

REGULAR MEETING MINUTES

Oceanport, New Jersey
November 7, 2013

The Regular Meeting of the Oceanport Mayor and Council was called to order on November 7, 2013 at 7:44 P.M. with the Statement of Compliance with the Open Public Meetings Act given by Mayor Mahon.

"Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 8, 2013, and by the posting of same on the municipal bulletin board and Borough Web Site."

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

INVOCATION: Borough Chaplain Robert Mills gave the invocation.

MEMBERS PRESENT: Councilpersons Bertekap, Gallo, Ibex, Irace, Kahle and Mayor Mahon

OFFICIALS PRESENT: Borough Clerk, Jeanne Smith, Borough Engineer, William White, Christopher Ackerman for Borough Attorney, John O. Bennett, III

CONSENT AGENDA: The Clerk stated there were 11 items on the consent agenda. Councilman Irace asked about the Executive Session minutes which were distributed and Item 11 was pulled for separate action. Councilman Ibex made a motion to approve Items 1-10 of the consent agenda which was seconded by Councilman Bertekap and approved by Council with the exception of Councilwoman Kahle whom abstained from Items 9 and 10.

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| R-13-149 | 1. Resolution authorizing the payment of bills. |
| R-13-150 | 2. Resolution authorizing budget appropriation transfers |
| R-13-151 | 3. Resolution amending the amended 2013 Capital Budget |
| R-13-152 | 4. Resolution authorizing the extension of the Agreement with FEMA for fire calls |
| R-13-153 | 5. Resolution authorizing conditional waiver of Chapter 390, Article X – Residential Fees |
| R-13-154 | 6. Resolution amending the 2013 budget to add an item of revenue: Drunk Driving Enforcement |
| R-13-155 | 7. Resolution authorizing submission of Streetscape Revitalization grant application |
| R-13-156 | 8. Resolution authorizing 2013 Firefighters grant application |
| | 9. Approval of Workshop Meeting Minutes 10-17-2013 |
| | 10. Approval of Regular Meeting Minutes 10-17-2013 |
| | 11. Approval of Executive Session Minutes 10-17-2013 |

After Council had an opportunity to review Executive Session minutes, Mayor Mahon asked for a motion on Item 11 which was moved by Councilman Ibex, seconded by Councilman Bertekap and approved by Council with the exception of Councilwoman Kahle whom abstained.

ADMINISTRATOR'S REPORT: Mayor Mahon reported that he had spoken with Former Acting Borough Administrator, Phil Huhn. Mr. Huhn will continue to be on-call and available to Oceanport with regard to any projects he started, including Borough Hall. In the interim, our Borough Attorney will be our Acting Borough Administrator; a position that has been permanently vacated by Mr. Huhn. There were no objections.

COMMITTEE REPORTS:

COUNCILMAN BERTEKAP: Parks and Recreation Committee has reviewed plans for building at Blackberry Bay Park Building. Veterans Day ceremony will be held on November 11th at 11AM at Borough Hall.

- #921
1. 2nd reading and public hearing of an Amendment to the Property Maintenance Ordinance
 2. Introduction of a Bond Ordinance for Blackberry Bay Park Pavilion
 3. Introduction of an Ordinance for Acquisition of Real Property Known as Block 108, Lots 11 & 12
 4. Introduction of an amendment to the Zoning Ordinance
 5. Introduction of an Amendment to Chapter 284 "Peace and Good Order" concerning solicitation

Councilman Bertekap called for the 2nd reading and public hearing of **"AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 295 OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED "PROPERTY MAINTENANCE"** and then asked the Clerk to read the affidavit of publication by title only.

Mayor Mahon then opened the meeting to the public for anyone who wished to be heard. As no one from the public wished to be heard Mayor Mahon closed the public portion on a motion by Councilman Bertekap and seconded by Councilman Irace and approved by Council.

Councilman Bertekap then made a motion to adopt the Ordinance on second and final reading and advertise same in accordance with the law, which was seconded by Councilman Irace.

The Clerk called roll:

AYES: Bertekap, Gallo, Irace, Ibex, Kahle
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

Councilman Bertekap called for the introduction of **"AN ORDINANCE OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A BUILDING IN BLACKBERRY BAY PARK AND RELATED EXPENSES OF THE BOROUGH OF OCEANPORT AND APPROPRIATING \$700,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$665,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF OCEANPORT TO FINANCE THE SAME"** and then asked the Clerk to read the proposed Ordinance by title only, after which Councilman Bertekap moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of December 4, 2013 and to advertise same in accordance with the law and was seconded by Councilman Ibex.

The Clerk called roll:

AYES: Bertekap, Gallo, Ibex, Irace, Kahle
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

Councilman Bertekap called for the introduction of **"AN ORDINANCE AUTHORIZING THE BOROUGH OF OCEANPORT TO ACQUIRE CERTAIN REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 108, LOTS 11 AND 12 ON THE OCEANPORT BOROUGH TAX MAP"** and then asked the Clerk to read the proposed Ordinance by title only, after which Councilman Bertekap moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of December 4, 2013 and to advertise same in accordance with the law and was seconded by Councilman Ibex.

The Clerk called roll:

AYES: Bertekap, Gallo, Ibex, Irace, Kahle
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

Councilman Bertekap called for the introduction of **"AN ORDINANCE OF THE BOROUGH OF OCEANPORT COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 390 OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED "ZONING"** and then asked the Clerk to read the proposed Ordinance by title only, after which Councilman Bertekap moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of December 4, 2013 and to advertise same in accordance with the law and was seconded by Councilman Ibex.

The Clerk called roll:

AYES: Bertekap, Gallo, Ibex, Irace, Kahle
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

Councilman Bertekap called for the introduction of **"AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 284 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "PEACE AND GOOD ORDER"** and then asked the Clerk to read the proposed Ordinance by title only, after which Councilman Bertekap moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of December 4, 2013 and to advertise same in accordance with the law and was seconded by Councilman Irace.

The Clerk called roll:

AYES: Bertekap, Gallo, Ibex, Irace, Kahle
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

MAYOR MAHON: Mayor Mahon spoke to the above referenced ordinances in turn.

The first item was updating our current property ordinance.

The second item was specific to acquiring 2 lots on Orchard Place. The lots were flooded and are surrounded by property currently owned by the Borough. The acquisition of these lots gathers together a single parcel which exceeds six acres of land which potentially may be converted to Blue Acres Property. The purchase price of that property is equivalent to assessment value for that property.

Regarding the bond ordinance for Blackberry Bay, the new building will replace current bathroom facilities and replace the concession and storage building that was burned four years ago. The project must be bonded and will partially be funded with a grant which requires the building to be complete by April 2014.

The aforementioned zoning change is because of Sandy and deals with the elevation of houses and what the outward appearance must be.

Lastly, the solicitation ordinance is currently outdated and needs to be updated to update the procedures and designated authority for the application of a solicitor's permit.

COUNCILMAN GALLO: Councilman Gallo had no report

COUNCILMAN IBEX: Councilman Ibex had no report

COUNCILMAN IRACE: Councilman Irace thanks residents for their support in the recent election. He acknowledged Mr. Ibex's second retirement and also the retirement of Mr. Johnson.

COUNCILWOMAN KAHLE: Councilwoman Kahle had no report

MAYOR MAHON: Mayor Mahon discussed Resolution #153 authorizing waiver of COAH fees for home owners affected by Sandy. This waiver of fees applies only to new structures that are specific reactions to damages from Sandy on 10/29/2013. Eleven properties will be able to take advantage of this waiver. Mayor Mahon stated that approximately \$220,000.00 of construction and lifting fees have been waived by the borough to date in an effort to help our residents who suffered from Super Storm Sandy.

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

PUBLIC:

Robert Donohoe, Elizabeth Drive, expressed concern about the water drainage problem in his neighborhood. Mayor Mahon explained the need for an easement to repair a collapsed pipe which is on private property. The plan is to bypass this pipe in the future and rectify the situation.

Kenneth Carroll, Fire Chief, inquired about the money billed to FEMA for services rendered by the Oceanport Fire Department. Mayor Mahon stated that all items of revenue go into the general fund. Appropriations are done via the budgeting process. This revenue represents no additional funds for the Fire Department. Mr. Carroll also inquired about the status of the emergency notification system. Mayor Mahon suggested that questions of this nature be discussed during regularly scheduled committee meetings and in Borough Hall with the Borough Administrator. A discussion of a \$300,000 grant application for SCBA's ensued.

Bill List Summary: Dog Registry \$10.20 Escrow Trust \$750.00 Fireworks Trust \$312.72 Open Space Trust \$44.58 Trust Other \$395.57 2012 Vouchers Paid \$335,830.29 2012 Vouchers Paid this Meeting \$386.95 Total 2012 Vouchers Paid \$336,217.24 2013 Vouchers Paid \$19,995,055.06 2013 Vouchers Paid this Meeting \$210,321.03 Total 2013 Vouchers Paid \$20,205,376.09

At 8:18 p.m. the Clerk read a Resolution authorizing the meeting to enter Executive Session for the purposes of land acquisition, litigation and attorney client privilege and contract negotiations, on a motion made by Councilman Ibex and seconded by Councilman Bertekap and approved by Council.

At 9:45p.m. Council returned from Executive Session and re-opened the Regular Meeting on a motion by Councilman Gallo which was seconded by Councilman Ibex and approved by Council.

As there was no further business, the meeting was adjourned at 9:46 p.m. on a motion made by Councilman Ibex seconded by Councilman Irace and approved by Council.

Respectfully submitted,



JEANNE SMITH
BOROUGH CLERK