

REGULAR MEETING MINUTES

Oceanport, New Jersey
November 17, 2005

REGULAR MEETING: The Regular Meeting of the Oceanport Council was called to order on November 17, 2006 at 8:00P.M. with Council President Chaump stating the meeting had been properly advertised in accordance with law.

MEMBERS PRESENT: Councilpersons Kahle, Johnson, Gallo, Sharkey, Ibex, Briscione

OFFICIALS PRESENT: Borough Clerk, Kimberly Jungfer and Borough Attorney, Martin A. McGann.

INVOCATION: Col. Berry led the Council and audience in the invocation

PLEDGE OF ALLEGIANCE: Council President Chaump led the audience and members of the Council in the flag salute.

Reading of the minutes from the workshop meetings of October 6 and October 17, 2005 and the Regular minutes of October 20, 2005 were waived and unanimously approved with a motion from Councilwoman Johnson and a second from Councilman Briscione.

The Borough Clerk announced that she had received three names from the Chairman of the Oceanport Democratic Party, Joan Leonard to fill the office of Mayor due to the death of Mayor Gatta until the next general election. She stated the names received were Lucille A. Chaump, Linda Johnson and Robert Holden.

Councilman Briscione nominated Lucille A. Chaump to fill the Office of Mayor. Councilwoman Johnson seconded the motion. The Clerk called the roll with Council persons Johnson, Chaump and Briscione voting in the affirmative. Councilpersons Kahle, Gallo and Sharkey voted no. The motion thereby failed.

Councilwoman Kahle nominated Linda Johnson to fill the vacancy. Councilman Gallo seconded the motion, but Councilwoman Johnson declined the nomination.

Councilwoman Kahle expressed concern over this action stating she did not feel it was appropriate to decline the nomination if your name was one of those submitted. She felt it was a game.

Councilwoman Johnson stated that circumstances had changed since the list was submitted and she would have to decline the nomination.

Councilman Sharkey nominated Robert Holden for the position. There was no second to the nomination therefore the nomination failed. Councilman Briscione stated that he felt Mr. Holden could do a fine job but he had already cast his vote for Councilwoman Chaump.

Mr. McGann explained that since the Council did not appoint a person for the Office of Mayor, it would be sent back to the Oceanport Democratic Committee who would submit a name to fill the office. He added that that person could then be sworn in immediately and would not have to wait for the next regular meeting of the Council to assume office.

CLERK'S REPORT:

1. The Clerk reported that she was in receipt of the Police reports for September and October, 2005 which had been distributed and would be posted.
2. The Clerk stated she was in receipt of a raffle application from the Oceanport PTO for an Off Premise Merchandise raffle to be held on March 3, 2006. The Clerk said that all paper work was in order and the appropriate fees had been paid and asked for a motion to approve same. Councilwoman Kahle moved the application be approved. It was seconded by Councilwoman Johnson and unanimously approved by Council
3. The Clerk stated she was in receipt of a raffle application from Family and Children's Service of Monmouth County for an on premises merchandise raffle. The Clerk said that all paper work was in order and the appropriate fees had been paid and asked for a motion to approve same. Councilwoman Kahle moved the application be approved. It was seconded by Councilwoman Johnson and unanimously approved by Council.

COUNCILWOMAN KAHLE: Councilwoman Kahle reported that the Borough's Building Department had cleared their calendar and is on standby to expedite any permits that are needed to help with the senior center to hopefully have the building up and occupied by the Spring.

Councilwoman Kahle reported that on Monday, November 14, 2005 she met with Council President Chaump, Public Works Director Dimetrio Zarate, Borough Engineer Tom Rospos and one of his associates to go over the new storm water regulations to determine what Oceanport has already done, what Oceanport needs to do, and who is going to do it. She reported that it was a very productive meeting and it is hoped to use our own resources to get most of the requirements done. She stated that even though we will be using a lot of volunteers and Oceanport's personnel a lot of fees will still need to be paid with the new storm water regulations that are coming down. She reported that last year Oceanport got about \$8,600.00 from the State to help with the planning fees of the Borough Engineer. Councilwoman Kahle then stated that this year Oceanport will hopefully receive \$16,936.00 and she would like to move the resolution to obtain the grant. She stated that Oceanport will be receiving \$6,000.00 of that grant up front and then the rest of the money will be obtained later. Councilwoman Kahle then asked the Clerk to read resolution **R-05-103** authorizing the application for the State Storm Water Management grant after which she moved to approve it. It was seconded by Councilwoman Johnson and unanimously approved by the Council.

Councilwoman Kahle stated that the Municipal Building has had an ongoing feasibility study looking at the restructuring and the addition to the Municipal complex. That study will be presented on Tuesday, November 22, 2005 by Eric Wagner, the Architect, to the Building Committee and then after that it will be presented to the Council, after which Councilwoman Kahle will present it to the public at the December meeting.

Councilwoman Kahle asked the Clerk to read resolution **R-05-104** regarding the compost facility at Monmouth Park, in which the compost facility would be moved to the soccer fields, which would be a more appropriate site and allowing the Borough Engineer to file the necessary permits for same. It was seconded by Councilwoman Johnson and unanimously approved by the Council.

Councilwoman Kahle stated that she attended The League of Municipalities Convention on November 16, 2005 and November 17, 2005 and attended several seminars such as Public Policy Progress, Municipal Officials and Police Departments and Organizing for Interlocal Service agreements. She obtained a lot of information at the conference, which she hopes to share at the next workshop with the rest of the Council.

Councilwoman Kahle then echoed the sentiments of Colonel Berry regarding Maria Gatta. She then stated that Maria truly worked hard for the town and she was tireless in her efforts, she was here every morning at Borough Hall and she will be missed. She then stated to Colonel Berry that she was glad that she is here this evening and that she is feeling better.

COUNCILWOMAN JOHNSON: Councilwoman Johnson stated with regard to the Health Department, the flu shot clinic was held on Tuesday, October 25, 2005, which Councilwoman Johnson and Councilwoman Kahle both attended at the Oceanport First Aid Building. She reported that 120 flu shots were given that day. She then thanked the Monmouth County Board of Health for being there and the volunteers who helped that day.

Councilwoman Johnson said there would be a rabies clinic held on January 14, 2006 between 9am and 11am and will be posted after the first of the year. The next Board of Health meeting will be held January 4, 2006.

Councilwoman Johnson stated in regards to the Fire Department she didn't have the total calls for October because the gentleman that she needed to get the information from was not at the fire meeting. She continued that there would be quite a few drills coming up. A burn drill, which will be held at the Middletown Smoke House on November 26, 2005 and a smoke drill being offered by Saint Barnabas will commence on Monday, November 21, 2005. She reported that a storage shed donated to the Port-Au-Peck Fire House would be put built in the back of the fire house to store equipment, which was desperately needed. Councilwoman Johnson then stated that a donation was given to the Port-Au-Peck Fire House, which they purchased 12 portable radios for their fire trucks and members so this way they will always have a radio to use. The old radios were given to OEM for the CERT team if they are needed in the future. The Fire Department received a thank you from Wolf Hill School for participating on their fire prevention. Councilwoman Johnson then congratulated two firemen Sam Schneider and Mike Patterson who were former Explorers. They have now received their certification for instructors and the training of new Fire Explorers. It seems like they are doing very well with the Explorers program and both fire houses seem to be getting

quite a few new members. The Port-Au-Peck Fire House will be having their 90th anniversary in March 2006. Right now they are in their planning stages and will keep everyone updated as they go along. Councilwoman Johnson then made a reminder about the fund drive for Port-Au-Peck and Oceanport Hook and Ladder is in progress and both houses really need support.

Councilwoman Johnson then stated that in regards to Maria Gatta she was a great mentor, she will be missed very much and that hopefully things will move on and the Council will be able to work together. She then stated that she was glad that Mrs. Berry was there.

COUNCILMAN GALLO: Councilman Gallo made his condolences to the Gatta family on their loss and on the loss of Oceanport's Mayor.

Councilman Gallo reported that the First Aid Squad had 33 emergency calls, 7 MVA's, and 15 fire calls for a total of 55 for the month of October. Year to date they are at 959 calls, which is quite a bit. He reported that there is a new member of the First Aid Squad, Maggie. Councilman Gallo then stated that the Squad's Christmas Tree sale will begin on November 26, 2005 so it would be nice of the public to support this fund raiser, it's a long one and a very cold one so warm them up by supporting the First Aid Squad. In regards to the addition the First Aid Squad did secure a mortgage so they will be moving ahead with their construction of their addition.

Councilman Gallo reported with regard to the Shade Tree Committee stating they are working on removing 4 more trees to conclude this year's allotment and they will also be planting some new trees around the community.

Councilman Gallo reported on special events stating there was a Veteran's Day Ceremony held at the Borough Hall this past week with a good turn out. He stated that there is an additional Wall of Honor outside with pictures on it and he would like to publicly thank all Veteran's who served our country.

COUNCILMAN SHARKEY: Councilman Sharkey offered his condolences to the Gatta Family.

Councilman Sharkey stated in regards to the Recreation Committee the tennis court is in the process of being redone. However, there was a little bit of a problem that was reported by the engineer at the Workshop on Monday, November 14, 2005. The poles were anchored very deep in concrete so instead of tearing them out and making a big mess, they came up with a way to solve that problem and insert new fencing poles into sleeves with epoxy, which was a creative solution to the problem. He stated that there is a tight deadline in that the paving has to be done by November 30th before it gets too cold, per the contract.

Councilman Sharkey stated in regards to the Blackberry Bay Park project, the Borough engineer reported that there are continuing problems with the last bit of work that the contractor did. There are still some low spots, which he tried to hydro-seed, but there were missed spots and it was not satisfactory and it created ruts all over the field that need to be rolled for a second time. He then stated that the Borough attorney and the engineer would work out the next steps to that problem.

Councilman Sharkey stated that the tree lighting would be held on December 4, 2005 at 5 p.m. and everyone is welcome to attend and it is a good community event.

Councilman Sharkey reported in regards to the insurance there was a situation where 2 policies will not be renewed due to the relationship with the insurance carrier and the Managing General Agency, so the renewals are anticipated to be coming in at the December 12, 2005 Workshop Meeting, which will be a very important meeting held at 7pm.

Councilman Sharkey stated that the Capital Committee has completed it's work in prioritizing the capital needs of the Borough and information will try to be obtained to get a list out on that as well.

COUNCILWOMAN CHAUMP: Councilwoman Chaump made the motion to appoint Maximo Lopez, Helper III in the Public Works Department. There was a Public Works worker that is no longer with the Borough so we are taking a seasonal worker and moving him up to a Helper III after which she moved to approve it. It was seconded by Councilwoman Kahle and approved unanimously by the Council.

Councilwoman Chaump asked the Clerk to read resolution **R-05-105** urging the reauthorization of the NJ Transportation Trust Fund, after which she moved to approve it. It was seconded by Councilwoman Kahle and approved unanimously by the Council.

Councilwoman Chaump asked the Clerk to read resolution **R-05-106** transferring funds, after which she moved to approve it. It was seconded by Councilwoman Kahle and unanimously approved by the Council.

Councilwoman Chaump asked the Clerk to read resolution **R-05-107** inserting items of revenue, after which she moved to approve it. It was seconded by Councilwoman Kahle and unanimously approved by the Council.

Councilwoman Chaump's reported that with regards finance there was a memo from the CFO about the budget process which everyone received. She is now going to be scheduling meetings with the departments starting November 27, 2005 and finishing by December.

Councilwoman Chaump said there was a request by the Seniors to name the park over at Port-Au-Peck after Mayor Maria Gatta, which the Council will be looking into and discussing at the next Workshop Meeting on December 1, 2005.

Councilwoman Chaump stated that as, Councilman Sharkey was absent from the Recreation Committee meeting she filled in for him and reported that there will be a new tree out in front of Borough Hall, which will be donated by 3 people, Bill Bahrs, Mike Tober and the rest of the balance coming from Shade Tree Trust. The tree will be ready for the tree lighting on December 4, 2005 and everyone is invited.

Councilwoman Chaump stated that there was a strong recommendation from the Recreation Committee to name the Port-Au-Peck soccer field in honor of Mayor Maria Gatta, which will be

discussed on December 1, 2005.

Councilwoman Chaump reported there was a town meeting with Rush Holt on November 13, 2005 and many things were discussed, one of which was Fort Monmouth. There were questions from people from Oceanport, Fair Haven, Little Silver, and Shrewsbury. The discussion and questions were about student loans, Sandy Hook, Medicare D and prescription drugs. Rush Holt answered some questions and he was going to get back to those he did not have answers for.

Councilwoman Chaump stated that with regards to Public Works, as Councilwoman Kahle said, they had their meeting about Storm Water Management. Public Works has been working on the roads the catch basin repair on the corner of Colonial Drive and Revere Drive has been completed. In regards to the parks, the leaf clean up has begun in the parks and the municipal building, which will happen at least 2 times before the end of the year and going through the parks to cut the grass¹ more time before the lawn mowers are put away for the Winter.

Councilwoman Chaump said that leaf pick up is in process and concern about it was expressed at the Senior Citizens meeting. She stated that Public Works will be looking in to picking up leaves next year be district much like garbage pick up and will be explored in greater detail before next leaf season.

Councilwoman Chaump reported that public works along with the Recreation Committee would be installing the 3 water fountains. It will probably take a whole day to install 1 of the water fountains, but they are working on that and hoping to get that done within the next 2-3 weeks.

Councilwoman Chaump stated she was glad that Colonel Berry was back and healthy again and also that Mayor Maria Gatta will be solely missed. She said she would miss her not only as a mentor but also as a friend as she worked with Maria for 15 years not only on Council but also in other areas. She then stated that Mayor Maria Gatta's shoes would be hard to fill.

COUNCILMAN BRISCIONE: Councilman Briscione stated in regards to Fort Monmouth, he and Councilwoman Chaump attended a seminar held at Monmouth College on Monday, November 14, 2005 regarding Fort Monmouth reuse and redevelopment. The main theme of the seminar was for all the stakeholders, legislative, local, federal and businesses to try to work together on this matter. Additionally the closure process will take a long time and that is what came out of the meeting. The Congressional Delegation has not given up on their efforts to try to keep the Fort open although that appears to be a long shot at best. On November 18, 2005 at 2pm there will be a meeting of the Fort Monmouth Reuse Committee at the Eatontown Borough Hall. That meeting is open to the public. Councilman Briscione stated that he will also be going on a tour of Fort Monmouth on November 18, 2005 with the Reuse Committee and led by the Colonel.

Councilman Briscione stated that in regards to the Planning Board, they unanimously approved the Housing Plan Element and Affordable Housing Compliance Plan on November 9, 2005. Mr. Surenian as well as Peter Vandankoy of Birdsall Engineering were there to answer any questions.

Councilman Briscione reported that the application for Holiday Oceanport, which is the conversion of the Old Wharf Inn into age restricted condominiums has been postponed until next year. The applicants will be required to re-notice the public prior to proceeding on that application.

Councilman Briscione stated that the police report for the month of October indicated that there were 908 calls, which officers responded to 594. There were 12 MVA's and 116 motor vehicle stops.

Councilman Briscione reported that Congressman Rush Holt notified Chief Sutton on Friday, November 11, 2005 that as part of the budget appropriation the department will receive \$30,000.00 for computer equipment for the department. The money will come in the form of a grant and the Congressional Office will assist in the paperwork. This was initially listed as a capital project and thanked Congressman Holt for his efforts on Oceanport's behalf. He stated that the Chief also informed him that Oceanport will be receiving a grant for 2 more defibrillators, which can be used for pediatric purposes.

Councilman Briscione stated we continue to discuss the possibility of creating an ordinance to deal with the location of registered sex offenders in Oceanport. A lot of neighboring towns are looking at the same ordinance and passing those ordinances. The Council is currently reviewing ordinances, which have been passed in other towns and hope to have an ordinance ready sometime next year.

Councilman Briscione stated that he had contacted the FBI about conducting a seminar on internet safety. According to the FBI the same advances in computer and telecommunication technology that allow our children to reach out to new sources of knowledge also leave them vulnerable to exploitation and harm by computer sex offenders. He stated that this is a serious issue that has recently been featured on Dateline TV and Special Agent Tim Nestor will be at the Borough on Thursday, December 8, 2005 at 7pm to give an approximately hour long discussion on safety tips and ways to protect our children from internet predators. This event will be publicized in the schools and he asked Special Agent Nestor if there was a required attendance number and his response was if there was one family there and he was able to help one child it would be a successful night for him. So Councilman Briscione thinks this seminar would be very well received and he would like the public to tell their neighbors and tell people who have school age children that it would be worthwhile to attend.

Councilman Briscione stated that he also had a few words to say about Mayor Maria Gatta. His heart goes out to her family they have lost a devoted wife, mother and grandmother and personally he has lost a good friend. He has come to realize the amount of time and effort that public service takes and he looks back and marvels at the dedication

and devotion that Maria gave to Oceanport. He would often kid her of how easy it was for her to get up and speak whether it was in front of children, seniors, group functions or special events and if she had time she would always read a poem or a quote. In her honor and memory Councilman Briscione read from Gippson about what he says about giving:

There are those who give little of the much, which they have and they give it for recognition, and their hidden desire makes their gifts unwholesome, and there are those who have little and give it all. These are the believers in life and bounty of life and their coffer is never empty. There are those who give with joy and that joy is their reward. There are those who give with pain and that pain is their baptism. There are those who give and know not pain in giving nor do they seek joy nor give with mindfulness of virtue. Through the hands of such as these God speaks and from behind their eyes he smiles upon the earth.

At this time Councilman Gallo excused himself from the next portion of the meeting due to a conflict. Mr. McGann also stepped down due to a conflict.

Councilwoman Chaump stated that Special Council Jeff Surenian was here and the meeting would be opened to the public at this time for questions regarding the resolutions regarding the housing element and compliance plan, the intent to bond and the regional contribution agreement with Lakewood.

Jeff Surenian stated that he is the Attorney for the Borough and for the Planning Board to assist not just with litigation, but putting together an Affordable Housing Plan and by way of background there is a subcommittee of the Planning Board that was in place that has been working on the Mount Laurel Plan for a while when he was retained. He had the pleasure of working with that subcommittee and helping formulate that plan. The Mount Laurel Subcommittee made a recommendation as to what that plan would look like and that resulted in the preparation of the document called The Housing Element, which is a component of the master plan and which represents the way that the town would like to comply in contrast to what plaintiff has proposed on its site. There was a hearing before the Planning Board on The Housing Element and the Planning Board adopted it. The next step in all this process is for the Borough to formally endorse that housing element and to take various actions in conjunction with that housing element. The details of that document are set forth in The Housing Element and the Fair Share Plan really reiterates them and is the document that contains the measures to implement the plan and in essence what the plan comes down to is Monmouth Housing Alliance has an existing 6 unit facility right now. They have proposed to provide another 6 units on that site. So what will happen if this plan is approved and endorsed by the court is they will provide an additional 6 b bedrooms on that facility. The Borough's planners have looked at that and stated that there is ample room for them to accomplish that. The other aspect of this plan that is of significance is a facility right now with 30 beds, which is a homeless facility. Under applicable regulations Oceanport will only get credit for the bedroom not for the beds. They have looked into taking the same facility and making it a nicer facility. All that needs to be done is break it down into 30 beds and be able to receive a lot more credit towards the obligation just by making it a nicer facility. So you have the homeless facility. There was a 3 unit regional

contribution agreement, which was another component of the plan and what a regional contribution agreement is, it's an agreement between a sending municipality (such as Oceanport) and a receiving municipality (such as Lakewood or any town) and basically as long as there is affordable housing in the region through such an agreement those units can be credited against the Borough's fair share within limits. The Housing Element contemplated that there would be 3 units of a regional contribution agreement since we adopted The Housing Element it turns out one of the pieces of information that was used in preparation for The Housing Element in terms of how certain rental bonuses changed. This creates a need for an additional unit so what is being proposed is that we simply make the 3 unit regional contribution agreement a 4 unit regional contribution agreement. That is another component of the plan. There is a village center area that is anticipated to go through a redevelopment process and we are counting some number of units, he believes it's 9 from that part of the plan that our experts feel is likely to happen over the course of this next 10 year period, which is what this plan addresses it's a 2004-2014 plan. He then stated that the final aspect of the plan is the Sports Authority has been approved for 2 projects. One is called Jockey Club Estates and the other is called Village Center. The Jockey Club Estates is a senior project and the Village Center project is a family project. While the Sports Authority could have taken the position that they will not provide any affordable housing, fortunately they have agreed, even though they have no legal obligations to do so because towns can't control through zoning to provide the responsibility that those projects will create. What he meant by that is under the new rules that we're operating under, for every 8 units of market housing created there is a 1 unit responsibility, so if the Sports Authority was unwilling to cooperate with the municipality they could have said however we zoned it that it's not going to provide any affordable housing in those projects, fortunately they have not done that. To its credit and to the town's benefit it has agreed to make sure that overall between the 2 projects that for every 8 units there is going to be 1 affordable unit and that means instead of that project generating an obligation that it doesn't satisfy, it will satisfy the obligation it creates to the extent that in those 2 projects there's any non-residential development, the developer will pay a fee and that fee will be dedicated to a Mount Laurel Trust Fund and that money will be used to help defray the cost of the plan such as a regional contribution and any other aspect of the plan that costs money. In a nutshell, he stated that this is the summary of the plan.

Mr. Surenian explained why the RCA's were increased from 3 to 4. Basically what happened was that the first time our experts designed the plan based upon the input of the Mount Laurel Subcommittee. He always had them go to COAH to make sure that whatever logic you think operates that, it is checked with them to see if anything is discovered. They did that and were told that the plan that was adopted by the Planning Board that is exactly right. After that point we were told that the way COAH handles rounding it should have been 13 opposed to 14 and that 1 credit dropped out, which meant that we lost it so since we had ample room with the region contribution agreements the suggestion in the Fair Share Plan is simply to bump up the RCA's from 3 to 4. That is it so far in round 1, 2, and 3. This is a plan that spans all 3 rounds.

Councilwoman Chaump stated that at this time she would take questions from the public:

John Boneforte stated that he is speaking for the majority of residents on Horseneck Point and asked the Council to consider a couple of comments that he had. Relative to the homeless shelter at Fort Monmouth, he stated that the Horseneck Point Property Owners Association, by way of history, has been in existence for about 35 years and they were formed to protect and improve the quality of life on Horseneck Point. Such things as when Fort Monmouth wanted to put a boat marina out there, when a homeless shelter was housing sex offenders, so it's been part of community involvement. He stated that the concern of all members on Horseneck Point, over 100 people, which many of whom had asked Mr. Boneforte to speak. He then stated that what Oceanport is going to do with this homeless shelter it's a good idea, it's the right facility, but it's in the wrong place. It's been a problem for Oceanport for the last 35 years, and he can speak from personal experience. Now if Oceanport is going to take affordable housing's money and enhance that facility you're setting the stage, or when the Fort looks to reuse that land, they're going to say we already have a facility there, it's already been improved, so they're going to make it bigger and you're going to wind up with a section of Oceanport that has, we believe, all the elements for affordable housing in total and this town cannot afford another school to handle what affordable housing of that magnitude will create. Notwithstanding the social problems that go with the homeless shelter. We've been through it for 35 years and he can assure us that there are a multitude of problems. He has talked to Checkmate, and he could not get an answer. It was like going to the Motor Vehicle. He then stated that its when Councilwoman Johnson talked about the first aid problems that were out there, the police that get called the many of the different problems. He stated that what he was talking about here, taxpayers and residents of Horseneck Point wanted to know who were the planning people that voted on the homeless shelter to be enhanced? He then questioned why Oceanport was going to spend \$750,000.00 to enhance a homeless shelter when they can spend the \$750,000 and buy affordable housing in other towns. Mr. Boneforte wanted to know if Oceanport had a contract that guarantees the people of Oceanport/taxpayers that \$750,000 is all that will be spent. This is going to wind up in the county or a state program with prevailing wage and unions and there is not a guarantee that he is aware of that it's only going to be \$750,000.

Mr. Surenian stated that there is no guarantee in anything, however Oceanport's experts went and looked at the facility and they estimated what it would cost to simply create bedrooms in an existing facility. They were satisfied with the structural integrity of the facility and they were satisfied that these improvements could be made at that rate.

John Boneforte stated that he understands that and he appreciated all the technical reasons that were given, but he's talking about the taxpayers of Oceanport and the people of Horseneck Point in another 3-4 months the river front people of Horseneck Point are going to be hit with a tax bill that's going to send them all into shock and then they're going to be homeless. Then, he wanted to know where the people are on the planning board that sat down and said well, we have all these tax payers and they're paying \$20,000 - \$30,000 a year in taxes. Do we really want to spend north of ¾ of a million dollars to improve a

homeless shelter over which we have no control? Could we better spend the ¾ of a million dollars by buying units in Long Branch or Lakewood or whatever? He stated that he realizes that there are all sorts of rules and documents, but we as residents did not get a chance, as far as he knows, to have any input on the Planning Board.

Attorney Surenian stated that the public did have an opportunity for input.

Mr. Boneforte stated that he would like to add a few more comments. If you want to put up a shed in Oceanport, and it's not conforming, you have to go through a series of applications and you have to send registered letters to people within X number of feet of your house. Here we're going to take a homeless shelter and enhance it so the government can come in later and say make the whole area for homeless. Why go there?

Mr. Surenian stated that he respectfully does not think that the notion of the whole acreage of Fort Monmouth will become a huge homeless shelter or anything remotely close to that he thinks is unfounded.

Mr. Boneforte stated that it's the wrong direction, number 1, and number 2,

Mr. Surenian stated that on the contrary what he anticipates happening is it would be in the interest of all 3 communities, 2 of whom he represents, 1 Eatontown and 1 Oceanport, to make sure that there is a reasonable amount of affordable housing in those communities, but not an excessive amount. So what he thinks would be a more reasonable expectation and would benefit all of those communities is if there was something more traditional, a 20% set aside of units that get built there so that all of the Mount Laurel problems in these communities would be solved forever and it could be done in a way that doesn't become over bearing. Then he stated that the problem is that when a town tries to comply it has a limited number of choices available to it and for example, creating 30 units by simply taking an existing structure and breaking it down into bedrooms is to try to find the site to have 150 units and have 20% of them affordable, that's the other way.

Mr. Boneforte questioned if Oceanport could buy units in another town?

Mr. Surenian stated that Oceanport could buy units and they ran the numbers and it's on the report. He thinks that it's 30 RCA's Oceanport could do.

Mr. Boneforte questioned isn't 30 units at \$35,000 per unit something like \$900,000? So if Oceanport is going to spend \$750,000 for 30 units in a homeless shelter why not take the \$900,000, which is a guaranteed amount of money and give it to Lakewood or Long Branch and accomplish the same task?

Mr. Surenian stated that there are limits and you can't go that far. He looked into that but he can look it up again.

Mr. Boneforte stated that he didn't want to take up any more time tonight and he appreciated the fact that he was allowed to talk, but he thinks that these are legitimate questions that he has. In November of 2001 they met with the General out on Horseneck Point, he said that they could not get the Mayor at the time, Gemma, to back them and they met with Fort Monmouth because they were going to fence the homeless shelter out of Fort Monmouth. They said wait a minute, it's your facility you fence it in and make sure who comes and goes in that facility is legitimate. The General met with them and told them all the reasons why not. The residents all met at Boneforte's home out on Horseneck Point and when they got done explaining what was really an issue about their children and the safety of their community the next day the General called and they fenced it in. So he doesn't know how to go back to his children and explain to them all the legal implications that you're talking about. Then he said that there has to be a way. For 10 years we didn't have a plan that we should have had. There has got to be a way. He said to Mr. Surenian that as smart of a man as he is, there has got to be a way to put aside the homeless shelter, revise this plan, and leave it out. If worse comes to worse some where down the line we can put it in, but what we're asking is for this Council, who represents us, not the planning board, but we are the tax payers and the residents of Oceanport. Our children and our families don't want an enhancement of the homeless shelter and we're asking you to vote against this resolution, revise it, take out the homeless shelter and go on about your business and before you come up with reasons why not I need to ask each one of you to look at the people that I am talking about and pass it around and then vote however you're going to vote. These are the people who count for the people of Horseneck Point. Thank you.

Anthony Forlini stated that he lives at 1 Park Street, Oceanport and he's off of Horseneck Point Road. He also owns a business across the street from the abandoned gas station, so he has a dual impact with the project. Upon evaluating what the Council has done he wanted to congratulate them on putting a good plan together. The plan takes existing units and you provide some renovations in the existing units in order to meet a requirement and this facility is going to be here no matter what so those people are there in the 30 units. They're going to upgrade by putting bathrooms in them. What's the big deal? Even if it is cheaper to buy units some place else, it really doesn't serve a purpose. The purpose here is that you have a county run facility. This county run facility supplies a very necessary service to the county. As part of that service, they have to have some place to house people. He would be hopeful that Oceanport would look at who they would allow into the facility and he wouldn't want to see a sex offender and he is taken back that Oceanport doesn't have a sex offender law in this town at this point. And his other comment was to please select a Mayor.

Ron Sickler, 45 Morris Place, questioned if the property that the Race Track sits on, including the stable area, is considered part of Oceanport?

Councilman Briscione stated that the property was a part of Oceanport and then asked if Mr. Sickler was going to raise the point of the people staying on the backside and whether they qualify and Mr. Sickler said he was.

Councilman Briscione stated that they looked into that and they don't qualify and that they are only there for 9 months and they don't pay any rent. They're employees of the trainers and we asked COAH and thought that they would have a shot at having those facilities qualify and they don't. He thinks that if they wanted to they would have to make those year round apartment style dormitories and he doesn't know if they want to go in that direction.

Mr. Surenian stated that they only get credit if the units are deed restricted absent of a very narrow exception called Credits Without Control. However, it's a problem because the town could have 100% of the units affordable, but if the units are on deed restricted, the legislature, and its wisdom and COAH, won't give you credit. They're exclusionary.

Mr. Sickler stated that what brought that to mind was, and he suspected because basically he knew it was a temporary facility for X number of months. His next question was, given the fact that you can make improvements on this other units on the Fort Monmouth site, is there any kind of situation in which, other than making it a year round dormitory type of situation, given the fact that it is 9 months out of the year over half the time it is in use for that and that would definitely be very low income and he would assume that given the number of barns over there these units are on the end of at least one unit per barn.

Councilman Briscione stated that knowing what they look like if you got inspectors in there the cost to cure the deficiencies of those would be extraordinary and probably would be looking at creating new facilities to house those and taking away from the barns and putting up separate facilities. We didn't look into that aspect and didn't explore that with the state because they're also not winterized so there are very limited heating facilities in there.

Mr. Sickler asked if there was a possibility that the State could absorb the cost of improvements or even putting in a dormitory style building over there similar to what exists at Fort Monmouth?

Councilman Briscione stated that he would have to defer that question to Mr. Surenian. He stated that it would probably be similar to a migrant worker situation. That is where they would have temporary workers and temporary housing, but he doesn't think that would work either. He then stated that the homeless shelter is existing and they checked with the police department to see if there were any issues there and there were not any issues that they were aware of. Also, there is a 30-day minimum of people who can stay in a homeless shelter.

Mr. Sickler stated that this was his point. It is a transient population the same as the population at the track. In fact if you are only allowed 30 days in that particular facility and they spend 9 months in the other adding he would have no idea what the cost or what the technicalities would be. He was just searching for a way to aid this situation.

Councilman Briscione stated that he understands and this was one of the first things to come up and that he is not an expert on COAH, and what COAH allows, and there are very

strange rules that you have to comply with and time deadlines and certain properties that do meet what they're looking for and the shelter happened to meet that and the stable area didn't happen to meet that and that's probably as far as they went in exploring it. This is a State agency that they're dealing with and the cost factor of doing that is how big. They may come in and say the existing housing for these people is horrible so we think that you should build a 100-unit apartment building. He stated that people would have an issue with them or with the State putting a 100-unit apartment building on Elkwood or something like that. So, each one of these has it's own separate issues that we would openly have to deal with. He stated that what the Planning Board and Master Plan Committee tried to do was meet the spirit of COAH at the same time have the least impact upon existing neighborhoods in Oceanport and that is how this plan arose.

Mr. Sickler stated that this is exactly where he was coming from and when you have people from Horseneck Point and so forth the track to him, if it was feasible, was a good place to pick up some more of this if it was possible and if it becomes incumbent of the State to build a facility that's more hygienic or whatever on that property and not necessarily apartments.

Mr. Surenian stated that this was a valid point and he looked at the rules and said that the homeless facility is a transitional facility, but that is an exception to the general rule in that affordable housing is typically year round. If you were to try and equip affordable housing at the racetrack area COAH would be looking for something more permanent like a year around apartment complex type situation not a migrant worker situation. The only exception to the rule for anything that is transitional is a transitional facility for the homeless and basically what happened when COAH formulated the rule is that they brought bus loads of homeless people to COAH and COAH decided to carve out this exception. Other than that the rules are very limited on what you can get credit for and not get credit for. The only way he can see getting credit over if you were to take land over by the racetrack because you would have to have a year around facility. You couldn't have anything that was just 8 or 9 months. There would have to be people that could live there every year and renew their lease every year and that's how it would have to be.

Councilman Briscione stated that he thinks the change in what's happening at the racetrack with more and more family types of units working back there. So, if you put up an apartment style complex you would have children there, which would have impact on the school system. Say it was 100 units it would have an impact on the school systems. He thinks they tried to look at the homeless shelter that was already there, it was existing. They were taking advantage of the situation. Under the regulations that Mr. Surenian had pointed out, was that the beds are there already, the bedrooms are not. The only change that we would be making to that is the bedrooms and that would comply with what COAH suggests would qualify us and they have no impact on the school system they are only there for a 30 day minimum.

John Boneforte commented to follow up on Councilman Briscione's comment about the police report not having any problems. There are no longer any problems there because the Horseneck Point Association had it fenced in. Prior to it being fenced in there were a

multitude of First Aid and Police problems and as soon as the fence comes down, as soon as Fort Monmouth is no longer the custodian of what goes on there with Checkmate that becomes a political nightmare and political bombshell. Who in this town is going to stand up and say that they are against the homeless? It ain't gonna happen. So who is going to get stuck with all the social and financial problems? The taxpayers of Oceanport, so please it is a big problem, it's just fenced in. And we got it fenced in, not the Borough Council, not the Mayor, not anyone from Oceanport, it was the Horseneck Property Owners Association. So please vote this resolution down, take out the homeless shelter. He understood what Mr. Surenian says, but he doesn't live on Horseneck Point and the taxpayers that are in this room do.

Allen Schneider stated that while reading the resolution, he thought he knew where most places were in Oceanport, but lot 110, block 18.01, known as Oceanport Manor Apartments, and he asked where it was. Councilman Briscione stated that it's about 3 houses down from the Firehouse on Main Street, Hook and Ladder

Mr. Schneider stated secondly in regards to the homeless shelter and the forth-coming demise of Fort Monmouth, he thinks that the timing is wrong for this because there are too many unknowns as to what is going to happen with Fort Monmouth. No one in this room or in the world knows what is going to happen with Fort Monmouth and how it is going to be used how it's going to be developed or what's going to happen with it. He thinks that the timing to do this project on building 117 is not the right time and he asked for it to be voted down.

Councilman Briscione stated that he would just like to make one comment about the situation at Fort Monmouth. The homeless agencies have a right after the Federal Government makes decisions on whether or not they're going to take any of the property, so if the FBI for instance wants something there they go in sequence and they start January 1, 2006. Homeless organizations then have the right to look at that property and say we want to do this here and we want to do this here. He thinks that if we have what is existing there and say that we're meeting the needs of the Eastern Monmouth County Area on this base and we can prove that through the Reuse Committee then that maybe the extent of what the homeless agencies are allowed to have. We're not required to bring in homeless people from Elizabeth or Union County it's the homeless need in the general area, it's not homeless needs around the state. If homeless agencies said that they wanted areas on the base to expand facilities, he asked the question and it was the local area and the Local Redevelopment Authority, if they can prove that the needs were met already then they can move on to the next group. Now, that is a preliminary discussion and these discussions were already brought up.

John Boneforte stated that they don't just draw from Monmouth County. They switch around. If they have a need from some where else they will move them down there, we already went through that.

Councilman Briscione stated that we are not talking about the existing one, we are talking about agencies that may want to use Fort Monmouth.

Allen Schneider stated that he thinks that there are too many unknowns about Fort Monmouth, and this is part of Fort Monmouth, and who knows when the fence goes up or when it comes down and when it's put up again there are always exceptions and the government will do what ever they want, as you well know.

Councilman Briscione stated that he's not trying to be argumentative but that homeless shelter is there already and it's going to stay there. The only thing that we're doing is adding rooms so that we qualify. It's the same amount of beds.

Allen Schneider demanded that the Council not encourage things to change at the homeless shelter. If it has to stay there then it should stay there as it is.

Mr. Surenian stated that the cost is \$35,000 to sell an RCA to another town the cost that was in the original Affordable Housing Plan basically says that we're in about \$540,000 to convert the 2 rooms into 30 rooms and we're picking up another 28 rooms. He doesn't know how that balance came up to $\frac{3}{4}$ of a million dollars from \$540,000, so even $\frac{1}{2}$ million dollars, \$540,000, to convert another 28 units it works out to about \$20,000 per unit. What you're suggesting, and he's not saying it's wrong and he kind of agrees with it, is to pay an extra \$15,000 pay the \$35,000 instead of the \$20,000 and sell as many of the RCA's as you can (applause). So that is where it's at and then it's quantifiable and it's a legitimate solution to the situation.

Allen Schneider stated that he encourages the Council to vote it down.

Jerry Bertikap stated that he is a resident of Horseneck Point also and the Assistant Fire Chief, his daughters are 8 and 10 years old and they get off the bus everyday from Saint James School and walk right passed the homeless shelter everyday and it concerns him about anything that is going to be done over there. There are definitely different people there all the time. He has not seen a lot of problems but he does not want to see more problems and it's a very big concern of his. He also has another daughter that will be going to school soon. So please take all of this into consideration if you're going to be putting all this money into something and it's going to grow and get bigger, then let's look into it to make the right decisions for our future here and he's very concerned.

Elaine Tupy stated that she lives in Oceanport and that first of all what is the requirement? Is there a cap on percentage of senior housing that can be in this agreement and Mr. Surenian stated yes, the extent as to which you can satisfy your obligation is limited on the gross share part, it's 50% of what you do in town can be senior. On the cycle 1, cycle 2 you need to separately analyze that it's 25% of what you do in town can be senior.

Mrs. Tupy stated that she was wondering because what she read in the paper was that we were required to have 183 units and 100 of those are in the subsidized senior citizen and Mr. Surenian agreed and then stated that as to those 100 units were very fortunate that they don't count against the senior cap and they don't count against the senior cap

because they're a category of credits that existed before COAH adopted its regulations. They adopted their first set of regulations in December of 1986, so what COAH said is we will give credit for any unit created from April 1, 1984. COAH came into existence in 1985 that's from the Fair Housing Act was signed into law and they were charged with regulating and periodically coming up with new regulations. They came up with their first set of regulations in December 1986 and their second set of regulations came in June of 1994 and the third set of regulations came in December of 2004. So now if you have an obligation it's an obligation that spans all 3 cycles, but since each number is based upon a different census data COAH said that they would give credit for any affordable unit created after April 1, 1980. If you had a million credits a day before April 1, 1980 we won't give you what. However, anything after April 1, 1980 is fair game. And then they corked out this exception, they said but between April 1, 1980 and December 15, 1980 we didn't exist and we didn't have regulations so who ever gets credit in that period we won't count it against you and we won't apply the senior cap to that category of credits that prior cycle credits. Even if it's rented housing we won't give you a benefit either because there is no regulation in place of that and that would give you a benefit. So for that reason while we have a 100 units in the plan and while he would anticipate in the litigation developers will try to make a lot of hay about that but the way the rules are set up that doesn't count against you.

Mrs. Tupy thanked Mr. Surenian for the explanation and stated that she was curious about that and she thought that they had gone over that and the reason she asked is because she would like to have seen some affordable housing for families and it seems to be an emphasis on the senior citizens.

Mr. Surenian stated that there would be more affordable housing in Monmouth Housing Alliance. There's going to be affordable housing in the area that undergoes redevelopment so there is going to be some family affordable housing in this plan.

Mrs. Tupy stated in regards to the Regional Contribution Agreements, her understanding of the Mount Laurel was that the whole purpose was that affordable housing would be spread throughout all of New Jersey and all of the borough's so that no one area would take too much so that it would not change the landscape. She is opposed to the Regional Contributions because she thinks that it's a loophole that we can send that out and we don't have to take any of it, but we are doing whatever we can. However, she was wondering if we did not use the Regional Contribution Agreements could we use those for affordable housing?

Mr. Surenian stated that you don't have to comply with the Regional Contribution Agreement however, if you don't then you have to provide them in town and as you can see it's always going to be in someone's neighborhood and there's always going to be a series of issues. What you try to do when you fashion a plan is have a plan that has the least impact on the community and frankly as to the homeless shelter, we thought that this was a way to provide affordable housing with minimal impact on the community and to the contrary we thought that we would be improving the community by enhancing the facility and making it a nicer facility. That was the logic of it.

Joe Foster 29 Bradley Avenue, Oceanport said he had a couple of questions and also an observation. First of all his recollection going back a number of years over there at Fort Monmouth there was also another organization called the FBN Dorm, which were DYFS referrals. Is that being factored in and still in existence and is that part of this equation?

Mr. Surenian reported that this topic did not come up.

Councilman Briscione said that he didn't believe that it was being utilized anymore.

Mr. Foster stated that the other thing from a municipal land use perspective and especially with the building center, we have a density issue if you're going Mount Laurel he guesses that we're talking about a 20% density or builder's remedy. Is that factored in the plan and if it is does, does that change the plan? It actually came out a while back and he believes it was 2 bedroom units and it was above the stores. If so, is that going to be factored in?

Mr. Surenian stated the plan did not increase the density as it was anticipated that there would be development there and our experts concluded that there was not a need to bump the density to generate sufficient interest in developing there, so we thought it was very real that component of the plan without having to bump the density. He stated to Mr. Foster that he was right and the biggest problem in the Mount Laurel arena and the biggest problem in the Builder's Remedy lawsuit is that dramatic increase in density that these developer's insist that they need in the name of the poor and they don't really need it. It's greed, unbridled greed. And that's what every Builder's Remedy lawsuit is all about. It's about unbridled greed of developer's and this plan is efficient because it doesn't do that. For example, homeless facility, although he appreciates the concerns being raised amongst the community there is not a density bonus. It's not like we're having 150 units to create 30 units we have the existing 30 units. Even with the Monmouth Housing Alliance, 6 new units, all affordable at a traditional set aside it would be 30 units times 20% to get to 6. The Builder's Remedy wants a 7-fold increase, for what? To provide a 20% set aside and then they don't want to tell you why it's 20%, why it's not 30%, why it couldn't be 6 units an acre. If you contrast the inefficiency of the Builder's Remedy and the strain on a community by the Builder's Remedy to some other techniques, it's striking. So from that perspective the plan is a much more efficient way of producing affordable housing then the Builder's Remedy.

Mr. Foster stated that he knows that we are adding beds, but is that an expansion of a non-conforming use or how does that fit into this plan and Mr. Surenian explained why it would not be.

Mr. Foster asked if there was going to be any other in that arena? They're not going to be doubling the size of the building and Councilman Briscione stated that it's federal property and it is not zoned by Oceanport anyway and number 2.....

Mr. Foster stated that he was thinking down the road, if and when we take it over, we're going to live with what ever goes there because it's going to run with the program.

Councilman Briscione stated that it is existing there as it is and there are no exterior dimension changes. It's partitioning bedrooms to comply with what COAH allows you to do. So there are no exterior physical changes to the building, it's basically barracks buildings.

The Clerk stated that there are no additional beds then what are there presently, which is 30 beds.

Mr. Foster agreed and then said that they would be doubling the number of people there and the Clerk said no, there are 30 beds there now and they will just be putting walls up to make them 30 individual beds instead of 15 beds in big rooms, 15 beds on 2 floors in big rooms, there are 30 beds there now.

Councilman Briscione stated that the Village Center zone was in place, so there is no bonus density to that zone. Market forces will make that area redevelop not anything that they did.

Mr. Boneforte said that his comments were to the elected official and not to Mr. Surenian, all due respect. He asked the Council to think about what they have heard tonight and what the elected officials have said to themselves. You're going to take a 1940 barracks and you're gonna dump at least \$917,000 into it to do nothing other than qualify for 30 units. You're not gonna improve the facility, you're not gonna increase the number of people that stay there. Just from a business stand point, why do we want the tax payers of Oceanport to fund close to a million dollars worth of renovations to a WW II barracks that can do nothing positive for this town short of some fear that we have about affordable housing that can be addressed in much more constructive ways. And by Mr. Surenian's own words, there is no guarantee to the taxpayers that it's going to be \$917,000. It could be a million and a quarter and what are you going to do?

Mr. Surenian stated that it could cost nothing and Mr. Bonteforte stated "pardon me" and then he said well, then sir, if you put that in writing he'll make Mr. Surenian a partner (laughter)

Mr. Surenian stated that he should understand that there are monies available for affordable housing, but Mr. Bonteforte said that we don't know that now.

Mr. Surenian stated that right now there is a great deal of money because a realty transfer fee, every time a house gets sold, a pot of money gets created that's dedicated for affordable housing. So there is a great deal of money out there right now that might very well be used for affordable housing and for projects just as this, which is why in one of these documents there is a clarification made that we have to adopt the resolution of an Intent to Bond saying that we will fund it if necessary. We made it clear that it may not be necessary because if we can find a way to pay for this with other funds we may have a good fortune of being able to have it at a significantly lesser cost.

John Boneforte said that the taxpayers in this area are under a tremendous burden and he as a taxpayer hope that you'll find money somewhere to wipe out a million dollar liability to improve a WWII barracks, with all due respect.

Mr. Surenian stated that it was \$750,000 and we can get the exact number so it's not a million dollar stating that the Borough had its experts look at it. They made a judgment of what the cost would be they gave some thought to it and so there is a number associated with that and that number from a pure dollar perspective is a much better number than the RCA cost. For the same amount of money you're only going to get 21 units with an RCA. This gets you 30 units plus you get 2 rental bonus. If the perspective was only money, and he realizes it's not, if it was only money then there is no comparison, plus with an RCA you're paying for it. You can't use developer fees to pay for it. With this you can use any money you raise through your Mount Laurel Trust Fund to help pay for this. You can seek access for other sources of money from other branches of government, the Realty Transfer Fee. He was in Atlantic City this morning for the League of Municipalities Convention and the Department of Community Affairs was trying to help municipalities produce 100% affordable projects. There is money out there for this kind of stuff.

John Boneforte asked why couldn't we get the money before the resolution is passed?

Mr. Surenian stated that you have to commit to a plan and that is the way it works. We don't have that luxury. The law doesn't give us that luxury.

John Boneforte stated that as a business man, forgetting Horseneck Point and forgetting the aspect of just that, it doesn't make sense to me to dump close to $\frac{3}{4}$ of a million dollars with no guarantee that that's the limit into a WWII barrack when we can buy 21 units, like you said, and you get 2 anyhow so that's 23. So you're 7 shy of your 30 and the taxpayers are guaranteed on how much it's going to cost them. That's our opinion as taxpayers and I don't want to see you roll the dice for $\frac{3}{4}$ of a million for a homeless shelter and have it turn out to be a million and a $\frac{1}{4}$. You're gonna be long gone and the taxpayers are going to be stuck with it.

Hugh Sharkey stated to Jeff Surenian that he too attended the League of Municipalities Convention and he attended another COAH seminar as well and one of the things that really struck him was the number of people saying the RCA, where you sell your units to another town, was not in their town's back yard and getting rid of them. This also goes along with what Ms. Tupy had indicated as well and it really is a very important concern to think about that and he thinks the intent of the COAH laws were to spread the affordable housing and not have a concentrated density in one specific area and what we are doing here with these houses is, well, what he's hearing is people talk about is we're in a minute concentration in one area and it's not sprinkled around where there could be other factors affecting it or influencing it in a positive way. So it is a major issue and he doesn't have a problem as he's thinking and talking out loud here selling RCA's because his hope and thought process is that those RCA's that another town buy's, they're gonna sprinkle them around town and they aren't going to create a concentration either. Now that might be wishful thinking but he's hoping that will effectively happen.

Mr. Surenian stated that that's not necessarily the way it works.

Dick Tupy stated that he doesn't live on Horseneck Point he lives on Iroquois. It sounds to him that we're talking about \$700 and some thousand dollars that might be covered by some other agency and not the citizens of Oceanport, but if we bid 30 something RCA's it's going to cost us a million bucks and that million bucks is going to come out of our pockets. Is that right to which Mr. Surenian said that was correct.

Mr. Tupy stated so then the guarantee out of my pocket helps people on Horseneck Point and perhaps helps me as a citizen of Oceanport instead of living somewhere else in the community correct?

Mr. Surenian said that he didn't quite follow that and that Mr. Tupy would be helped in what sense?

Mr. Tupy asked if his taxes would be used to pay for the RCA's and Mr. Surenian stated that he was correct if there was not enough money in the trust fund but we can charge a modest fee and since we're not anticipating any great deal of development he doesn't think that there will be a lot of money in that trust fund.

Mr. Tupy asked if the plan has to come up with 183 units and Mr. Surenian answered yes stating the Borough has an obligation to create a realistic opportunity for 183 units.

Mr. Tupy asked if the 6-story building that was talked about at one point over on Morris Place area, is that part of this plan? Or is this just another phase of it?

Mr. Surenian answered that we had an obligation to consider those who have expressed the commitment to provide low to modern income housing and we considered it and there is a good analysis with striking pictures that demonstrate why we reasonably rejected that proposal. However, to be candid with you, they still have their Builder's Remedy lawsuit pending and they think it's the most wonderful project in the world and they're not going away. They're going to fight for their Builder's Remedy and take the position that this is reasonable or they will take the position that they were only kidding and this is the real plan.

Mr. Tupy stated that he tells people that the 2 major problems that we run into is that seniors who are on limited incomes have difficulties remaining in the communities and in their homes because they can no longer afford the taxes so they have to find some place that's less expensive to move into and he doesn't see anything that is happening in Oceanport that provides for a less expensive place for instance the affordable housing and the Jockey Club Estates are going to be at least \$400,000 - \$500,000 because of the limitation in the number of units that are there. And then the other problem is that our children who can't afford to live in this town.....

Mr. Surenian said that he would just mention that they are maintaining an 11.11% set aside over the 2 projects which are family units.

Mr. Tupy stated that when you say the 2 projects though, almost all the family housing is going to be over the stores and all the senior housing, because it's age limited, is going to be over Jockey Club Estates right and Mr. Surenian stated that the Jockey Club Estates is the senior project, so yes.

Mr. Tupy reported that the other problem besides the seniors is our children, he has 3 kids and all 3 of them are out of work at the moment and for any one of our children who doesn't earn more than \$35,000 or \$40,000 a year, they're not going to be able to afford to buy a house in Oceanport. And so they aren't going to be living in our community either. And that seems to him that affordable housing is the only way that we're going to be able to do anything about either of those problems if it wasn't for COAH we'd all be spending a lot more for the properties that we already live in.

Mr. Surenian replied by stating that Dick's children would be eligible to apply for these affordable units and that they need to get on a list like everyone else and hope they win the lottery

Mr. Tupy stated that if it wasn't for that program then they wouldn't even have that option and then asked who was controlling the list?

Mr. Surenian said that he thinks that what towns typically do and then said that in the past there was a state agency called the Affordable Housing Management Service then it became the Housing Affordability Service they just went out of business so there's another successor entity at the state and what the State is now encouraging is that which what they have discouraged in the past, which is to go through local non-profits to administer your program. So, for example it would be possible for this town to enter into an agreement with the Monmouth Housing Alliance. They are very good at it in terms of finding eligible households and making sure that you comply with all the affirmative marketing requirements and that the units are properly filled and properly deed restricted. He would completely trust someone like Donna Rose to handle that type of task. They should do a great job at it and they have a fantastic reputation for doing that.

Frank Barricelli, 67 Hiawatha Ave, said he listened to this gentleman's presentation before and it made sense. He realized that that organization that handles COAH may have been arm twisted into handling the homeless. They should be arm twisted to handle migrants. He doesn't see why we should have all these state legislatures who have been promising this past Monday to help Oceanport, Eatontown, Tinton Falls in their hour of need on Fort Monmouth why they shouldn't be asked to help us on a simple issue as getting homes that are dedicated to our migrant workers counted toward affordable housing. Twist arms! Move forward on the plan but twist arm! The gentleman's idea was a very good one. Anyone living 9 months in town is a resident. My taxes say how much of the year you live in the town. You tell them 9 months then you're a resident. They are residents and don't sit back and let some little agency tell us that they're not. Push the

issue, but still move forward on the plan. They have to move forward on the plan and take that affordable housing that the homeless housing can upgrade and get your 30 units. This is not a permanent solution, long-term solution is to get that out of the 400 area and move it on the main post, the long-term solution. That housing does not belong on the entrance to Horseneck Point. Long-term when we finally settle this Fort Monmouth mess we need to get it out on to the main post. The 400 area is too valuable long-term as a site for housing for commuters who are going to walk over to the train station and go to New York so that land should be zoned for housing that is much more affluent. Take long-term an idea to get homeless off of the 400 area and on to the main post. Think long-term. What seems \$700,000 or \$600,000 you're into a lot of money, long-term. When that Fort Monmouth finally closes there is going to be large developers coming in and wanting chunks of land to develop. Hand them the bill. Long-term, but keep the flexibility open by looking long-term and please investigate what this gentleman recommended. Migrant housing should be considered affordable housing.

Joe Foster apologized for commenting twice but a thought came to his mind when Long Branch was mentioned earlier on. For years they've been taking RCA's from other more affluent towns and what they've been doing over there is taking the money and using it to fix up the housing that's sub-standard and for seniors that may be below income levels and doing a lot of work such as making ramps and also low interest loans. He didn't hear any discussion about that locally and his perspective is that we should take care of our own and he's sure there are people who can look that way as well. There maybe seniors that can use some type of help like that. Is that something that can be done or are there code requirements?

Mr. Surenian stated that Long Branch does a lot of rehabilitation and COAH says that our rehabilitation component is zero. If he's not mistaken he is pretty sure that that's how the numbers were broken down so they said that there is not one unit that is deteriorated and occupied by lower moderate/income household. If there were then we would have run a rehab program to address it.

Mr. Foster stated that another thought that came to mind in regard to some of the developers. There has been a lot of press about Long Branch and it's redevelopment revitalization efforts and one of the things that they did early on was go to the developers and the developers were actually building scatter-site housing as part of the negotiation they had entered into with the city. So is this something that we could do similar to that here even with the racetrack if the rack track is going to be "the provider of the builder's center land". Can we go back to them for some of these requirements as far as these low and moderate housing whether it's built there or somewhere else through out the town.

Councilman Briscione stated that he thinks that the race track, number one, is not going to be the number one developer of that property and he thinks that they have agreed, although they didn't have to, to fund the contribution already and provide units so it will be a private developer coming in to that and he doesn't think that they will make a double contribution, but it all depends on the feasibility of the project. For instance Long Branch

has massive areas of redevelopment and we're offering tremendous incentives to the people who did it. They did that because economically, it was in their interest to do it.

Mr. Foster replied looking again at the issue of the migrant worker, that area, if he was looking at issues in our town as opposed to the issues they looked at in Long Branch that definitely falls into a category that could be leveraged and that maybe we could do something over there, something very proactive and constructive and something that will help.

Councilman Briscione stated that he thinks that this is a very good idea but quite honestly if you were to put a 100 unit apartment over on Elkwood, we would have a different group of people in here with the exact same concerns because you would be transferring an issue to another area of town because he can guarantee that anyone of the people in here if they went on the backside of Monmouth Park would be more concerned with what's on the backside of Monmouth Park then they are with the issues of the homeless shelter and that's just his opinion

Mr. Foster stated he's not visualizing building the ghettos of the town

Councilman Briscione stated that he's not saying ghettos. It would be a brand new migratory worker and he thinks that if you ask the Chief in the back where there are more police calls in the backside of Monmouth Park or the homeless shelter he doesn't think there would be a question as to where most calls are made from.

Mr. Foster replied that he guessed that his final take away would be if we could negotiate with whatever developers come in to negotiate part of those requirements so that it's not a full burden on the taxpayer of Oceanport.

Mr. Surenian stated that we have an ordinance in place that requires developers coming through to maintain 11.11%, which is the one, remember how the number gets created so that additional responsibility doesn't get heaped on the community. Developers have to bear the responsibility that they create.

Mr. Foster asked what about open space and all the other issues? Is there provisions or negotiations in that area as well and to the extent that municipal land use will allow you too?

Mr. Surenian asked if it was to make the developers provide more open space and Mr. Foster answered yes

Mr. Surenian replied we didn't change the existing ordinances of the town. We simply made clear that from now on anyone who develops must bear their burden, which takes it off the backs of the taxpayers and citizens.

Mr. Foster questioned if we could do anything other than resolution or ordinance that might enhance what we might see....

Mr. Surenian replied that it is possible that you can have additional open space requirement, but that's not his ball park and that would be separate.

Councilman Briscione stated that he doesn't think that there are many large tracks of vacant land that are developable although we have areas that could be redeveloped.

Mr. Foster replied, again thinking down the road, if we end up with a large chunk of that land over there that is now a part of Fort Monmouth...

Councilman Briscione stated that unless something blows up Fort Monmouth is going to be developed in conjunction with a local redevelopment authority that encompasses 3 towns and that will not be developed by the individual towns but that will be developed under some unified plan that everyone in this room and every resident in Oceanport and every resident in Eatontown and Tinton Falls will have the opportunity to come in and speak to if there is a developer that is going to come up with 3 plans as to what the needs may be, what the residents may want, what the businesses may want, what local government may want, what state government may want and what federal government may want. The problem with thinking about development is the market drives development not people, so you can't make something work there if the market is not there to support it and he thinks that is a danger that we get into when we try to look into these things too far out in advance.

Mr. Foster stated that it's not necessarily cast in concrete because you can have plan driven developing or you can have developer driven developing and Councilman Briscione stated that he thinks ultimately it's market driven development because plans don't work unless the market is there to support it. Then he stated to look at the Eatontown Industrial Park. You want to put industrial property in Fort Monmouth when 50% of the Industrial Park is going to be vacated because of Fort Monmouth closing. The market is going to tell you what's going to go there. We know what the market is going to tell us, but frankly we don't want to know what the market is going to tell us.

Mr. Foster said planning is probably a stronger argument then strictly developer, not market

Councilman Briscione stated that the one control that the local government will have over what happens there is local zoning control and that's an opportunity when that plan is ultimately drawn, how ever many years it will be, is for everybody to be in here and impact that plan and that development and what people want to see developed there and he can't say that any stronger.

Dick Tupy stated that he would just like to comment on that last statement, you invited the people to attend and discuss the topic and unfortunately it's too late now with these

comments because the time for discussion was back at the Planning Board and Councilman Briscione stated that he was referring to Fort Monmouth

Councilman Sharkey said that he agreed and that what we're effectively doing is allowing the Master Plan Review Committee or some group of the planning board to do the future planning of Fort Monmouth as well and the Master Plan Review Committee effectively voted to close those meetings to the public and the Council and move forward with the plan that they have here and he would like Council to make a commitment right now, tonight, to say that those meetings will be open to the public and give the public an opportunity to voice these concerns.

Councilman Briscione stated that he doesn't understand Dick Tupy's question because the Master Plan Review Committee has nothing to do with Fort Monmouth.

Dick Tupy asked if the Master Plan Review Committee was going to be re-zoning Fort Monmouth?

Councilman Briscione stated that the Master Plan Review Committee was not going to be re-zoning Fort Monmouth and that the entire Planning Board is going to be re-zoning it based on a regional concept between the 3 towns and we'll have planners and whoever the local redevelopment authority is we'll have planners come to the 3 towns to discuss over a long period of time what the unified plan is for Fort Monmouth. It's not just our Planning Board, it's not the Master Plan Review Committee, it's the entire Planning Board and it's going to be consultants and consultant driven with input from business, people, local government, state government and input from federal government and accounting. But the Master Plan Review Committee has nothing to do with that.

Bill Morton, Oceanport, asked what exactly is the definition of affordable housing? You know you have a builder you say is going to build 9 units and one will be for affordable housing and he would imagine he's going to just take the money and give to Lakewood for credit as opposed to selling affordable housing in Oceanport.

Mr. Surenian stated no, and out of 183 units there is only 4 units going out via regional contribution agreement so everything else is either a credit for an existing unit or will be built in town.

Bill Morton said he was referring to the new developers

Mr. Surenian stated that the new developers are going to provide new housing in Oceanport, which is going to be affordable to low/moderate income households

Bill Morton asked if 1 out of 9 would be affordable housing and Mr. Surenian said yes.

Bill Morton then asked what the cost of affordable housing? Are you going to just put money to pay for the credits to go to Lakewood or are you going to sell an affordable house?

Mr. Surenian stated that they would sell an affordable house

Bill Morton then asked if we could use our credits to help out the policeman or fireman to buy a house in Oceanport because he doesn't know if they can afford to buy a house in Oceanport because of their salary? Instead of spending \$30,000 or \$40,000 and sending that money to Lakewood maybe we could put that in their contract and it would help them buy a house in Oceanport.

Mr. Surenian reported that there was a law that was passed. COAH had a regulation that said that you could reserve 50% of the affordable housing units in your plan for people who live or work in town. The state came down with a decision back in the 80's and that decision said that that was an illegal requirement. COAH can't have regulation that authorized that and what that means is that the affordable housing must be marketed to lower/moderate income households in the region. Personally, the reality is the experience has been are the people who typically get the units are people who live or work, if not in the community, close by because those are the people who have the greatest interest and they pursue it more aggressively but you can't have a requirement that says that half of the affordable units go to people to live or work in town.

Bill Morton asked if it was done by raffle and Mr. Surenian stated that they handle it differently. Sometime it's first come first serve. Sometimes there are lotteries, you have to go through a process when the Housing Affordability Service handled it they would have their own set of procedures. First it's affirmatively marketed and you have to go through an elaborate process to establish that you're qualified as low or moderate then you're on a list.

Bill Morton asked if there was a minimum salary and Mr. Surenian stated yes, there is a minimum salary requirement and that it depends on what the household size is. He would have to look it up and that it's different for a low-income house hold. If you're a 1 person household you can earn no more than "X", and it goes up to about 6 people and they have the same thing for moderate and then from there they extrapolate what's the maximum sale price, what's the maximum rent price. In Monmouth County it's up to \$100,000 - \$150,000 was the maximum sale price of a moderate income unit of a 3 bedroom unit.

Bill Morton asked if we were against the law if we were to negotiate police contracts to include housing in that contract and Mr. Surenian stated yes, that would be against the law. However, it would not be against the law if a police officer, who qualified as low or moderate to get on the list like everyone else and he might very well get the unit.

Bill Morton stated that the policeman should get the preference and Mr. Surenian stated that police couldn't get the preference because the law prohibited the preference

Bill Morton so it would probably invite a lawsuit against the town and Mr. Surenian said no, this is what legitimately happens and he thinks that there is a lot of hoopla when that decision came down from the Supreme Court and in his judgment it was really that people who are most aggressively pursuing the units are people who live or work in town or in the

vicinity and he thinks that if you were to talk to Donna Rose for example, she is an expert and she fills the units and she'll tell you that she markets in the region and the people who generally get the units are the people who live or work in town or in the immediate area. It's just natural without breaking any laws.

Bill Morton asked in reference to the gentleman who argued if you reside in this state for 9 months you're a resident of the state? Then asked if anyone has really gone after this agency and Mr. Surenian stated that it doesn't matter because the bottom line is the unit has to be deed restricted.

Bill Morton asked if anybody has gone after the agency just for an exception and Mr. Surenian stated that he went after the agency actually in the Brick Case and he was able to persuade the agency to adopt this concept of credits without control. Before that there was a decision that COAH was ignoring that said it's unfair of you to require a Deed Restriction so he pressed the issue on behalf of Brick Town and he was able to persuade first the council on affordable housing to change the rules to allow credits for people who lived in naturally affordable housing. They amended the Fair Housing Act twice. We're able to achieve that.

Mr. Morton asked if we're able to do that again and Mr. Surenian stated that it is so very difficult...

Bill Morton stated that he knows that it's difficult, but that's why Mr. Surenian is here and Mr. Surenian stated that the chances of changing a legislation for something like that are more difficult. There have been a number of amendments to the Fair Housing Act but it's very volatile and there are a lot of forces pulling in different directions. There is a whole group of non-profits who don't want anything to be credit worthy and the developers are on their side, not because they care about poor people, but because they want towns to have more vulnerability so they can make more money. Then you have the municipalities pulling in another directions and the number of municipalities that you have with this migrant worker problem are so limited that it's unlikely to be able to rally enough forces

Mr. Morton asked it's worth a shot isn't it and Mr. Surenian replied that it can be attempted but it's very remote. ...

Bill Morton then asked how many of them have the state as a partner? The state is out biggest employer and biggest taxpayer and Mr. Surenian stated that this was a fair statement and that is going to create a real problem for all 3 communities but he thinks that in the end all 3 communities can benefit from appropriate development of those lands so they can basically solve their Mount Laurel problems

Bill Morton stated that he would just like someone to try real hard so these people aren't disappointed and they come with good argument and he doesn't live on Horseneck but they just asking for you to try and it's not a lot it's simply just doing your work. That's why they elected you. That's it.

Joan Leonard stated that she would just like to make a comment and that it's great to fight but fighting costs money also and when you're fighting the state or whatever and not winning, you and I are going to have to pay , so you have to give them credit for understanding what the process is and what they really are fighting, whereas we're blaming and we don't know. If you can win then that's great, but on the other hand it's going to cost each and every one of us to fight.

Rosanne Letson, 37 Morris Place, stated she was at the Planning Board meeting the other night and she asked a lot of questions and she really grilled the Council. She really came away with really good thoughts and feelings about the plan. However, it was her understanding that when she left that room that night that the process was that the Council went through a voting process. She then asked what happened between Wednesday night's planning board and Monday night when there was a workshop meeting that changed the fact that you people had anything to say or vote on about this very important thing for this town?

Mr. Surenian stated that nothing changed. They're here to vote. They can vote it up. They can vote it down.

Rosanne Letson then asked if there was not a submission of this plan already and Mr. Surenian stated that there was and if this town does not vote for it he's going to have to withdraw that submission. He has a plan that was approved by the planning board and if this town says they don't want that plan then he has to withdraw that request.

Ms. Letson stated that the comments in the paper were that the Council was just going to give his blessing on that and that it was already a said and done deal.

Mr. Surenian stated that it's not a said and done deal and there is a bona fide vote tonight. They vote it up or they vote it down. If they vote it down then he withdraws his request and ask the judge to authorize to approve that plan and maybe a month from now there will be a different plan.

Rosanne Letson stated that makes her fell a whole lot better

Mr. Surenian said he told everyone in the beginning that there would never be a situation where there wasn't a bona fide process where people weren't free to vote their minds. We came up with something that they thought was a legitimate plan. We noticed it and gave the public an opportunity to be heard. The public was heard. Lots of towns when they get to this point its on a consent agenda and this town opened it up to the public and heard what the public has to say and then they have to make a decision.

Rosanne Letson stated that's how she thought it was supposed to be, but what she understood from the workshop meeting the other night was that the understanding was completely different.

Mr. Surenian stated that there is a vote tonight and that they're not going through the motions and that they are here to hear what the public has to say and make a vote.

Rosanne Letson said she would also like to comment as to keeping things public. Before Mayor Gatta passed away, God rest her soul, she was very interested in keeping the public involved in all of this and she agreed to have, especially in Rosanne's neighborhood being affected by the 6-story high rise that is proposed, noticed of the meeting that Mr. Surenian attended in August, but the notices were supposed to go out to the whole town and some people didn't get them so she doesn't know exactly how far the notices did go.

Municipal Clerk asked what notices and Ms. Letson stated the notices of the meeting in August where Mr. Surenian...

Municipal Clerk stated that she was the one who mailed them and she paid for them to be mailed to every resident, every post office box, Oceanport Gardens.

Rosanne Letson stated that some people didn't received the notice and the Municipal Clerk said that was the fault of the Oceanport Post Office because the Borough paid the full fare and they were sent out in bulk.

Rosanne Letson said with that aside when you say that my understanding was correct at the Planning Board meeting and that Council has an opportunity she would like to know how many notices were sent out to the town to inform them of this meeting?

Mr. Surenian stated that it was in the newspaper and there is no requirement to notice anyone and no requirement to notify the neighborhood the last time

Rosanne Letson stated that she understands that but there was a good faith effort made by your prior Mayor.

Councilman Briscione stated that was relative to the lawsuit and this is not relative to the lawsuit

Rosanne Letson stated this plan isn't relative to the lawsuit?

Councilman Briscione stated that this plan is separate to the lawsuit and this is a Mount Laurel Housing Plan that we set an ordinance and committed to filing a plan. Is it because of the lawsuit? By definition it's not

Rosanne Letson stated she would just like to say going forward and reiterate Mr. Sharkey's comments and have the public be kept informed with big things especially with the Fort and whatever is going to happen there. She has tried to read the public notices in the paper and it's not an easy thing to do. She would suggest on a good faith gesture for the benefit of the town that we make a little bit more of a effort to notify the public when things like this occur.

Mike Tober stated that he is very hesitant to come up and speak because people might throw notebooks at him but his first comment is that his sister works at Motor Vehicle at window 15 Donna Robertson and she would be happy to answer any questions, with kidding aside, having a brother who has been homeless on and off and has had a very hard time and he knows a lot of people who have had a very hard time finding affordable housing like people like Borough employees who don't make a lot of money and nobody wants it in their backyard, himself included. He felt the same way until all of a sudden you see some family members and some friends and people who have been in a homeless shelter and it's a little hard to stand in a dorm style when you have like 8 beds in 1 room and he thinks that it's not a bad idea. We don't want it in our backyards, but he's not opposed to it. His sister works for the Coalition of the Homeless in Elizabeth and he can't go home without saying something and that is his comment. He looks at Tinton Falls around Tinton Avenue and it was 100's of apartments and we all as taxpayers paid millions of dollars to have those renovated for the Fort Monmouth. It would have been great housing for thousands of people but they were knocked down because nobody wanted them. We keep knocking it down and Long Branch took all those credits and renovated all of those houses. A lot of money went to those houses along Ocean Avenue to renovate those in years past he's sure and they knocked them all down so we can't keep continuing to knock down affordable housing and putting up big expensive housing and leaving nothing. Somewhere you have to draw the line and have a conscious and say we have to fix up some places maybe there are some homeless people. Nobody wants it in their own backyard but there are some people who are very unfortunate.

Councilwoman Chaump asked if there was anyone else who wanted to make a comment and to make sure that everyone had had their right to speak or ask questions and then she asked the Council if they had any questions.

Councilwoman Kahle stated that she just wanted to clarify if we had already submitted this plan to the court, we can amend this plan at anytime so if they find out that they can do something at the track or something with the migrant housing or anything like that, could we amend this at any time?

Mr. Surenian stated that the Council could amend this at any time but he would not want to be disingenuous with the court because this is our plan and he is presenting this as our plan to the court. Are there changes? Yes, it happens everyday. Towns submit plans and they think it's a good idea at the time. They file it. They submit and start pursuing it. But if a better plan comes along they change it. That happens all the time. But let the record be clear, should you vote on this, he's standing in front of that judge and he's saying this is our plan.

Councilwoman Kahle asked then this plan that we're submitting, if we don't submit it or not go forward with this plan, how will that affect our litigation?

Mr. Surenian stated maybe that's an answer he should give in closed rather than publicly.

Mr. Boneforte stated that they want to hear it in public! That's why they are here and they want to know

Mr. Surenian stated that he's in the middle of a lawsuit and he can't answer questions involving litigation in the middle of a lawsuit.

John Boneforte asked hypothetically if you have a plan in town and you go to submit it and...

Mr. Surenian stated that he's being asked a question on a matter that he's in the middle of litigating. Nothing would be more foolish then for him to answer that question publicly and nothing would be more contrary to the interest of this community then for him to make those kinds of statements.

John Boneforte pleaded for the Council to put it off for 1 month, take out the homeless shelter and then close your plan and then everybody gets what they want in the short run. If you want to put it back in then put it back in.

Mr. Sickler stated that he's been to a few of these meetings and he has come to appreciate and understand the unbelievable difficulty the Council has in doing their jobs. He appreciates everything Council has done up to this point and he understands as they have been presented and he personally would like to see this Council vote on this tonight and pass it tonight if, as you say, something comes up as a better idea at another time, but he thinks that they need to move on this and that they have other things pending in the near future that could be harmed by not voting on this he feels. Is it ideal? Nobody is ever going to be totally happy with every aspect of every plan but he thinks a lot of thought and a lot of work has been put into this and from what he hears it addresses the issues that Oceanport needs to address now. He knows other people have other opinions but he would very much like to see the Council vote on this tonight and pass it (applause)

Ms. Leonard asked just to clarify that aren't they mandated by the state to submit a plan and that it has to be done by a certain amount of time?

Mr. Surenian stated that every town is mandated to satisfy it's constitutional responsibilities.

Councilwoman Chaump asked if there were any more comments

Councilman Briscione asked Mr. Surenian if it was necessary that Council vote on this plan tonight or if there was additional time in a legal opinion?

Mr. Surenian stated he would be in front of the Judge on December 16th and if the plan was not going to be voted on he would have to take a position in court. Then stated either approve the plan or don't approve the plan.

Councilwoman Chaump asked Mr. Surenian if the position he would be taking is contingent on them passing it or not and Mr. Surenian answered yes and if they do not pass it he would withdraw his cross motion or something.

Councilman Briscione stated that he didn't understand the cross motion?

Mr. Surenian stated that they file the motion to declare us exclusionary and a whole list of things and then he files the cross motion saying to dismiss their complaint and approve our plan.

Mr. Foster asked what the worst case would be if it was put off for a month? Would there be a penalty or just doubling the amount of work that has to be done to which Mr. Surenian stated that it completely changes the dynamics and he really doesn't want to discuss this and he just doesn't want to get into it because it has to do with the lawsuit.

Ed Ryan stated that the lady here said it was mandated by the state and if this thing started back in 80' or 81' didn't the Council, at that time, have a chance to say that we don't want it at all and start paying then like a couple of towns around here and Mr. Surenian stated to satisfy you Regional Contribution Agreement, the Fair Housing Act limits the extent in which you can do that so the same Act has existed from day 1, since July 2, 1985, it was signed in to law so that always was limited to 50%

Mr. Ryan stated we wouldn't be in this predicament now if the Council back then had done their job.

Mr. Surenian stated that you have to satisfy a certain amount of your responsibility in town

Mr. Ryan stated that it was more now than it was back then and Mr. Surenian stated that the amount keeps on going up. The first cycle was \$20,000 and the Second cycle was \$25,000 and now they're saying its \$35,000, the cost of a Region Contribution Agreement.

Mr. Ryan stated that they wouldn't be in this predicament right now the way they are if back in 85' the Council decided to do something then and call it off every year.

Mr. Surenian stated in an ideal world he would have liked to have better facts but he was dealt the hand that was dealt.

Councilman Briscione asked the Municipal Clerk to read resolution **R-05-110** endorsing the Housing Element and Compliance Plan after which he moved to approve it and stated that he understands everybody's concerns and he voted yes on this with the Planning Board since this was an existing shelter. If it were not an existing shelter it would be a different story. The resolution was seconded by Councilwoman Kahle and approved by Council with the exception on Councilman Sharkey who voted no.

Councilman Briscione asked the Municipal Clerk to read resolution **R-05-108** with intent to bond.

Mr. Surenian stated that before the vote was taken he noticed that there was something missing from the resolution that he would like to add to it. Just for the record he wanted to add another whereas, the Borough of Oceanport intends to fund a 4 unit Regional Contribution Agreement and the minimum cost under COAH regulations is \$35,000 per unit.

Councilman Briscione moved to approve the resolution and it was seconded by Councilwoman Kahle and approved by Council with the exception of Councilman Sharkey who voted no.

Councilwoman Chaump stated that she would just like to read into the minutes because she understands that everyone's reaction to all of this and that she knows where everyone is coming from and the fact that these can be amended but our Council needs all of these resolutions in order to be able to go to court and finish up with our lawsuit.

Councilman Briscione asked the Municipal Clerk to read resolution **R-05-109** of intent to enter into a Regional Contribution Agreement with Lakewood Township after which he moved to approve it was seconded by Councilwoman Kahle and approved by the Council with the exception of Councilman Sharkey who voted no.

Councilwoman Chaump said to take a 5-minute break.

Councilwoman Chaump asked for petitions from the public on anything else that they would like to speak on.

Municipal Clerk stated that she would like the record to reflect that Councilman Gallo has rejoined the meeting.

Ed Ryan stated speaking of the First Aid Squad he talked to Councilman Sharkey and he asked to hold off on a couple of bills being also taxpayers our ambulance was down to a place in Neptune 3 or 4 times with chronic problems and they never fixed it. They put a new battery in and a new alternator and it wasn't that, they did this, they did that and Neptune told him it might be the transmission. He talked it over with Hoffman and Trusberry and he did \$800.00 worth of work on the transmission at no charge to Oceanport First Aid Squad, see we do save taxpayers money, and Joe made contact with Wall Lincoln Mercury and they told them to take it to Ford and in one day Ford had the problem fixed and it's running better than it ever did and he didn't trust the Hoffman and Trusberry as then never raised the rig up so he would request that payment to them be held until the squad and the Borough is satisfied that the work performed was necessary.

Councilman Sharkey said that should be directed to the Finance Council liaison and Councilwoman Chaump stated that both she and Councilman Sharkey were finance.

The Municipal Clerk asked if it was on the bill list that evening and was told yes. She asked who the check was made payable to which was addressed with the bill list.

Mr. Ryan stated that the second thing was, LOSAP, that was passed last year and he wanted to know if the Council has put the money in the fund or is the money just bye bye.

Councilwoman Chaump stated that the money is in the budget and Councilwoman Kahle and Councilman Briscione and her have a meeting on December 1, 2005 and they have RFP's from 3 companies and they are looking at the 3 companies and they are having a meeting on December 1 to pick a company. The money is in the budget.

Mr. Ryan asked if they are getting interest on it?

Councilwoman Chaump stated yes, they are getting interest on it.

Mr. Ryan stated that the third thing the house that was on fire 6 months ago, next to the First Aid building, which took 3 months to board up. There is rats around there and he knows that they want to tear the building down but when his father's house burned down he had 30 days to tear it down and this is board of health reasons to tear it down.

Councilman Briscione stated that he thinks there was a call put in to whatever code deficiencies they may have uncovered but the gentleman has also been in for a variance application and he thinks there were some issues with his plan so he's coming back in.

Mr. Ryan asked why the house isn't down because everything can get in there water and everything else all they did was board up the windows after 3 months.

Councilman Briscione stated that maybe they can check with the building department

Municipal Clerk stated that it was a Board of Health issue and would be directed to Cynthia.

Councilwoman Chaump said that she would contact the Board of Health and follow up on that issue.

Ron Sickler asked if he could get an update on Blackberry Bay Park? His father lives right around the corner and he goes by there a lot and the other day when he went by there were huge mounds of dirt back in the...

Municipal Clerk stated that the dirt was from the 2005 Road Program that is being done now on Sagamore and Maple Place and Crest Point. That is their staging area right now.

Ron Sickler asked if it had anything to do with the park?

Municipal Clerk stated it had nothing to do with the park and the dirt will be removed at the end of the project. It was decided to put them in the park rather than in people's

properties or on the roads since the park is closed. The company that is doing the road project is using that as a staging area because they are also working on the tennis courts and once the project is done the dirt will be removed. It was just common sense to use that area rather than the street.

Mr. Sickler asked when would the park be available for use?

Councilwoman Chaump stated that is in the hands of our attorney as far as the problems that we're having right now.

Mr. Sickler stated without trying to get overly pushy are we close? Or whatever the issues are between the people that the Borough hired to do the work and getting the work done, are we close to resolving that? Or is this issue just about some payment?

Councilwoman Chaump stated that it's not about payment and as Councilman Sharkey recorded as far as the hydro-seed there are now ruts from the truck from the hydro-seeding, so to put it bluntly, it's not in the best shape because they went and hydro-seeded it with improper trucks and now there is ruts, which is why we have turned it over to our attorney.

Mr. Sickler asked if it's just been turned over into a debacle? Evidently we are drawing to a close of any athletic seasons so maybe by spring?

Councilwoman Chaump stated that there are things that could be done, however it has to go through the attorney and he will be speaking to the contractor and a couple of months ago we did a resolution that we are going to award it to someone else to finish up the field, so that's where we are right now in the middle. It is going to get done, but there are some things that we discussed at the Council meeting.

Mr. Sickler said ok, thank you

Joe Foster asked if there is a get well plan for the project and with that plan will there be a project time-line as far as remediation the issues, whether it's the ruts or the infield or whatever?

Councilwoman Chaump said yes, we are working with the Borough Engineer on that also.

Joe Foster asked if that would be coming out by the next meeting?

Councilwoman Chaump stated that they should have some answers by the next workshop meeting. When the Borough Engineer comes in to update us, after having spoken to the Borough Engineer the contractor that is there and our attorney and their attorney.

Allen Schneider stated within the last couple of years he was told that Horseneck Point was going to be repaved and he doesn't see any trucks on the street yet. He thought that it would have been done this fall. At the same time, he doesn't know who has the responsibilities for Hazen Drive, which is their access road between Oceanport Avenue and Horseneck Point and the Railroad Tracks. He doesn't know if it's Fort Monmouth or Oceanport, but that road is one hell of a mess. Horseneck Point is also one hell of a mess.

Councilwoman Chaump stated that she had been down there with Public Works and the Borough Engineer. As far as Horseneck Point, it has been on our list to go out to DOT for a grant for the past 2 years, and every year they put it on there, so eventually your street is moving up and when they look at the 2006 Road Program they will be looking at what streets they are going to be putting into the Capitol and they look at the worst streets. Even though the other streets are getting done, like Sagamore was worse, and yours was up there too so those streets are now moving up so hopefully they will make note of it and we will look at it as to whether it's going on the 2006 Road Program.

Allen Schneider stated that he thought it was going to be on the 2005 list, but he guesses they got bumped.

Councilwoman Chaump stated that because it was the most expensive street they decided to go after the grant, however they didn't get the grant for Horseneck Point they got it for another street, so it is moving up on the list.

Allen Schneider stated his next point, one of the Borough's transfers was \$36,000.00 from Insurance Health to Legal, which is a rather substantial transfer. He wanted to ask the percentage of that \$36,000.00 is of either the insurance or the legal budgets, it seems rather substantial to be moving \$36,000.00 at this time of year. Did we have a big legal bill? Did we don't have insurance that we're not paying?

Councilwoman Chaump stated that Kim could answer that question

Municipal Clerk stated that you've met Mr. Surenian, that's why we had the \$36,000.00 transfer. We had to hire special Council to defend the lawsuit. Fortunately in health insurance, we had a few people opt out of health insurance, which is now an option that the Borough gives. We've gone to single coverage and when we originally budgeted in January we always have to use a sort of make believe figure. We budgeted 15% and our renewal came in at 7% so fortunately we had enough money in health insurance so that we could transfer it to cover special Council that we didn't know we needed until after the budget was adopted.

Mr. Schneider stated that it was \$36,000.00 for him?

Municipal Clerk stated that she could only literally speak that Mr. Surenian has been working around the clock for the Borough because she spoke to him about 8 or 9 times from Friday afternoon to Sunday night. He basically, because of this motion, has been working around the clock for the Borough.

Allen Schneider asked if he was getting paid over time?

Municipal Clerk said no.

Allen Schneider stated that over the last year or so he has spoken with Maria many times about the Sandy Hook situation. He's asked her to speak with you people and take a position on the Sandy Hook dilemma, whether it should be commercialized or not. He doesn't know whether the Council has given it any thought or if she brought that to you and he would urge the Council to look at the issue and he would also urge them to not approve any commercialization of Sandy Hook.

Councilwoman Chaump stated that issue also came up when Rush Holt was here she would have to go home and check her notes on exactly what he said about that but we have not discussed that and it will be put on the agenda.

Allen Schneider stated that he would urge them to discuss it and also to urge them on the position he would like them to take.

Councilman Briscione stated he thinks that the gentleman from Fair Haven that had the group that follows the lawsuit against Sandy Hook was here to talk to Rush Holt and he thinks that Rush Holt said that he supported the litigation but it was particular to the way the contract was worded and the extensions that were given. He knows that the guy from Fair Haven is pushing the issue now.

Allen Schneider stated that he was going to give the Council answers and that they would have to figure out what the question was. Nick Katzenburger, Andrew Rudolph, EJ Right, Ted Ibex, Nancy Stokes, himself, Joe Shavone, Andy Judkiss, Skeeter Widdis, and Gary Edwards.

Councilman Briscione stated who is the Economic Development Authority?

Allen Schneider stated yes. Do you know when they last met?

Councilman Briscione stated he was told they met probably 2 years ago.

Allen Schneider asked if they could be of some help?

Councilman Briscione stated yes they are going to be of some help because he has an idea for the Economic Development Authority and he thinks that is one of the committees he has that hasn't met in a long time. His initial suggestion would be that they form a Business Association similar to the one in Monmouth Beach, which his office is in Monmouth Beach so he is a part of that. He thinks that it is especially important given the issues, Fort Monmouth number 1, the Breeder's Cup number 2, and some of the development that may take place down town. He has already compiled a list of all the businesses and his intention was to get this committee together and to see if they can form

that organization, which would be very beneficial to the business people and to have a liaison with the Council on the issues that keep coming up.

Allen Schneider stated that he thinks that we should be some part of the Fort Monmouth Re-use Committee.

Councilman Briscione stated that once that is established there will be a lot of committees off of that so that would be one committee that would be very helpful.

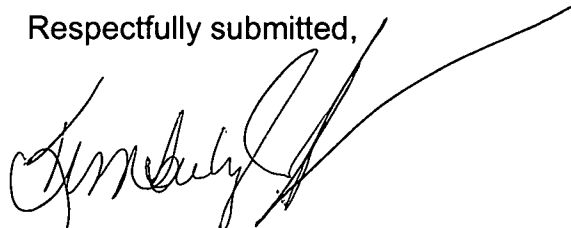
Allen Schneider stated he thinks that the citizens should have a greater decision making part of the use of Fort Monmouth

Councilman Briscione stated that he couldn't agree with him more and one thing that he continues to say in those meetings is that when you people leave us we're the ones that are stuck with what's done here. We want input into what's done and our ideas are just as good as your ideas. We're the ones that live here, we're the ones that have lived here all our lives and we're the ones that are going to be here so he agrees with him 100%.

Councilwoman Chaump asked the Borough Clerk to read Resolution **R-05-111** authorizing the payment of bills pending 2 signatures after which she moved to approve same. It was seconded by Councilwoman Johnson and unanimously approved by the Council. CAPTIAL TRUST FUND \$98,601.46. DOG REGISTRY TOTAL \$512.60. ESCROW TRUST TOTAL \$3,264.18. OPEN SPACE \$235.00. RECREATION \$314.81 2004 VOUCHERS PAID \$196,779.26, 204 VOUCHERS PAID THIS MEETING TOTAL \$196,779.26. 2005 VOUCHER PAID \$16,890,126.99. 2005 VOUCHRS PAID THIS MEETING \$349,614.61. TOTAL \$17,239,741.60.

At 10:55 p.m. Councilman Briscione moved to adjourn this meeting until the next regular meeting scheduled to be held on December 15, 2005 at 8:00 P.M.. It was seconded by Councilwoman Johnson and unanimously approved by Council

Respectfully submitted,



KIMBERLY A. JUNGFER, RMC
BOROUGH CLERK