

## REGULAR MEETING MINUTES

Oceanport, New Jersey  
December 15, 2011

The Regular Meeting of the Oceanport Mayor and Council was called to order by Mayor Mahon on December 15, 2011 at 8:35 P.M. with Mayor Mahon stating the meeting had been properly advertised in accordance with the law.

**MEMBERS PRESENT:** Councilpersons Bertekap, Ibex, Irace, Gallo, Johnson, Kahle and Mayor Mahon

**MEMBERS ABSENT:** None

**OFFICIALS PRESENT:** Borough Administrator/Clerk, Kimberly A. Jungfer and Borough Attorney, John O. Bennett, III

**INVOCATION:** Borough Chaplain Robert Mills gave the invocation

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

Mayor Mahon with the consent of Council amended the Agenda to begin with the last item – Proclamations. Mayor Mahon read a Proclamation honoring resident and volunteer Lee Poole. Mr. Poole offered comments on his memories over the years and his involvement with numerous organization.

**CLERK/ADMINISTRATOR REPORT:** Mrs. Jungfer stated there were 12 items on the consent agenda and that as discussed during Workshop Item #8 had been removed and asked for a motion. Councilman Irace asked that the date for Items 10, 11 and 12 be corrected to reflect November 30, 2011. Councilman Johnson made a motion to approve the consent agenda which was seconded by Councilman Gallo and approved by Council with the exception of Councilmen Ibex and Johnson whom abstained from Items 10, 11 and 12.

### CONSENT AGENDA

1. Resolution authorizing the payment of bills. **R-11-179**
2. Resolution awarding the HVAC Service for 2012 **R-11-180**
3. Resolution awarding electrical maintenance service for 2012 **R-11-181**
4. Resolution awarding printing of the bulletin for 2012. **R-11-182**
5. Resolution awarding the contract for the LED Display Sign. **R-11-183**
6. Resolution authorizing refund of redemption to lien holder. **R-11-184**
7. Adoption of a Confirming Resolution of the MCIA Bond Sale. **R-11-185**
8. ~~Resolution authorizing purchase of fencing for Blackberry Bay Park.~~
9. Resolution adopting a Flexible Health Benefits Plan. **R-11-186**
10. Approval of the Workshop meeting minutes of November 30, 2011.
11. Approval of the Regular meeting minutes of November 30, 2011.
12. Approval of the Executive Session minutes of November 30, 2011

Ms. Jungfer described one additional item requested separately - Resolution authorizing the Planning Board to perform a preliminary investigation and hearing to determine whether or not Monmouth Park Race Track was in need of further development and asked for a motion. Councilwoman Kahle moved to approve the resolution which was seconded by Councilman Ibex. **R-11-187**

Councilman Irace voted yes with the stipulation that it not cost the Borough taxpayers any additional funds.

Councilman Johnson voted yes for the preliminary investigation to be passed on to the Planning Board but wished to make it "plain as day" that he would not commit to voting on a redevelopment authority with the information before them and that he would reserve judgment for the second part.

The Clerk called roll:

AYES: Bertekap, Ibex, Irace, Gallo, Johnson, Kahle  
NAYES: None  
ABSTAIN: None  
ABSENT: None

The Clerk stated that the motion carried unanimously.

Ms. Jungfer concluded her report stating she was in receipt of the Police Report for November 2011 which had been distributed and would be posted.

Ms. Jungfer also thanked Borough Chaplain Robert Mills for the new bible that he had provided.

#### **COMMITTEES REPORTS:**

**COUNCILMAN BERTEKAP:** Councilman Bertekap thanked the residents that attended the Tree Lighting and visits with Santa. Councilman Bertekap also congratulated the Recreation Committee as well as Kim Jungfer and Jeanne Smith for their work in securing a grant for the Blackberry Bay Park to begin construction of the replacement storage building received from the County's program. Councilman Bertekap wished everyone happy and safe holidays.

**COUNCILMAN IBEX:** No report

**COUNCILMAN IRACE:** Councilman Irace commented that they had been discussing Monmouth Park and that the sports wagering bill would be up for vote in the NJ Assembly and the NJ Senate next year for their approval and hoped that would be in place for Monmouth Park.

Councilman Irace also thanked the Mayor for his time over the last week putting together a coalition to save Monmouth Park on behalf of the Mayor.

**COUNCILMAN GALLO:** Councilman Gallo gave information concerning the upcoming winter season, the readiness of staff and equipment for snowplowing. Councilman Gallo also reviewed the Borough's Snow Removal Plan – what roads were primary, secondary, etc. and how and when those roads would be plowed in accordance with the Plan and stressed that most of the time the Plan works well with the exception of large volume snow falls where it becomes difficult for the Public Works employees to keep up with and that the Borough had secured private contractors to be brought in for those types of events and arrangements had been made for 11 relief drivers to replace those drivers reaching the maximum number of hours allowed.

Councilman Gallo concluded his report by wishing everyone a Merry Christmas, Happy Chanukah and Happy New Year's.

**COUNCILMAN JOHNSON:** Councilman Johnson commented that he had worked with Mr. Poole while on the Parks and Recreation Committee and that Mr. Poole was a "class act" and that he would be missed and wished everyone Happy Holidays.

**COUNCILWOMAN KAHLE:** Councilwoman Kahle reported on an award received by the Environmental Partnership that the Borough participates with by members of the Environmental Commission and Water Watch Committee and are joined by other surrounding towns meeting every month and reported on some of

the things they were doing in each of their towns. The award was from the NJ Friends of Clearwater awarded to the Environmental Partnership of Central New Jersey for its outstanding environmental work 2011.

Councilwoman Kahle wished everyone a Merry Christmas, Happy Chanukah and Happy New Year.

**MAYOR MAHON:** Mayor Mahon wished everyone Happy Holidays whether Christmas, Chanukah or Kwanza. Mayor Mahon also mentioned Borough Chaplain Bob Mills assistance with the Tree Lighting party and what a great time all had.

Mayor Mahon thanked the Council for considering and passing the resolution for the local development authority. Mayor Mahon gave comments on the difficult situations presently facing the Borough concerning Monmouth Park and the willingness of the Borough to assist in the discussions and the potential impacts to the Borough.

Mayor Mahon also read a thank you letter to the Governing Body from a resident whose family member passed recently.

Mayor Mahon opened the meeting for anyone from the public who wished to be heard.

**PUBLIC:**

George Saximier, Asbury Park, stated he had received a traffic ticket while in Sea Bright and commented on his experience when he attended traffic court, and what concerned him most was the lack of the Bible present for use and that he and no one else had been given the choice of rejecting being sworn in by the Bible and that there was no request for anyone to be sworn in – a violation of NJ law and the judicial system and provided copies of documents articulating same.

Mr. Bennett advised Mr. Saximier that the court room they were in was used not only by Oceanport but also by Sea Bright's Court and the Judge for the Sea Bright Court was appointed by the Sea Bright governing body and that Oceanport court and Judge Thompson *do* swear everyone in as he himself participates in court as the Prosecutor in another town that Judge Thompson presides and that there was always a Bible present in Oceanport's court.

Mayor Mahon added that Oceanport hosts Sea Bright's court room as a shared service so that their taxpayers wouldn't have to construct one at considerable expense.

Mr. Saximier responded he would be in Sea Bright very soon.

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

Mayor Mahon concluded by reading a Proclamation honoring James Foligno, former Recreation Coordinator and congratulations on his retirement.

**Bill List:** Ad Hoc Trust \$542.00 Capital Trust \$42,825.13 Dog Registry \$870.40 Escrow Trust \$3,755.00 Off Duty Trust \$14,153.71 Open Space Trust \$550.00 Other Trust \$1,650.00 Public Defender \$200.00  
**2010 Vouchers Paid \$359,466.17 2010 Vouchers Paid this Meeting \$0.00 Total 2010 Vouchers Paid \$359,466.17 2011 Vouchers Paid \$27,817,983.50 2011 Vouchers Paid this Meeting \$92,542.68 Total 2011 Vouchers Paid \$27,910,526.18.**

At 9:02 p.m. the Clerk read a Resolution authorizing the meeting to enter Executive Session for the purpose of matters required to be confidential on a motion made by Councilman Ibex and seconded by Councilman Gallo and approved by Council.