REGULAR MEETING MINUTES

Oceanport, New Jersey
November 6, 2003

REGULAR MEETING: The Regular Meeting of the Oceanport Mayor and Council was called to order on November 6, 2003 at 8:00 P.M. with Council President Gatta stating the meeting had been property advertised in accordance with law.

MEMBERS PRESENT: Councilpersons Kahle, Mahon, Apruzzi, Gatta, McGann and Cooper.

MEMBERS ABSENT: Mayor Gemma.

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

INVOCATION: Borough Chaplain Berry gave the invocation.

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

As copies of the minutes from the regular meeting held on October 16, 2003 had been made available to the members of the Governing Body, Councilman Mahon moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Apruzzi and approved by Council.

CLERK'S REPORTS:

1. Police report for the month of OCTOBER, 2003 and a copy will be posted on the Bulletin Board.

Council President Gatta advised that Mayor Gemma plans to be here, but will be here a bit late due to a family emergency and because of that, Councilman McGann will go last in the hopes that the Mayor will be there for the discussion on the fire ordinance.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle asked the Clerk to read resolution **R-03-65** waiving certain permit fees relative to the installation of an emergency generator at the Oceanport First Aid Squad Building, after which she moved to approve same. It was seconded by Councilman Apruzzi and approved by Council.

Councilman Kahle reminded everyone the Bulletin deadline was November 7th and anyone interested in submitting articles should have them dropped off at Borough Hall or e-mailed directed to the Bulletin Editor.

Councilwoman Kahle advised that at the last meeting she advised that some cracks had been reported at the Old Wharf House in the cement and someone has looked at it and it is not structural, but merely cosmetic and should be repaired in the very near future.

Councilwoman Kahle also commented that we had an article in the last Bulletin with regard to naming the new soccer fields on Port-au-Peck Avenue and advised that the deadline has been extended and there will be another article in the next Bulletin informing residents that there is still time to submit a name for this new park.

COUNCILMAN MAHON: Councilman Mahon offered his congratulations to Councilwoman Gatta on her win in the mayoral contest and looked forward to working with her in the coming hear as well as congratulating Lucille Chaump and Linda Johnson on their elections to Council.

COUNCILMAN APRUZZI: Councilman Apruzzi commented on the Police Report mentioned earlier in that there were 826 calls received by our Police Dispatchers and of that number, 482 were responded to by our Officers, which is down especially in light of Mischief Night and Halloween.

Councilman Apruzzi stated that in our workshop meeting held just prior to our regular meeting, the subject of the intersection of East Main Street and Port-au-Peck Avenue was discussed since it is very difficult to make a left hand turn onto Oceanport Avenue and we have directed our Borough Engineer to speak with the County about the possibility of having arrows painted in order to show the correct lane for turning as well as having better signage at this location while the bridge is being reconstructed.

Councilman Apruzzi congratulated Councilwoman Gatta on her win as Mayor and also to Lucille Chaump and Linda Johnson on being elected to the Council and he thanked all the candidates who ran in the past election and commented that now it is time to get back to the business of running the Borough.

COUNCILWOMAN COOPER: Councilwoman Cooper moved to return the cash bond in the amount of $1,900 for Block 1, Lot 22 located at 441 River Street per the recommendation of the Borough Engineer. It was seconded by Councilman McGann and approved by Council.

Councilwoman Cooper asked the Clerk to read resolution **R-03-66** transferring funds, after which she moved to approve same. It was seconded by Councilman McGann and approved by Council.

Councilwoman Cooper advised that the employee evaluation performance forms were completed and we will be discussing how to go forward with this program when we go back into the workshop meeting.

Councilwoman Cooper reported that it was brought to her attention that there was a fox being seen on a regular basis in the area of Branch Avenue that looked ill and some of the residents were concerned and after speaking with representatives of the Fish, Game and Wildlife Division and explaining the situation, she was advised that the fox most likely had mange which was due to the warm, wet weather and was not a danger to anyone.

Councilwoman Cooper congratulated Councilwoman Gatta on her win as Mayor and also to Lucille Chaump and Linda Johnson on their election to the Council and commented that although she will not be a member of the Council come this January, she is always available to help anyone in the community. She also thanked everyone for the support they gave her during her campaign.

COUNCIL PRESIDENT GATTA: Council President Gatta reported that on October 25th a very successful Oceanport Community Day was held and this is the first event of this kind for our Borough and we had many organizations participating. She commended Toni Sverapa for her help in putting

this program together as well as all the other volunteers and mentioned that the PTO also experienced a very successful clothing drive and we were also able to plant some trees in the Borough's nursery. She again offered her thanks and appreciation to all the organizations and volunteers who participated.

Council President Gatta advised that on Friday, October 24 the flu and pneumonia clinic was held at the First Aid Building with 205 residents of the County receiving vaccinations and she thanked the First Aid Squad for the use of the building as well as their assistance with this program and also thanked the County for providing the personnel to administer the vaccines.

Council President Gatta reminded everyone that on November 11th at 11:00 a.m. at the Borough Hall we will be conducting our annual Veteran's Day ceremonies with a guest speaker from Fort Monmouth and both the Wolfhill and Maple Place School students will be participating and she urged everyone to come out and attend this service.

Council President Gatta thanked everyone for their support during the election as well as all of the kind wishes she has received and commented that now that the election is over, it is time to move forward and she looked forward to working with Councilman Mahon and Lucille Chaump and Linda Johnson in the coming year. She also added that she was appreciative of Councilwoman Cooper's offer to keep involved and helping out in the community in the future.

Council President Gatta read a letter from the Borough of Eatontown thanking Oceanport for the great job done by our Fire Police following a terrible accident on Route 35 which included several fatalities and they praised the quick response and assistance given to them from our Fire Police and she asked Dale Burd, who was in the audience, to please convey these comments to his fellow Fire Police.

Council President Gatta also read a letter from a resident commending Det. Dan Barcus for his quick response to the resident's mother who had been scammed out of some money and the subject was apprehended and shortly thereafter, the money was returned and the resident was very grateful to live in a community where you can feel safe.

COUNCILMAN McGANN: Councilman McGann reported that the Borough has received notification from the DOT that we have again been successful in securing a grant for Burnt Mill Circle reconstruction and will be receiving $140,000 for this project.

Councilman McGann reported that Lake Drive and Riverview Road have been completed and the contractor did a great job and the residents are extremely pleased with their new road, curbs and sidewalks.

Councilman McGann advised that work has begun on Mohican and Pocahontas Avenues and the contractor has his milling machines parked at Blackberry and they should begin working on these two streets in the next several days. He continued that with the completion of these two streets, it brings the number of streets repaved this year to six and we had hoped to begin work on Cayuga and Gooseneck, which is the $300,000 federal grant we received, but those two streets will be done in 2004.

Councilman McGann reminded residents that the Public Works Department is out picking up leaves and asked that the residents rake the leaves to the curb and to make sure they are free of any debris or branches.

Councilman McGann then called for the second reading and public hearing on the amendment to the fire department ordinance and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only, as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "FIRE DEPARTMENT ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON DECEMBER 2, 1920.**

Council President Gatta opened the meeting to the public for any comments or questions on this subject only.

James Slattery, 25 Comanche Drive stated he is a taxpayer in this Borough on two properties and has been a member of the Fire Department for many years in various capacities including Fire Chief and does not agree with the present ordinance. He felt that there needs to be requirements for being elected to the position of Chief, training requirements, number of years of experience, number of fires fought, officer's training, hazardous material training, etc. Mr. Slattery continued that he does agree that there should be a rotation basis, but there has to be a degree of training involved and asked that the ordinance presented this evening be tabled and allow the two houses to review this matter further.

Mr. Margalotti, Borough Attorney, advised Mr. Slattery that many of the points he mentioned regarding the qualifications and training criteria regarding the eligibility of who can vote for Chiefs is that was discussed earlier by the Governing Body in the work shop meeting and it was agreed that these types of matters should be left up to the Fire Committee as their responsibility to establish the guidelines for holding the Chief's position as well as who can vote in the annual election. Mr. Margalotti continued that this discussion regarding the criteria was based upon the fact that there are changes to the guidelines over the years and they can be modified by the Committee rather than having to continually amend the ordinance.

Mr. Slattery responded that this would be similar to the by-laws of the fire companies which change periodically but he felt this type of criteria should be contained in the fire department ordinance rather than up to the Fire Committee which is limited to 8 or 10 people and would oscillate based on the created needs of that particular group and not always what might be the right thing and he felt that certain things should be set in place and suggested again that the ordinance be tabled and allow both companies to further review what requirements should be included. He also felt that when the elections are held they should be held in a neutral location and not in one of the two firehouses.

Bob Howie, 20 Main Street and Vice-President of the Oceanport Hook & Ladder Fire Company respected the comments made by Mr. Slattery and felt that these are matters that need to be addressed but he feels that this ordinance needs to be approved tonight and the issues raised can be addressed at a later time by the Fire Committee and he also felt that the regulations as mandated by the NJ State Fire are what should be followed.

Mr. Joseph Sirianni, 19 Werah Place and President of Port-au-Peck Chemical Hose stated that his company did not receive the revised ordinance until September 29th and stated that they have submitted comments as to what they feel needs to be addressed in this ordinance and he would recommend that this ordinance be tabled because he felt the two houses were very close to reaching an agreement and suggested that the Council give them a certain time limit and if there is not agreement by that time between the two companies, then adopt this ordinance as it stands.

Rick Gallo, 556 Shrewsbury Avenue commented that when the committee was formed to discuss an ordinance back in January, the committee was supposed to meet and discuss what both

companies wanted in the ordinance regarding the Fire Chiefs and the other matters but he is curious how this ordinance got to the Borough Attorney before it came back to the members of the Port-au-Peck Company and they have not had a chance to vote on this document and he feels that they have been left out of the due process of the Committee's negotiating. He continued that some of the wording was incorrect, since we don't have an annual meeting, but an annual election and he does not agree with the wording with regard to the outgoing fire chief from the same house, since if this is adopted Scott Sirianni, who is the 1st Ass't. Chief from Port-au-Peck, cannot be Chief and he felt that was not right and there were other portions of this ordinance that he felt needed to be further reviewed and suggested that this ordinance be tabled in order to allow the companies to have their due process.

Council President Gatta advised that some of the items brought up by Mr. Gallo had been discussed at our workshop meeting and our Borough Attorney has given us his opinion and she asked Mr. Margalotti to address these issues.

Mr. Margalotti addressed the matter relative to the position of Chief this year and stated that one of the reasons the Council was requested a year ago to amend the ordinance was to incorporate in the ordinance itself a provision basically confirming that the practice had been for many years in the town, the annual rotation of the Chief's position, but that was never a matter of law because the ordinance never provided for that. He continued that he has given his opinion to the Borough Council that because technically at the present time and until the ordinance is changed, there is no legal or mandatory requirement that would prevent a newly elected Chief coming from the same House that the outgoing Chief came from as evidenced by the fact that we have had from Port-au-Peck two consecutive years where you had a Chief from the same house and at some point in time this ordinance has to go into effect and in his judgment, there would be no legal obstacle to the two fire companies agreeing to allow Mr. Sirianni to advance from 1st Ass't. to Chief in this current upcoming election and in that event, than the ordinance would go into effect and require that the Hook & Ladder be given the opportunity to nominate someone for Chief in the 2004 election for 2005. He continued if the Hook failed to field a candidate for the Chief for any reason, than the ordinance addresses that situation as well and it would give Port-au-Peck the right and opportunity to have a Chief elected from its house for that following year and he did not see any problem with this issue in allowing the ordinance to be adopted tonight.

Mr. Howie stated he wanted to speak for the Oceanport Hook & Ladder Fire Company and go on record stating that Scott Sirianni should be Chief in 2004 and that would be the beginning of the rotation of Chiefs.

As no one else from the public wished to be heard on this subject, Councilman McGann moved to close the public hearing. It was seconded by Councilman Apruzzi and approved by Council.

Councilman McGann then moved to adopt this ordinance on its 2nd and final reading and to advertise same in accordance with law. It was seconded by Councilman Apruzzi.

The Clerk called the roll:

AYES: Councilpersons Kahle, Apruzzi and McGann.
NAYS: Councilpersons Mahon and Cooper.
ABSENT: None.
ABSTAIN: None.

Councilman McGann congratulated Council President Gatta on her election as Mayor as well as to Lucille Chaump and Linda Johnson on winning Council seats in the election and thanked Councilman Mahon and Councilwoman Cooper for their participation in the election and commented that participation is so important and it is a tremendous amount of effort for people to get involved in the community and it is hard work, which shows real dedication and wished everyone well.

Council President Gatta commented on the fire ordinance just passed and wanted everyone to understand that both fire companies provide a valuable service to all of us in the Borough and she believed that the heart of the issue has always been rotation of the chiefs and felt that we had an obligation to pass this ordinance as one of fundamental fairness. She continued that we are addressing what used to be a gentlemen's agreement for generations and that has been the rotation of chiefs, however, also in this ordinance is the formation of a fire committee and she is asking that both companies sit down and address those issues that have been brought to the Governing Body by Al DeSantis, Joe Sirianni, Bob Howie and Jim Slattery and these issues need to be addressed and should be done so by the Fire Committee. Council President Gatta stated that obviously any amendment to the ordinance, if need be, can take place, but she realizes that it is a task that will provide a lot of dedication and commitment and compromise on the part of both houses and she asked that all of the firemen do that in the spirit of moving ahead. She stated that we have fantastic volunteers in this community and by working together we can soar and she is confident that this can be done and the concerns that have been brought to our attention need to be addressed and it will all work out but they need to sit down together and she is hoping that these meetings will start immediately and that this matter will be resolved.

Councilman McGann commented that last October he was against passing this type of ordinance because he felt that it should be left up to the members of the fire department to come together and come up with an ordinance satisfactory to both houses and at the time, he stated that you cannot legislate leadership and he still believes that today. He continued that we cannot abdicate our authority as your leaders and have to pass the appropriate legislation to solve problems. He stated that he will not be here next year and wanted to speak to the firemen in the audience as a private citizen and advised them that the people of Oceanport truly respect all of the firemen and they will continue to earn that respect by conducting yourselves appropriately and working together which will only earn them more respect from the community. He stated it is very important to the Borough that the two companies work together and they have the respect of all the members of the Governing Body and he asked that they all continue their efforts in this matter.

MAYOR GEMMA: Absent.

Council President Gatta then opened the meeting to the public for any comments or questions they might wish to make.

Mike Caffyn, 5 Wolfhill Avenue stated that recently he spoke to a representative of Birdsall Engineering who was out near his home measuring the street and right-of-way to determine if there was adequate room for the installation of sidewalks, since there were some extra funds leftover from the 2003 road program. He advised that Council that when Main Street was reconstructed, the pipe from Main Street that runs into Pemberton could not be completed with a culvert installed due to a lack of funds. He continued that this open ditch that remains has been filled with stagnant water during the summer and caused a terrible problem with mosquitoes and he requested the Monmouth County Mosquito Commission to come out and they sprayed the area, but it is a constant problem and suggested that perhaps these extra funds could be used to pipe in this ditch to alleviate this problem.

Councilman McGann stated that we are aware of this problem and he will ask the Borough Engineer to give us a cost estimate to pipe and cover that ditch and it may work out as a good solution to the extra funds available, since we were not able to do that when we originally did the Main Street project.

As no one else from the public wished to be heard, Council President Gatta closed the public portion of the meeting.

Councilwoman Cooper moved to approve the vouchers on the Bill List dated November 6, 2003. It was seconded by Councilman Apruzzi and approved by Council. TOTAL CAPITAL TRUST $159,438.06. TOTAL DOG REGISTRY $526.20. TOTAL ESCROW TRUST $3,904.00. TOTAL 2002 VOUCHERS PAID $96,679.06. 2003 VOUCHERS PAID $11,457,978.41. 2003 VOUCHERS PAID THIS MEETING $1,469,579.52. TOTAL 2003 VOUCHERS $12,27,557.93. (SEE BILL LIST)

At 8:45 p.m. Councilman McGann moved to adjourn this meeting until the next regular meeting scheduled to be held on November 20, 2003 at 8:00 P.M. It was seconded by Councilman Apruzzi and approved by Council.

Respectfully submitted,

Patricia L Varca

PATRICIA L. VARCA
BOROUGH CLERK