

REGULAR MEETING

Oceanport, New Jersey
December 15, 1994

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on December 15, 1994 at 8:05 P.M.
- MEMBERS PRESENT:** Councilpersons Clark, McGee, Filippone, Miller, Taylor, 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 meeting held on December 1, 1994 had been made available to the Governing Body for their review, Councilman Wolfe moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilwoman Filippone and approved by Council, with the exception of Councilman Miller who abstained because he was not present.

CLERK'S REPORTS:

1. Taxi license renewal application made by Anthony Sestito t/a CITY CAB.

The Clerk advised that the fees had been paid and the vehicle had been inspected and approved by the Police Department, after which Councilwoman Filippone moved to approve said application renewal. It was seconded by Councilman Clark and unanimously approved by Council.

COMMITTEES:

COUNCILMAN CLARK: Councilman Clark asked the Clerk to read resolution **R-94-72** transferring funds, after which he moved to approve same. It was seconded by Councilman Wolfe and unanimously approved by Council.

R-94-72

Councilman Clark thanked the Borough of Oceanport for permitting him to sit on the Council these last three years and stated he has enjoyed his time immensely and hoped that he has provided services that were needed in the Borough and looked forward to helping out in other ways in the future.

COUNCILMAN MCGEE: Councilman McGee reported on the Police negotiations and commented that they are proceeding and he and Councilman Miller met last evening for two hours with the PBA representatives and he thought it was a very constructive meeting.

Councilman McGee reported under insurance, in keeping with the Statewide Worker's Compensation Fund, we are in the process of putting together a Safety Committee to try to address some safety issues to make Oceanport an employer friendly place to work.

Councilman McGee wished everyone in the Borough a happy and safe holiday as well as to everyone on the Dais.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone offered her thanks to Councilman Clark for his three years of outstanding service to this community and commented that Sol was a very vital and valuable member of this Council and under his supervision, we really have moved forward with great strides and she wished him the best of luck. She also commented that she knows we have not lost him to this Community, because he is very active with the Scouts and wished him the best.

Councilwoman Filippone reported that the Borough will be conducting a free Rabies Clinic on January 28, 1994 at the Port-au-Peck Chemical Hose Fire Company from 9-11 AM for dogs and cats.

Councilwoman Filippone mentioned that one of our First Aid Squad volunteers not only performs great service in the Community but she was on a plane flying to Hawaii when one of the passengers became seriously ill and Suzanne Burnis administered first aid in the plane, while in flight and wanted to commend her fine efforts and she is an outstanding individual and First Aider.

Councilwoman Filippone wished everyone in the Borough a Merry Christmas and Happy New Year.

COUNCILMAN MILLER: Councilman Miller commented that he will miss Councilman Clark and felt that his service to the community has been excellent and he will always remember driving around after the December 1992 storm to see what they could do to help the residents and almost being flooded out themselves. He stated he was looking forward to working with Sol on future Eagle Scout projects as well as other projects.

Councilman Miller thanked the Recreation Committee for the fine job they did with the Holiday Tree Lighting and also thanked the Maple Place School and Shore Regional Choirs who added a positive touch to the evening.

Councilman Miller reported that Addie Nelson through the Recreation Committee is sponsoring a bus trip to the Philadelphia Flower Show on March 9, 1995 and the cost will be \$23 and the bus leaves at 9:30 A.M. and it is quite a show.

Councilman Miller stated that it is with frustration and sadness that he is reporting that the track, which was supposed to be hooked up with the sewer authority by June 1, 1995, will be delayed because the bids were "non responsive" and the DEPE has given them an extension until December 31, 1995. He felt it was very frustrating and he hoped that he will not be saying there is going to be another 6 month delay next December.

Councilman Miller wished everyone a happy holiday and a prosperous and healthy New Year.

COUNCILMAN TAYLOR: Councilman Taylor thanked Councilman Clark for his dedication these past three years and he did an excellent job heading up his Committees and he was always willing and able to fill in for meetings that when he was un-available with regard to recycling, Clean Communities and Community Development and he wished him well.

Councilman Taylor wished all of the residents a very happy and healthy holiday season.

Councilman Taylor also reported under the Drug Alliance that the 1995 calendars were now available and the Team Leadership group from Shore Regional will be delivering those that have been ordered and anyone who wishes to purchase a calendar, should contact Borough Hall and arrangements will be made. He stated this year there is a very nice picture of the First Aid Squad.

COUNCILMAN WOLFE: Councilman Wolfe wanted to advise everyone that the flapper valve has been installed near Gooseneck Point by the County of Monmouth and he was over there checking out the installation during a recent rain storm and although it was not a heavy rain, when the tide came up, the valve closed like its supposed to, so we know its working and we will have to see what happens when we have a big storm.

Councilman Wolfe announced that the 1994 Road Improvement Program has been completed as of today and he stated that the contractor, Fiore Paving, Oceanport, did a very good job with this project.

Councilman Wolfe moved to approve the Municipal Services Agreement between the Borough of Oceanport and Kimberly Woods Homeowners Association to provide curbside garage and recycling collection; street sweeping and curbside leaf collection and to authorize the Mayor and Borough Clerk to sign said agreement. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Wolfe thanked Councilman Clark for his hard work and dedication he has given to the Borough over the last three years and stated that he and Sol worked on many projects together dealing with Borough functions and he was always willing and able and more than knowledgeable of many of the facts and facets of the operations we were encountering. Councilman Wolfe stated he will miss Councilman Clark and he looks forward to his replacement to give at least the dedication that Sol had.

Councilman Wolfe wished everyone a Merry Christmas and a happy and healthy New Year.

MAYOR CAVANAGH: Mayor Cavanagh announced that the Reorganization Meeting will be held on January 1, 1995 at 12:00 Noon when we will swear in the new Councilpeople and he invited the public to attend and he will be presenting the Mayor's Lifetime Achievement Award as well.

Mayor Cavanagh wanted to say that the leaf pick up appears to be substantially ahead of where we have been in the past several years and Mike Giordano has been terrific and we have done it quicker this year in less time and less overtime and asked Councilman Wolfe to commend Mike and his crew in the Public Works.

Mayor Cavanagh reported he has had his annual pre-budget meeting with our Borough Auditor, Mr. Hulsart to try and see how we have done this year and what next year looks like and it was a good news/bad news discussion. He also advised that this year the State of New Jersey wants the municipalities to have their budgets introduced no later than February 10, 1995 and he advised the Clerk that at the December 28 work shop meeting we will have to set up meeting dates during January. He commented that this puts pressure on the PBA negotiations as well as to all the Department Heads to get their budgets in quickly.

Mayor Cavanagh wished to echo the comments made previously regarding Councilman Clark's last meeting tonight and this is a very difficult job sometimes in terms of perception and effort and sometimes you wonder if people appreciate what you are doing. He continued that sometimes

only the people that you work with really know what you are doing and appreciate your efforts and he certainly wanted to extend his gratitude to Sol and as he has often said, he is only as good a Mayor as the people who serve with him on the Council, because if they are not doing their jobs, then he does not look good. Mayor Cavanagh thanked Councilman Clark for the past three years of excellent service and wished him well and presented him with a plaque from the Mayor and Council expressing their appreciation for his efforts during the past three years.

Councilman Clark thanked the Mayor and Council for the plaque and the comments made this evening.

Mayor Cavanagh then opened the meeting to the public.

PETITIONS FROM THE PUBLIC:

Peter Delleria, 8 Maple Court asked why the Borough Engineer was not here tonight, to which Mayor Cavanagh explained that the Engineer attends the work shop meetings and advised that we had requested Mr. Rospos to attend special, due to Mr. Delleria's request.

Mr. Delleria stated he wanted to discuss leaves and agreed that the men did a good job and now Mr. Lagrotteria, Jr., was cleaning up his property last week end as did several other owners of vacant lots and he wanted to say that the only thing that was in the curbs was compost, not any dirt or debris from his property and now the street has been cleaned on both sides.

Mr. Delleria stated the reason he wanted the Engineer here tonight was to suggest that he get a copy of Title V which is a very good book and things that he had been accused of doing, are explained in this book.

Mr. Delleria commented he attended the work shop meeting Monday night, but does not feel that we got anywhere. He stated the point he was making was that until he and the Mayor sit down and go over the numbers in order to find out why the permits cost so much money, we won't have any real answers and he came here Monday night thinking there was going to be documentation, but that all Mr. Joyce did was give high and low numbers, but Mr. Delleria wanted a breakdown to see how the money is spent.

Mayor Cavanagh questioned what type of breakdown Mr. Delleria was looking for, to which Mr. Delleria responded how the Department functions and works and how the money goes out. He is looking for an answer as to why his building permit cost \$1,700 and he did not receive a justifiable answer. He made a recommendation 10 months ago that he, Mayor Cavanagh and Councilman McGee get together and meet with Walter Joyce and find out what was going on, but that never happened. Mr. Delleria again asked that a Committee be set up to find out why it costs so much money for a building permit in this town.

Mr. Delleria stated he contacted the State again on Tuesday morning and they told him they don't care what the Borough does as long as they receive their fees which go for training seminars for building officials. Mr. Delleria stated until he receives some type of an answer to the questions he has raised, this is going to be an ongoing thing. Mr. Delleria commented on the 25% reduction that was given to the Fire and First Aid volunteers and felt that if we can find a way to cut the fees charged to them 25%, then we should also be able to find this type of reduction for the senior citizens and he spoke with some of them today about this and they were thrilled to hear about this.

Mayor Cavanagh stated that he was not going to be drawn into a discussion about why senior citizens should not get a break, because that has never been the issue. He continued that Mr. Dellera asked the Governing Body to deliver to him an analysis of how the Department worked and how it procured funds and how it spent funds and we sat here for one hour on Monday evening, with a special appearance by the Construction Official, Mr. Joyce, who gave him number after number and Mayor Cavanagh indicated to Mr. Dellera that he was welcome to have a copy of the budget, if he doesn't have one already, which sets up every salary that comes out of that Department. Mayor Cavanagh stated as far as this issue is concerned, most of the monies expended come right out of that budget and an Audit will be available some time in April/May which will tell you exactly what was realized in the Building Department, although Mr. Joyce advised everyone of those numbers on Monday night.

Mr. Dellera again stated that Mr. Joyce did not tell him how the money is spent, to which Mayor Cavanagh again advised that the money is spent in accordance with the budget items and no money is spent other than what is in the budget and if each month, he were to check the Voucher Register in the back, he would see every bill that is submitted from that Department. Mayor Cavanagh explained that Mr. Joyce takes the money he receives and within a designated time frame, deposits it here and expends money only by way of Voucher and/or through the salary ordinance. Mayor Cavanagh did not understand Mr. Dellera's continuing comment that he does not know where the money is going, when he has the line items in front of him.

Mr. Dellera asked what casual labor was under the Building Department, to which Mayor Cavanagh indicated that Mr. Joyce explained that Monday evening, but Mr. Dellera insisted he did not, after which Mayor Cavanagh stated Mr. Joyce commented that if one of the Inspectors were to become ill and he had to have someone fill in for a period of time, that money would cover any costs, after which Mr. Dellera stated he did in fact now remember the explanation.

Mayor Cavanagh stated he knew Mr. Dellera would remember if he explained it again, but the point the Mayor is getting to is that he does not know if he is trying to be repetitive or what, but we have tried doing everything that he has asked. He continued that Mr. Dellera has copies of the public documents that answer his questions which he raised; we brought in Mr. Joyce for one hour to explain the costs and following that the Mayor asked Mr. Dellera if he had anything further to ask, to which he answered no, and now we are doing it again.

Mayor Cavanagh asked what it is that Mr. Dellera wants to know that we have not given him copies of, told him or shown him, to which Mr. Dellera again stated that he wants to know exactly why this money is spent this way and why costs are what they are and why it costs \$1,700 for a building permit.

Mayor Cavanagh asked if he wants to know how the cost is computed or why we charge what we do, to which Mr. Dellera stated he knows why the Borough charges the way it does, because the Department is taking in money. Mr. Dellera stated that the money taken in by the Construction Department is not supposed to be used for any other purpose but for the Department, to which the Mayor agreed that is so generally speaking and it must be related to construction.

Mr. Dellera questioned how the Housing Inspector is involved with Construction, to which the Clerk advised he does C.O. inspections on rentals and resales of homes, but not new construction. Mayor Cavanagh explained that this position is held by Mr. Parker, to which Mr. Dellera stated a fee is charged for this service, to which the Mayor agreed, but Mr. Dellera stated that he paid \$60 for his

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C.O. Mr. Margalotti, Borough Attorney, stated that the cost of \$25.00 is only for rentals and resales and does not include C.O. inspections for new construction, which is different.

Mayor Cavanagh stated he was asked several questions by Mr. Deller Monday night, one of them being why we have to keep the Fire Marshal and Zoning Enforcement Officer under the confines of the Building Department and today when he met with the Borough Auditor he asked if there are any types of restrictions that we do this. Mayor Cavanagh advised that Mr. Hulsart stated he already spoke with Mr. Deller about this matter, since Mr. Deller called him directly, and he gave him the answer and advised that it does not matter if you take them out or leave them in, because that small amount of money will still be reflected in overhead and it will not change the ultimate situation of the structure of the Department, to which Mr. Deller stated he did not remember having that conversation at all. Mayor Cavanagh stated that Mr. Hulsart advised we can take them out of this area if we want, but it doesn't change anything and there is not a problem with having them where they are now.

Mr. Deller stated the people he spoke with in the State told him that the town does not have to charge what the State uses, and the towns can use lower fees if they choose to do so, which Mayor Cavanagh stated he would agree with that statement.

Mayor Cavanagh stated he did not know where we were going again with this discussion, since Mr. Joyce's presentation showed that for the past 9 years the Department is still running at a net loss of approximately \$20,000 over those 9 years and Mr. Deller was present when Mr. Joyce explained this. He continued that the inference that Mr. Deller would like us to draw that some how we are making money is just inaccurate and wrong.

Mr. Deller commented that he feels the money is being mis-spent, to which Mayor Cavanagh again stated this is a different issue and continued that when Mr. Deller was done with that issue and the numbers did not support his arguments, we went to the next issue of are there too many people making too many inspections, to which Mayor Cavanagh explained to him Monday night that they are paid an annual salary regardless of how many inspections they make during the year. Mayor Cavanagh stated Mr. Deller then stated that he would like to know how many times they go out and the number of inspections that are being made during the year and the Mayor directed Mr. Joyce to have a number for each inspector, when he comes in to discuss he 1995 budget request.

Mr. Deller stated he was not sure this was going to be done and wanted to be assured that these questions would be answered and he needs to see figures because these numbers are way out of whack to him.

Mayor Cavanagh stated that Mr. Deller has the right to say what his opinion is, but when he makes a statement that the money is out of whack, he is dead wrong, because Mr. Joyce sat here and explained what the numbers were of the funds taken in and what the numbers were of the funds that were expended over a nine year period. Mayor Cavanagh stated if Mr. Deller wants to argue that the people in that department are over paid or that we should have less people, he reminded Mr. Deller that most, if not all of the people in the Building Department are required by law.

Mr. Deller stated when Walter was going over the sheets, he asked for a copy and never got one, but he is going to get one now, because he asked that night. Mayor Cavanagh questioned if he was asked for Mr. Joyce's analysis of the money in and the money out, to which Mr. Deller he would like to see it and if not, he will ask Ms. Clark to look at her records. Mayor Cavanagh stated that

Donna does not have these records because they are Mr. Joyce's records and she does not keep track of this and she was not here 9 years ago.

Mayor Cavanagh stated he has assured Mr. Dellera he will speak with Walter about the number of inspections when we discuss his budget and the Council will discuss where we will go based on Mr. Dellera's point to see if there is a problem and we are doing what he has asked, and then Mr. Dellera comes here tonight and acts like we were at different meetings.

Ricky Gallo, 556 Shrewsbury Ave., asked why the residents have to separate the recycling materials and the Borough employees come to pick them up and dump everything into the same truck, which he does not understand.

Councilman Taylor explained that awhile back we were getting more money if the recycling materials were separated but then the prices dropped. He continued that the problem is that it is difficult to re-educate everyone and it takes awhile before everyone understands any changes. Mayor Cavanagh stated we are hoping to get back to the money we were getting previously and it would be an incredible thing to make the people stop separating, when everyone is conforming to the regulations and suddenly, make them go back to separating.

Councilman Wolfe also stated that when these changes come about, there is no lead time and they will contact the Borough a week prior to the change, which is impossible to get to each and every homeowner.

Elwood Baxter, 21 Pocano Ave. wished Councilman Clark well and wanted him to know that the people appreciate the many things he has done and echoed the sentiments made by his fellow Councilpersons. He stated that this is not only thanks for the things Sol does behind the scenes, but the fact that you do have to attend meetings and listen to some of us who tend to get somewhat muddle headed after awhile, but it is appreciated by the people who have been there.

Mr. Baxter commented that the Governing Body should consider passing a resolution and spreading it before the authorities at the State level at DEPE and let them know how unhappy we are about this situation with the race track and he continued that in fact, they are the biggest polluter in our region and this Governing Body will take the heat next summer, because most of the people will not realize that there has been this delay.

Councilman Miller advised that he brought this matter to the attention of the Water Watch Committee last week and Bob Kelly and Richard Gruskos are working on a letter, which he will bring for review by the Governing Body and perhaps the Council will do the same. Councilman Miller stated that if this were a private concern that was dumping into the river and the DEPE came along and said you have to clean this up within 3 months, that would be it and if it was not done within that time limitation, the company would be fined big bucks, but this is not happening.

Mr. Baxter asked with regard to the recycling question, he notices that no one ever puts out newspapers and we must bring them over to the drop off and asked if the truck has to come and pick the recycling up and takes it all to the same place, why can't they also pick up the newspapers?

Councilman Wolfe advised that the recycling that is picked up by Public Works curbside is brought over to Automated in Long Branch, but Garden State picks up the newspaper containers, which goes to Elmwood Park, NJ.

Mayor Cavanagh commented that the towns that do pick up newspapers, have a disaster when it rains or there are high winds and the papers are not bundled properly and it becomes quite a mess throughout the town.

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

Mayor Cavanagh stated that he will never forget Councilman Clark, since it was due to him that the Mayor got a new chair and he will always be thankful. Councilman Clark commented that when he first came on Council and looked at the Mayor's chair, he could not believe that this chair was being kept and he felt that we had to have something better to improve our image.

Councilman Clark moved to approve the bills as listed on the Voucher Register dated December 15, 1994. It was seconded by Councilman Wolfe and approved by Council with the exception of Councilman Clark who abstained from voting on the voucher due to Oceanport Boy Scout Troop #58. TOTAL 1994 VOUCHERS \$70,765.00. TOTAL 1994 VOUCHERS PAID THIS MEETING \$57,045.44. TOTAL 1994 OPERATING FUND \$127,811.43. TOTAL DOG REGISTRY ACCOUNT \$91.80. TOTAL PUBLIC ASSISTANCE I ACCOUNT \$500.00. TOTAL PUBLIC ASSISTANCE II ACCOUNT \$1,143.50. TOTAL CAPITAL ACCOUNT \$2,283.90. TOTAL TRUST ACCOUNT \$41.00. TOTAL RECREATION TRUST ACCOUNT \$200.00. TOTAL GENERAL LEDGER-TAX OVERPAYMENT \$1,104.08. TOTAL GENERAL LEDGER-VETERAN DEDUCTION \$50.00. TOTAL GENERAL LEDGER-FIRE PREVENTION \$31.86. TOTAL GENERAL LEDGER-SEWER LIEN REDEMPTION \$267.59. TOTAL GENERAL LEDGER-STATE TRAINING FEES \$1,697.08. (SEE VOUCHER REGISTER)

At 8:50 P.M. Councilman Clark moved to adjourn the meeting. It was seconded by Councilman McGee and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK