

REGULAR MEETING

Oceanport, New Jersey
November 21, 1991

REGULAR MEETING: The regular meeting of the Oceanport Mayor and Council was called to order on November 21, 1991 at 8:00 P.M.

MEMBERS PRESENT: Councilpersons McGee, Terra, Filippone, Miller, Rodman, 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.

CLERK'S REPORTS: NO REPORTS.

COMMITTEES:

COUNCILMAN MCGEE: NO REPORT.

COUNCILMAN TERRA: Councilman Terra commented on the Borough's recycling program and stated that he has recently submitted the 3rd quarter report and he is pleased to announce that Oceanport has again done well in our recycling effort and we have recycled 94.1 tons of newspapers; 58.8 tons of co-mingled glass and cans; 7.7 tons of plastic containers and there was also the usual amounts of white and mixed paper which is recycled by businesses only and the total for the quarter came to 229.7 tons.

Councilman Terra thanked the Oceanport residents and businesses for their efforts as well as Frank Remski who has been helping him with the filing of the reports with the use of his computer and he also asked for volunteers to the Recycling Committee because there is a lot of work to be done and he could certainly use the help.

Councilman Terra also reported that the 1990 tonnage grant check in the amount of \$4,820.73 recently was received by the Borough and this grant is based upon the amount of material that we collect in our recycling program. Councilman Terra thanked Councilman Wolfe and the Public Works Department headed by Mike Giordano for doing such a terrific job in picking up our recyclables curbside as well as maintaining the drop off center.

Councilman Terra announced that we intend to recycle our holiday trees again this year and we have chosen January 11, 1992 as the day the collection will be undertaken by the Fire Department and they will pick up the trees, organic garlands and wreaths, which will be chipped in the spring and used for mulch throughout the Borough parks and there will be an article in the next Bulletin.

Councilman Terra advised that he has spoken with Ann Scott, Monmouth County Recycling Coordinator regarding the status of grass clippings being accepted at the landfill and she informed him that it is almost a certainty that they will not be accepted most likely by the spring of next year. He wanted to urge all residents to think about this and be prepared to either cut the grass and leave the clippings, which make an excellent fertilizer or use them as compost and there will be an article in the Bulletin on this subject.

Councilman Terra commented that he attended a meeting on Sunday chaired by the Mayor of Tinton Falls and the thrust of the meeting concerned what steps we should take in the area of recycling now that the incinerator issue has been voted down and many of the things discussed, Oceanport is already doing, but the yard waste question was one of the larger issues and he stated that yard waste takes up 17% of the waste stream and only a small portion of that is recycled and he felt that the next big thrust in recycling will be grass and other yard waste. He hoped he would have more information on this subject by the early part of next year.

Councilman Terra stated that the Environmental Committee is sponsoring a work shop for professional lawn maintenance people on February 7, 1992 and the objective of this work shop is to give the lawn care professionals the basis of natural, organic lawn service and to give reference materials which will allow participants to provide natural, organic lawn service to their customers. He stated he will have an article in the Bulletin on this work shop and he wanted to encourage the homeowners to ask their lawn care people to attend this meeting and asked the reporters in the audience to report on this work shop.

Councilman Terra congratulated the Port-au-Peck Chemical Hose Fire Company for a terrific dinner/dance that several of the Council members attended the other evening and everyone had a good time and he was fortunate enough to receive a gift from the Fire Company which he again thanked them for and also mentioned that the Oceanport Hook & Ladder Fire Company held a breakfast on Sunday which was very successful and it is an important fund raiser for that Company.

Councilman Terra read an article which was published in the Two River Times concerning a knitting group in the Borough, which has met for 25 years and went on a short trip to the Bahamas wherein they encountered a problem with the flight and had to land in Freeport, where the airline put them up in a hotel which had no kitchen help and the women volunteered to help serve tables.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone reported on the Oceanport First Aid Squad fund drive and stated they have received \$31,676. which is about \$4,500 less then they received last year and represents only 49% of the families in this community. She urged anyone who has not donated yet to please do so because they really need the money to run their organization.

Councilwoman Filippone also advised that the Squad got lucky this month with a new Squad member who lives in Sea Bright, but works in Oceanport and her employer is allowing her to respond to calls received during the day which is a great help to the Squad and she welcomed Fran Layton.

Councilwoman Filippone reminded all residents that the annual First Aid Christmas bazaar will be held on December 7, 1991 from 9:00 A.M. to 3:00 P.M. and they are looking for any type of new items that they can use as prizes and contact either Diane Cook or Carol Connor and she also advised that the Squad will need volunteers to make wreaths and bows and need volunteers for this purpose and they will begin the week before the bazaar. She informed the public that the Squad will begin selling trees on December 5 and through the month and anyone interested in purchasing a tree should stop at the First Aid Squad Building.

Councilwoman Filippone also commented that the Squad is very appreciative of all the Mayor's efforts for the Squad and speak very highly of him.

Councilwoman Filippone commented that the report from the Squad for the month of October shows the Squad had 21 emergencies, 1 fire call, 1 motor vehicle accident and 3 mutual aids, totalling 26 calls for a total of 143 persons hours and she stated that we are so lucky to have these volunteers who are ready to help us in any emergency 24 hours a day, but with the recent storms they were on duty the entire time.

Councilwoman Filippone reported that the Monmouth County Board of Health now advised that there are 4 cases of rabies in the County of Monmouth and they are in the western part of the County right now, but it is just a question of time before the cases come closer and Ocean County now has 10 cases reported and rabies is getting worse for all of us. She reminded all parents to teach their children not to approach strange animals and people should curb their dogs and keep their cats inside as well.

COUNCILMAN MILLER: Councilman Miller congratulated Coach Frank Ricci and his 7th and 8th Grade Soccer team and it is the second year in a row that they ended up with an undefeated season and he and Councilman Wolfe had the pleasure to refereeing one of the last games again in Eatontown.

Councilman Miller thanked Chris Reisner, Cheryl Moore, Richard Gruskos and Councilman Wolfe who assisted in preparing the ice skating rink, which in the summer time is a skateboard area and in the winter time it will double as an ice rink and it is located in the back corner of Blackberry Bay Park near the ramp.

Councilman Miller advised that the day after the PTO Bazaar and the First Aid Squad Bazaar, the Borough will conduct its annual Holiday Tree Lighting ceremony, Sunday, December 8 at 5:00 P.M. and he urged all the residents to come out and participate in this event.

Councilman Terra offered his congratulations to Councilman Miller who was awarded with the distinction of entrance into the Soccer Officials Hall of Fame last night and stated it represents a great deal of effort over a long period of time and felt he was most deserving of this honor.

COUNCILMAN RODMAN: Councilman Rodman thanked the Boroughs of Rumson and Little Silver for assisting himself, Mayor Cavanagh and Mrs. Varca in obtaining some necessary information that we will need in considering the Early Retirement Incentive Program offered by the State, pursuant to State Statute and for some reason, the information was never received by the Borough and we will be considering this issue later on tonight.

COUNCILMAN WOLFE: Councilman Wolfe thanked our Public Works Department Superintendent, Mike Giordano and his crew for the excellent job they are doing with the leaf pick up and they are ahead of last year's schedule according to the number of loads they have picked up and within the next several weeks it should be under control.

Councilman Wolfe also advised that the sanders are on the trucks and the plows are out and ready for the first snow fall as well as the snow fencing being in place throughout the Borough.

Councilman Wolfe reported that he has been in contact with our garbage contractor, Marpal and they began picking up in the Borough as of July 1 and also pick up all the white goods and assorted metal that the Borough collects and they have agreed to send us a quarterly report which we will be able to include in the next tonnage grant application which will increase the amount of the grant we receive.

Councilman Wolfe reported that the 1991 road improvement program has been completed and there were various segments this year that were done outside the scope of our normal Borough funding, like the entire section of Bridgewaters Drive which was done through a grant from the Department of Transportation Trust Fund and there are just some minor things to complete this project. Councilman Wolfe continued that Milton Avenue from Monmouth Boulevard to Asbury Avenue was completely repaved as well as Shrewsbury Avenue from Werah Place to Comanche Drive under a separate agreement and the initial 91 Borough Road Program took care of the entire re-paving of Ticonderoga and Oneida Avenues between Comanche Drive and Port-au-Peck Avenue. He stated that it appears we are moving ahead on our five year road improvement program and made some good progress this year.

R-91-64

Councilman Wolfe asked the Clerk to read resolution R-91-64 regarding the insertion of an item of revenue into the 1991 budget from two recycling tonnage grants for 1989 and 1990 in the total amount of \$8,484.41, after which he moved to approve same. It was seconded by Councilman Terra and unanimously approved by Council.

Councilman Wolfe then moved to return cash and paper portions of bonds for the Leeward Cove Subdivision known as Block 97, Lots 2, 3 and 4 Block 98, Lots 1, 3, 4 and 5 in the cash amount of \$27,703.77 and paper amount of \$226,782.89 in accordance with the recommendations of the Borough Engineer. It was seconded by Councilwoman Filippone and unanimously approved by Council.

MAYOR CAVANAGH: Mayor Cavanagh stated if anyone has been following the League of Municipalities Convention you will have noticed that the current State Senate President, out going, but still current, announced during one of the discussions that it would appear that he is going to put as one of the last acts of the current Legislature, a push for a constitutional amendment which we as local politicians have branded "State Mandate-State Pay" and which we have all been lobbying for over many years. He continued that put very simply, it means that NJ through the Assembly and the Senate, in their wisdom, determine that certain pro and/or requirements should be imposed on municipalities, that they would now be required to come up with the funding for same, rather than expecting the local municipality to have to pay for it, which in his opinion has been one of the substantial causes of the property tax implications over the last five to seven years.

Mayor Cavanagh advised that the Two River Council of Mayors had adopted a resolution which we tried to get on the ballot this past election, which is required because it is a constitutional amendment. He commented that if it is passed and implemented, it will have a significant effect because what it will do is first make the State Legislature more responsive in terms of what they want to do, they will have to fund and secondly, it will help to reduce the burden on local property taxes and place it in another area, where the people who are responsible for the mandate, will now have to come up with the funding and not just pass it on to the municipalities. He also wondered if it would be applicable to the School Boards and that is a majority of our

budget, it would logically make sense that they do the same thing there, except that when you analyze the current situation of the school funding in the State, he does not think that anybody is in a position anywhere to tell us how it is going to be done next year.

Mayor Cavanagh then opened the meeting to the public.

Mrs. Peaff, Pocahontas Avenue stated she is here again before the Council to make a plea that they address the problem of rabies in our Community and commented that the cat ordinance adopted at the last meeting addresses 2.3% of the problem using the figure given by Councilman Rodman and now she felt that we have to address the 97.7% of the problem which is the rabid raccoons. She stated that the cat ordinance, as far as she is concerned, is a smoke screen and the real problem which is the raccoons is not being addressed. Mrs. Peaff stated that she disagrees with the Mayor's statement when he says it is a wildlife problem because if we used that logic we would be up to our knees in rats that carried the plague and this is a health problem.

Mrs. Peaff commented that she would hate to see someone's child bitten by a rabid raccoon to bring the point home to the Council. She has done some research on this matter, since no one on the Council feels that it is a real problem and she felt perhaps she could find some type of solution to this situation. She spoke with the Public Works Department in Neptune about putting screens over the storm sewers because the storm sewers are full of raccoons. She stated that perhaps we should have some type of animal warden to address this problem, since she has had them in her yard many times and stated that some people cannot afford to hire a private company to come in and have them removed as Councilman Terra did.

Mrs. Peaff stated that the money raised from the licenses should be used for the purpose of hiring an animal warden. She felt that this matter must be addressed and also wanted to bring to the attention of the Council that she thought the notification of the public about what is going on with this Council is archaic. She continued that the studies she had read showed the people get their news from the television with the statistic being 3 out of 5, 1 out of five gets news from the radio and 1 out of 5 gets it from the newspaper. Mrs. Peaff stated that in this day and age where you have all types of computers and electronic devices, she felt that it would easily be sent out to each home in the Borough through a third class mailing because no one really reads the newspapers. She also pointed out that no one reads the Atlanticville and the main newspaper is the Asbury Park Press and she did not see any notification on the cat ordinance and she wanted the Council to address this situation as well, so that they will have more participants come out to the meetings and people will at least know what is going on in the town.

Mayor Cavanagh questioned Councilwoman Filippone with regard to the four cases of rabies in Monmouth County that she had reported on earlier and Councilwoman Filippone responded that three were raccoons and one was a cat. Mayor Cavanagh stated that it shows how within one week the percentages can switch and now there is a cat with rabies and our concern in this is well founded. He continued that with regard to the problem with the raccoons, he is not aware and when the representative from the County was before this Body, Councilman Rodman had urged him to have the County develop a plan to address this situation and to the best of the Mayor's knowledge, he has heard nothing about this matter.

Councilwoman Filippone stated that they have been talking about it

but it is a monumental situation and the raccoons are wildlife and it is similar to the problem with the squirrels because there are such large numbers of them and the best way to control the raccoons is to control the garbage and she has asked Councilman Terra to put an article in the Bulletin about what residents can do to better secure their garbage and especially to stop using plastic bags and pointed out that none of the Councilmembers want this problem and they are not unfeeling people, but it is a major problem, but the problem is that the raccoons have to eat and they eat out of people's garbage as well as other rodents.

Councilwoman Filippone stated there are towns that have mandated that the residents not use plastic garbage bags, but it has not been successful and it has been discussed at the Board of Health meetings, and she will bring it up again to see if some type of solution can be found. Councilwoman Filippone pointed out that even if you catch the raccoons, they cannot be killed and have to be taken out to a wildlife area like western Monmouth County and they don't want them being brought there either and you cannot just kill them.

Mayor Cavanagh asked Mrs. Peaff if she is aware of any other town that has undertaken a program to combat raccoons, because he would be very interested in contacting them and learning how they go about it to which she stated if everyone feels it is a wildlife problem, then questioned why we don't bring in a wildlife expert, but she is not aware of any other towns with a particular program for this problem.

Councilman Rodman stated he felt Mrs. Peaff's points were very well taken and there is a danger with the raccoons and if there is a source of a dangerous disease in this State and it happens to be raccoons, then he feels that something should definitely be done about it and he felt that trying to handle this type of problem on a municipal level is just as wrong as trying to handle the cat problem on a municipal level and if there is going to be action taken on this, which he is beginning to think there should be, then the State and County should begin to develop some leadership on this issue and do something about this.

Councilman Rodman commented as far as Mrs. Peaff's comments were regarding the advertising in the Atlanticville as the official publication of the Borough, he is probably guilty of having voted to make that the official publication of the Borough and he regrets that and if it is just for cost savings, it appears to be penny wise and pound foolish and felt we should make a little better effort to notify the residents through the Press which has a better circulation in this Borough.

Mayor Cavanagh asked Councilman Terra if the cat ordinance was not discussed in the last Bulletin, to which he stated it was and Mayor Cavanagh pointed out that the Bulletin is delivered to each home in the Borough and it was done before the meeting so that anyone who read the Bulletin would know what was going to be discussed at the next meeting.

Mrs. Peaff stated she was making a general comment about the notification practices of the Borough by using the Atlanticville and stated that most computer systems can generate labels and send out letters using 3rd class mail rates she felt that would be better than advertising.

The Borough Attorney, Mr. Margalotti stated the Borough cannot substitute mailing out notices to every household and not publish the proposed ordinances in the newspaper because that is something that is

required by law and specifies the manner in which it must be done therefore, her suggestion of mailing out notices would result in a duplication of expense to the taxpayers.

Mayor Cavanagh stated unfortunately as he reported earlier on the State Mandate, State Pay, we don't make the laws and we don't have the ability to say that we think there is a better way and by law we have no option. He stated that if we were to send out letters on every issue discussed, which we do a few times a year on special issues like the Health Screening, it costs approximately \$400 which could wind up costing \$4,000-\$5,000 per year and it would do nothing more than duplicate the Bulletin which Councilman Terra circulates out six times per year and we try to fill it with items that are currently being discussed.

Mayor Cavanagh also pointed out that there was a story carried in the Asbury Park Press when we first introduced this ordinance, not in the public notice portion of the newspaper, but as an article as well as the Two River Times and The Atlanticville. He stated he could always say that communication is never enough and it would be better if we could afford it that we would even run it on cable television but we must also look at the economic side of the issue.

Mrs. Ronelle Vivona, 348 Myrtle Avenue offered the following amendments to the Oceanport Zoning ordinance with regard to the section which deals with Political Signs: 1) all Oceanport residents and only Oceanport residents should be permitted to place 1 political sign on their property not limited to within the building structure; 2) These signs must be removed within 5 days following the election; 3) Signs should be restricted to developed property only and 4) Current regulations regarding the size and illumination of signs are fair and reasonable and hoped the Council would consider her recommendations.

Mayor Cavanagh asked if Ms. Vivona would leave a copy of her recommendations with Mrs. Varca, the Borough Clerk and we will discuss it at our next work shop meeting.

Mr. Ken Koenig, 40 Morris Place commented that he has spoken with the Mayor recently as well as Councilman McGee concerning the communication between the Police Department and the Community Section of the Asbury Park Press. He stated that recently some things have occurred right in his own neighborhood that he was not aware of until weeks and some times months later and he felt that he should have been made aware of this instead of feeling that nothing ever happens in our Borough. He wanted to know why Oceanport is never in the Community Section and usually if it is in, it pertains to something that took place over at the racetrack.

Councilman Rodman stated that he has shared these same concerns and he brought this subject up several times and he does not understand why Oceanport news does not make the Community Section of the Asbury Park Press in the Police Blotter and he joined with Mr. Koenig in urging the Council to find out why it does not ever appear and perhaps we can ask the Chief to join us at a work shop meeting and explain why or why not this does not happen and what we can do about it to change the situation. Councilman Rodman felt that Oceanport residents deserve to know not only about break ins concerning Long Branch and Little Silver, but maybe about what does go on once in a while in our Borough.

Mr. Koenig also related a situation where a young boy was approached by a man in a car while getting off the school bus and the school never

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notified the community in general and felt that with the number of children who get off the school buses by themselves, this is something that should have been brought to the attention of the community for the safety of everyone's children and felt the school should have sent out a special mailing to alert the parents.

Mayor Cavanagh stated in regard to this last issue, Mr. Koenig would have to bring that up at a Board of Education meeting because there is nothing we can do in that matter.

Mayor Cavanagh stated there is certainly no policy that the Council is part of which would impede anything from going into the Police Blotter and there never has been and we have discussed this matter in the past.

Councilman Terra stated as the Police Commissioner this year, he has discussed this with the Chief on several occasions during the past year and he has been advised that whenever he and the Asbury Park Press are talking, he gives them whatever information he has, but apparently there is some type of selective process at the Press and they delete certain items. He will sit down with the Chief again and discuss this matter and find out what has been occurring.

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

Councilman Wolfe moved to approve the bills as listed on the Voucher Register dated November 21, 1991. It was seconded by Councilwoman Filippone and unanimously approved by Council. TOTAL 1991 VOUCHERS \$53,472.25. TOTAL 1991 VOUCHERS PAID THIS MEETING \$65,122.75. TOTAL 1991 OPERATING FUND \$118,595.00. TOTAL GENERAL LEDGER-SHORE REGIONAL HIGH SCHOOL \$170,196.32. TOTAL GENERAL LEDGER-MIDDLE DEPARTMENT INSPECTION AGENCY \$568.00. TOTAL GENERAL LEDGER-FIRE PREVENTION \$512.70. TOTAL GENERAL LEDGER-DWI \$280.00 (SEE VOUCHER REGISTER).

Councilman Rodman moved to adjourn into Executive Session to discuss a personnel matter at 8:51 P.M. It was seconded by Councilwoman Filippone and unanimously approved by Council.

R-91-65 The meeting was reconvened at 9:30 P.M. at which time Councilman Rodman asked the Clerk to read resolution R-91-65 regarding the early retirement incentive program under the New Jersey State Division of Pensions, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

At 9:31 P.M. Councilwoman Filippone moved to adjourn this meeting until the next regular meeting scheduled to be held on December 5, 1991 at 8:00 P.M. It was seconded by Councilman Miller and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK