

REGULAR MEETING MINUTES

Oceanport, New Jersey
November 8, 2007

The Regular Meeting of the Oceanport Mayor and Council was called to order on November 8, 2007 at 8:00 P.M. with Mayor Chaump stating the meeting had been properly advertised in accordance with the law.

MEMBERS PRESENT: Councilpersons Kahle, Johnson, Gallo, Ibex, Sharkey, Briscione and Mayor Chaump

MEMBERS ABSENT: None

OFFICIALS PRESENT: Borough Clerk, Kimberly A. Jungfer and Borough Attorney, Scott Arnette

INVOCATION: Borough Chaplin Robert Mills gave the invocation.

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

The Borough Clerk stated there were 8 items on the Consent Agenda. Councilman Sharkey asked that Item 3 be removed.

CONSENT AGENDA

1. Resolution transferring funds. **R-07-111**
2. Resolution, Veteran's Tax Deduction. **R-07-112**
3. Resolution authorizing the payment of bills. **R-07-113**
4. Resolution denying vacation request of an unimproved portion of Fairview Ave. **R-07-114**
5. Resolution accepting a donation of a refrigerator from a Borough resident. **R-07-115**
6. Resolution appointing a cleaning service thru the end of 2007. **R-07-116**
7. Raffle Application, Oceanport PTO, off premise merchandise raffle to be held March
8. Minutes: Workshop meeting October 15, 2007.

Councilman Briscione moved to approve the remaining items on the Consent Agenda, which was seconded by Councilman Ibex and approved by the Council.

The Clerk asked for a motion on Item #3. Councilman Ibex moved to approve Item #3, which was seconded by Councilman Johnson and approved by Council with the exception of Councilman Sharkey who abstained.

CLERK'S REPORT: The Borough Clerk stated that she had received a memo and Council was in receipt of a memo from the Police Chief regarding the use of the Borough building, mainly the Port-Au-Peck Fire House, this Saturday evening for a party and asked for the Council's decision on if that building should be used in such a way per the advise of Counsel.

Councilwoman Kahle asked about the application and if there is any accountability to the party holders. The Clerk stated yes, they are required to provide a deposit. Councilwoman Kahle stated ok, a deposit, but are there any parental controls set forth or anything like that. The Clerk, stated no, not that she is aware of, the application does request chaperones but is not specific about the numbers. Councilwoman Kahle asked what the occupancy of that building. The Clerk stated that had been calculated by the Construction Official and varies but if there are no chairs its 400, if just chairs it goes down to 295 and with tables and chairs its 138. Councilwoman Kahle asked how do they know if that would be adhered to, who would say if there were 500 people there who would know that. The Clerk stated there was no

way of knowing that. Councilman Ibex asked whom is responsible for that. The Clerk answered that there are rules and instructions that are given out so it's their responsibility. Councilman Ibex asked Council to assume there are more people at this function then are supposed to be there, someone gets hurt and there's alcohol what is the responsibility of the Borough and is there a liability issue on the part of this Council. Mr. Arnette answered first, it is a municipal facility so the police certainly have jurisdiction there so if there was a violation of a statute whether its an ordinance for occupancy or some other ordinance say underage drinking they would certainly have the police power to enforce it. Mr. Arnette stated that the issue is the police are in a circumstance where they are aware of a flyer being circulated like this one, do the police have additional staffing and if they do who pays for that. Councilwoman Kahle asked additional staffing for what because they aren't going to be at the party. Councilman Briscione stated for crowd control. Mr. Arnette stated that if there are going to be 18 year olds, limited parking in that area and he is hypothesizing. Councilman Briscione stated that #6 of the memo says the Police Department will have to increase man power for that shift and he would have to assume that that is overtime and who pays for that overtime. Councilman Ibex stated he read the Chief's memo and alerted Council that there are concerns and Council needs to know how that is going to be addressed and how the affair is going to be monitored and controlled and there are serious questions that need resolution.

Mr. Arnette stated that last he spoke with the Clerk the people having the party had not come in and picked up the information or filled out the forms and he asked the Clerk if that had occurred. The Clerk stated that they were not allowed because the office collects the funds at the same time and the office can't hold the funds for more than 48 hours so its always done the day before the party. Mr. Arnette stated but someone has checked in to say they are the ones. The Clerk answered yes. Mr. Arnette stated that the Borough can provide them with a list of conditions to be done for use of the building and if the Chief has concerns as he's indicated in his memorandum, there are things that can be done to have the event go forward by advising the people having the party that these are the things that are expected and no alcohol will be allowed, but the Council needs to take action to insure that that occurs if that is what Council wants to do. Mr. Arnette continued that the information can be provided by the Clerk's office to the person reserving the facility. Mayor Chaump stated isn't that already in the form that they sign. The Clerk stated yes. Mayor Chaump asked then isn't that covered in that form. The Clerk stated the rules and regulations say no alcohol things like that, yes. Mayor Chaump stated then if they come in and sign it, most of these questions will be answered for the Chief. Mr. Arnette stated that he does not have a copy of the regulations but he does have the Chief's memo and he can see what his concerns are. Councilwoman Kahle asked if parties like this have taken place there in the past. The Clerk answered not that she is aware of as the rentals have only been coming through the Borough for the last year. Councilwoman Kahle asked what is the decision. Councilman Ibex stated that as long as the rules are adhered to and the maximum numbers are not exceeded, with adequate supervision. Councilman Johnson commented that he understands the Chief's concerns but this is the 11th hour and he's sure the family has been planning this for a while, but just the way the invitation reads, he would feel more comfortable if there were 2 off-duty police officers there paid for by the party sponsors and he doesn't want to burden them with that extra cost but he thinks that something has to be done to protect the Borough. Councilman Briscione stated he agreed with Councilman Johnson and the fact that a flier has been circulated through Shore Regional High School and that everyone is welcome and maybe nothing will happen but he doesn't believe they can put the Borough in that position.

Mr. Arnette asked if there was a motion for this particular circumstance for renting the hall for this particular hall that there will be 2 off-duty police officers that will be retained by the people having the party for the purposes of security and public safety. Councilwoman Kahle asked where the officers would be, in the party? Councilman Johnson stated that the family sponsoring the party would have to hire them for that night. Mr. Arnette stated it's a Borough building. Councilwoman Kahle stated she understood that but they had just discussed other parameters that could be done instead with a list of this, this and this. Mr. Arnette stated that part of the agreement would be to accept this.

Councilman Johnson stated he apologized to the family for the last minute expense, but the Council has an obligation to protect the Borough building and this would still allow them to have the party.

Councilman Johnson made a motion on the decision to allow the rental of the facility with the condition that 2 off-duty police officers be retained by the party sponsors, which was seconded by Councilwoman Kahle and approved by Council unanimously.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle began her report with the Captain of the Fire Department's report. They had a total of 10 calls for the month of October with 679 man hours and the average number of men responding was 9 and most of the calls were fire alarms and smoke conditions.

Councilwoman Kahle reported that the First Aid Captain's report stated that there were 31 emergencies, 5 motor vehicle accidents, 5 non fires and the total calls for the month was 51, year to date being 430. Councilwoman Kahle made a comment regarding the ambulance, seeing the First Aid Squad present, and the discussion of the ambulance bid from the last meeting. The ambulance bid came in over bid by \$7,000 and they have the CFO looking into that. The consensus is to wait until after the fire truck bid is opened on November 12th and then they will be making their decision. They have until November 24th to make a decision, which is 60 days after the opening of the bid.

Councilwoman Kahle then stated for the Police Report she had a letter written by Regina Mapps, which she read. The letter commented on the fabulous job that the Police Department did for the Breeder's Cup events concerning traffic and access throughout the town.

COUNCILMAN JOHNSON: No Report

COUNCILMAN GALLO: Councilman Gallo stated that Sunday is Veteran's Day and he welcomed everyone to attend the Borough's ceremony to be held at 11 am at Borough Hall.

COUNCILMAN IBEX: No Report

COUNCILMAN SHARKEY: No report

COUNCILMAN BRISCIONE: Councilman Briscione reported on the Planning Board and that the application for 275 Port Au Peck Avenue Associates for preliminary approval of the creation of 12 building lots also known as the Mazza property was approved at the last Planning Board meeting.

Councilman Briscione then reported that Public Works has been through the town once on the leaf pickup schedule and are back in Zone 1. He stated that due to the weather it was going to be a late leaf season and the Department appreciates the cooperation of the residents. He also advised that Public Works has rented a vacuum truck to clean the Borough's storm drains. The Clerk made them aware of monies available from a Clean Communities Grant which also helps the Borough comply with the revised Stormwater regulations and Public Works is also noting the conditions of the catch basins and will inventory and document their conditions. Councilman Briscione stated that Public Works is also working with the Borough of Rumson to utilize the street sweeper for East Main Street, which is the only Borough road which is required to be swept monthly as a result of the Stormwater regulations.

Councilman Briscione then reported on Monmouth Park and that the 2007 Breeder's Cup has come and gone and despite the weather, the 2 day event held October 26th and 27th set New Jersey records for wagering with \$13 million wagered on-track and over \$112 million wagered world-wide. Additionally over 80,000 fans passed through the turn-style over the 4-day meet. According to Dennis Doud, Senior Vice President of Racing for the New Jersey Sports and Exposition Authority, without a doubt the biggest winners from the Breeder's Cup were the residents of New Jersey. The economic impact of the event and the improvements to Monmouth Park will continue to be realized for the years to come. Councilman Briscione stated he wished to thank all the Borough's emergency services and Public Works personnel for their efforts during this event and also thanked and congratulated Captain Balanza

for his coordination for the traffic management plan and the Police for carrying it out flawlessly and to clear traffic out in less than an hour and a half was a job tremendously done.

Councilman Briscione reported that the Economic Development Committee will be meeting to review revisions in the Draft Vision of the Redevelopment of Fort Monmouth. The Committee had directed the Planner to reduce the residential component of the draft. Once the draft has been reviewed the final charrette will be scheduled.

MAYOR CHAUMP: Mayor Chaump stated she wanted to take this opportunity to congratulate her opponents on their election and wished them success in the future. She also thanked her running mates Jay Briscione and Bill McVitty for their time during the campaign and congratulated Councilman Briscione on his re-election.

Mayor Chaump then reported on Fort Monmouth and as she had reported in July, our Senators and Congressmen have been working on the cost overrun estimates on the Fort Monmouth closure. This was done in the form of a bill that they introduced entitled the Base Realignment and Closure Overrun Protection Act known as the HR32541H. In the beginning of October she read an article in the Asbury Park Press which talked about the fact that the House of Representatives was going to probe the decision to shut Fort Monmouth and also mentioned that the United States Armed Services Readiness Subcommittee was scheduled for a hearing in November. She saw all of this as an opportunity to try and save Fort Monmouth and with that in mind, she contacted Congressman Holt and began setting up meetings with him and other key legislators. During this time frame, Councilman Briscione and Bill McVitty were observing her setting up these meetings and agreed to get involved and accompany her. As a result of the busy schedules of the Legislators she received word last minute that they were able to meet with us on October 23rd. That day they met with Congressman Solomon Ortiz, Chairman of the United States Armed Services Readiness Subcommittee. Additionally, they met with Congressman Holt, Senator Robert Menendez and Senator Frank Lautenberg's legislative assistant. They spent several hours talking with these representatives about the urgency to save Fort Monmouth. They also presented them with a petition signed by many residents of Oceanport that also supported legislation to fight to save the Fort. Their conversations also evolved around the potential loss of local jobs, the possible increase of municipal taxes, loss of open space, over development, increased traffic and congestion and the potential loss of Oceanport's small community feel. They also discussed the potential negative impact that the Fort closure would have on the Borough's schools. They felt these meetings were imperative and very productive as these key policy makers now have the opportunity to put a face to the name of all Oceanport residents. As a matter of follow up, Congressman Ortiz has requested that she submit to his office a copy of the Economic Impact Study on Oceanport and the surrounding communities produced in 2005. In addition, they said they would submit the petition with additional signatures prior to their next Readiness Subcommittee hearing. Finally, she requested to be present at the Readiness Subcommittee hearing to personally present the petition. She consulted with Mayor Gerald Tarantolo of Eatontown and also Mayor Peter Maclearie of Tinton Falls and they expressed their support of their trip and thanked them for taking the lead in these efforts. At this point they have laid the foundation for all to continue in these efforts to save the Fort in the following months.

BILL LIST: Capital Trust \$9,758.06. Dog Registry \$1,432.40. Escrow Trust \$26,220.75. Off Duty Police \$3,917.84. Open Space \$68,036.24. Recreation Trust: \$1,141.00. 2005 Vouchers Paid \$7,800.00. 2006 Vouchers Paid \$424,701.55. 2006 Vouchers Paid This Meeting \$6,900.00. Total 2006 \$431,601.55. 2007 Vouchers Paid \$16,277,037.12. 2007 Vouchers Paid This Meeting \$1,067,274.40. Total 2007 \$17,344,311.52.

PUBLIC:

The Mayor then opened the meeting for anyone from the public who wished to be heard.

Jim Gallo, 45 Bradley Avenue, commented that maybe the Borough could look into West Long Branch's rentals of Borough buildings, as he does know that if someone wants to rent their Community Center they do have to hire a police officer to be there at the party so maybe the Borough could get a

copy of theirs so they don't have this problem every time there's a party at the fire house or Community Center.

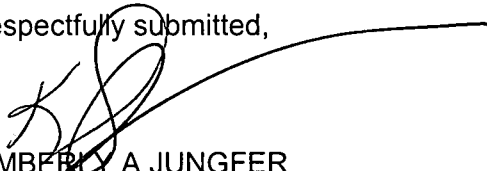
Gina Malloy, 97 Monmouth Blvd., stated she wanted to apologize and that the flier went out without her knowledge and she also was concerned about how it was written and stated. Ms. Malloy stated that since that has happened they have acquired 2 men to come to the party and be at the door as well and whatever code there is for the amount of people she will have a sign in and when she gets to that amount of people then no one else will be allowed at the party. She also wanted to ensure the Council that there will be no alcohol at this party.

Bob Malloy, 97 Monmouth Blvd., stated he doesn't know what the expense is going to be but he's hoping the party will be about 3 hours and hopefully they can determine a number. The building can hold 400 people but he doesn't want 400 people there so maybe they can say it can only hold 200 and he has 2 friends that will be at the door. He said they can't control what the kids have done before they come to the door, but if they have any issues they will not let them in. He knows it was said that 2 officers should be there and he thought 1 would be sufficient and he was going to offer to pay for 1 extra policeman on duty.

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

At 8:25 p.m. there was a motion to adjourn from Councilman Johnson, seconded by Councilwoman Kahle and unanimously approved by Council.

Respectfully submitted,



KIMBERLY A JUNGFER
BOROUGH CLERK