

REGULAR MEETING MINUTES

Oceanport, New Jersey
December 4, 2003

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on December 4, 2003 at 8:00 P.M. with Council President Gatta stating the meeting had been properly advertised in accordance with law.
- MEMBERS PRESENT:** Councilpersons Kahle, Mahon, Apruzzi, Gatta, McGann and Cooper.
- MEMBERS ABSENT:** Mayor Gemma.
- OFFICIALS PRESENT:** Borough Clerk, Patricia L. Varca.
- OFFICIALS ABSENT:** Borough Attorney, Francis A. Margalotti.
- INVOCATION:** Borough Chaplain Berry gave the invocation.
- PLEDGE OF ALLEGIANCE:** Council President Gatta led the audience and members of the Council in the flag salute.

As copies of the minutes from the regular meeting held on November 20, 2003 had been made available to the members of the Governing Body, Councilman Apruzzi moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Mahon and approved by Council, with the exception of Councilwoman Kahle who abstained because she was not present.

Council President Gatta advised that the next order of business was to conduct a public hearing, which had been advertised in accordance with law, regarding a grant application to the Monmouth County Open Space Program and asked Councilman Apruzzi to comment prior to opening the hearing to the public.

Councilman Apruzzi advised that several weeks ago we received a letter from the County stating that there were certain funds available for recreational purposes within our parks which we could get matching grants with the Borough putting in 50% of the amount applied for and the Recreation Committee reviewed what was needed and decided that approximately \$30,000 was needed to replace the benches at Old Wharf Park and at the Community Center and the Borough Council has agreed to match \$15,000 of that amount and we will hopefully receive the \$15,000 grant from the County and we should know the outcome by early February of 2004.

Council President Gatta then opened the meeting to the public for any comments or questions on this subject only.

Lee Poole, 10 Center Street and also the Chairman of the Recreation Committee stated that if anyone has been to the parks, you will see that we need new benches badly and have been putting this off because we had higher priorities and they really need to be replaced and hopefully, this is a way we can affordably get to replace them.

Councilman McGann asked Councilman Apruzzi about the low interest loan we have been approved for from the DEP, he stated that if we don't get this grant, could we use some of these funds for the benches, to which Councilman Apruzzi stated those funds can only be used at Blackberry Bay and Sommers Parks, but he added that if necessary, we could use some of the open space tax funds for this purpose.

As no one else wished to be heard on this subject Councilman McGann moved to close the public hearing on this subject. It was seconded by Councilman Apruzzi and approved by Council.

CLERK'S REPORTS: No Reports.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle reported on Buildings & Grounds stating that there had been some cracks reported in the foundation at the Olde Wharf House and they have been repaired at a minor cost of \$250. She also advised that she is presently getting quotes to repair one of the doors at that location as well.

Councilwoman Kahle advised that the new Bulletin was out last week and additional copies are available outside the Clerk's Office if anyone missed receiving their copy.

Councilwoman Kahle announced that the scheduling for the Old Wharf Senior Center will be done by a member of the Senior Citizen's Committee and Christine Smith will continue taking reservations for the Community Center and this change will be published in the next Bulletin and included in the 2004 Directory.

COUNCILMAN MAHON: Councilman Mahon reported under the Fire Department, Tuesday night the Fire Department held their annual election and Scott Sirianni, 1st Ass't. Chief was successful and was elected to the office of Fire Chief during 2004 and will be sworn in on New Year's Day.

Councilman Mahon reported that last night, as part of the continuing OEM annual re-certification and training, a table top exercise was conducted and again, it is part of the job that Capt. Sutton is performing to get us compliant and keep us eligible for grants. He continued that his understanding was that it was very successful and everyone learned a lot from this and commended Capt. Sutton on a fine job.

Council President Gatta commented that she was at the table top exercise and it was interesting to watch and what they did was to have this combined effort with West Long Branch and Oceanport and obviously headed by our Office of Emergency Management and also Buzzy Baldanza and Steve Cioffi and Oceanport was represented by our Police, Fire, First Aid, OEM and Public Works and Fort Monmouth was also there and she acted in the capacity of Mayor. She continued that not only was it interesting to watch, but to observe not only our volunteers working together, but working with volunteers from other communities and the consensus was that it was extremely worthwhile and for a first time endeavor, was done very well and thanked everyone for their participation.

COUNCILMAN APRUZZI: Councilman Apruzzi asked the Clerk to read resolution R-03-69 authorizing the submission of the grant application to the Monmouth County Open Space Program,

after which he moved to approve same. It was seconded by Councilman McGann and approved by Council.

Councilman Apruzzi advised that we have in hand the letter from the Green Acres representatives stating that we have been approved to receive the \$282,500 loan plus the \$250,000 minus the \$89,000 for the well, should be sufficient funding to complete the work at Blackberry Bay Park and Sommers Park. He continued that he will be speaking with the Borough Engineer with regard to going out to bid as early as possibly February to make sure that we can start this work as soon as possible in order to have the least impact on our sport's programs.

Councilman Apruzzi reported that under Police, he wanted to comment that there have been a lot of people driving through this parking lot in order to avoid the traffic light and this is illegal and he spoke with the Chief about putting a patrolman out front and he and Councilwoman Kahle received a note from the Chief about people parking their vehicles in our parks overnight and that is against the law by ordinance and Chief Bebout has asked that these two matters be reviewed and updated where necessary in our ordinances.

Councilman Apruzzi commented that a while back there was some damage at Charles Park where someone drove into the rather newly installed playground equipment and we just received the estimate for repairs which is approximately \$3,100 so minus our \$1,000 deductible, it will be costing the Borough \$2,100 to make these repairs.

Councilman Apruzzi reminded everyone that this Sunday, December 7th at 5:00 p.m. we will be conducting our annual holiday tree lighting and he urged everyone to come out and enjoy this event which will be followed by refreshments at the Port-au-Peck Chemical Hose Fire Company.

COUNCILMAN MCGANN: Councilman McGann reported that leaf collection is just about completed and will end around mid December barring any unforeseen snow storms. He also asked that if any residents have any branches or tree limbs cut at the curbs, to please remove them because it does cause havoc when you are plowing snow. He also advised that the Public Works Department worked late today getting the remainder of the leaf piles that were out due to the anticipation of the snow coming. He also asked that those residents who have portable basketball hoops at the street should also remove them since when the men are plowing it can cause problems and injuries.

Councilman McGann advised that Public Works received delivery of a brand new dump truck with a new plow and spreader and we have basically replaced our entire snow plowing fleet in the last five years and he has three spreaders loaded up and ready to go tomorrow morning.

Councilman McGann stated that we have had some discussions with Monmouth County over the past six months about a section of Driveway that they own and runs parallel to Monmouth Blvd. and there is a cul-de-sac that belongs to them and over the years it came under disrepair, especially when they were working on the repairs to the bridge. He continued that the County came in this week and reconstructed the entire cul-de-sac and did a pretty nice job at no cost to the Borough.

COUNCILWOMAN COOPER: Councilwoman Cooper asked the Clerk to read resolution R-03-70 authorizing a refund of an overpayment of property taxes after which she moved to approve same. It was seconded by Councilman McGann and approved by Council.

Councilwoman Cooper reported on the Finance Department and wanted to make mention that at this point our budget numbers look very good and the numbers include December's

payroll and everything looks great and we have been able to take care of the snafu with insurance by some transfers and not making us go over budget and everything looks great for the year.

MAYOR GEMMA: Absent.

COUNCIL PRESIDENT GATTA: Council President Gatta advised that the First Aid Squad are in the process of selling trees, wreaths, roping, grave blankets and are open Monday – Friday, 4-9 p.m. and Saturdays and Sundays from Noon to 9 p.m. She stated this is a major fund raiser for our First Aid and asked everyone to support them as much as possible. She also reported that on December 13th from 9 a.m. to 3 p.m. they will be conducting their holiday bazaar and chance auction and they will also be having their 50/50 raffle drawing at that time and tickets for the raffle which will benefit their building fund, are still available.

Council President Gatta also thanked the newspapers for their articles urging the residents of the Borough to support the local businesses due to the bridge closing.

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

Ed Ryan, 24 Willow Court stated that earlier this year Councilman Apruzzi had advised that in 2004 a patrolman would be added to the Police Department. He continued that now with Sgt. Ross retiring if there was any possibility of hiring two additional patrolmen, to which Councilman Apruzzi commented that the plan which the Police Chief agrees with, is to have a new patrolman hired to replace Sgt. Ross about the middle of February and at the same time, we will be applying for a grant to pay for 75% of the salary of another individual for three years with the Borough paying for any benefits and that person would begin working in 2005.

Mr. Ryan stated that with Sgt. Ross retiring, he felt that the town could hire two additional patrolman right now for his present salary, to which Councilman Apruzzi stated we had discussed this possibility of the savings, but there benefits that are paid out to Sgt. Ross when he leaves, does not afford the amount of savings you would think.

Mr. Ryan asked about the report of a car damaging playground equipment at one of the parks and the fact that the Borough was going to have to pay for the repairs and questioned why the individual who caused the damage wasn't paying, to which Councilman Apruzzi advised that the vehicle caused the damage in the middle of the night and the police were able to follow a trail of fluid from the car, but it stopped somewhere in Eatontown.

Mr. Ryan addressed comments made earlier in the year by Councilman Mahon with regard to cleaning out the creeks at Gold St., the drainage problem between Main St. and Pemberton Ave. and work over at the Hillcrest area and by Pan Gardens and he has seen no work done to any of these areas and asked why.

Councilman Mahon explained that he had forwarded a copy of his letter to Mr. Ryan which was forwarded to the Monmouth County Mosquito Commission and the Commission came in and reviewed the complaint sites, identified the areas that needed to be cleaned out with their equipment that they were capable of doing and to his knowledge, they are scheduled to come back into the Borough. He continued that the matter between Main St. and Pemberton Ave. has been the subject of discussion by the Council and we have referred that matter to our Engineer for planning for us to gain access to the easement, since we do not own that property and to put in a hard pipe to carry

that drainage away so the easement issue is being researched at the present time to determine who is the holder of that property and is being done by our Borough Attorney. Councilman Mahon stated that the Pan Gardens site questioned, has been determined by the County that there is nothing for them to do there and there is flow there and Gold Street area he was not sure what they did or didn't do and will follow up with the County on that location. He stated the other location where they are building new homes off Oceanport Avenue, instead of going in and cleaning up the ditch, the builder requested permission to install a hard pipe that would travel on his side of the curb from one catch basin to another which would create the flow that was needed without digging up the property.

Councilman Mahon advised he would contact the County about the Gold Street site and get back to Mr. Ryan to which Mr. Ryan stated that Councilman Mahon said that Tom Crochet was going to have Borough equipment over there and he is aware that Tom is too busy to do that, but Councilman Mahon explained that Tom Crochet met with the representatives from the Mosquito Commission who are responsible for performing that work if it is in a watershed area and went out and walked the site with them on behalf of the Borough and identified the areas that needed work, to which Mr. Ryan stated he did not see how they could walk the site since it is all a swamp area almost to the railroad tracks. Councilman Mahon stated he was aware of this and also advised Mr. Ryan that another problem that came to light as a result of his complaints a little further down the street and it related to runoff coming into that same watershed area from a home on Pleasant Place, which had changed the original approval drainage plan and our Engineer went out and advised the resident of some changes that had to be made to increase the flow.

Mr. Stu Briskey, 46 Werah Pl. addressed Councilman Apruzzi stating that a year ago he sent him a letter about public policy with a follow up in October and asked when he would have the time to answer that inquiry or would he like to do it now, to which Councilman Apruzzi asked if this was concerning the \$5,100 to which Mr. Briskey stated it was concerning policies and procedures of canceling purchase orders, correspondence from Councilpersons on whether it should be on Borough letterhead or not to which Councilman Apruzzi advised that any correspondence from a member of the Council to the public must be on Borough letterhead.

Mr. Briskey stated that his questions are not being addressed in any response he receives and he only gets numbers thrown at him from both Councilman Apruzzi and from the Mayor and stated he has been in finance for 20 years and stated that he wants answers to his four questions asked and he if does not want to do it now, he wants to have this by the next Council meeting because one of them makes him quite upset which was done by the Borough Attorney and he felt that if his tax dollars are paying for that kind of advice, he felt we should get a refund from our Borough Attorney.

Councilman Apruzzi asked Mr. Briskey to re-submit his request that he is asking for a reply to and Mr. Briskey handed him copies of his previous correspondence.

Mr. Edward Briskey, 43 Manitto Pl. commented that he was reading in the newspaper today about concerns about First Aid time getting to the other side of town because of the bridge being closed and questioned why we couldn't place one of the ambulances at the Port-au-Peck Firehouse so that one is on this side of town, to which Council President Gatta commented that the concern that was in the paper was the length of time going around to get to the senior building and we can certainly speak to First Aid to see if there has been a problem with the response time being hampered by the bridge closing.

Mr. Joseph Irace, 10 Osprey Lane stated that today's Asbury Park Press ran an article regarding the land across from Monmouth Park and asked if the Borough was aware of these environmental concerns and if this delays anything to the plans, to which Council President Gatta stated that the Sports & Exposition Authority has not yet come before the Planning Board, so we will have to wait to see if they appear at their scheduled date of December 17.

Mr. Irace asked if any of this was expected or anticipated since he had never heard of these people who appear to be coming out of the woodwork with a front page article in the Press, to which Council President Gatta stated anyone has a right to express their opinions and there were some concerns that have been addressed and as an example explained that the project was originally scheduled for more homes than they are doing because of some environmental concerns that were addressed.

Jane Ciani, 1237 Eatontown Blvd. and 1st Lt., Oceanport First Aid advised that we have absolutely no delays in getting to our senior building on East Main Street and we have had a plan put in place since we learned that the bridge would be closed and we have members who respond directly from their homes right to Oceanport Gardens with the appropriate equipment and we are there under three minutes therefore, see no need to place an ambulance at the Port-au-Peck Firehouse.

James Slattery, 25 Comanche Dr. stated that earlier Councilman Apruzzi reported we had an automobile accident that caused damage to the playground equipment at Charles Park and asked if they have taken into consideration any safety devices to prevent that from happening while children are at the park, to which Councilman Apruzzi stated we have discussed putting in a wood barrier in front of that parking lot area.

Mr. Slattery recommended possibly concrete filled pipes which he has done on property that he owns to save the children from anything happening where a vehicle is out of control.

James Gallo, 45 Bradley Ave. reported that the Community Center siren is now back in working order and suggested the Council send a letter to Brummer's Tree Service who donated their time and bucket truck in getting this problem resolved and also advised the Edward's Electric has the siren behind Port-au-Peck Firehouse and once it is working will hopefully be re-mounted in about a week or two.

Hugh Sharkey, 39 Algonquin Ave. wanted to address the racetrack again and was glad to hear some discussion at the workshop meeting on this matter, although he is not pleased that no one knew about this other group out there being proactive with whatever they are doing, although he doesn't care what they are doing, but what he was pretty happy to see was how aggressive Dennis Drazin is for the Thoroughbred Horsemen and he would like the Council to discuss and make a motion that we get an Attorney like Dennis Drazin and in fact should be Dennis Drazin, since he is out there doing something as compared to our Borough Attorney who is sitting as a challenger and didn't know if he was getting paid for this and continued that there is a bill on the Bill List for \$1,145 for November Attorney fees and asked if he billed the town for his time sitting as a challenger and is that a productive use of our Borough Attorney's time.

Council President Gatta asked Mr. Sharkey what he was implying in his comments, to which he responded that he is implying that Marlboro had been over billed by their attorney for approximately \$8,000 and he is implying that maybe our Attorney needs to be scrutinized with his time and bills and that is what he is implying.

Council President Gatta asked Councilwoman Cooper who is our Finance Liaison and asked if she was satisfied with the bills, to which she commented that she would be more than happy to investigate this to see time wise.

Mr. Sharkey stated there are firms out there that will audit Attorney bills on a contingency basis and it may be a good practice and prudent business decision to have our Attorney's bills audited as well.

Councilman McGann asked the Borough Clerk what our Borough Attorney's salary and retainer are to which she stated he received about \$120 per hour with a retainer of \$3,500 which he does not take and has not taken for the past two years. Councilman McGann asked when the last time his hourly rate was increased to which the Clerk stated perhaps five years ago and he commented that what Mr. Margalotti bills this Borough is very, very modest to which Mr. Sharkey commented it is most likely because we are getting very modest service, to which Councilman McGann disagreed and commented that Mr. Margalotti has been a fine Attorney for this Borough for approximately twenty years and has done an excellent job in his opinion at a very reasonable rate and cost to this Borough and we could have incurred enormous legal bills over the years and have not.

Mr. Sharkey stated that it goes to the heart of the matter and what he is trying to point out is pay to play and we have all read about in the newspapers recently and is a major issue in Government and he is very concerned about that and that you do not get the quality professional because of pay to play and he understands there are about a dozen towns in the County that have passed legislation or ordinances to prevent pay to play in their towns and he would like our Council to consider that and aggressively work on that as well.

Council President Gatta stated she was aware of two or three towns that have done this and certainly Mr. Sharkey's comments will be taken into consideration by this Council.

Peter A. Dellera, Sr., Turf Drive and stated that he has known Mr. Margalotti for over forty years and sat on this Council together back in the early seventies and he has always done a commendable job whether he agreed or disagreed with him at the time, but he did not think that Mr. Margalotti has ever taken an extra dime from anyone that was un-warranted and in his opinion, it is irresponsible to come forward and makes these types of remarks about an overall situation that has been going on in other towns, but has nothing to do with Oceanport. Mr. Dellera continued that if we go back before Mr. Margalotti was Borough Attorney, you will find that Mr. Steve Ingram was the Borough Attorney and he came about because his father was the Mayor in the old days and he didn't overcharge the Borough either, even though he voted against his appointment at the time. He felt that when we get to this point in our little town where we start throwing accusations around, he felt we are going beyond the normal point and he doesn't like when we accuse our own people of trying to do something wrong or that maybe something is wrong, then he has to get up and defend. He again commented that although he has disagreed with Mr. Margalotti in the past he is an honest man and did not think any mistakes were made.

Rick Gallo, 556 Shrewsbury Ave. wanted to discuss the recently amended ordinance to the fire department and wanted to know why the Port-au-Peck Firehouse has to follow the ordinance and Hook & Ladder does not and the first question is regarding the annual election. He continued that they changed the election to be one Chiefs election at one house, because it states in the ordinance the annual election and the old ordinance stated that said fire companies will elect the fire chief and

it was changed to say the election would be held at one house and an officers meeting was held and it was agreed that the election would be held at one house and Hook & Ladder agreed to it as well as an emergency meeting held on Monday prior to Tuesday's election for the entire Department to attend, but only three officers from the Hook & Ladder showed up and it was decided at that meeting that the vote for chiefs would be held at Port-au-Peck House and they agreed. He stated the night of the chief's elections not one member of the Hook & Ladder showed up to vote and in his opinion, they blatantly disregarded this ordinance.

Mr. Gallo went on stating the ordinance states that when an Ex-Chief steps down it used to say in the old ordinance that an Ex-Chief would replace him, but it is now been changed that a Captain can replaced an Ex-Chief and he questioned that someone with a lot less experience be allowed to run the Department. He also commented that the ordinance states this person must be an active firemen which means he makes at least 60% and the person that the Hook & Ladder are putting up showed up to only 8 fire calls out of 130 and the year before, he is hearing numbers of 14 and he stated this is going against the ordinance and asked what the Council plans to do about this.

Councilman Mahon reported that this subject was discussed in workshop before coming out to the meeting and we have made no final decision other than to sit down and speak with the candidate from the Hook & Ladder, who was on the ballot at their firehouse the other night and have him explain and respond to the question of certification, percentages, etc. and once we speak to him, we will render a decision as to whether or not he is certified to be a candidate or not for this office and will go from there. He continued that with regard to the other issues we have taken no position on and we are disappointed as a Council in terms of the vote not taking place in one firehouse but more importantly, the suggestion that votes taken elsewhere were not counted and the entitlement to vote and cast a ballot has not been changed along with the ordinance, although the location has changed, the entitlement to vote and the acceptance of that vote is part of the process and is something that we are concerned about and this will be discussed further.

Councilman Mahon stated the Council would like the Fire Com. more involved and think that there is some cause to go back and give the Fire Committee some teeth as to its authority, but we would like them to revisit the process in a manner that would place it before the membership of the fire department with sufficient time prior to future elections, so there is less confusion and the process is orderly. Councilman Mahon reiterated that the Council will deal with the certification issue of the present candidate directly with him and then will judge the situation from that point forward.

Mr. Gallo again stated that by allowing a Captain to fill a position that was previously filled by an Ex-Chief, you have weakened that position and as an Ex-Chief two times in this company, he felt this was wrong and wanted to make that point to the Council.

Councilman Mahon asked the members of the Council if his response to Mr. Gallo reflected the opinion of the Council clearly to which no one disagreed with his statements made.

Kerin Slattery, 10 Elliott Place asked if an ordinance can not be followed without its being amended by the Council, to which the answer was no and then proceeded to state when they put in the ordinance, several Ex-Chiefs got up and asked the Council not to pass it, to table it and give it more thought, but it was not done and it was passed because the Council thought it was a good idea and now there are a bunch of questions and holes in the ordinance. Mr. Slattery stated when the ordinance was written it stated that you vote at one house and then they decide to vote somewhere else because they don't like the ordinance and Hook & Ladder wrote up the ordinance and the Council passed it and now they don't want to follow it and asked how does this work. He continued

that now the Council is telling the Department that they are going to decide who the Chief is going to be and asked what this is based on, since an active member has to make at least 60% of all calls and clearly, by the candidates own admission, he has not done this and is clearly not eligible.

Council President Gatta commented that this point has not been communicated and that is the reason why we are meeting with him, but if he does not meet the eligibility, he cannot be 1st Chief.

Mr. Slattery asked who is running the Fire Department since the ordinance also created a Fire Committee, but the Fire Committee makes a decision and the gentlemen from the Hook & Ladder come back to the Council, saying they don't like the decision and now the Council is making decisions for the Fire Department and if the Fire Chief decides to do something, he should be able to do it and not wait for it to be approved by the Council.

Council President Gatta commented that the last thing this Council wants to do is micro-manage the Fire Department and added that this ordinance just went into affect and when we talked about this ordinance initially, we agreed that it is going to take some time for all of the firemen from both companies in order to move forward and it is not going to be an easy task. She stated that everyone on the Council wants the fire department to move forward and the only way that is going to happen is to sit down and communicate with each other and that is what the Fire Committee's responsibility is and we have got to let the process work and we are looking to both houses to sit down and work together and it is not going to be a quick fix.

Mr. Slattery responded by saying that is why it was asked that this ordinance be tabled because it was too much, too quick and too many things and too little time before the election but it was passed and now we have to follow it and that was the point made by Ex-Chief Rick Gallo in that we are making every effort to follow it, but Hook & Ladder are not and we have made several attempts since the ordinance was passed to have Fire Committees and no one from the Hook ever shows up and how do we work with people who don't show up for meetings to discuss matters.

Jane Ciani stated in response to the Fire Department's concern about the ladder truck getting out and she was told that the Hook & Ladder would have 60 days to make 100% of the calls with the ladder truck and her concern was if the ladder truck is pulled from the Hook & Ladder, what does that mean for the fire department on her side of town and her concern is if the ladder truck is moved to the other side of town, what does that leave on her side and when the railroad gates go down in the summer time, there are times when the delay can be close to 6-10 minutes if both trains are in at the same time and if her house is on fire, what is the response time going to be to get to her home.

Council President Gatta stated that the response was 95% response to appropriate calls and read a memo written by Mayor Gemma to Chief Gallo and copied to herself, Harold Sutton, Phil Payne, Tom Crochet, Bob Howie, Scott Sirianni and Al DeSantis and outlined the agreements made at the meeting they all attended with regard to the suggestion to move the Quint to the Port-au-Peck House and it had been agreed that it was inappropriate to move this vehicle until such time as the members of the Hook were apprised of the Fire Chief's concerns and given a 60 day time in which the Hook would have to respond to 95% of the calls and after the 60 days the situation would again be re-assessed and discussed.

Stu Briskey asked with regard to the fire ordinance, he had heard that the OEM Director and the Fire Marshal had been asked about the ladder truck status and pointed out that in the ordinance it states that the OEM Director and Executive Board members shall be non-voting advisors to the

Fire Committee, so he asked why we would be asking non voting members their opinion of what to do with the ladder truck.

Council President Gatta responded because the overall safety of the town is of the utmost concern, to which Mr. Briskey stated he thought that the Fire Committee through the Fire Chief was supposed to run the Fire Department and not the Fire Marshal and OEM Director and commented that no one is following this ordinance. Mr. Briskey stated that he has been coming to Council meetings since 1991 and this is the first time in his life that he felt total politics with an ordinance and it is this one and felt that this ordinance is a joke and full of holes, but we pay a Borough Attorney to write an ordinance full of holes, which is a waste of tax payer's money.

Mr. Dellera stated he was here last meeting when this ordinance was being discussed and he thought he understood it and the theory as he understood it was for something to get started and he felt that the Borough Attorney made a good presentation of the program and it was just a starting point. He felt that what needed to be done now was for everyone to sit down as gentlemen and work things out and all these holes that are coming up have to be plugged and hopefully, the firemen can begin to plug all these holes and no ordinance is ever perfect, but it is a starting point. He recommended to the firemen who do a very good job and take care of all the residents in the Borough is to sit down as men and work it out and get it done and make it right.

Councilwoman Cooper commented to Mr. Dellera, as one of the Councilpersons who opposed adopting this ordinance, she saw there were a lot of holes and for him to ask that the firemen work this out, they couldn't work it out before the ordinance and now you have an ordinance in place that nobody is abiding by and the problem is that it should have been tabled in the beginning because we have two groups who in some ways, act like children and they need a mediator to take care of things and we have done nothing than create animosity and she is concerned that she lives on one side of a town with another department on the other and they are fighting and what happens when her house is on fire and they are continually battling.

Councilman McGann stated that we have become provincial in a very small town and we cannot have this, there is no reason for this and the firemen have got to sit down and ask one another, as brothers in a fire department, why they cannot get along. He continued that we can legislate all day long on the Council and there are loop holes in everything and people are arguing the Constitution every day of the week before the Supreme Court, but we seem to have lost what we are trying to accomplish here and what really matters is that the firemen have to get along with each other and we just want you all to sit down and work out these problems and ask why you cannot get along, with two fire companies less than a mile apart and this is the perception that the public will have of the entire department if you don't work it out. Councilman McGann commented that the department's public perception is terrible and the public must have confidence in what you are doing in protecting them and without that, you will lose their respect. He stated that every month you are here before the Council with the newspaper reporters in the audience, which they have a right to be, and they write about Oceanport and the fire department and their problems and as a citizen of this Borough, he doesn't want that and doesn't want to read about how they cannot get along.

Mr. Dellera commented that he respects both Councilpersons Cooper and Mahon for their no votes on this ordinance but again, right or wrong is no longer the issue, but it is a matter of getting it done and this is the starting point and make it better and stop arguing.

Councilwoman Cooper stated that her point was that we are now in a situation where people feel we are not abiding by an ordinance and we should have worked it out prior to adoption, to which

Mr. Dellera responded that the Council is in this position because the firemen don't want to get together and when they decide to finally get together, the Council won't be in that position any longer and at this point, there is nothing the Council can do about it and you are all trapped right now and it is now time for them to sit down with representatives of each of the companies and work out the problems.

Mr. Slattery stated that at a fire scene, there has never been a problem between the two companies and there are no issues other than fighting the fire and we work very well together and the problem is inter-politics and he reiterated that we have held several meetings and no one shows from the Hook & Ladder so why does everyone keep telling us to sit down together.

Councilman McGann stated he was not making a direct comment to Kerin or any other individual, but to the department as a whole and not blaming anyone specifically, to which Kerin stated again that the Hook members do not show up to any joint meetings that have been set up. Kerin also stated that the point of moving the truck was not a vindictive thing, it was a strategic move because the truck was not getting out and it doesn't do anyone any good if it is on that side of town and not responding.

Councilman McGann asked why they don't respond to which Kerin stated they don't even show up at the meetings so we can ask why they don't respond and he continued that they have jobs and families and it is not their fault and he understands that, and they just can't do it and the reason we offered to move the truck and have everyone come to one house was so that the truck will get out which is the whole point and our trucks at Port-au-Peck get out 100% of the time and it has been documented for over 40 years and if the truck is moved, its going to be out 100%. Kerin raised the point that if the Police Chief made a policy decision and a patrolman came to the Council to complain about it, he didn't think the Council would interfere, nor would they say anything to First Aid about not moving an ambulance over to Port-au-Peck if some of the members disagreed, but when the Fire Chief decides on something, the Council steps in and makes a decision about who is going to decide the issue. Kerin asked how many meetings do we have to come before everyone realizes they aren't coming and the issue of the truck getting out is the most important issue and that is the point.

Council President Gatta stated that she was also informed that some of the Port-au-Peck firemen are presently being trained on operating the Quint and we need to discuss the future of this situation after we have the 60 day trial period, but the firemen still need to sit down and work out all of these problems.

Kerin Slattery commented that earlier tonight it was suggested to move an ambulance over to the other side of town for equal coverage on both sides and the Squad opposed it and they do their job from their First Aid Building with no problem, but they can do it out of one location with no problems and they never have, but all of a sudden we're concerned that we're going to fight fires out of one house and the railroad tracks were not an issue for the First Aid, but those same tracks are an issue for the Fire Department.

Councilman McGann pointed out that historically you have had two fire companies in this Borough for a substantial period of time, to which Kerin responded that the reason was that back in 1916 you couldn't get across town on a horse, but he can get across town in his vehicle in two minutes. Councilman McGann stated that we have always had one First Aid Squad and two fire companies which has some historical significance about the fire companies, to which Kerin stated that history doesn't put out fires. Councilman McGann stated he was not implying that, but that there

is a mindset here for a very long time that we have had two fire companies in this town and he is not saying its right or wrong.

Council President Gatta advised that when this matter was first brought up, the Council was misled when the Fire Chief came before us and said it was mutually agreed upon by both houses to move the truck to Port-au-Peck., to which Kerin stated at a meeting where there were representatives from the Hook & Ladder, they agreed that it should be in one house and that they could operate out of one house and that issue changed once they left that meeting. Council President Gatta stated that we have a letter from the Hook saying that is not what happened and continued that communication is a problem and no one wants to step in and take over the fire department and they need to govern themselves, but when it involves matters that mislead the Council, we have every right to step in and say perhaps there were alternatives and find out what was actually said.

Mr. Ryan stated that there have always been disagreements between the two fire companies, but we have always fought fires together and what we used to is that the Chiefs would get together and change drivers and at that time both companies had the same number of volunteers, but then Port-au-Peck area started to grow faster and that company got more members and they now have a lot more members available during the daytime to answer calls and the problem stated about the railroad tracks is ridiculous since most of the surrounding towns have one fire company and railroad tracks to deal with such as Little Silver and Shrewsbury and he felt that they all have to come together and work this out between all the members.

Mr. Edward Briskey stated that it appears tonight that two people are under the impression that he recommended that they move the ambulance over to Port-au-Peck, but did not do that and only suggested that after reading an article in tonight's newspaper that stated there was a problem with the ambulance getting to the senior housing due to the bridge.

Jim Arnold, Port-au-Peck Ave. stated that he finds it nauseating that the two fire companies have this situation and as a tax payer, he sees it as the Oceanport Fire Department and does not see himself as being protected by one company or the other and it sickens him to hear "we" and "they" and he wants them to be together as one unity.

Scott Poyner, 38 Tecumseh Ave. stated we can all see the Fire Department is having a struggle and maybe it should be Oceanport's Fire Company and perhaps they have come to the Council for some advice and you have tried to give it to them and they still cannot work out their problems and maybe a date has to be set and by that date they must resolve their problems because after that date then someone else must make some decisions and raised the question where are representatives tonight from the Hook & Ladder.

Council President Gatta stated that she would much prefer them to all sit at a fire meeting and talk about their problems rather than at a public Council meeting.

Mr. Sharkey agreed with Mr. Poyner who made a good point and also an excellent point about the First Aid Squad having only one house and doing a great job. He stated his recommendation on this issue of trying to solve problems instead of just bringing up problems is to perhaps for the Council to put money aside to hire a professional that all parties can agree upon, like an arbitrator, and solve these problems and get it done.

Councilman McGann asked if they would agree to binding arbitration and stated lets put our cards on the table; are we talking about mediation or arbitration and does not know that any of these gentlemen would agree to binding arbitration.

Mr. Sharkey wanted to clarify that some people in the room misunderstood his question on the pay to play issue and stated that he is not trying to point fingers or get down on any professional or attorney, but his point is to bring up insurance and legal as examples of pay to play and how a lot of people, as reported in the newspapers, are against this and think it is unethical and he also believes it is not very ethical and does not give you the best quality and that is what he really wants to make sure everyone understands is that pay to play process that he does not believe in.

Council President Gatta thanked Mr. Sharkey for his comments and asked that he give this Council some opportunity to work on these issues.

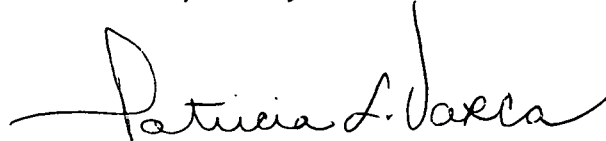
Rick Gallo asked about the light at the intersection of Monmouth Blvd. and Myrtle Ave. and asked why it is not as smart as the light at Port-au-Peck and Branchport Ave. and you sit there and wait for it to turn green when there are no cars around and wondered if someone could contact the County to smarten up that light.

Jim Gallo, Fire Chief reported that tonight West Long Branch had an automobile accident involving two cars with a car flipping over and people trapped and stated this occurred at Rt. 36 and Oceanport Ave. and commented this is a very dangerous intersection with a left turn lane with no arrow and something needs to be done and perhaps the Oceanport and West Long Branch Councils can get together and contact the State and see if something can be done to make it safer before someone is killed at that location.

Councilwoman Cooper moved to approve the vouchers on the Bill List dated December 4, 2003. It was seconded by Councilman Apruzzi and approved by Council. TOTAL CAPITAL TRUST \$113,117.41. TOTAL ESCROW TRUST \$5,049.00. 2002 VOUCHERS PAID \$97,050.55. 2002 VOUCHERS PAID THIS MEETING \$161.50. TOTAL 2002 VOUCHERS \$97,212.05. 2003 VOUCHERS PAID \$13,412,062.62. 2003 VOUCHERS PAID THIS MEETING \$597,338.27. TOTAL 2003 VOUCHERS \$14,009,400.89. (SEE BILL LIST)

At 9:25 p.m. Councilman Mahon moved to adjourn this meeting until the next regular meeting scheduled to be held on December 17, 2003 at 8:00 P.M. It was seconded by Councilwoman Cooper and approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK