

REGULAR MEETING MINUTES

Oceanport, New Jersey
November 18, 2004

REGULAR MEETING:

The Regular Meeting of the Oceanport Mayor and Council was called to order on November 18, 2004 at 8:03 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:

Borough Chaplain Berry gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Gatta led the audience and members of the Council in the flag salute.

Mayor Gatta stated for the record that the Council had gone into Executive Session at the workshop meeting held on November 15, 2004 with regard to matters relating to employment relationships.

The Clerk then reported that the Monmouth County Board of Elections informed her that the results from the November 2nd, 2004 general election had been certified and Richard A. Gallo was elected as Councilman to fill the un-expired term ending December 31, 2005.

The Clerk then administered the Oath of Office to Richard A. Gallo after which he took his seat on the dais and was congratulated by the Council members. Mayor Gatta also commented that she wanted to mention that a person that she is sure is here in spirit and that would be Ricky's grandfather, Felix Foggia and obviously, Ricky is following in his grandfather's footsteps since Mr. Foggia was a long time Councilman in this Borough starting April 3, 1947 and continued into early 1970's. She commented that she had the pleasure of meeting Mr. Foggia when she moved into the Borough and thought that he was smiling down on Ricky right now and offered him her congratulations as well.

As copies of the minutes from the regular meeting held on November 4, 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 with the exceptions of Councilpersons Kahle and Gallo, who abstained.

Mayor Gatta stated she would like to introduce Gary Stakowski who is a meteorologist in charge of the National Weather Service and he is here tonight to publicly announce that Oceanport is Storm Ready. She advised that 90% of all presidentially declared disasters are weather related and through the Storm Ready Program the National Weather Service gives communities the skills and education needed to survive severe weather conditions, both before and during the event. She continued that Storm Ready helps community leaders and Emergency Managers strengthen their local hazardous weather operations and in order to be recognized as Storm Ready, a community must establish a 24 warning point Operations Center; have more than one way to receive severe

weather warnings and forecasts and to alert the public; to create a system that monitors local weather conditions; to promote the importance of public readiness through community seminars and to develop a formal hazardous weather plan which includes training, severe weather spotters and holding emergency exercises. Mayor Gatta commented that the certification that Oceanport has received is only the 2nd town in Monmouth County to receive such a certification and the other town is Manasquan and Oceanport is the 13th town in the State to receive this certification. She then asked Mr. Stakowski to make his presentation and comments.

Mr. Stakowski presented Mayor Gatta with the Borough's Storm Ready plaque and sign and again, stated as the Mayor stated this is a very unique and prestigious recognition and only 2% of all the townships in the State have received this certification and it takes a lot of hard work to get to this point and he offered his congratulations to the Mayor and the Borough.

Mayor Gatta announced that in our audience this evening we have our CERT Team graduates and soon to be graduates and appreciated them attending tonight. She also wanted to recognize Det. Sgt. Buzzy Baldanza for all the work he has done in getting this community Storm Ready certified and in the letter of notification that she received, special mention was made of Det. Sgt. Baldanza's efforts.

Det. Sgt. Baldanza commented that a part of this is a thank you to all the people on the CERT Team and eighteen of the team went down to Ocean County to attend this weather program and it is because of their efforts that we even got into the program.

CLERK'S REPORTS:

1. Police report for the month of OCTOBER, 2004 and a copy will be posted on the Bulletin Board.
2. Application for membership to the Oceanport Hook & Ladder Fire Co. as a regular/non-active member made by Barbara R. Widmaier.

The Clerk advised that the applicant had the mandatory police background check, which came back approved by the Police Department, after which Councilwoman Chaump moved to approve same. It was seconded by Councilwoman Kahle and approved by Council.

3. Raffle application made by the Oceanport PTO to be held on March 4, 2005, prizes are assorted merchandise certificates.

The Clerk advised that the paperwork was found to be in order after which Councilman Briscione moved to approve the application. It was seconded by Councilwoman Kahle and approved by Council.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle offered her congratulations to Barbara Widmaier on being accepted as a regular/non-active member of the Oceanport Hook & Ladder Fire Company, which now allows her to become a member of the Fire Police, and it was a long time coming because we had to revise our application process.

Councilwoman Kahle announced that the elections for the Fire Chiefs will be held on Dec. 7th at the Oceanport Hook & Ladder Fire House.

Councilwoman Kahle reported that the Explorer's now have two members at the Fire Academy presently and they are going to be graduating on December 5th and they are only 17 years old but next year when they turn 18 they will be able to join the Fire Department, so we are looking forward to that.

Councilwoman Kahle reported that under OEM, we are looking to try and fix some of the sirens in town and we do realize that the sirens are not working and some calls have been missed. She continued that we have had the electrician out and repairs made, but they break again, so we are going to try and have the one at the Oceanport Hook & Ladder repaired and we have applied for a grant for a new system and are hoping that we receive that funding.

Councilwoman Kahle stated under Water Watch, the Committee is continuing to test the waters in our Borough and the last tests showed a very low fecal count. She advised that Dr. Kaloss attended a Storm Water Management course that was held by a clean water action group and they reviewed all of the new regulations that we will have to comply with and that there are no funds available for this testing. She continued that they are looking into having shared services with other towns in the surrounding towns since the machines needed are very large and expensive. She also commented that there is talk of eventually having a clean water utility similar to the sewer authorities, where several towns will become members.

Councilwoman Kahle reported under Buildings & Grounds we had the heating system break down for the front offices and had to move some money around in order to have the system replaced, since we also had some major problems with the air conditioning as well, so we are replacing the entire system.

Councilwoman Kahle then asked the Clerk to read resolution **R-04-91** waiving the building permit fees for the replacement of this system, after which she moved to approve same. It was seconded by Councilwoman Johnson and approved by Council.

Councilwoman Kahle reported she had attended the League of Municipalities Convention in Atlantic City this week and attended a couple of classes on mostly shared services and equipment with different municipalities and she will be reporting her findings to the Council.

COUNCILWOMAN JOHNSON: Councilwoman Johnson thanked Bob Holden for his knowledge and expertise when he was serving on the Council and he will surely be missed. She also welcomed Councilman Gallo as a member of the Governing Body.

Councilwoman Johnson reported that the Police Report for the month of October the Dispatchers received 935; patrols responded to 570 and there were 3 fire calls and 44 first aid calls.

Councilwoman Johnson advised that we all know by now that Chief Bebout is retiring in February and she wanted to thank him for his many years of service to this Borough and he will surely be missed by his fellow officers. She continued that at our workshop meeting, we spoke with Captain Harold Sutton who was approved by the Council to be the new Police Chief effective February 1, 2005 and Patrolman Frank VanBrunt who will be promoted to the rank of Sergeant also effective February 1, 2005 and commented further that they will be sworn in at the regular meeting scheduled to be held on January 20th, 2005.

Councilwoman Johnson also announced that the annual rabies clinic is scheduled to be held on Saturday, January 15th, 2005 for dogs and cats and she encouraged all residents to bring their pets to be vaccinated at the Port-au-Peck Chemical Hose Fire House between the hours of 9-11 a.m.

COUNCILMAN GALLO: Councilman Gallo thanked his wife and children for their support during the campaign and thanked the rest of his family and friends for all their help and the residents for giving him this opportunity to serve on the Council. He also offered his congratulations to Councilman Briscione on his re-election to the Council and to Hugh Sharkey and also thanked former Councilman Bob Holden for the time he served on the Council and for his positive campaign. He also thanked his friend Joe Foster for his contribution and he enjoyed meeting the residents in town with him during the campaign.

Councilman Gallo stated he looked forward to working with the members of the Council and Mayor Gatta toward keeping Oceanport a great place to live in and to try and keep it affordable and work to accomplish the concerns that he gathered when he was campaigning door to door from our residents and bring them back to Council for the chance to accomplish them.

COUNCILWOMAN CHAUMP: Councilwoman Chaump reported under the Board of Education she attended the Board's meeting on Tuesday night and they received the Wachovia Gertrude Hersh Grant for \$10,000 and this is the second grant the Board has received.

Councilwoman Chaump reported under First Aid that in October they had 55 calls and starting December 1 they will begin selling trees, wreaths and grave blankets and asked that everyone support their fundraiser.

Councilwoman Chaump advised under the Senior Citizens, on Wednesday they held their meeting and had the Matinee Idols and were entertained by them and it was a very enjoyable program and their holiday luncheon will be held on December 1 and the new officers for 2005 will be sworn in by Mayor Gatta.

Councilwoman Chaump commented under Recreation, the Committee wanted her to publicly say that the Garden Club is doing a very good job planting flowers in the parks. She also reported that there was a letter read at the meeting from Laura Tagerty resigning from the Committee after seven years and she thanked Laura for her time on the Committee.

Councilwoman Chaump discussed Blackberry Bay Park stating that we have a report received from our Borough Engineer on Monday and the irrigation system is in and working and he also included a punch list which addresses drainage, seeding and debris removal and the Engineer will be meeting with the contractor to go over these and the bill has not been paid in full and will not be done until these punch list items are completed.

Councilwoman Chaump thanked Tom Crochet, Superintendent of Public Works for putting up the fencing at Blackberry Bay Park because the field cannot be used for one full year and we must stress this and we cannot have children playing on the fields or dogs running around because it must be kept dormant until September or October of 2005 in order to the seed to take hold.

Councilwoman Chaump stated the Borough Council received a letter from the Recreation Committee and she is extending this invitation to everyone else with regard to the annual Holiday Tree Lighting on Sunday, December 5 at 5:00 p.m. and refreshments will follow at the Port-au-Peck Chemical Hose Fire House.

Councilwoman Chaump offered her thanks to former Councilman Holden for his time and efforts on the Council and also welcomed Councilman Gallo to the Council and looked forward to working with him and wished everyone a Happy Thanksgiving.

COUNCILMAN MAHON: Councilman Mahon asked the Clerk to read resolution **R-04-92** transferring 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-04-93** granting veteran's tax deductions for 2004 after which he moved to approve same. It was seconded by Councilwoman Kahle and approved by Council.

Councilman Mahon moved to authorize the return of \$1,400 cash bond to Joseph Romanowski regarding Block 45, Lot 7 located on Smith Street upon the recommendation of the Borough Engineer. It was seconded by Councilwoman Kahle and approved by Council.

Councilman Mahon then moved to authorize the return of \$1,900 cash bond to Richard VanWagner, Jr. regarding Block 75, Lot 9 located on Driveway upon the recommendation of the Borough Engineer. It was seconded by Councilwoman Kahle and approved by Council.

Councilman Mahon explained under Finance & Administration, one of the things that happens during the meetings after November 1 is the transfer of funds from accounts that have some excess to accounts that are under budgeted right now and we are asking for the continued cooperation of all departments that have not expended all their 2004 budget, to not go on a spending spree and please keep in mind that the Council needs to retain the ability to continue to transfer funds as the need arises as an example, this week the heating system failed and now needs to be replaced at a substantial cost, which we had to do by taking funds from other departments into Buildings & Grounds. He felt it is very important that all departments be mindful that it's the budget of the whole Borough as opposed to the budget of the individual department and that is critical at this time of year.

Councilman Mahon read a note received from Tom Crochet, Superintendent of Public Works asking residents to remove basketball apparatus from the roadway as the winter season approaches in order to allow the streets to be properly plowed curb to curb as well as a request to anyone who has railroad ties and/or Belgium block curbing or not curb at all, to put up some type of reflective device so it can be seen during snow plowing. Also requested for those residents using snow blowers, point them out onto the roadway and not onto adjacent properties. He also reminded residents that no overnight parking is now in effect and asked for the resident's cooperation on that matter as well.

Councilman Mahon reported that so far this season, Public Works has collected over 2,300 cubic yards of leaves and that process will continue up until December 18th, weather permitting.

Councilman Mahon advised that we are supposed to be starting Burnt Mill Circle any day now and the contractors should be out shortly since the contract has been awarded for that project and Evergreen Lane and curbing along Manitto Place. He also advised that we have some other repairs scheduled as well as some punch list items from previous road programs that continue to be a problem and we are pursuing these items with our Engineer, meeting-by-meeting so they get addressed.

Councilman Mahon stated under Cable & Technology, two years ago we instituted an Interlocal Agreement with County Fire Dispatch Service and during the month of November of each year, we are required to review that contract to see if we are going to continue and last year we chose to continue with it but there is a 30 day notice period if we want to cease with that agreement and we have to notify the County by December 1, 2004. He continued that last year when we

considered it, there was no reason to change back and the cost was prohibited so we will need to re-examine that.

Mayor Gatta agreed and commented that Chief Bebout advised her that he has received some information in this regard that and she will share that with him.

Councilman Mahon stated that we have a review period that is going to be critical in the next two weeks in order for us to address any changes.

Councilman Mahon reported under the Environmental Commission, over the last couple of weeks there have been news stories about lighting at Monmouth Park Race Track and that kind of rekindled an issue for him in discussing this with the Mayor shortly after he read that article, there were some additional changes to the Borough's lighting ordinance that the Environmental Commission had wanted to have instituted and he has gotten that paperwork back out and shared it with the Borough Attorney and Engineer and we have referred it to those two in order to get it into a state where it can go before the Planning Board for their review and recommendations. He continued that one of the things that will allow us to address it at the Planning Board level once it is approved, is some of the lighting issues around Monmouth Park and we will also be able to use it as a tool to address any other lighting issues in town. He stated one of the specific requirements that the Environmental Commission wanted to have some language to address was dock lighting and as it affects residents that are adjacent to the waterways and hopefully we will have something back from the Planning Board by the end of the year.

Councilman Mahon advised that Tuesday night the municipal Building Modernization Committee met and after reviewing our specifications for an expression of interest proposal package that went out back in July, we compared them to the proposals and he is happy to report that the Committee recommends that the Council adopt a resolution authorizing Birdsall Engineering to hire Eric Wagner of Kellenyi, Wagner & Johnson, Architects, Red Bank, NJ to perform the feasibility study regarding the expansion and modernization of the Municipal Complex, including the Library, Police Department, Borough Offices and Public Works. He stated we will be forwarding the information to the Borough Attorney so that a resolution can be prepared and acted on at the next Borough Council meeting.

Councilman Mahon offered his congratulations to Councilman Gallo and commented that he comes from a civic minded family that has been active in the Borough for decades and he is sure that Rick will give this job 110% and felt that he brings a calm thoughtfulness and steady ended approach to the Council and he felt certain his participation will be valued by his fellow Council members and appreciated by members of the community.

Councilman Mahon commented on the issue of Monmouth Park stating that he, like many residents he has spoken with, are surprised to read about the future of Monmouth Park's race track in the Asbury Park Press and Star Ledger. He continued that recently articles have revealed State level discussions on slot machines and night racing. He stated today an article in the Press noted the inclusion of \$1 million earmarked for lights at the race track and this comes after the Mayor and Councilman Briscione met with representatives of the new Governor and received what he interpreted as assurances that the lights would not go forward and were not a true, serious consideration.

Councilman Mahon stated he is concerned that this change for our community is already much closer to reality than any of us imagined and he hoped that as many residents who can, pack this room on Monday night, November 22nd at our Town Meeting and the future of Monmouth Park

Race Track is one of the topics of discussion and he felt that it is important that all of the residents, whatever their opinion is on this matter, come out and hear what the Governor's representatives have to say on this issue and to listen to everyone else's questions for and against the future of Monmouth Park Race Track and night racing and/or slots in Oceanport. He felt that we can still have a very large impact and he thought it was incumbent upon people to come out and listen and be informed and important that we learn more about what is going on than the newspapers and we get our information first and fast.

COUNCILMAN BRISCIONE: Councilman Briscione called for the introduction of an ordinance with regard to the award of public contracts and commented that this ordinance is more commonly known as a pay for play ordinance and is essentially the ordinance advocated by Common Cause and its format was recommended to Council by a Committee comprised of Councilwomen Chaump and Kahle, who attended a recent seminar on this subject.

Councilman Briscione asked the Clerk to read 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.

Councilman Briscione moved to approve this ordinance on first reading. It was seconded by Councilwoman Kahle.

The Clerk called the roll:

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

Councilman Briscione moved to hold the public hearing at the regular meeting scheduled for December 2nd and to advertise same in accordance with law. It was seconded by Councilwoman Kahle.

The Clerk called the roll:

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

Councilman Briscione called for the introduction of an amendment to the parks ordinance with regard to parking and other restrictions in our Borough parks and asked the Clerk to read the proposed ordinance by title only as follows: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 44A, PARKS AND PLAYGROUNDS OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

Councilman Briscione moved to approve this ordinance on first reading. 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 moved to hold the public hearing at the regular meeting scheduled for December 2nd and to advertise same in accordance with law. It was seconded by Councilwoman Chaump.

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 introduction of an amendment to the police ordinance regarding probationary periods and the deletion of the section concerning probationary trainee and asked the Clerk to read 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.

Councilman Briscione moved to approve this ordinance on first reading. It was seconded by Councilwoman Kahle.

The Clerk called the roll:

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

Councilman Briscione moved to hold the public hearing at the regular meeting scheduled for December 2nd and to advertise same in accordance with 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.

Councilman Briscione welcomed Councilman Gallo to the Council and looked forward to working with him in the future. He also thanked Bob Holden for all his service to the Borough during the course of the past year and his insight and expertise was extremely beneficial to him and to the entire Council.

Councilman Briscione reported under Finance, we have provided a standardized financial reporting statement to our emergency services and these forms were reviewed by our Auditor and will be utilized during the upcoming budget process.

Councilwoman Briscione advised that with regard to the racetrack, the Sports & Exposition Authority has tentatively agreed to install the OEM's radio station on the 3rd floor of the grandstand and this will allow for maximum transmission coverage throughout the Borough and we are currently working out the details with their electricians and engineers.

Councilman Briscione stated he seconded Councilman Mahon's request that everyone do attend the town meeting on Monday for information from two State Officials that will be talking about the future of Monmouth Park and specifically about the lighting. He continued that he was on the phone with one of the engineers and the costs of the lighting is still up in the air and although there has been a million dollars earmarked, he would guess that this project would be dependent upon how much the actual cost is and what the benefit would be. He felt that it would be important for officials from the State to hear from the Community.

MAYOR GATTA: Mayor Gatta offered her thanks as well to Bob Holden for his service on this Council and wished him well.

Mayor Gatta reported that the Borough's request for proposals for our Borough Engineer, Attorney and Auditor are being reviewed by the Governing Body and will most like act upon them formally at the last meeting in December.

Mayor Gatta stated that she cannot emphasize enough the town meeting that is scheduled for Monday, Nov. 22nd at 7:00 p.m. and she reported that we are getting a lot of phone calls on this matter from residents and she spoke to the Deputy Chief of Staff under Gov. Codey yesterday and he will be attending along with another representative and he is looking at this meeting as a fact finding way to hear from our residents on the subject of night racing. Mayor Gatta stated that the Asbury Park Press recently performed a poll on night racing which showed that 70% of the people who responded, were in favor of night racing and she felt that obviously, most of those people do not live in Oceanport.

Mayor Gatta commented that what she would like and has included this in her Mayor's Message for the upcoming Bulletin, is to have residents e-mail her or call her directly to let her know their feelings on this matter if they are unable to attend the town meeting. She felt that this was important that we, as a community, communicate our feelings to the State Officials that will be here.

Mayor Gatta stated at the town meeting although night racing will be a major topic, we will also be discussing some other concerns that residents have expressed and she hoped that everyone would try to attend and that we would have a good turn out of citizens.

Mayor Gatta pointed out that as everyone come to the meeting room tonight, they walked past the Wall of Honor which was unveiled at our Veteran's Day ceremonies on Nov. 11th and we had standing room only, with estimates as high as 400 people in attendance for this program. She offered her thanks to the students who participated from both Wolfhill and Maple Place Schools, to all the residents who participated by supplying all of the photographs for the Wall of Honor and she would like to also publicly thank Bonnie Leonardis who helped design the wall and also Patti Varca, Kim Jungfer, Tom Crochet and his men for all their help and assistance. She urged everyone to take some time and look at the Wall and read the booklet giving names and some experiences of the people in the photographs, since it is truly a moving experience.

Mayor Gatta stated she has been hearing from people who are sorry they did not submit a photo and advised that she is still accepting photographs in the hopes that we will have enough to do another Wall of Honor, which would be wonderful.

Mayor Gatta reported that as many of you read today, we were the recipient of a \$100,000 Christmas Tree grant from the Legislator's Joint Budget Oversight Committee for an emergency alert system and this \$100,000 will go toward replacing our present siren system, which is close to 65 years old and the only system the town has ever had. She continued that this Committee has until next week to approve the expenditures using the money that has already been budgeted and she is very pleased that we are on this list and looked forward to receiving the grant money.

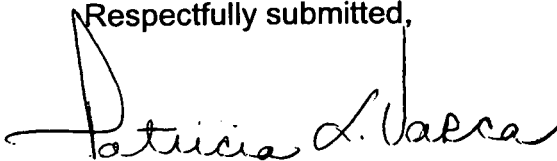
Mayor Gatta wished all our residents a happy and blessed Thanksgiving and hoped it would be shared with family and friends.

Mayor Gatta then opened the meeting to the public for any comments or questions they might wish to make, but seeing none, closed the public portion of the meeting.

Councilman Mahon moved to approve the vouchers on the Bill List dated November 18, 2004. It was seconded by Councilwoman Chaump and approved by Council with the exception of Councilman Gallo who abstained. TOTAL CAPITAL TRUST \$78,530.82. TOTAL ESCROW TRUST \$1,000.00. TOTAL OPEN SPACE TRUST \$78,818.38. 2003 VOUCHERS PAID \$69,797.91. 2003 VOUCHERS PAID THIS MEETING \$625.00. TOTAL 2003 VOUCHERS \$70,422.91. 2004 VOUCHERS PAID \$14,491,495.29. 2004 VOUCHERS PAID THIS MEETING \$104,051.19. TOTAL 2004 VOUCHERS \$14,959,546.48. (SEE BILL LIST)

At 8:45 p.m. Councilman Mahon moved to adjourn this meeting until the next regular meeting scheduled to be held on December 2, 2004 at 8:00 P.M. It was seconded by Councilwoman Johnson and approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK