets one every other year because it is just too expensive; he is trying to tell everyone that we try to do these things every year because he is aware of what the people tell him and he has a feeling after looking at the petition and assuming that this was signed at a meeting of the senior citizens, that it affects them more because you don't have any flexibility in your incomes which would allow you to just work a bit more or charge more for your services. He wanted them to know he was sensitive to this, but he doesn't know what the people would have the Governing Body do at this point.

Mr. Dangler asked what would happen with the visiting nurse from MCOSS if the Borough is going to change health departments and if she would still be coming to the building once a month?

Councilwoman Filippone stated it would not be through MCOSS because it is through a different agency, but they may provide a similar service.

Mayor Cavanagh stated that Mr. Jargowsky will be coming to our Feb. budget meeting and we will talk to him about what services are available in this regard.

Councilwoman Filippone stated that Lester Jargowsky came to our local Board of Health meeting last night, even though he is not our representative yet, but this really shows how interested he is in our Borough and he gave us a brief resume of the kinds of reports we will be receiving, which we never got before. She stated she has been on the Board of Health for six years and missed one meeting in all that time and last night was the first time she ever saw the rules and regulations for municipalities who belong to a Board of Health. She stated that hopefully the Borough will be in a much better position.

Councilwoman Filippone also commented that it was great to see everyone out in the audience tonight because most of the time we are talking to an empty room and no one comes to question the Governing Body as to what they are doing and they welcome the residents to attend meetings and ask questions about what is going on. She stated that some of the things Mr. Vecchione brought up tonight have been discussed at work shop meetings many times and there are minutes of all the Council's meetings. She stated that Mayor Cavanagh has been the greatest advocate of openness and she really does believe that the residents owe it to themselves to attend all Borough and County meetings so that you know where your money is going because that is the only way you will know what is happening. She reminded the residents here this evening that the people on the Council were reassessed as well, and she has lived on the river for 32 years and her taxes have gone up as well.

Mr. Vecchione asked if they have met at the track about pollution at Turtle Mill Creek.

Councilwoman Filippone stated they did not meet at the track about pollution at Turtle Mill Creek, but we did meet at the track regarding pollution in general.

Mr. Vecchione asked if that was a work shop meeting and where he could read the minutes of that meeting.

Councilwoman Filippone stated it was not at a work shop meeting, but was a session that the Mayor had recommended to the racetrack people that be held and she asked to come along specifically because she is the representative to the Board of Health.

Mr. Vecchione stated he lives in that neighborhood and he is interested in the pollution that is next to his house and asked if he and his neighbors who live there, some type of a report of what has been happening?

Councilwoman Filippone stated she did not have any type of a report, but there are reports from the Board of Health on stream samplings that we have been requiring our Regional Board of Health to do and we have also submitted those at work shop meetings as well, to which Mr. Vecchione requested a copy of those reports.

Mayor Cavanagh stated that to make it easier he invited Mr. Vecchione to meet with him and he would make him copies of whatever he wants and the Mayor will explain whatever he wants to know in depth, to which Mr. Vecchione thanked the Mayor.

Mr. Strollo stated that he works at Monmouth Park as a security guard at the front gate and the second week in December the Board of Health was in there at least three or four times checking the Creek and they have been there.

Mayor Cavanagh commented that we are in an on going situation because of the obvious facts of what you have to deal with when you have a lot of horse around and streams and we meet several times a year and have certain things done and in the next month or so, we are going to have a longer announcement about some additional things we are going to do and we will continue to meet and it is a problem that has been there since 1947.

Mrs. Estelle Lane, Wardell Circle, asked if the story concerning the rescued dog, reported by Councilman Wolfe could be printed in the Bulletin, since she felt many other people would enjoy reading this, to which Councilman Wolfe stated he would write up a summary of what happened for this Bulletin.

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 as listed on the Voucher Register dated January 18, 1990. It was seconded by Councilman Terra and approved by Council, with the exception of Councilman Wolfe who abstained from voting on the vouchers due Clayton & Sons. TOTAL 1989 VOUCHERS \$26,015.45. TOTAL 1989 VOUCHERS PAID THIS MEETING \$29,335.58. TOTAL 1989 OPERATING FUND \$55,351.03. TOTAL CAPITAL ACCOUNT \$175,000.00. TOTAL GENERAL LEDGER MARRIAGE LICENSES ISSUED \$30.00. TOTAL GENERAL LEDGER STATE TRAINING FEE \$199.69. TOTAL GENERAL LEDGER REVALUATION \$230.00. TOTAL GENERAL LEDGER INVESTMENTS \$2,001,086.00. TOTAL 1990 VOUCHERS \$21,325.03. TOTAL 1990 VOUCHERS PAID THIS MEETING \$26,716.73. TOTAL 1990 OPERATING FUND \$48,041.76. TOTAL PUBLIC ASSISTANCE TRUST ACCOUNT \$1,184.38. TOTAL CAPITAL ACCOUNT \$124,310.00. TOTAL DOG REGISTRY ACCOUNT \$189.00. TOTAL GENERAL LEDGER SHORE REGIONAL HIGH SCHOOL JANUARY \$145,379.80. TOTAL GENERAL LEDGER OCEANDPORT BOARD OF EDUCATION \$510,373.80. TOTAL GENERAL LEDGER SHORE REGIONAL HIGH SCHOOL FEBRUARY \$145,379.80. TOTAL GENERAL LEDGER INVESTMENTS \$750,000.00 (SEE VOUCHER REGISTER)

At 9:34 P.M. Councilwoman Filippone moved to adjourn the meeting until the next regular meeting scheduled to be held on February 1, 1990. It was seconded by Councilman Rodman and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK