

Oceanport, New Jersey
November 15, 1990

REGULAR MEETING: The regular meeting of the Oceanport Mayor and Council was called to order on November 15, 1990 at 8:06 P.M.

MEMBERS PRESENT: Councilpersons Terra, Filippone, Miller, Rodman, Wolfe and Mayor Cavanagh.

MEMBERS ABSENT: Councilman McGee.

OFFICIALS PRESENT: Borough Clerk, Patricia L. Varca and Borough Attorney, Francis A. Margalotti.

PLEDGE OF ALLEGIANCE: Mayor Cavanagh led the audience and members of the Council in the flag salute.

As copies of the minutes had been provided to the Governing Body for their review, Councilman Miller moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Terra and approved by those members present, with the exception of Councilman Rodman who abstained since he was not present at that meeting.

Mayor Cavanagh stated the next item on the Agenda is a hearing on the matter of the renewal of the Storer Cable Franchise and the franchise is renewable in July of 1991 and as part of the renewal process, we must conduct a hearing regarding the citizens views concerning the pros and cons of the cable company and we have representatives of Storer with us this evening to answer any questions that may be raised.

Mayor Cavanagh then opened the hearing to the public for any comments and/or questions regarding the Storer Cable Franchise.

Dennis Lincoln, Attorney for Storer introduced himself and also introduced Kim Allen, Area Vice President of Comcast Cable Communications, who act as a consultant to Storer and then introduced Ms. Italia Commisso who is the newly appointed General Manager of the Monmouth County system of Storer. Ms. Commisso commented that she had been the General Manager in the Plainfield area and comes to Monmouth County with 13 years of cable experience. She also commented that she has only been in this position for the past 2 weeks, so she may not be able to address every item brought up tonight, but she will try and get any answers that she does not have.

Mr. Robert Livingstone, 10 Serand Ave., asked if Storer had any plans in the future to include any Philadelphia channels like 3, 10, 17 and 29 since they carry good sports programming?

Ms. Commisso commented on the channel line up for the Eatontown area in terms of the Philadelphia area and the dropping of these channels and stated there are several reasons. She continued that the cable company offers a variety of sports oriented programs like Madison Square Garden, ESPN, Sports Channel as well as the sporting opportunities on the broadcast television stations and we found that this particular need was fulfilled and there were other needs of the community that they wanted to serve, such as Discovery channel.

Mr. Robert Lillie, 85 Horseneck Point Road, commented that there seems to be a lot more available channels and stated that his television can hold 65 channels and asked why we could not have additional channels added to include the Philadelphia stations and advised that many people living in this area are from the Philadelphia area and he used to live in Ocean Township and that cable service did provide two Philadelphia channels. He commented that this does not appear to be a technical problem, but it appears that Storer decided not to provide us with that service and again questioned why can't they add extra channels?

Ms. Commisso stated that presently the channels that are available in the Monmouth County area are all being used and there are no more channels available at this time.

Mr. Lillie commented he did not quite understand this and asked if there was some type of FTC regulation that mandated how many channels, to which Ms. Commisso stated it was not a regulation, but more a matter of technology and we are utilizing the maximum capacity at the present time.

Steve Andrews, 6 Deal Ave., stated he is also a Deacon at St. Dorthea's Church in Eatontown and wanted to inform the Mayor and Council of an effort that they have had for the past two years in petitioning Storer to put on EWTN, which stands for Eternal Word Television Network. He continued that they had gathered 2,000 signatures from the various parishes that are served by Storer in an effort to get this channel on in this area and it is a very popular network in many areas and is carried by other cable companies in the surrounding areas. He stated this is a Catholic network and broadcasts Catholic programming and the Catholic population in this area is 45% of the population and we petitioned to have this program, which has not only programs for adults, but for teenagers as well and has a good variety of programming. Mr. Andrews stated they were unsuccessful in even getting part time viewing of this network from Storer and they were stonewalled by them. He advised that the Eatontown Council became so frustrated with this as well as during the re-negotiating of the renewal contract, that they denied the renewal of their license and it is now in the process of litigation.

Ms. Commisso asked Mr. Andrews to please give her some time since she has only been here for two weeks and she is aware of the EWTN issue and it sort of coincides with the other gentleman's request for more channels from Philadelphia, since as everyone can see there are a variety of needs in the communities and Storer's goal is to satisfy those needs, but some times it becomes quite complex because there are needs and there are finances involved to fulfill the subscriber needs. She asked the Councilmembers as well as the public to give her a little more time and Storer is looking into this and she would like to study this situation as the needs arise.

Mr. Lincoln, Attorney for Storer pointed out the requirements governing renewal proceedings are specifically set forth under particular legislation and the statute and regulations make it absolutely clear that neither a municipality nor the Public Board of Utilities may consider programming specific channels as part of the renewal process and he explained further, that as frustrating as it may be to Mr. Andrews and to others, we cannot consider as part of these proceedings the EWTN issue or any other channel requests. He also stated that he took issue with some of the statements made by Mr. Andrews and commented that Storer certainly did not stonewall anyone in Eatontown, especially the Borough Council and although it is true that the question of EWTN did arise we provided quite a bit of data and information to the Borough to explain why at that time Storer did not believe that EWTN should be put on and we had spoken to the

Borough Council about that and explained Storer's reasons in detail and that is a matter of public record and the entire proceeding is indeed before the NJ Board of Public Utilities. He felt that Ms. Commisso's comments were well taken since she has only been here for two weeks and we would appreciate everyone giving her a chance to settle in and study the issue and speak with the people involved and then perhaps come up with some fresh conclusions on her own.

Mayor Cavanagh stated that tonight is an informal hearing and we are initiating the process and are here to talk and listen. He stated that as Mr. Lincoln just pointed out, there is strict criteria for denial of a renewal of the municipal franchise, but that does not mean that this Council is not interested in allowing people to express their opinions on what they would like to see in their community, whether or not that becomes a criteria to deny the renewal is one issue; whether or not the community is dissatisfied with the programming is another issue and since Storer representatives are here tonight and will be back in January for the formal hearing as mandated by the Board of Public Utilities, while he accepts Mr. Lincoln's position legally, he thinks that part of what we are doing here is to offer your subscribers an ability to talk to Storer about what they would like to see and personally, he can make a distinction in his own mind as to what is and what is not a criteria under the Statute, but by the same token, this Council serves a function as a sounding board for the residents of this Borough and although it may not be a strict criteria, but if they feel strongly about a certain issue, he wants them to articulate them.

Mayor Cavanagh stated he has no problem with Ms. Commisso's response in that we will see you back in January anyway and she will have time and she can look at some statistics and the public will be invited back and we will have more statistical answers and discuss it again. He continued that it has always been his feeling that the intention of doing this is to give people an opportunity that they may not have at any other time, to state how they feel about certain matters involved with Storer and whether or not it is a legal criteria is important only in a certain sense, but it is not the all encompassing reason that he is sitting here tonight and if the residents wish to get up and talk to the Governing Body, we are happy to listen. Mayor Cavanagh stated that this matter is an issue and he commented to Mr. Andrews who raised the issue, that we sat with the former General Manager in a work shop meeting previously and this issue arose and was discussed and we are familiar with the Eatontown situation and he is aware of the problems to some degree that they experienced and we expected this matter to be raised this evening.

Mr. Lincoln stated that he in no way did he indicate that Storer would not address the issues and indeed, there may be other issues that are not legal considerations before the Governing Body during renewal procedures, but he stated that Storer will address all issues and welcome the resident's comments.

Mr. Andrews stated he just wanted to clarify his earlier statement and explain that it was not just the programming issue that led the Eatontown Borough Council to deny the renewal, but it was also some difficulty in negotiating the renewal franchise with regard to rates, which he also understands is not a legal reason for denial, but there were also problems with the length of the renewal which was for ten years with no restraints, which made the Council feel ill at ease with the situation.

Mayor Cavanagh commented that during our work shop meeting with the previous general manager, we talked about several items which included the creation of an Advisory Council made up of citizens and a representative of

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Storer who would meet once a year to discuss any problems that had arisen during the previous year, rather than wait for a ten year period and we also discussed a more narrow term of renewal then the ten years, more like what Little Silver did with a five year renewal term, so we are sensitive to these matters and trying to improve the system as much as possible.

Mr. Lillie suggested that Storer present a survey to the people in this area regarding some of the things we spoke about, such as if there are any other stations residents would want or perhaps find out what channels are watched the most, since maybe there are stations that are not being watched and could be switched to a station more in demand.

Ms. Commisso stated that again, she was not aware of what surveys have taken place in this system, but Storer on a continuous basis is always doing surveys of sorts. She continued they are typically done through out cable guide, but those are not the most reliable and the best ones are the ones done by telephone contact, but again in regard to the reliability of the surveys, you have the sports fan, people who want more family entertaining, etc. and Storer's decisions are based on what our customers want and what they watch. She will research what the most recent surveys have shown in this area and will bring the results with her at the meeting in January.

Councilwoman Filippone asked if the addition of any Philadelphia stations will be considered by Storer or has that been dismissed this evening?

Ms. Allen stated she works as a consultant from Comcast Inc. to Storer Cable and commented that Philadelphia stations are known as distant stations and when a cable system imports stations out of the market and although you can drive there in a relatively short period of time, it is still considered a distant station and from that standpoint there are copy right fees and costs involved with importing this type of station and this has an impact on the stations that are added. She continued that the reason the Philadelphia stations were initially dropped was basically because of the duplication of programming especially channel 17 and from reviewing customer surveys and looking at the additional programming available from the cable satellite services that other additions might be warranted such as the TNT channel or other types of services that have been added recently because of the dropping of the Philadelphia channels.

Councilman Miller stated that he was not from Philadelphia but when he lived in Neptune for 20 years, they had Monmouth Cable and we received all the Philadelphia stations and some of those were not duplicated by the channels we have here, because much of the information like news, weather, etc. were coming from South Jersey and the Philadelphia area as well as the sports programming. He also commented that there are Philadelphia sports and New York sports and they are not duplications and there are people who live in this area that are avid Philadelphia sports fans and we feel kind of frustrated since we never get a chance to view this unless he goes to visit friends in Neptune. He asked that Storer consider putting back at least a few of the Philadelphia channels for the many viewers in this area who have a strong interest in this area. Councilman Miller suggested that perhaps there could be trade offs and suggested getting rid of another channel, such as TNT or MTV and put back some Philadelphia stations.

Councilman Rodman stated that Councilman Miller's point is well taken in that some station is going to have to be removed before another can be added and he is not a fan of MTV and felt that VH1 is practically the same type of programming and although he does not watch it on a regular basis,

felt the programming on these channels are pretty low and objected to the sponsorship by alcohol companies in particular and did not feel they should be advertising on television at all, but in this venue he found it to be reprehensible. He asked that Storer take a serious look at cutting one of these two stations and felt that would not be asking for too much since you cannot watch both at one time and replace VHL with a Philadelphia station.

Ms. Commisso stated that everyone on the Council is really saying what all the representatives of Storer say in exhibiting the difficulties when we make a decision on dropping a particular station to pick up another one and you cannot satisfy everyone all of the time, although we do try. She continued that some times our decisions are not necessarily the best ones, but she will go back to the comments on the Philadelphia stations and added that in Plainfield, which is an additional 30-40 miles further away from Philadelphia, has a great sports loyalty to both New York and Philadelphia sports. She stated that when we do offer many sport's channels including all the sports offered on the regular broadcast stations, and quite honestly she feels that we try to satisfy a large portion of our public and to be fair with everyone and felt that if we removed VHL, the fans of that channel would be upset as the residents are this evening.

Mayor Cavanagh addressed Mr. Lilli's point, which he felt was a good one, in that how can we periodically tell what those choices are and we have to all agree that everyone will not chose the same item, but Mr. Lilli's point was how do you determine if the community has a sentiment that is overwhelming and if it was, how would Storer know and he does not know the answer to that and asked Ms. Commisso how Storer would know if 30% of this community wanted to drop MTV and put in whatever channel.

Ms. Commisso stated that Storer does receive direct calls from residents requesting certain channels and there are guide surveys done on a regular basis, but she pointed out that we only hear from people when they are upset with something and hear from them when a channel is dropped. She stated during the time the survey is taken, there is not usually a lot of response, until the channel is changed. She also advised the public that if anyone has a better idea of how to gage what the community wants to see, to let Storer know and they will consider another method.

Mayor Cavanagh asked if it was plausible to say that within the next 6 weeks or so Storer could have a survey done of the residents in Oceanport?

Ms. Commisso stated that doing a survey in only one community is difficult, to which Mayor Cavanagh commented that Storer is here asking to have their franchise license renewed and we are asking as part of this process, and not necessarily within the legal guidelines, but more in line with the residents questions and comments heard this evening, would it be possible to have some type of a computer print out sent out to the homes in the Borough as to what channels they want to keep, what they do not like, etc. and he felt that this would certainly appear to be fair.

Ms. Allen commented that the premise is not unfair at all, but the comment to one community was more in thinking that if we did a survey for just Oceanport and it turned out that most of the people wanted to drop MTV, we still have several other communities to deal with and recently a survey was done in the guide and there was a lot of promotion with this last survey which was done in August and a very small percentage responded.

Mayor Cavanagh commented that he has had cable television since 1975 and he does not read his cable guide either, but the point being made is that if people think enough to come out and express their feelings, would Storer be willing to send out approximately 1,500 surveys to all the homes in the Borough asking what they think. He continued that if only 11 people

return the survey, then when you come back in January, your answer is very simple in that it was done and there was no interest shown and the issue would end, but if there was a lot of interest shown, he would hope that Storer would reconsider its options.

Mr. Lincoln pointed out again that this was done in the month of August, to which Mayor Cavanagh stated he is asking a simple question of whether Storer is willing to do this again, which is either a yes or no answer and he does understand that a broad survey was done in August, but his question is now to Storer in that are they willing to forward to each subscriber in Oceanport some broad comments about the programming and see what type of response you receive.

Ms. Commisso stated this is not a major problem, but if we do the survey, what happens if 11 people say drop MTV and in the Mayor's perception, 11 people are making that request out of 1400 subscribers, where is the yardstick measure, to which most of the Council felt that the issue she was speaking about was something to worry about later and he continued that if 700 do not send it back, then the people are apparently satisfied with the nature of the service and would seem to him to be somewhat of a compelling argument. Ms. Commisso pointed out that Storer has 56,000 subscribers and any decision that would be made by Storer would be contingent on the 56,000 subscribers and not necessarily the 1,400 in Oceanport.

Mayor Cavanagh agreed with her comment, but also felt that he would still have a sense of what his community is saying and maybe it will not be compelling enough to make a change, but he could at least answer their questions. Mayor Cavanagh asked if this survey would pose some problem to Storer, to which Ms. Allen commented that it might be in the time frame suggested and asked if we could consider this and get back to the Council very shortly.

Mr. Charles Caparn, 34 Wardell Circle stated that even if a survey is done and everyone agrees on eliminating one channel in favor of a Philadelphia channel, we have all the other people outside of Oceanport who have their preferences. He commented that he receives 37 stations on his television and questioned why we cannot add a couple of additional stations without jeopardizing any of the other channels?

Mayor Cavanagh stated they have already answered that by stating that they only have technology for the 36 channels and asked Ms. Commisso if there is no more room.

Mr. Caparn stated that the cable on his television set can carry at least 100 channels, to which Mayor Cavanagh stated the box from Storer only has the capability to receive 36 channels. Mr. Caparn stated other than the premium channels that you have to pay for, he does not need a box because he has a cable ready television set, to which Mayor Cavanagh commented that not everyone has one of those sets and require the box which again, only has 36 channels on the box.

Mayor Cavanagh explained that what Mr. Caparn is questioning is that if you do not require a box for a pay channel, then you should be able to get 99 stations.

Ms. Commisso stated it does not work that way and the channel capacity is based on the plant that we have out there and the cable lines that run down the street and what is on a cable ready television set or on the pay

preview boxes that we have now, there are 60 channels but Storer can only access 37 channels and that is maximum at this point.

Mr. Livingstone asked what Storer's plans were to expand their capacity beyond 37 channels, to which Ms. Commisso stated that this is one of the reasons they are here and this business is a capital intense business and expansion of channel capacity has to do with a large capital investment and when you invest a large amount of money, you are also in the business to make money, you must realize a profit on that capital investment and given the terms of our agreements with the municipalities, this will be contingent upon that.

Mr. Livingstone stated he did not understand what the answer to the question of expansion was and he asked Ms. Allen if she was aware of any plans to expand, to which Ms. Allen commented right now there are no plans in place, but plans to expand are really based on technical considerations and also programming and other needs and if there is a great deal of interest in additional programming, which would be considered.

Ms. Commisso stated that with the introduction of the pay preview converters, we have expanded our plant in essence by adding on two channels for viewing the movies and the other where it tells you what is on and it again goes back to economics and what the industry has available and we are trying to keep up with what is available.

Mr. Lilli stated that when the fight was being offered on pay preview, you could call up and in some manner your set could be switched to receive that fight and he asked if that same technology could be used to bring in the Philadelphia sports event if he wanted it in his home, to which she stated that technology cannot be used in this system and she was not sure what the gentleman was referring to as far as his comment on availability.

Mayor Cavanagh asked if you could use a similar box to click on a Bear station and bring in a special show which is not a premium show, but a particular football game that is not being broadcasted in our area.

Mr. Lilli asked if he could substitute some of the channels and stated perhaps he does not want the Disney channel, then he could have a Philadelphia station, to which Ms. Commisso stated you cannot do this and you must remember that there is broadcast and then there are cable channels; broadcast is delivered via lines, but when we are talking about cable channels like Disney, CNN, TNT, etc. they are delivered via satellite so the technology is very different and Storer would not be able to do that, but that is not to say this will not be possible some time in the future.

Joann Cosentino, Summerfield Avenue stated she has several questions to address to the Storer representatives because she is quite perturbed with the entire situation. She stated she presently has the basic cable and the Disney channel and she cannot bring the Disney channel in half the time because it is scrambled. She has had the repairmen come to her home and they have changed the boxes and she has informed them that whenever it rains heavy or very windy this happens, but they will not check the wire outside.

Mrs. Cosentino also complained about the number of boxes necessary to have the cable and the Disney channel, including the other switch box on the television, a box behind the television and the two converter boxes, and commented that this equipment is extremely outdated and when she visits family in South Jersey who have basic cable and just about all the premium

channels, they only have a small computer box which everything is done from and a small switch box on the television. Mrs. Cosentino stated that she has also been informed by Storer that if the box in her home with the long wire on it breaks, they will not replace it and she will have to have two converter boxes sitting on her television plus the switch box.

Mayor Cavanagh asked Ms. Commisso to make a note to get someone to go over to Mrs. Cosentino's home and check out her wiring, since it does not seem fair to pay for a premium channel that you are not getting, to which Mrs. Cosentino stated she has been told that she will be receiving a credit, but has yet to see same. Mayor Cavanagh asked Mrs. Cosentino to see Ms. Commisso after the meeting and give her phone number to her so she may contact Mrs. Cosentino directly and try to solve this problem.

Mrs. Cosentino stated she was so angry the last time this happened, she threatened to contact the FCC and she felt there were many people who were fed up with the cable going out and being told if there is a problem, with the converter box, you wait one week for someone to come out to your home. She also stated if you call at 5:00 P.M. on a Friday you deal with an answering service because there is no one there and you wind up being without any television the entire weekend.

Ms. Commisso stated that the offices are open from 8:30 a.m. till 8:00 P.M. Monday through Friday and then it switches over to an answering service, which should relay the Friday evening messages to the office on Saturday morning and you should receive a phone call giving you the time of the appointment for the service call. Mrs. Cosentino stated that has never happened and she has never received a phone call without being told it would be any where from three days to one week before anyone could be there. Ms. Commisso stated Storer's goal is now same day service or at the very latest, next day service and asked Mrs. Cosentino to call in the morning and she will contact Mrs. Cosentino in the afternoon because she would like to know what the service said in terms of the next available appointment for service.

Ms. Commisso stated she would contact Mrs. Cosentino in the morning and set up an appointment for her and stated she would also like to come and visit at her home to see what type of set up she has since it sounds very complicated.

Mrs. Cosentino also questioned if the new small computer remotes needed to be hooked up to a telephone line, because someone she knows had Storer over to hook it up and they did not have a telephone in the room and it could not be hooked up, to which Ms. Commisso stated it was true, but that is only for the pay preview channel and if you wanted to watch one channel and record another, you would still need the two boxes. At this point several people in the audience stated that people in Ocean Township have this capability and have a small remote from which they can work everything from including volume control, off and on switch for the television set and they can record one channel while watching another, which Ms. Commisso was not aware of and was advised that this was through Monmouth Cablevision.

Mr. John Vivona, 433 Myrtle Ave. commented that his interest in the cable is quality and the cable really does not offer him anything that he cannot get somewhere else and electronics is his hobby, so he can purchase a special antennae to bring in Philadelphia stations, etc. with better quality than he is getting now or put up a satellite dish and get much more than he is getting from Storer with better quality and his main complaint with Storer is quality. Mr. Vivona stated he has had problems with his

reception and has everything documented on his computer and he will bring this with him at the meeting in January. He has been round and round with Storer and these recurring problems through Barbara Silkworth, Jerry Masin, and the PUC, who he has contacted twice and they have responded both times in assisting him with his problems. He continued that every time he is in contact with Storer they tell him that he is the only person who complains, which is obviously not true and his complaints are static lines that run through the picture's causing horizontal lines, double vertical banding through the center of the picture, complete distortion, etc. He stated that a while ago he got so fed up, that he appeared at Storer in Eatontown and he dragged the two head "techs" out to his home and it was through them that he finally received some satisfaction and admitted to him that his reception was ridiculous and he advised them that he had seen this same lack of quality in many other homes in the area. He stated it took quite a while, but they finally cleared it up, after periodically stopping off at Mr. Vivona's house on a regular basis during the summer, they found that Storer's main amp in Eatontown was malfunctioning. He stated this problem or a similar one seems to happen every four to five months and the same problem is now happening again and he has witnessed the same poor quality in Little Silver and in Long Branch and these are Storer systemwide problems and perhaps only people who are interested in electronics pick up these problems, but his reason for having Storer is for quality and it is not producing what we are paying for.

Councilman Terra commented he wanted to stand up for all the teenagers in the Borough and support MTV. He continued that he has some very ambivalent feelings for television and does not watch it much and may watch it once in a while, but he is quite surprised that there are so many of the members of the community who have a grievance against the cable company when we have had meetings here on much more important matters, where one or two people have turned out and he hoped when we have our discussion on the incinerator at our public meeting, that we will have more people here.

Councilman Terra commented after our meeting with Mr. Masin, he went home and looked at his bill and noticed that there were many charges for programs, which his children had updated for him, which he could not bring in on his set. He called Storer the following day and after five tries of no one answering the phone, he spoke with someone and requested an audit. He advised that a representative came to his home approximately three days later and attempted to find out what was programed and he could not get the channels either and stated he would have to come back in the evening, and he has never seen him again. He would appreciate some type of system being set up at Storer to satisfy the customer's needs when a problem arises.

Ms. Commisso commented that everyone needs to know that Storer recognizes some of the inefficiencies that might have existed in the past and her primary goal in arriving to the Monmouth system is to quickly rectify those matters and one of them is setting goals for same day or next day service, expanding our hours to accommodate our subscribers, especially those people who work and not available during the day time hours and her personal goal is to be on a fast track to changes in the system. She continued the thing Storer perceives most important is servicing our customers and as cable companies have expanded and grown rapidly, our focus has not, unfortunately been necessarily what the most important thing is all of the time and everyone must realize that there are a large number of people who are in the business for a long time and it is very difficult to change their perception of what needs to be done and the trend today in business is more service oriented and to meet the subscriber's need.

Councilman Rodman commented that he is a little dismayed by what he has heard tonight on both sides, both from Storer and the residents. He stated we have held public hearings here on many different issues and he does not recall ever getting this many people out on a television issue like this and receiving verciferious complaints like from Mrs. Cosentino, Mr. Vivona, Mr. Caparn, etc. Councilman Rodman stated frankly that he is a little dismayed with the reaction from Storer where we express questions on channel expansion and he fails to believe that the technology is not there so that the residents cannot expand what is being broadcast; the matter of the survey was received by their response of having to look into the matter and see if it can be done; the question of technology--he commented that he has the same equipment he had back in 1976 and he cannot be told that it has not been advanced.

Councilman Rodman stated his whole problem is that he thinks the answers and reactions from the residents would be a lot different if cable company "B" was sitting here in the front row contesting with Storer the right for the privilege to broadcast in Oceanport and his observation of the track record of towns like Eatontown who are expending a large sum of money in litigation with the Board of Utilities to fight the franchise of Storer, they all bat zero. He stated reason for that is, he believes, a very strong federal law that was passed about 15 years ago when the cable industry was in its birth granting them absolute monopoly powers in municipalities. He continued that the people in the audience are getting the reaction that he is hearing, which don't really satisfy him or please him, is because of the presence frankly, of a monopoly and he for one plans to write to his federal legislator, his senator and his representatives and ask them to examine the situation and turn that situation over. Councilman Rodman stated that this industry has come far enough and the technology has come far enough that a monopoly in his opinion is not warranted.

Mayor Cavanagh commented that last Thursday night there was a Freeholder's meeting here in Oceanport which was well attended with standing room only and the television camera was set up before the meeting and he had a particular reason for addressing the Freeholders, which involved a traffic light request and he found out later that this was televised on channel 34 which we do not get here. He stated here we have an Oceanport meeting, an Oceanport issue, the incinerator issue should certainly be of concern to the 56,000 people who are going to be living with it possibly, and yet when the television time came, it was a channel that we don't get and he wondered at the time, why this was since it appears strange that channel 34 from Neptune was interested in covering this meeting and the issues and traveled some 20 miles to get here, but our cable company was not heard from at all.

Mayor Cavanagh asked the Storer representatives if they cover Freeholder meetings, to which Ms. Allen stated that the local channel does cover certain Borough meetings. Mayor Cavanagh commented that the issue that was raised at the Freeholder's meeting is going to be with us for a number of months and he thinks is a critical importance to the people who live in this County and he respectfully suggested that someone give some thought to broadcasting these meetings because it is a very significant area that is going on and being discussed at length and if our meeting was typical of what is happening and is going to continue to happen, he really thinks the community at large would be interested in observing what goes on and what is discussed at these meetings.

Ms. Commisso explained that Storer's goal is to encourage open communications and one of the reasons they are here tonight is to have that

and assess the needs of the community and she hopes that we come away from here not as your monopoly, but as someone who is easily accessible to anyone in the community who has any questions or comments and she asks the same from officials of the local Governments. She stated that everyone needs to know that the representatives of Storer cannot know all that goes on all of the time and she is very sure if Mr. McKelery received a phone call from anyone here or the Freeholders, she is sure Storer would have been more than happy to cover the meeting.

Mayor Cavanagh stated that is not what he meant and apologized if that is what he conveyed. He does not know if the Freeholders will ever call you but the point he is trying to make is that whoever is in charge of programming, should read the newspapers on occasion and must somehow be sensitive to what is going on in Monmouth County and if they are, it is inconceivable to him that they could not be aware that there is an issue in this County and has been in the newspapers over and over, especially prior to the election, and what he is saying is that he is surprised that no one had the sensitivity to inquire or to come and film it when in fact, a station 20 minutes away, took the time to drive up here and film the meeting.

Ms. Commisso explained that everyone needs to know that at times cable companies do talk to each other and she is sure if that tape is available, Storer will be able to get a hold of it and air it locally and sometimes it does not necessarily make sense for two different cable companies to do the same event and she will look into this and if it is available, they will be happy to air it.

Mayor Cavanagh felt that this was an important issue to the residents of this County and thought it was a good idea for her to look into this matter.

Mayor Cavanagh explained to the Storer representatives that the purpose of this meeting was not to create any negative atmosphere, but we are asking for an exchange from the residents and submitting ideas and we would hope that the nature of the response will be such that nothing will be negative and that Storer will be positive in their response and we will be able to address things that have been brought up and he realizes that we cannot agree to give everyone everything they want, but he felt that our request for a survey is absolutely reasonable and he will be very surprised and somewhat dismayed if Storer choses not to acknowledge that request and we will go on from there.

Mayor Cavanagh stated there is a process we must go through and we will go through it together and listen and we have to depend on the people who come to see us and that is why we are here and we give them that ability, because if the residents cannot come and talk to those of us sitting at the dais in an attempt to get them some resolution, then we have no value as a Governing Body. He did not feel there was any negative tone to this, but we are saying we have some concerns and we look forward to your response which will hopefully negate any negative implication and we will see you back here in January.

Mayor Cavanagh thanked the Storer representatives for coming to the meeting this evening.

CLERK'S REPORTS:

1. Raffle license application made by the Oceanport First Aid Squad, to be held on December 8, 1990, assorted prizes.

As the Clerk reported the paperwork has been correctly filed and the required fees paid, Councilman Wolfe moved to approve said application. It was seconded by Councilman Rodman and unanimously approved by Council.

COMMITTEES:

COUNCILMAN MCGEE: ABSENT.

COUNCILMAN TERRA: Councilman Terra reported that we have to make some changes on the last quarterly recycling report, since we had been given credit for too many materials and recalled that the recycling hauler who picks up at Fort Monmouth had never sent us a recycling report and was told only recently that he had to, so when he received the report it included all of 1989 and 3/4 of 1990, and he was hoping that Ann Scott, Monmouth County Recycling Coordinator would allow him to take credit for all that material, but unfortunately she only allowed him to take credit for 1990, so there is a slight change in the numbers. He continued that the total figure came to 667 tons of material and when calculated on a percentage basis using the present formula, Oceanport has hit the 60% figure, which the Governor had hoped we would all achieve in the next five years. He pointed out that this 60% does not include many of the other materials such as organics, leaves, tree parts, lumber and asphalt, concrete and masonry items which would bring us way over the top.

Councilman Terra thanked Mrs. Chernish and Mrs. Lipman for their help with their cub scouts, Den 8 and had them come to the recycling center last Saturday and each member collected five pounds of recycling and then they marched over from Borough Hall to the recycling center where he gave them a talk on recycling and its importance.

Councilman Terra thanked the veterans for coming out to the Veteran's Day ceremonies and especially thanked Councilwoman Filippone who is in charge of the program.

Mayor Cavanagh commented that the Governor's Task Force said that at this point the County had originally opined that we would be doing 25% this year and then it leveled out and stayed at the 25% mark and here we are at 60% now and that is now using all of the other criteria that will becoming available, if we are allowed to include other items.

Councilman Terra stated we are fortunate that we have local businesses who really contribute a lot and bring up our averages and the extra that we got credit for from Fort Monmouth all went into one quarter, but it is still a noteworthy number and Councilman Terra commended all of the residents of the Borough for doing an outstanding job in the area of recycling.

Councilman Terra announced that the Ladies Auxiliary of the Oceanport Hook & Ladder Fire Co. will be conducting their second annual tree lighting ceremony which will be held at the Oceanport Fire House at 21 Main St. on Sunday, November 25, 1990 at 5:00 P.M. He advised that anyone interested in getting the required form for donating one of the tree lights can find the paperwork in the Borough Hall Lobby.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone congratulated Councilman Terra for the phenomenal job he has done with the recycling program and we really have to appreciate all the time and the effort he puts into this program and it has become so successful because he has put forth a tremendous effort.

Councilwoman Filippone reported that our dog licenses to date number 634 in this community and hopefully, all of the dog owners are curbing their dogs and obeying all the regulations of the Borough.

Councilwoman Filippone reminded the public that the Oceanport First Aid Squad will be holding their annual fund raiser on December 8 and they will be selling Christmas trees and wreaths, there will be a bazaar, there will be food and it will be a fun day to be out with your neighbors.

Councilwoman Filippone also thanked the people who helped make the Veteran's Day ceremonies so successful this year and make it a very fine occasion and this year was particularly touching because of the events happening in Saudi Arabia and Iraq and we owe a debt of gratitude to the VFW members, Fort Monmouth for sending us an excellent speaker, all the families of the deceased servicemen who we honor and the First Aid Squad and Fire Department for participating as well as Pastor Jones from the Oceanport United Methodist Church. Councilwoman Filippone mentioned the fact that this year was the first year Rabbi Daina was not able to be with us because he has been ill and we missed him and wish him well.

Councilwoman Filippone extended her congratulations to Tony Terra and Gary Wolfe for winning the election and stated it will be a pleasure to continuing serving with them both in the future.

Councilwoman Filippone gave the following statistics for the month of October from the Oceanport First Aid Squad who do a commendable job for this community and in October they have responded to 32 calls and to date answered 315 calls; total of 265 regular persons hours this month and 55 additional hours as well as 1,823 total hours for the year and 636 of additional hours, which shows the amount of time and effort these volunteer men and women put into this community.

Councilwoman Filippone wished all the residents of the Borough a very Happy Thanksgiving.

COUNCILMAN MILLER: Councilman Miller moved to authorize the Borough Clerk to advertise and receive bids for cleaning services of all Borough buildings. It was seconded by Councilman Terra and unanimously approved by Council.

Councilman Miller thanked Councilwoman Filippone and the Veterans of Foreign Wars for the very stirring program presented on Veteran's Day and as a Marine Corps veteran himself as well as his father who served in the Far East during the 2nd World War, it was even more important for him to participate at this ceremony.

Councilman Miller offered his congratulations to both Tony Terra and Gary Wolfe on their success in the election and he is looking forward to another year of working together.

Councilman Miller wished all the members of the community a happy and safe Thanksgiving.

Councilman Miller reported that a second Waterwatch Committee meeting was held this past Tuesday with members from the Environmental Commission, Board of Health and the Waterways Committee present and we had a speaker from the Department of Environmental Protection/Division of Water Resources and her name is Kyra Hoffman and she is the Waterwatch Coordinator in the State of New Jersey and she spoke to us about the Waterwatch program. He

continued that it was decided after listening to her presentation and have a lengthy discussion, that the Committee should focus its energies in four areas: one will be to enlist people who live along the water to watch the water and if anything out of the ordinary takes place, to have contact people to alert them; the second would be community education starting in the elementary schools and in the adult community; the third area would be shoreline clean up and the fourth area would be water quality testing. He stated there will be an article in the next Bulletin advising the community of the names and phone numbers to call if anyone is interested in assisting this Committee. He advised that the next meeting of the Waterwatch Committee will be held on January 15, 1991 and all volunteers are invited to attend and in the near future, we will be contacting our neighboring communities to see if they are interested in joining with us to help clean up the Shrewsbury River.

Councilman Miller commented that he is very excited about this matter and stated at the Freeholder's meeting we focused on the air, but obviously the water is equally important and we have done a lot of work to get Monmouth Park to come around and take care of their responsibilities as far as the clean up of their problem, but there is also a big problem with non-point source pollution that needs to be focused on. He hoped that after the article comes out in the Bulletin asking for volunteers, we will hear from many interested residents.

Councilman Miller reminded the residents that the annual tree lighting ceremony will be held in front of Borough Hall on Sunday, December 9 at 5:30 P.M. and it will be put on our Community Events Sign in front of Borough Hall as a further reminder.

Councilman Miller reported that Mr. Nadler of the Recreation Committee has given him an update on the fireworks funds and to date we have received 381 private donations, 15 business donations and have received an all time high in the number of donors, but the money is down and we are now in the black in the amount of \$578.08 and we need at least another \$1,100 to use for seed money for next year's fireworks event so he requested that anyone in the Community who has not donated, to please do so.

COUNCILMAN RODMAN: Councilman Rodman extended get wishes to Rabbi Daina and stated that we all miss him here as our Borough Chaplain and hoped he would be back with us soon.

Councilman Rodman offered his congratulations to both Tony Terra and Gary Wolfe on their victory and he also commended their opponents. He stated he felt it is important to participate in the system and talk about issues and that was again done here in Oceanport and he felt that both sides conducted themselves well.

Councilman Rodman reported that the Oceanport Teacher's contract has now been settled to everyone's satisfaction and it is a very long process and he has thanked the people on the negotiating committee for the Board of Education and unlike us who receive the sum of \$1,500 per year to serve as Councilpersons, they receive nothing and he stated he does not think it can be construed as fun to be negotiating for either side and commended both sides for the time and effort put forth and its successful resolution.

Councilman Rodman commented as Councilman Miller had alluded to earlier, the meetings at the race track dealing with the manure problem continue and he was able to attend one meeting at the track and movement is being made and he will be in attendance at another meeting out on Sandy Hook tomorrow and we are watching this situation closely. He stated he

thought that the race track was moving toward the idea of trying to contain their problem as opposed to what is evidently a significantly more costly procedure of treating waste water and we will be watching this situation as it develops.

COUNCILMAN WOLFE: Councilman Wolfe asked the Clerk to read resolution R-90-63 transferring funds, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Wolfe then asked the Clerk to read resolution R-90-64 inserting an item of revenue into the 1990 budget for the Clean Communities Grant in the amount of \$10,229, after which he moved to approve same. It was seconded by Councilman Terra and unanimously approved by Council.

Councilman Wolfe commented that these funds have been used to purchase twenty-six redwood garbage cans and anti-litter signs that are going to be installed shortly and we have had individuals working during the summer cleaning up our parks and roads which are allowable uses under the grant agreement.

Councilman Terra commented that we are going to hold a clean up day in conjunction with the grant Councilman Wolfe was just speaking about and we have scheduled it for December 1, 1990 from 1-3 P.M. and we are in the process of preparing the new recycling update and this information will be in the next Bulletin, but since it was pointed out that the December 1 date was the scheduled day for the PTO bazaar and the scouts would be participating in that, it was agreed to arrange another date which would be announced in the Bulletin.

Councilman Wolfe reported that he is in receipt of a letter from the water company advising us that they are intending to continue with their project that started on Myrtle Avenue and wrapped around onto Monmouth Blvd. and some time next week they are going to continue from Shrewsbury Avenue on Monmouth Blvd. all the way to the end near Comanche Dr. which will make a continuous loop for this new high pressure line. He stated they have indicated that they will not be digging up the roadway because this installation will be done in the area behind the curb lines so there should not be a problem with traffic.

Councilman Wolfe advised that the Public Works Department is undertaking the annual leaf pick up throughout the Borough and they will continue doing so until December 28 and he asked all residents to rake the leaves to the curb and informed everyone that there is no set schedule, they start at one end of the Borough and continue across and then start again, so he asked everyone not to call Borough Hall because the truck will be back.

Councilman Wolfe reported that this past Tuesday, November 13 he attended the NJ League of Municipalities along with Police Captain Phil Budinski, who attended a seminar on the mandatory 911 system and Councilman Wolfe attended four hours of seminars on garbage problems and recycling in the nineties and the other was on municipal budgets and related topics relative to the new cap laws.

Councilman Wolfe stated as President of the Oceanport Soccer Association he wanted to announce that the soccer season has come to an end this past week end and we had 16 teams with almost 200 children this year and what was noteworthy was the 7th and 8th grade boys teams coached by Frank Ricky and our 7th and 8th grade traveling team coached by Bob

Sullivan both teams went undefeated and he congratulated both the team members as well as the coaches on their success.

Councilman Wolfe stated he wanted to publicly thank all the 32 odd coaches in that program and all the volunteers who helped get the fields ready and provided services that were needed on Saturdays and he is very proud to be a part of such an excellent program.

Councilman Wolfe thanked Councilwoman Filippone for the fine job once again putting together the Veteran's Day ceremonies and every year she has an excellent turn out and does a good job in promoting this ceremony.

Councilman Wolfe wished all the residents of the Borough a happy and healthy Thanksgiving.

MAYOR CAVANAGH: Mayor Cavanagh reported that last Thursday evening at the Freeholder's meeting he made a presentation to them about the need for a full traffic signal at the intersection of Monmouth Blvd. and Port-au-Peck Ave. and we had done a traffic study, which Chief Joyce was good enough to do for him and we also had a petition with approximately 160 names on it and Joe Lombardo was good enough to draw up a two scale topo type of intersection diagram which was very revealing when you looked at what happened as you approach the intersection with regard to visibility. He continued the main thrust of his position was simply that we have now in the Borough organized our facilities so that we bring children to that intersection since they have to go there to get to the soccer fields, the baseball fields, and many of them have to cross that intersection to go to school.

Mayor Cavanagh pointed out that he was one of the people back in 1985 that said we must do something about that intersection and we received a blinker light which was the first time we ever had any type of signal at that location. He felt the blinker has been helpful, but it did not solve the overall problem and many of the people who live near that intersection know that it is a very dangerous area especially with the children using that crossing so frequently. He is pleased to announce that the Freeholders received his request affirmatively and indicated to him that they would be supportive and would get us a traffic signal at that intersection. He continued that the Chief of Police is now in the process of preparing the necessary paperwork and making sure it happens and we will continue to monitor this situation and hopefully the light will be installed in the very near future and we will then see a reduction in the number of accidents and near accidents that take place there on a regular basis.

Mayor Cavanagh advised that he has been in contact with the Mayor of West Long Branch regarding some type of cooperative method to reduce costs dealing with many different aspects, and Mayor Sorrentino was speaking of gasoline, but he felt that we will be able to expand this idea into other areas. He stated we may also expand this idea into other municipalities and not just West Long Branch, as we all look at budget season coming up next year and try to figure out how to reduce the burden a little bit on the people who are already over burdened, mostly by people other than ourselves, but he will be meeting with the Mayor of West Long Branch and probably several other people and try and put together some type of cooperative thought process.

Mayor Cavanagh stated as Councilman Rodman pointed out earlier, there is another meeting set up the Monday after Thanksgiving at Monmouth Park in our continuing attempt to resolve and have in place a major solution to the

water pollution problem before the next racing season and he is still cautiously optimistic that we are going to be able to achieve that although on the precise method of how this will happen, is still up for discussion. He stated as he had commented at the last meeting, he believes that everyone recognizes there is a need to do something and he feels we will see substantial measures undertaken over the course of the winter and hopefully it will be decided upon relatively shortly.

Mayor Cavanagh joined with the rest of the Councilmembers in wishing everyone a happy and healthy Thanksgiving.

Mayor Cavanagh then opened the meeting to the public for any comments the public might care to make.

PETITIONS FROM THE PUBLIC:

Annie DiDominico, 36 Steeplechase Court stated that the majority of the people here tonight are not here solely for the Storer Cable presentation, but also about the incinerator issue. She offered her congratulations to both Councilmen Terra and Wolfe on their recent re-election.

Mrs. DiDominico stated that they are here tonight to urge the Mayor and Council to adopt a resolution against incineration and for more recycling, source reduction and composting and she pointed out that other towns in Monmouth County have already adopted similar resolutions. She stated that it is felt that the proposed incinerator is a dangerous health risk, that it would discourage recycling, pollute our air and water and increase our taxes. Mrs. DiDominico commented that Oceanport has an excellent recycling program, which other communities can use as an example and we are all very proud of our program. She advised that they are aware that the Borough Council met with representatives of Monmouth County Citizens for Clean Air and Water and have heard about the alternatives to incineration and she hoped that the Council would make a knowledgeable decision with all your citizens in mind.

Mayor Cavanagh stated we did have an opportunity to spend a good amount of time discussing that issue and he wanted to assure the residents that everyone on the dais has a substantial concern about what that means to all of us and all of you and everyone in the vicinity, because it is not a localized problem of only Tinton Falls. He stated we all understand that and commented that the presentation given by Mr. Maher and his son and daughter was very good, very factual and delivered objectively and it gave the Borough Council a lot to think about and to read. He stated that his sense of fairness tells him that we would like to hear something from the people who believe that this incineration idea is necessary as to why and as he had promised Mr. Maher the other night, he has sent a letter to Mr. Larry Zaayanga and invited him to come and speak to the Council because we now have many questions and have concerns about what this will mean to all of us and our children and their children.

Mrs. DiDiminico asked if this will be a public meeting to which Mayor Cavanagh stated it will be a public meeting in the sense that anyone can come and listen, but he would like to deal with this on the terms that he does not want any interruptions and he wants to listen to what they have to say. Mayor Cavanagh stated after we hear from the County representative, he would like to designate a meeting right after that for the public to come in and talk to us about what they think about this matter and why and then it will be appropriate that the Borough Council will either adopt a resolution or if not, we will have to call the issue at that point. He asked the County Representative to come in early December because he

realizes that this is not something that we have a lot of time on, and assuming he is here in December, perhaps we can meet in the early part of the year we will notice everyone that this will be discussed, because he realizes there are a lot of people who want to come and let us know how they feel and he felt that the Council has an obligation to listen to the people.

Mrs. DiDominico commented that it was her understanding that the Freeholders were going to wait only until the end of the year and then make their decision and vote again.

Mayor Cavanagh stated that is why we have asked them to come in during December and we will change things on our agenda if something is already scheduled in order to meet with the County at the first opportunity. Mayor Cavanagh stated that the Borough Council appreciates the concern shown about this issue and we share it and anyone who had attended the Freeholder's meeting could not go away with less than a sense of urgency as to this entire problem and he thanked them for coming out this evening.

Mr. Charles Caparn, 34 Wardell Circle asked what Councilman Terra is referring to when he gives his recycling report and states a 25% number and asked what exactly the 25% was?

Councilman Terra explained that this is a formula imposed by the County and State and he will show him exactly how it works after the meeting.

Mr. Caparn addressed his next comment to Councilman Rodman and stated that Eatontown could very easily resolve the utility problem with Storer if one third of the people did not have cable service for one month.

Councilman Rodman stated that was true, but the only solution that he can see as a viable one to the cable problem that they leave you is you either connect or you disconnect and if enough people disconnected, they might get the message.

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

Councilman Wolfe moved to approve the bills as listed on the Voucher Register dated November 15, 1990. It was seconded by Councilman Miller and unanimously approved by Council. TOTAL 1988 VOUCHERS PAID THIS MEETING \$2,451.00. TOTAL 1989 VOUCHERS PAID THIS MEETING \$2,832.39. TOTAL 1990 VOUCHERS \$41,518.07. TOTAL 1990 VOUCHERS PAID THIS MEETING \$51,857.44. TOTAL 1990 OPERATING FUND \$93,375.51. TOTAL CAPITAL ACCOUNT \$4,567.99. TOTAL PUBLIC ASSISTANCE TRUST ACCOUNT \$3,576.63. TOTAL TRUST ACCOUNT-SUI \$2,787.00. TOTAL DOG REGISTRY ACCOUNT \$829.80. TOTAL GENERAL LEDGER SHORE REGIONAL HIGH SCHOOL \$171,898.92. TOTAL GENERAL LEDGER OCEANPORT BOARD OF EDUCATION \$2,000.00. TOTAL GENERAL LEDGER - INVESTMENTS \$2,486,749.91. (SEE VOUCHER REGISTER)

At 10:00 P.M. Councilwoman Filippone moved to adjourn this meeting until the next regularly scheduled meeting to be held on Dec. 6, 1990 at 8:00 P.M. It was seconded by Councilman Rodman and unanimously approved by Council.

Respectfully submitted,

Patricia L. Varca

PATRICIA L. VARCA
BOROUGH CLERK