REGULAR MEETING MINUTES

Oceanport, New Jersey
December 19, 2002

REGULAR MEETING: The Regular Meeting of the Oceanport Mayor and Council was called to order on December 19, 2002 at 8:00 P.M. with Mayor Gemma stating the meeting had been property advertised in accordance with law.

MEMBERS PRESENT: Councilpersons Mahon, Apruzzi, Gatta, McGann, Silkworth and Mayor Gemma.

MEMBERS ABSENT: Councilman Wolfe.

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

INVOCATION: Borough Chaplain Berry gave the invocation.

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

Mayor Gemma reported that we are going to conduct an auction for the Borough owned property known as Block 16, Lot 19 located on Hiawatha Avenue and it is a lot that is 30 feet wide by 100 feet deep. He continued that the opening bid will be $7,000, which is the assessed value of the property and the bidding increments will be no less than $100. If no one bids on the property or offers the minimum opening bid, the property will remain in the Borough's ownership.

Mayor Gemma stated that this sale is only open to the property owners contiguous to this lot and are the following:

Mr. Mario Zolofra or his Attorney acting on his behalf
Mr. & Mrs. Higgins or their Attorney acting on their behalf
Mr. & Mrs. Liotta or their Attorney acting on their behalf

Mayor Gemma also advised that there is a deed restriction on this property which states this property can never be built upon and what that means is even if there is an assembly of property adjacent to it on either side such that it becomes a "buildable lot", this lot still contains the deed restrictions and it is the intent of this Council not to lift that deed restriction regardless of the circumstances regardless of what takes place.

Mayor Gemma then asked the Borough Attorney to give a detailed synopsis of what it means to have a public bid according to the statutes and then proceed with the bidding process.

Mr. Margalotti asked if any of the adjoining property owners are present this evening, to which all three property owners listed above indicated there were in the audience.

Mr. Margalotti commented that the reason why the bidding on this property is limited only these three property owners is because this property is a vacant, under-sized lot and it is non-conforming in terms of the current zoning ordinance requirements for development and as a

consequence of that, the applicable Statute permits the municipality to sell it at public sale, but limit it only to the adjoining property owners and not to the general public.

Mr. Margalotti raised two other details not mentioned previously by Mayor Gemma, first of the successful bidder will be required to pay immediately a 10% deposit of the successful bid and that deposit must be paid by either certified or bank cashier's check and if the successful bidder is not prepared to pay that tonight, they will have 24 hours to bring that payment into the Clerk's Office. He continued that the balance of the purchase price must be paid within 30 days after tonight's auction and at that time, title by appropriate deed will be conveyed to the successful bidder.

Mayor Gemma added that the title will be conveyed by a quick claim deed and not a deed with any type of warrantees of representation to the accuracy of the title and ultimately it will be up to the successful bidder to decide in a very short period of time, whether in fact the title is adequate for the bidders needs.

Mr. Margalotti added that since the property has been owned by the Borough for quite some time, obviously there are no property taxes assessed to this parcel and therefore, there will be no need to adjust taxes at the time of the transfer of title but once title has been conveyed, the parcel will go back on the tax roles and a tax bill will be issued in the future to the owner of record.

Mayor Gemma asked if any of the three property owners had any questions, to which Mr. Zolofra asked if the deed restriction is going to what was contained in the letter sent out by the Borough, to which Mr. Margalotti asked if he was referring to the letter in which the statement was made that "the property being sold subject to the restriction that no dwelling or portion of a dwelling may be constructed upon the property and that such restriction shall be included in the deed of conveyance" to which Mr. Zolofra stated it was, Mr. Margalotti responded yes. Mayor Gemma stated that just to be clear, a dwelling structure such as a house cannot be put upon this property and asked if anyone had any further questions on this matter, but no one came forth.

Councilman McGann advised for everyone's information with regard to the 24-hour deadline for the deposit for the property, Borough Hall closes on Friday at 4:30 p.m. and advised that the successful bidder should be there prior to that time.

Mayor Gemma opened the bidding for the Borough owned property known as Block 16, Lot 19 located on Hiawatha Avenue with a minimum opening bid of $7,000.

Mr. Higgins bid:	$ 7,000.	Mr. Zolofra bid:	$ 9,000.
Mr. Zolofra bid:	7,100.	Mr. Higgins bid:	9,100.
Mr. Higgins bid:	7,300.	Mr. Zolofra bid:	9,500.
Mr. Zolofra bid:	7,500.	Mr. Higgins bid:	9,600.
Mr. Higgins bid:	7,700.	Mr. Zolofra bid:	10,000.
Mr. Zolofra bid:	8,000.	Mr. Higgins bid:	10,100.
Mr. Higgins bid:	8,100.	Mr. Zolofra bid:	11,000.
Mr. Zolofra bid:	8,500.	Mr. Higgins bid:	11,100.
Mr. Higgins bid:	8,600.	Mr. Zolofra bid:	12,000.

Mayor Gemma asked three times in succession if there were any further bids on this property and hearing none, closed the auction with the property being sold to Mr. Mario Zolofra, 217 Chatham Ave., Oakhurst, NJ.

CLERK'S REPORTS:

1. Police report for the month of November, 2002 and a copy will be posted on the Bulletin Board.

COMMITTEES:

COUNCILMAN MAHON: Councilman Mahon moved to accept the surplus vehicle being donated by the County of Monmouth. It was seconded by Councilman Apruzzi and approved by Council.

Councilman Mahon reported that the Environmental Commission is researching a lighting ordinance for the past several months and they are now looking into appropriate dock lighting and will include in their proposal, which will be forwarded to the Council for their review.

Councilman Mahon advised that the Water Watch Committee is continuing their work on the fecal coliform studies and their last sampling for the year will be this Saturday and they are also following up on a recent complaint received from a Borough resident regarding a water quality complaint.

Councilman Mahon stated under the Fire Department, the Fire Committee held its first meeting to organize and begin getting ready for the coming year and they are working on their budget and establishing some future planning within the Department. He also advised that the Committee also discussed and made a recommendation to this Council to retire the American LaFrance pumper, which has been out of service for the past six months and hoped everyone received a copy of that notice and we will be able to act on this matter at a later date. Councilman Mahon explained that the Fire Committee is comprised of the Chiefs, Ex-Chiefs, Fire Official and the line officers from Company along with two Council Liaisons.

Councilman Mahon also reported that Ordinance Committee met from the Fire Department to organize and get started on working on revisions to the present fire ordinance with the goal of presenting a draft to each of the companies for endorsement before forwarding same to the Borough Council in August for action. He explained that this Committee is made up of each of the company's Executive Board.

Councilman Mahon also commented that one of the things that came out of these meetings was creating within the Police Department structure, a Police Auxiliary and want to consider this a bit further, but the recommendation of the Fire Police is to create this Police Auxiliary and the Mayor and Council would appoint the Fire Police members to that duty as well and fill a dual purpose need that these men perform both on a fire scene and additionally assisting the Police and put them under Police control in an emergency that is not fire related.

COUNCILMAN APRUZZI: Councilman Apruzzi moved to temporary appoint Councilwoman Silkworth to the Finance Committee for the purpose of signing the vouchers. It was seconded by Councilwoman Gatta and approved by Council.

Councilman Apruzzi asked the Clerk to read resolution **R-02-69** transferring funds after which he moved to approve same. It was seconded by Councilman Mahon and approved by Council. R-02-69

Councilman Apruzzi thanked the members of the Recreation Committee for the doing an excellent job with the tree lighting event and the members of the Port-au-Peck Chemical Hose Fire Company for the use of the firehouse for refreshments.

Councilman Apruzzi wished all the residents of the Borough a happy and healthy holiday season.

COUNCILWOMAN GATTA: Councilwoman Gatta asked the Clerk to read resolution **R-02-70** authorizing the Mayor and Borough Clerk to execute an Inter Local Health Services Partnership agreement with the Board of Chosen Freeholders and the Borough regarding preparedness and response to bioterrorism and other public health threats and emergencies, after which she moved to approve same. It was seconded by Councilman McGann and approved by Council.

Councilwoman Gatta reported that last night she attended the First Aid Squad meeting and it was reported that for the month of November they received a total of 58 calls for a total to date of 560 calls, which is a substantial increase over last year. She continued that the people hours for December were 1,430 hours and the 576 were from the bazaar, which was highly successful and she commended Kathy Maida and her Committee for the excellent job they did and reminded everyone that this project begins in January and ends with the bazaar itself.

Councilwoman Gatta also advised that in addition to all the increased calls and the work on the bazaar, the First Aid Squad also sold trees and wreaths and out of 500 trees they had to sell, as of last night only 28 remained, so that was also a very successful endeavor this year and thanked all the residents who supported them by purchasing trees and attending the bazaar.

Councilwoman Gatta reported that last evening Line Officers were elected for 2003 and Linda Johnson will be Captain of the Squad next year.

Councilwoman Gatta also noted that before attending the First Aid Squad meeting she attended the Senior Citizens meeting where Al DeSantis was elected President for 2003 and she also thanked Ed Wilson for all his help during 2002 as the Ex-President. She also mentioned that at their night meetings, they always pass around a bucket for donations to the First Aid Squad and she had the privilege to bring over $64.50 to the Squad at their meeting.

Councilwoman Gatta stated she attended the Board of Education meeting on Tuesday evening and the students who had participated in the Borough's Veteran Day ceremonies with essays were honored and one of the students also won the Asbury Park Press' 1st place in the Student Voices for her essay on person of the year and she is Sarah Grimm who is an 8th Grade student at Maple Place School and she congratulated her on this wonderful accomplishment and urged everyone to try and read her essay.

Councilwoman Gatta also announced that the Board of Education has a vacancy that was reported at the meeting and are accepting resumes and this term will be until 2003 and the deadline is January 7, 2003.

Councilwoman Gatta wished all the residents in the Borough a very happy and safe holiday season.

COUNCILMAN WOLFE: Absent.

COUNCILMAN MCGANN: Councilman McGann asked the Clerk to read resolution **R-02-70** authorizing the Mayor and Municipal Clerk to execute a Memorandum of Understanding with regard to the purchase of Block 88, Lot 26 and commonly known as the soccer fields, after which he moved to approve same. It was seconded by Councilwoman Silkworth and approved by Council.

Councilman McGann explained that this is an approach to lay down some fundamentals in the Memorandum of Understanding, but if and when this parcel ever does get developed, it will be subject to Planning Board approval by the Borough, which in this instance would be site plan approval where all the details will be worked out at that time with regard to parking, landscaping, etc.

Councilman McGann reported that leaf pick up will continue for one more week in the Borough and one more sweep will be done throughout the Borough, so residents are urged to get any leaves out promptly.

Councilman McGann wished the members of the Governing Body and all our residents a happy holiday and good health.

COUNCILWOMAN SILKWORTH: Councilwoman Silkworth reported she has a copy of a quote for cleaning services for all Borough buildings from Rodini Cleaning, Red Bank in the amount of $14,868 and there are some increases in the buffing of both Borough Hall and the Community Center as well as the addition of having the restrooms at Blackberry Bay Park cleaned on a regular basis. She moved to accept this bid. It was seconded by Councilman Mahon and approved by Council.

Councilwoman Silkworth advised that at a recent Council meeting we had received a request to check into lighting at the corner of Pemberton Avenue because it was quite dark and she wished to report that JCP& L has been contacted and a lighting survey will be done and the report forwarded back to the Council.

Councilwoman Silkworth wished everyone a very Merry Christmas.

MAYOR GEMMA: Mayor Gemma offered his thanks to our Public Works Department and the Superintendent is in the audience tonight, for the excellent job they did with the early snow storm we had and we even received letters and e-mails commending these employees.

Mayor Gemma stated that January 1, 2003 is our Reorganization Meeting and at our workshop Monday night, we discussed the Council appointments for next year and as everyone is aware, this Council is now equally split within the two parties and there was complete and total unity in terms of who should do what work and be on what Committees as both first and second backups among everyone sitting on this dais and he is very proud of the way that everyone worked together and did what they all believe is in the best interest of the Borough and he commended the Council members for their efforts.

Mayor Gemma commented on what Councilman McGann said earlier with regard to the Memorandum of Understanding between the Borough and the Sports Authority and this is yet another step in the process of the Borough purchasing the property from the track known as the soccer fields and having that portion behind the bank developed for senior housing and a portion of the property where the soccer fields are located developed pursuant to our Village Center plan which would be a retail development plan. He continued this is another step where we are now beginning to try and tell the track and any successor or interest, what it is we want to see put there and essentially we want to see retail put there commensurate with the restrictions and the tone of our Master Plan for the Village Center and that it gets developed in what looks more like a down town and not an older style strip mall with parking in the front and retail in the back and felt this is a prudent step in the right direction and thanked Councilpersons McGann and Silkworth who were in attendance at the meeting when this was being discussed with representatives of the track.

Mayor Gemma also offered his thanks to the Recreation Committee for a great job with the tree light event and appreciated their efforts as well as that of Councilman Apruzzi.

Mayor Gemma also thanked the Oceanport First Aid Squad for a great job selling the trees and wreaths as well as with the Holiday Bazaar they recently held.

Mayor Gemma offered everyone in the Borough a Merry Christmas and Happy New Year and hoped to see everyone here on New Year's Day at the Reorganization Meeting.

Mayor Gemma then opened the meeting to the public for any comments or questions they might wish to make, but seeing none, closed the public portion of the meeting.

Councilman Apruzzi moved to approve the vouchers on both the Bill Lists dated December 5 and 19, 2002. It was seconded by Councilman Mahon and unanimously approved by Council. December 5, 2002: CAPITAL TRUST TOTAL $18,974.50. ESCROW TRUST TOTAL $1,869.25. 2002 VOUCHERS PAIDF $74,305.59. 2002 VOUCHERS PAIF THIS MEETING $47,992.37. TOTAL 2002 VOUCHERS $122,297.96. December 19, 2002: CAPITAL TRUST TOTAL $25,982.64. DOG REGISTRY TOTAL $359.00. 2002 VOUCHERS PAID $91,557.00. 2002 VOUCHERS PAID THIS MEETING $110,492.65. TOTAL 2002 VOUCHERS $202,049.65. (SEE BILL LIST)

At 8:35 p.m. Councilwoman Silkworth moved to adjourn this meeting until the Reorganization Meeting scheduled to be held on January 1, 2003 at 12:00 Noon. It was seconded by Councilwoman Gatta and unanimously approved by Council.

Respectfully submitted,

Patricia L. Varca

PATRICIA L. VARCA
BOROUGH CLERK