

REGULAR MEETING MINUTES

Oceanport, New Jersey
December 2, 2004

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on December 2, 2004 at 8:00 P.M. with Mayor Gatta stating the meeting had been properly advertised in accordance with law.
- MEMBERS PRESENT:** Councilpersons Kahle, Johnson, Gallo, Chaump, Mahon, Briscione and Mayor Gatta.
- OFFICIALS PRESENT:** Borough Clerk, Patricia L. Varca and A/Borough Attorney, Martin A. McGann.
- INVOCATION:** In the absence of Chaplain Berry, Mayor Gatta asked for a moment of silence in memory of G. Stephen Ingram, who passed away on Sunday and he had been the Borough Attorney from 1972 to 1983 and he was buried today.
- PLEDGE OF ALLEGIANCE:** Mayor 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 18, 2004 had been made available to the members of the Governing Body, Councilwoman Chaump 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.

Mayor Gatta then asked Captain Sutton to come forward and make the presentations to the 2nd CERT (Community Emergency Response Team) graduating class in the Borough and stated that most towns don't have one CERT class and we now have our 2nd graduating class. Mayor Gatta stated she is very proud of all of the members who have gone through the course and as a member of the first graduating class, she realizes the commitment and the work that had to be done to obtain this status and us strong and better as a community working together to help one another.

Captain Sutton explained that the Community Emergency Response Team (CERT) were designed to teach citizens who are not members of emergency services how to handle disasters and how to first take care of themselves and their families, their neighbors, in situations where the emergency responders are tied up in major disasters and may not be able to get help to all the people who need assistance. He continued that it takes eight weeks of training and tonight we have 13 graduates tonight, added to the 20 graduates from the first class and gives us a rather substantial CERT Team and there are larger towns that don't have as many CERT people as we do, but we always do well with volunteers in our community.

Captain Sutton recognized Gary McTighe from the Monmouth County Prosecutor's Office of Emergency Management and he and the Mayor assisted in giving out certificates to the following graduates: Amy Donahoe; Shanna Giordano, Robert Kelly; Linda Kelly; Sandy Kuhn; Donna Liska; Jim Michaels; Steve Petrillo; Amelia Saliski; Richard Saliski; Willy Shaffery; Felicia Slattery and Lori VanBrunt.

Captain Sutton also recognized members of the first graduating class who came out tonight to support the new members and thanked everyone for their hard work and efforts.

Mr. McTighe commented that Monmouth County is number one in New Jersey for having the most CERT Teams and we have 325 people right now in Monmouth County and by the end of December, we will have over 500 and New Jersey is number one in the nation for the CERT Team and offered his congratulations to all the graduates.

CLERK'S REPORTS: No Reports.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle reported that she attended a Monmouth County Municipal Storm Water seminar today, sponsored by the DEP and Monmouth County Freeholders were there and they were discussing the new storm water regulations that we will all have to comply with by April 1, 2005. She continued that they were discussing all that the municipalities will have to do in order to comply with the regulations and there is some money out there, but not an adequate amount for all that needs to be done. She also stated that we are a bit ahead because we have mapped all of our drainage systems and catch basins, but one thing that was troubling was that as a Council, we have been looking into shared services with different municipalities including West Long Branch, Monmouth Beach and Sea Bright to try and get some of the equipment to clean out the storm drains, sweep the streets and there was a three in one thing that could do all the things we needed done and the machine cost \$350,000 and we were looking into sharing equipment of that nature. She stated what she found out was once we clean out our catch basins we have no where to go with the sediment and the water that is collected and we need to de-water the sediment and no one in the County has a facility for this purpose. She continued in other States it was pointed out that they have Storm Water Authorities where you can bring this material to dispose of for a fee which is about five years down the road for us, as a municipality. She advised that this is an issue that the DEP is going to look into since we can't clean out the storm drains if we have no where to dispose of the materials.

Councilwoman Kahle advised that we have applied for some money for a new siren system from the wish list which they give out every year at the end of the year from the extra money from the State and we are still waiting to hear if we are going to get those funds, but in the meantime we have had to dismantle the siren system because it is not longer able to be repaired and the last time it was repaired last Monday, by Friday it was not working again and the circuit breaker over the weekend in the Dispatcher's Office started sparking and smoking, so it had to be disabled, so at the present time we have no siren system and all emergency services have been notified. She urged all emergency personnel to wear their pagers and we are hoping that we get these funds, because if we don't we will have to look into other avenues since we need to have a working system.

Mayor Gatta commented that the schools have also been notified since they use the sirens for snow closings.

COUNCILWOMAN JOHNSON: Councilwoman Johnson asked the Clerk to read resolution R-04-94 authorizing the signing of the new Police Contract for 2004-2007, after which she moved to approve same. It was seconded by Councilwoman Chaump and approved by Council, with the exception of Councilman Gallo who abstained since he was not on the Council during the police negotiations.

Councilwoman Johnson reported that the Capital Improvement Committee will be meeting on December 14th to discuss the concerns of various departments for their five-year plans.

Councilwoman Johnson reported under Police, next week we will be conducting interviews for the position of Detective Sergeant and she also noted at this time the Department is still accepting applications for a police officer.

COUNCILMAN GALLO: Councilman Gallo reported on the recent town hall meeting stating that Patrolman Mike Kelly spoke at the meeting about recent complaints of speeders on Burnt Mill Circle and the Department has and will continue to address the problem with radar and visible patrols in that area and using the message and radar sign as well as patrolling Asbury Avenue, Comanche Drive and several other streets and he urged the residents to be conscious of their driving speed.

COUNCILWOMAN CHAUMP: Councilwoman Chaump reported on Blackberry Bay Park advising that the Borough Engineer informed the Council earlier this evening that a letter has been sent out to the Contractor at the Park and will be having an on site meeting with him shortly to review the punch list.

Councilwoman Chaump stated she also attended the senior Christmas Party, which was on December 1st, Wednesday and noted that most of the Council members were there, which she thought was very nice and the new officers were sworn in by Mayor Gatta.

COUNCILMAN MAHON: Councilman Mahon asked the Clerk to read resolution **R-04-95** regarding the transfer of funds, after which he moved to approve same. It was seconded by Councilwoman Kahle and approved by Council.

Councilman Mahon asked the Clerk to read resolution **R-04-96** regarding the refund of overpayment of property taxes for Block 29, Lot 13 in the amount of \$1,822.45 after which he moved to approve same. It was seconded by Councilman Briscione and approved by Council.

Councilman Mahon then asked the Clerk to read resolution **R-04-97** regarding architectural services for the feasibility study for the expansion of the Borough Hall and the Public Works Building, after which he moved to approve same. It was seconded by Councilwoman Kahle and approved by Council.

Councilman Mahon moved to approve the introduction of an amendment to the personnel ordinance pertaining to part-time hourly employees to be allowed, after one year in the position, the same vacation/sick time as full time employees, but on a pro-rated basis and it should be noted that this is for part-time hourly/salaried employees and does not include part-time seasonal employees. It was seconded by Councilman Briscione and approved by Council.

Councilman Mahon stated that earlier Councilwoman Kahle had reported to him that under the new storm water regulations, our salt storage facility, would have to be closed on all four sides, while presently it is closed on three and this is something we are going to have to ask that this be included in the feasibility study which was just approved by resolution and come up with a way to resolve this issue. He also commented that he has spoken with Tom Crochet, Superintendent of Public Works and would like to speak with the County to suggest a shared service with Monmouth County and their Street Department, to bring a salt storage facility to Oceanport adjacent to a County road and would help the County for materials close by during a storm as well as assisting us by financing the facility and purchasing jointly the salt/de-icing material.

Councilman Mahon reported under Public Works that leaf collection ends on December 17th and some people may read an article in the Star Ledger with regard to leaves being left at curbside

and under the new regulations being adopted next year, NJ towns that allow residents to rake leaves to the curbs, will not be allowed to leave them there for longer than seven days so many towns will have to consider having a leaf bagging program. He continued at this point, Mr. Crochet has given him supporting documentation that we are able to do our leaf collection with the present equipment and one additional piece of equipment that is in the capital plan, we would be able to satisfy this requirement. He stated if the equipment is purchased as recommended under the five-year capital plan, we would not be subject to having to bag our leaves.

Councilman Mahon advised that the Burnt Mill Circle and Manitto projects are moving along with the concrete and drainage work underway at both locations and we are anticipating that the concrete work will be completed at the close of next week, hopefully followed by the paving work.

Councilman Mahon reported that the Public Works Department has conducted a snow readiness drill putting all the snow removal equipment in place on the vehicles and taken off to insure that we are ready for the first snowfall.

Councilman Mahon commented under sanitation and recycling, the new contract will take effect January 1, 2005 and changes the curbside collection of recycling and the big change is that an outside contractor will be picking it up rather than the Public Works Department and the residents should see no change in the level of service. He continued that if there is a change, it is incumbent upon the residents to contact the Clerk's Office and report any problems. He stated that there will be a cost savings on our operating expense of about \$2,000 each year and if you include the capital outlay for equipment, we are looking at an additional \$25,000 and it is a five-year contract, so these are savings we will actually realize.

Councilman Mahon stated under Cable and Technology, we have received a notice from Comcast that as of 1/1/05 there will be an increase in the cable charges.

Councilman Briscione asked what the timing of the closing in of the salt shed are, to which Councilman Mahon stated he didn't know what the time frame was, but he will asked that Councilwoman Kahle to look into that and continued that the storm water management regulations are a phased in requirements, to which Councilwoman Kahle advised that the Borough must have its plan by April 1st and then you have eighteen months after that to comply with all the regulations. Councilman Briscione pointed out that since we are undergoing our Master Plan review, the Borough would get some extra time on this matter.

Councilman Mahon stated there was a very nice article in the newspaper today by two Council members from Spring Lake Heights and we have been talking over the last several months about the budget CAP law is effective July 1 of this year and it will have an impact on our upcoming budget for 2005. He quoted the article as follows "we were pleased in July when the Legislature and the Governor passed the Fair Tax Act. The three-part plan to reduce local property taxes is welcome. The first part provides \$50,000 in immediate tax relief, which was passed on to our taxpayers in the form of lower property taxes; the second part reduces the school district's spending CAP from 3% to 2.5% or the consumer price index per year, whichever is greater; municipal and county spending CAPS were decreased from 5% to 2.5% or the consumer price index, whichever is lesser. The third part established the Task Force to consider the advisability of a State constitutional convention to address additional structural changes to the NJ property tax system."

Councilman Mahon stated that this is a fundamental change in the way municipalities, counties and school boards are going to have to approach their budgets and he knows that school boards are up in arms and the gist of this commentary is that the school boards un-necessarily are

presenting some opposition to the Fair Tax Act and are hoping to have a portion of it overturned. Councilman Mahon stated that it matters here in Oceanport in particular, not so much with our local district, but with our regional district, because somehow it is not the same in terms of how it impacts one community over another and something that as a local government we will have to watch and the taxpayers are going to have to be aware of, but the good news is that if we live within our CAP according to this new law of 2.5% and the good news in Oceanport is that typically, our added assessments cover that so we should be able to do very good with out budget and have an opportunity to keep taxes stable in the coming year.

COUNCILMAN BRISCIONE: Councilman Briscione called for the second reading and public hearing of an ordinance regarding pay for play and is essentially the ordinance advocated by Common Cause and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: AN ORDINANCE FOR PUBLIC CONTRACTING IN THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

ORD.#
782

Mayor Gatta opened the meeting to the public for any comments or questions on this subject only,

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

Councilman Briscione moved to adopt this ordinance on second and final reading and to advertise as required by law. It was seconded by Councilman Mahon.

The Clerk called the roll:

AYES: Councilpersons Kahle, Johnson, Gallo, Chaump, Mahon and Briscione.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

Councilman Briscione called for the 2nd reading and public hearing of an ordinance amending the Police ordinance with regard to probationary periods and trainees and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16 (POLICE DEPARTMENT) OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

ORD.#
783

Mayor Gatta opened the meeting to the public for any comments or questions on this subject only,

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

Councilman Briscione moved to adopt this ordinance on second and final reading and to advertise as required by law. It was seconded by Councilman Mahon.

The Clerk called the roll:

AYES: Councilpersons Kahle, Johnson, Chaump, Mahon and Briscione.
NAYS: None.
ABSTAIN: Councilman Gallo.
ABSENT: None.

ORD.# 784 = Councilman Briscione called for the 2nd reading and public hearing of an ordinance amending the parks ordinance with regard to parking and other restrictions and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 44A, PARKS AND PLAYGROUNDS OF THE BOROUGH OF OCEANORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

Mayor Gatta opened the meeting to the public for any comments or questions on this subject only,

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

Councilman Briscione moved to adopt this ordinance on second and final reading and to advertise as required by law. It was seconded by Councilman Mahon.

The Clerk called the roll:

AYES: Councilpersons Kahle, Johnson, Gallo, Chaump, Mahon and Briscione.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

Councilman Briscione reported with regard to the Planning Board, the Master Plan Review Committee continues to work on the master plan re-examination and this report should be reviewed by the full Planning Board early next year and forwarded to Council for their recommendations and adoption.

Councilman Briscione stated with regard to the Monmouth Park Stake holder's group, the NJ Sports & Exposition Authority has terminated plans to explore the option of leasing the State's racetracks to private entities. He advised that the Stake holder's group will continue to meet as a means of keeping the lines of communication open between the Sports Authority, the municipality and local interests and this will be particularly useful as plans for the 2007 Breeder's Cup emerge and we are able to voice our concerns about night racing at Monmouth Park.

MAYOR GATTA: Mayor Gatta wished to address the pay for play ordinance that was just adopted and offered her thanks to both Councilwomen Kahle and Chaump for their work in coming to the Council with the ordinance that was passed and she also thanked the entire Council for adopting this ordinance.

Mayor Gatta asked for a motion appointing Barbara Widmaier as a member of the Fire Police for a five-year term, which expires December 2, 2008.

Councilwoman Kahle moved to approve this appointment. It was seconded by Councilwoman Johnson and approved by Council.

Mayor Gatta stated several weeks ago she read a letter received from the Board of Education asking her to appoint two Council members to explore shared services with the Board and she has received a letter back from the Board naming Joe Henderson and Rick McKenna as the two Board representatives who will be working with Councilpersons Chaump and Briscione as they explore future shared service possibilities.

Mayor Gatta reported that she spoke with Dennis Dowd who had attended our town meeting representing the Sports & Exposition Authority as to any follow up from that meeting. She advised that he informed her that the Authority is embarking upon an independent study with regard to night racing to find out what lighting will be required both inside and outside the confines of the track and parking lots and its costs. She continued that in addition they are doing an in-house economics study to see if it is advantageous to proceed with this concept of night racing. She advised that they will be coming back to attend our next town meeting but if there are any new developments, they will be speaking with the Council.

Mayor Gatta reported that next Tuesday night she will be going to the Board of Education along with members of this Council to present a proclamation to the Wolf Hill School in recognition of receiving the Governor's School of Excellence award.

Mayor Gatta reminded everyone that the holiday tree lighting at Borough Hall will be held on Sunday, December 5th at 5:00 p.m.

Mayor Gatta also reminded everyone that the First Aid Squad is selling wreaths, trees and grave blanket and urged everyone to support them since this is their big fund raiser.

Mayor Gatta wished all our residents who will be celebrating Chanukah this week, a very happy Chanukah.

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

Kerin Slattery, 10 Elliott Place stated as the Assistant Fire Chief, on behalf of both fire companies, wished to thank the Governing Body for their support on LOSAP as well as all the residents who supported.

Maryann Housechild, Cayuga Ave. commented that after 43 years the residents have a nice street and it turned out very well and she is still amazed every time she turns down her street, that it has really happened and she and the residents re very pleased.

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

Councilman Mahon moved to approve the vouchers on the Bill List dated December 2, 2004. It was seconded by Councilman Briscione and approved by Council. TOTAL CAPITAL TRUST \$18,390.77. TOTAL ESCROW TRUST \$1,700.00. TOTAL 2003 VOUCHERS \$70,422.91. 2004 VOUCHERS PAID \$14,734,903.78. 2004 VOUCHERS PAID THIS MEETING \$414,049.89. TOTAL 2004 VOUCHERS \$15,148,953.67. (SEE BILL LIST)

At 8:38 p.m. Councilwoman Kahle moved to adjourn this meeting until the next regular meeting scheduled to be held on December 16, 2004 at 8:00 P.M. It was seconded by Councilman Briscione and approved by Council.

Respectfully submitted,


PATRICIA L. VARCA
BOROUGH CLERK