

REGULAR MEETING MINUTES

Oceanport, New Jersey

October 20, 2005

REGULAR MEETING: The Regular Meeting of the Oceanport Mayor and Council were called to order on October 20, 2005 at 8:00 P.M. with Councilwoman Chaump stating the meeting had been properly advertised in accordance with law.

MEMBERS PRESENT: Councilpersons Johnson, Gallo, Chaump, Sharkey, Briscione

MEMBERS ABSENT: Mayor Gatta, Councilwoman Kahle

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

INVOCATION: Borough Chaplain Berry gave the invocation.

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

As copies of the minutes from the Special Meeting held on September 1, 2005 and the Emergency Meeting held on September 1, 2005 and the Regular meeting held on September 15, 2005 and the Workshop Meetings held on September 1, 2005 and September 15, 2005 had been made available to the members of the Governing Body, Councilwoman Johnson moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Briscione with the Clerk calling the roll and all members in attendance voting in the affirmative. Councilman Gallo abstained from voting on the Workshop minutes of September 15, 2005 as he was absent from that meeting.

CLERK'S REPORTS:

1. Raffle License for the Friends of Oceanport Music, Inc., Off Premise 50/50 to be drawn on December 15, 2005 at Maple Place School.

The Clerk advised that the appropriate fees have been paid and the application found to be in order after which Councilman Briscione moved to approve the same. It was seconded by Councilwoman Johnson followed by the clerk calling the roll and all members voting in the affirmative

2. Personnel Matter: The Council went into executive session for this matter

COMMITTEES:

COUNCILWOMAN KAHLE: Absent

COUNCILWOMAN JOHNSON: Councilwoman Johnson asked the Clerk to read resolution R-05-94 appointing Garden State Electrical Inspection Services after which she moved to approve it. It was seconded by Councilwoman Johnson and unanimously approved by the Council member present..

Councilwoman Johnson reported on the Board of Health meeting held on October 5, 2005 at the Borough Hall. With regard to the West Nile Virus she stated there were two positive

birds in Monmouth County but none in Oceanport. There was also a discussion on evacuations due to possible hurricanes since it is hurricane season. There was also a discussion on the conditions of the storm drains and Councilwoman Johnson advised that the efforts of the OEM who have been strongly working on a plan with the First Aid and the Fire Departments for any evacuation and disaster plans.

Councilwoman Johnson stated that on October 25, 2005, between 10am and 12noon the flu vaccine will be given at the Oceanport First Aid building. They are hoping to give out between 300 and 350 shots this year. She is still waiting to hear if on restrictions but she assumes at this point most people receiving the flu shots will be 65 years old and older. There is also a list of municipalities that are in the Monmouth County Health System. They will be posted at the First Aid building and in other locations in town. She stated that if a person lives in a town that is not on the list the flu shot cannot be given and that person(s) will be turned away. She stated that last year there was a big shortage on the flu vaccine and hopefully this year everybody will be able to receive the shot.

Councilwoman Johnson stated that the Rabies Clinic would be held sometime in January, which will be held at the Port-Au-Peck Fire House. She would keep everyone updated on this matter, as she does not have a date at the time. She then stated that the next meeting of the Board of Health will be held on January 4, 2006.

Councilwoman Johnson reported, for the month of September, the Fire Department had 15 calls. She stated that there is a new member of the Hook and Ladder, Jim Stack. The Department will be having a gas drill, which is going to be held on October 25, 2005 at the Gas Company in Wall Township and that this would be a live burn. A burn drill will be commencing on November 26, 2005, which will be held at the Middletown Smoke House. Councilwoman Johnson then stated that Ladder Truck 90 had all maintenance completed. The Port-Au-Peck Chemical Hose Co. and Hook and Ladder are both be having Fund Drives the week of October 20, 2005. She then stated that the Explorers are up to 19 with 3 more that will be going to the Academy Class. Councilwoman Johnson also stated that the Hook and Ladder Circus did very well and they decided that a donation to the First Aid Squad will be \$1,000.00 this year. The Oceanport Fire Department came in first place in baseball. The Chief's meeting is taking place on October 20, 2005.

Councilwoman Johnson motioned to appoint Richard R. Gallo III, as a member of the Port-Au-Peck Chemical Hose Co. and stated that this is the first time that a fourth generation fire fighter has joined the Oceanport Fire Department. Councilman Briscione seconded the motion which was approved by the Council persons present with the exception of Councilman Gallo who abstained.

COUNCILMAN GALLO: Councilman Gallo reported on First Aid stated the Squad had 30 emergencies, 7 MVA's and 8 fire calls they responded to a total of 51 for the month of October 2005. He also reported that the First Aid is presently having their annual Fund Drive, a Christmas tree sale in December, and members are presently at the convention working on their credits to continue their First Aid classes.

Councilman Gallo reported that he attended a Flood Mitigation meeting with FEMA and Monmouth County on a program about modernizing the flood insurance rate maps. The program will begin early in the year 2006 and will be conducted by Baker Engineering of New York. He saw the maps that they had and said that they were up-to-date and they were looking for any additional streams of flooding that occurred over the past 20 years or so. Councilman

Gallo also stated that he noticed that Fort Monmouth was not on the map and the engineering company took note of that and they will be adding the Fort Monmouth property in Oceanport and probably the rest of Eatontown and Tinton Falls to the map. The new map will eventually be put on FEMA's website so everyone can review it from there.

COUNCILMAN SHARKEY: Councilman Sharkey reported that the Recreation Committee met the previous week and had a couple of items of discussion. The first items was they unanimously approved the Recreation Committee budget to be submitted to the CFO and that there was an increase of \$2,500.00 for one of the line items for the Baseball Association and an additional \$2,500.00 put in for the development of the parks.

Councilman Sharkey stated that the second item of discussion was the feasibility study that they had originally wanted to apply for the Monmouth County Grant. However, feasibility studies are not eligible for this grant and they had to come up with an alternative. He stated that it was decided to make significant renovations and improvements in the Community Center. The improvements would include the bathrooms, tennis courts, basketball courts and improvements around the park etc. He stated that there was a concept plan that had been developed quickly by a few of the Recreation Committee members. He reported that the total projected cost for the improvements is about \$400,000.00. However, \$200,000.00 could be covered by the County as a grant, so The Borough of Oceanport's share would only be \$200,000.00 if the grant is passed. Councilman Sharkey then stated that typically these types of capital improvements are bonded and The Borough of Oceanport would be putting up 5% in next year's budget. He then stated that the process would be for the Council to agree to apply for the \$400,000.00 project and the grant, which has to be in by November 4, 2005. The County would then review the grant application. If they decide to give the Borough of Oceanport a matching grant of \$200,000.00 the decision would occur sometime in 2006, at which time the Council would have to make a decision whether to accept the \$200,000.00 and to agree to put up the Borough's share of 5% (or \$10,000.00) which would go in the 2006 budget. He then stated that the \$10,000.00 would effectively be the tax impact for this project. The remaining \$190,000.00 of the Borough's share would be paid off over a number of years.

Councilman Sharkey stated that with regard to Blackberry Bay Park there are some remaining items on the punch list. He reported that the contractor had been out there again and the Recreation Committee has been on top of this project daily to make sure that the items are done. He stated that one of the problems is sprinkler heads. About 26 new sprinkler heads were ordered and need to be reinstalled. Another problem is seeding in certain areas of the field, but there has been significant improvement on the outcome so far to date in Blackberry Bay Park. He then stated that one of the items that had hoped to be done was to have a direct walk through of the park, which was originally scheduled for October 1, 2005, but the park was nowhere near being done, so it was postponed and no date has yet been set for the Recreation Committee to do another final walk through before the Council releases the contractor.

Councilman Sharkey reported that with regard to the Capital Advisory Committee, this group organized to review capital needs for the Borough. These are large dollar items and this group has been meeting periodically over the past nine months. The next meeting is October 25th at 7:00 p.m. in Borough Hall. A draft of what the capital needs are for the Borough for 2006 and what they are going to recommend. They are getting feedback from Council members and thanked Councilwoman Johnson for supplying her comments with regard to priorities. This group is looking right now in obtaining an ambulance, a front end loader, street and road projects of \$300,000.00, some police and OEM type of software for computers and consoles

and a couple of other items and improvements in other areas. The items that are on the table are what this Capital Advisory group is looking at. What they will do is come out with a formal proposal of what they feel the capital needs of the Borough should be, Council will have a chance in 2006 to decide as to which ones they agree with and will be put in the budget. There was a lot of discussion and thought into that process which is a good thing.

Councilman Sharkey stated that with regard to the Borough's property and casualty insurance which renews on 12/31 we are in the process, which is a slow process right now but we should have things in place by 12/31.

Councilman Sharkey asked the Clerk to read resolution **R-05-95** awarding the contract for the reconstruction of the tennis courts at Blackberry Bay Park. Councilman Briscione moved that the resolution be approved. Councilman Gallo seconded the motioned, which was unanimously approved by the Council members present. Councilman Briscione added that in addition to the bid procedures, he did check on the references of the vendor and they were satisfactory.

Councilwoman Chaump wanted the public to know that the money used for the tennis courts is a grant, so there is no cost to the taxpayers.

Councilwoman Chaump asked Councilman Sharkey with regard to renovations for the Community Center that should be brought to Capital Committee at their next meeting to see where they stand on that because if Council is going to approve this there must be a public hearing which would have to be advertised for the next Council workshop. Councilman Sharkey questioned how the advertising would go which the Clerk explained and Councilman Sharkey stated then that is how this will proceed. Councilman Briscione followed up that procedurally there would be recommendation from the Capital Committee to the Council, as this is the first time he is seeing and he had some questions. Councilman Briscione asked if the Council would be discussing the issue in workshop or if the issue was already discussed the previous Monday. Councilman Sharkey stated that this was the first time the issue was brought to Council. He forwarded the email to the Council to take a look at, but they haven't had a chance to discuss it yet. Councilwoman Chaump stated that if the issue was going to be under Capital Committee that Capital Committee should see it first to determine whether or not all of the renovations will be done by the Borough and then make a recommendation to Council and then would have to have a public hearing in order to apply for the grant.

COUNCILMAN BRISCIONE: Councilman Briscione stated with regard to the Planning Board hearing on the Holiday Oceanport Property on East Main Street (currently the Old Wharf Restaurant) was continued last month until the first meeting in November.

Councilman Briscione with the regard to the police report, he did not have one for this month and said he would give it next month.

Councilman Briscione stated that there were to issues that needed to be addressed. The first issue was a problem with the reverse 911 during the water emergency last month with some similar problems experienced by neighboring towns. The Borough is trying to figure out the most efficient method of contacting residents in an emergency. He has discussed this problem with the Chief who is currently outlining the deficiencies in the emergency alert procedures and will giving recommendations to correct the problems. Many of these problems will be alleviated once the alarm system is installed that will give the ability to contact or direct

people to look at the website or to tune into the AM radio station. This will give the Borough a number of capabilities to alert people in a sufficient number of ways.

Councilman Briscione reported that the Borough has advertised for a new police officer. He then stated that the application period is now closed and that there were 50 applications, which are being reviewed by the Chief and the committee that the Chief has set up.

Councilman Briscione reported that with regard to the Fort Monmouth Reuse Committee, he attend a seminar the previous week in Denvons, Massachusetts given by the NAIV Association of Defense Communities. He reported that the seminar was intended to inform and educate BRAC 2005 communities about military base redevelopment. The Association is the national focal point for information, advocacy, influence and opinion on the redevelopment of military installations and the associated legislation and policies. Officials from the DOD, private development community, various consultants, state, federal and local government officials were in attendance and breakout sessions were held on Fort Monmouth and the Brunswick Naval Air Station. The discussions involved all aspects of base closing and redevelopment. Some examples of failure and success stories were offered for review with speakers from other installations on hand. Councilman Briscione then stated that he would have a copy of the course material made and leave it with the Borough Clerk if other Council members and residents have any interest in reviewing it. He then reported on the preliminary dates that affect Fort Monmouth that are in the near future. On September 15, 2005 the President sent his recommendations to Congress. October 30, 2005 is the deadline for Congress to either accept or reject the recommendations. On November 9, 2005 the Secretary of Army issues a notice of availability of surplus properties to other federal agencies, which have the first priority. On December 5, 2005 the federal agencies are required to provide a firm written expression of their intent of the surplus property. By May of 2006 there should be a surplus property notification to the State and the communities.

Councilman Briscione stated in regard to the Mount Laurel Subcommittee, he asked if Martin McGann and Councilman Gallo would step out briefly to discuss the issue. The Master Plan Review Committee or the Mount Laurel Subcommittee met on October 11, 2005. Mr. Surenian filed a motion with the court for immunity, which will insulate the Borough from additional builders remedy lawsuits. Mr. Surenian also sought approval from the court for the approval of the Borough's developer's fee Ordinance. The court has approved that Ordinance. The developer had made a motion that the Borough's zoning is exclusionary and that they are entitled to a builder's remedy and that they declare that land in Oceanport is a scarce resource. The Committee had examined all fare share and compliance techniques and by the beginning of November the Borough will have a Mount Laurel plan for review by the Planning Board and the Mayor and Council. Additionally, with input from the Borough's experts, discovery demands, prepared by the Borough's special counsel are ready to be sent. Mr. Surenian is pleased with the response from residents to request at the last Council meeting for help with the site suitability issues relating to the marina property. The Borough is still interested in information including pictures regarding flooding, traffic problems, accident reports, and emergency situations in the neighborhood.

COUNCIL PRESIDNET CHAUMP: Councilwoman Chaump asked the Clerk to read Resolution R-05-96 allowing Veteran's Tax Exemption for 2005 after which she moved to approve it. It was seconded by Councilwoman Johnson and unanimously approved by the Council members present..

Council President Chaump asked the Clerk to read Resolution **R-05-97** authorizing the issuance of Special Emergency Notes for the revaluation after which she moved to approve it. It was seconded by Councilwoman Johnson and approved unanimously by the Council members present.

Council President Chaump asked the Clerk to read Resolution **R-05-98** authorizing sale of Borough equipment at public auction after which she moved to approve it. It was seconded by Councilwoman Johnson and approved unanimously by the Council members present.

Council President Chaump asked the Clerk to read Resolution **R-05-99** authorizing a tax refund due to demolition after which she moved to approve it. It was seconded by Councilwoman Johnson and approved unanimously by the Council members present.

Council President Chaump asked the Clerk to read Resolution **R-05-100** appointing Stephanie F. Smeltzer as an Administrative Assistant in the Clerk's office after which she moved to approve it. It was seconded by Councilwoman Johnson and approved unanimously by the Council members present.

Council President Chaump reported that under the Finance Department all the departments are giving their budgets to the CFO and she will meet with those departments individually in November and will have a worksheet in the beginning of December so the Borough Council can start working on the budget for January 1, 2006.

Council President Chaump stated that under Public Works regarding roads, the catch basin and the pipe on the corner of Colonial Drive and Revere Drive has been repaired. With regard to the parks all trees at Blackberry Park have been trimmed, which was made possible by Mike Tober who donated his expertise and his crew to help get the job done and all the debris has been removed from Blackberry Bay Park.

Council President Chaump stated that Public Works have removed approximately 60 cubic yards of brush that has accumulated in the Public Works yard to the large disposal company in an effort to organize and make more viable space in the yard, service has been done on some vehicles and equipment and the snow fence posts were placed along Port-Au-Peck Avenue as requested by the Police Department and the leaf collection will begin on October 17, 2005.

Council President Chaump attended the Mayor's meeting in the absence of Mayor Gatta on October 1, 2005. She stated that Colonel Sullivan from Fort Monmouth was there telling everyone he data collecting and that they were going to be doing their budget close out. Also at that meeting was Tom Delesio who is from the Regional Planning Association, which is a non-profit organization. He gave the first report out in July of 2005 which was the Rutgers Regional Report and the title was "Putting the Trust Back in the New Jersey Transportation Trust Fund". He is very concerned because as of June 31, 2006 all of the funds in the Transportation Trust Fund will probably be depleted. If the problem is not fixed the State of New Jersey will be losing billions in Federal funds because that is half of the annual transportation capital program. The problem seems to be that there are too many demands, too few resources and insufficient accountability deficit which must be addressed. The report listed six reforms that they suggested.

Council President Chaump also reported under the Mayor's report, she attended in the Mayor's absence, the Fort Monmouth Reuse Committee meeting on October 14th with

Councilman Briscione. There are now going to public meetings which will be advertised in the news paper for the rest of the year. The meetings will be the third Friday of each month. Discussed at the meeting was that the Freeholders pass a resolution that was already done be the three towns with regard to the Reuse Committee make up. A letter was sent to the Secretary of the Army to do an inventory of all equipment and anything that is on the grounds of Fort Monmouth. Acting Governor Codey also sent a letter to the Under Secretary of the Army as to the fair market value of the buildings that are there. Council President Chaump added that there are two members of the Reuse Committee from the private sector.

Council President Chaump asked the Clerk on behalf of the Mayor to read a proclamation regarding a curfew for mischief nights and Halloween night.

Council President Chaump then opened the meeting to the public for anyone who wished to be heard.

Peter Deller, 1262 Turf Drive, stated it was two months ago that he stood at the microphone speaking about the Senior Citizens building. He thanked the Borough Clerk for trying very hard to get the building repairs back on track but there come a point where she needs some help. For the last two month period all he has been hearing is that there is a plot plan problem and then the 25/50% rule and no one has an answer as to why this delay is still going on. We are reaching the 10 month mark and it is beyond his imagination if the insurance company was ready to go back in May, why weren't they ready to roll when the resolution was passed. If it is the matter of an engineer, somebody should be telling what the reasons are because all the seniors are concerned about what the true reasons as to why the building is not being worked on. It has become very annoying that he drives by it every day and it is still boarded up and still not in use. He asked for someone to give him an honest answer to what the true problem is and why there are all these delays. The Borough Clerk stated that the elevations are being shot next week, if the elevations meet the 9 feet the construction company will be ready to start.

Mr. Deller asked if the building is not at the 9 feet, is the insurance company going to solve the problem and the Borough Clerk stated they would. Mr. Deller asked if the 50% of cost be resolved, and the Borough Clerk explained that if the construction costs exceed 50% of assessed valuation of the just the building then the building has to be raised and that is what the elevation will determine.

Leland Wersinger, 15 Morris Place, stated that with regard to the proposed condominium at the marina, he saw a drawing a week ago that shows the condominium on that site and it stated on there that River Street was to be vacated. He asked if the Borough has vacated River Street and Councilman Briscione stated that what Mr. Wersinger saw was a basic concept plan that the developer brought in the night that he attended the Planning Board meeting when he asked for the change in zoning. In their grand scheme of things that is probably what they propose. The street has access to the river and Councilman Briscione said he didn't believe the town has ever vacated public right of ways to the river.

Joe Lombardo, Oceanport 1st Aid Squad, had a question on the bill list questioning why 1st Aid was begin charged for gas in the amount of almost \$2,000.00. Councilman Sharkey asked who the vendor was and it was checked on page 6 of bill list. The Borough Clerk stated she would check into the matter because not knowing the account numbers off the top of her head she could not tell what account it is being charged to.

Councilman Sharkey stated that one of the audit findings was reviewing the classification of expenses that are put in the financial statement, it appeared that there were a number of misclassifications. One of the recommendations was to have a review process for that. We discuss this at Monday's workshop meeting about whether the Borough has addressed all of the audit findings and clarification and Councilwoman Chaump had indicated that the auditor, Mr. Fallon, had signed off on that. Councilwoman Chaump replied stated he will do that when he audits the books for 2005, both of these findings were done in 2004. Councilman Sharkey stated that typically when audit report is put out with findings you have the CFO formulate an action plan on how corrections will be made to any deficiencies, and the CFO should be working on correcting those deficiencies this year, 2005. So this audit report was released sometime in April or May and typically what you should expect to see is the review process or the control put in so in this case of reviewing classification of expenses to the right category, there should be a control in place to say okay let me look at how this was classified, formal review process and we would pick this up, just as Mr. Lombardo did and correct that before the bills come for payment or process. That is the kind of control or remediation that would satisfy compliance with those findings and that is one of the controls that we need to do. Councilman Sharkey stated he kind of does that informally, himself, by loading the bill list into a software he uses so he can see by department each of the expenses by category and it give you an idea of who is signing off on it and what department classified. You can see it multiple ways for other areas. What he believes is the Finance Committee should make a formal review process and we need to act on that by the end of the year.

Council President Chaump stated that each Council person get in their packet a paper of the vouchers that they are signing and what is being charge to their committees, so if that wasn't drawn there it wouldn't show.

The Borough Clerk stated that it could simply be a mistake, the numbers could have been entered incorrectly and when the budget runs came out it would be discovered and corrected. It was probably just a human error a simple mistake that everyone does. Councilman Sharkey agreed that does happen. The Clerk assured that she would bring it to the attention of the Finance Department first thing in the morning and it would be corrected.

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

Councilman Gallo announced that Veteran's Day is Friday November 11th and invited everyone to attend the Veteran's Day Ceremony at Borough Hall at 11 a.m.

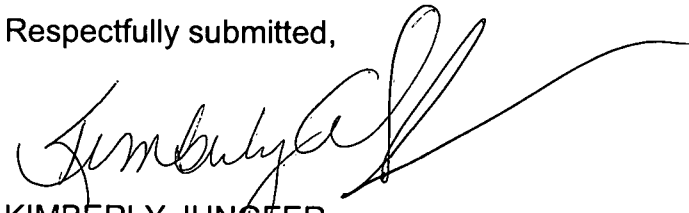
Council President Chaump asked the Clerk to read resolution **R-05-101** authorizing the payment of bills after which Councilwoman Johnson moved to approve same pending two signatures on the vouchers. Councilman Gallo seconded the motion which was unanimously approved by the Council members present.

Council President Chaump asked the Clerk to read resolution **R-05-102** authorizing the Council to go into executive session to discuss a matters relating to the employment relationship and matters relating to litigation, negotiation and the attorney client privilege after which Councilwoman Johnson moved to approve same. Councilman Briscione seconded the motion which was unanimously approved by the Council members present.

CAPTIAL TRUST TOTAL \$57,866.41. ESCROW TRUST TOTAL \$25,096.25. OPEN SPACE TRUST \$235.00. 2004 VOUCHERS PAID \$196,779.26. 2004 VOUCHERS PAID THIS MEETING \$196,779.26. 2005 VOUCHER PAID \$14,903,704.70. 2005 VOUCHER APID THIS MEETING \$1,835,352.57. TOTAL 2005 VOUCHERS PAID \$16,739,057.27.

The Council returned from Executive Session at 9:20. Councilwoman Kahle who entered the meeting during Executive Session moved to adjourn the meeting until the next regularly scheduled meeting. Councilman Gallo seconded the motion which was unanimously approved by Council.

Respectfully submitted,



KIMBERLY JUNGFER
BOROUGH CLERK