

REGULAR MEETING MINUTES

Oceanport, New Jersey
October 16, 2008

The Regular Meeting of the Oceanport Mayor and Council was called to order on October 16, 2008 at 8:06 P.M. with Mayor Mahon stating the meeting had been properly advertised in accordance with the law.

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

OFFICIALS PRESENT: Borough Clerk, Kimberly A. Jungfer and Keri Fornino Esq. for Borough Attorney, John O. Bennett, III

INVOCATION: Borough Chaplain Robert Mills gave the invocation.

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

CONSENT AGENDA

1. Resolution authorizing the payment of bills. **R-08-143**
2. Resolution authorizing canceling a Tax Sale Certificate **R-08-144**
3. Resolution renewing the Pocket Liquor License of Arthur & Alvina Inc. **R-08-145**
4. Resolution authorizing the sale of Borough equipment. **R-08-146**
5. Resolution authorizing the renewal of the Borough's JIF membership. **R-08-147**
6. Resolution requesting Court approval of the amended Developer's Fee Ordinance. **R-08-148**
7. Resolution awarding the Breathing Air Cylinder Recharge System. **R-08-149**
8. Resolution between the Borough and Sports Authority for an Environmental Grant **R-08-150**
9. Raffle Application Off premises 50/50 Oceanport Education Foundation..
10. Approval of the Workshop minutes from October 2, 2008.
11. Approval of the Regular minutes from October 2, 2008.

The Clerk stated there were 11 items on the consent agenda. Councilman Gallo requested that Items 10 and 11 be removed.

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

The Clerk asked for a motion on Item #10. Councilman Irace moved to approve Item #10, which was seconded by Councilwoman Kahle and approved by Council with the exception of Councilman Gallo who abstained.

The Clerk asked for a motion on Item #11. Councilman Irace moved to approve Item #11, which was seconded by Councilwoman Kahle and approved by Council with the exception of Councilman Gallo who abstained.

CLERK'S REPORT: The Clerk stated she was in receipt of the Police Report for September 2008, which had been distributed and would be posted.

COMMITTEES:

COUNCILMAN BRISCIONE: Councilman Briscione stated he had no committee reports but had some comments. He advised everyone about a law being introduced that would require competitive negotiation for professional service contracts and described what the law would encompass and thanked the Council for moving it.

Councilman Briscione reported on a FMERPA meeting that he attended at Maple Place School and his continuing concern about the financial projects associated with the plan. Councilman Briscione discussed FMERPA's response to his and other's questions regarding the financial projections of the plan, its potential impacts on the taxpayers of Oceanport, his concerns that FMERPA has not sufficiently addressed the financial data and how other developments in the County and region are being impacted by markets and why he believes that the FMERPA plan numbers need to be reevaluated. He also requested various revised reports including those that addressed the multipliers regarding school aged children and anything that may have a detrimental impact on the taxpayers of Oceanport.

Mayor Mahon added that with the unanimous consent of the Council he would like to put those requests in writing. Councilman Ibex added that he would like the request to include a date for the work to be completed by so that it is not open-ended which was agreed.

COUNCILMAN GALLO: Councilman Gallo reminded everyone that the Recreation Committee was sponsoring a Halloween party and parade and provided the details of the events.

COUNCILMAN IBEX: Councilman Ibex had no committee report but mentioned Ed Ryan, a First Aid Volunteer for the Borough for a long time, who was seriously injured the previous week responding to a call and expressed his and the Council's concerns and well wishes that he recover quickly.

Mayor Mahon and other members of the Council expressed their concerns and well wishes.

COUNCILWOMAN KAHLE: Councilwoman Kahle reported on her attendance at a Water Watch meeting and results that were received from water sampling that was compared with results from the same date in 2006 and that the water quality had improved. She gave additional information on other steps being taken to determine the cause of the fish kills that occurred over the summer.

Councilwoman Kahle reported that the Board of Health held their Flu Clinic last month and extended apologies on their behalf for the short notice as they were required to have it on the date they were given. She stated that 75 people participated in the clinic and also that they would no longer be doing the health screenings due to declining interest. She extended thanks on their behalf to Cynthia Cortale, the Board of Health Secretary and Rich Engler, the County Inspector for the exceptional job of posting the health certificates at the circus, the strawberry festival and other events where food was served.

Councilwoman Kahle wished the First Aid Squad good luck with the new ambulance and a speedy recovery to Eddie Ryan and asked everyone to keep he and his family in their prayers.

COUNCILMAN IRACE: Councilman Irace stated he appreciated Councilman Briscione for bringing up again the points he made regarding Fort Monmouth and that since he's been on Council in January, this Council and the Mayor have spent countless hours on the Fort Monmouth FMERPA plan and that it is the most important issue that Oceanport will face since its inception. Councilman Irace made comments at length regarding the plan including concerns with the financial projections, the current market situation, occupancy rates, the land's value, the homeless shelters and to advise everyone that they are continuing to stay on top of the issue to be sure it will benefit Oceanport.

Councilman Irace also extended his well wishes to Ed "Pop" Ryan.

COUNCILMAN JOHNSON: Councilman Johnson called for the introduction of **AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 328 OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED "STORMWATER CONTROL"** and asked the Clerk to read it by title only, after which Councilwoman Kahle moved to approve the Ordinance upon first reading, which was seconded by Councilman Irace.

The Clerk called roll:

AYES: Briscione, Gallo, Ibex, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: None

Councilman Johnson called for a motion to hold the public hearing on the proposed ordinance at the Council meeting of November 6, 2008 and to advertise same in accordance with the law which was moved by Councilwoman Kahle and seconded by Councilman Irace.

The Clerk called roll:

AYES: Briscione, Gallo, Ibex, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: None

Councilman Johnson called for the introduction of **AN ORDINANCE OF THE BOROUGH OF OCEANPORT AMENDING CHAPTER 35 CONTRACT, PUBLIC OF THE CODE OF THE BOROUGH OF OCEANPORT, REQUIRING COMPETITIVE NEGOTIATIONS FOR PROFESSIONAL SERVICES** and asked the Clerk to read it by title only, after which Councilman Briscione moved to approve the Ordinance upon first reading, which was seconded by Councilman Ibex.

The Clerk called roll:

AYES: Briscione, Gallo, Ibex, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: None

Councilman Johnson called for a motion to hold the public hearing on the proposed ordinance at the Council meeting of November 6, 2008 and to advertise same in accordance with the law which was moved by Councilwoman Kahle and seconded by Councilman Irace.

The Clerk called roll:

AYES: Briscione, Gallo, Ibex, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: None

Councilman Johnson called for the 2nd reading and public hearing on **AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATED OF NEW JERSEY AMENDING CHAPTER 103 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "VOLUNTEER INCENTIVES"** 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, a motion was made by Councilwoman Kahle to close the public hearing, which was seconded by Councilman Briscione and approved by Council.

Councilman Johnson 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: Briscione, Gallo, Ibex, Kahle, Irace, Johnson

NAYES: None
ABSTAIN: None
ABSENT: None

Councilman Johnson called for the 2nd reading and public hearing on **AN ORDINANCE REAPPROPRIATING \$27,200.00 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE OUTFITTING OF TRAILERS FOR USE BY THE BOROUGH POLICE AND BUILDING DEPARTMENTS AND RECONFIGURATION OF EXISTING MUNICIPAL SPACES IN AND BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY** 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, a motion was made by Councilman Irace to close the public hearing, which was seconded by Councilman Ibex and approved by Council.

Councilman Johnson 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: Briscione, Gallo, Ibex, Kahle, Irace, Johnson
NAYES: None
ABSTAIN: None
ABSENT: None

Councilman Johnson reported on the Planning Board and advised that the Board had approved an application by Oceanport Center LLC to amend an approval from 2004 and described what was approved.

Councilman Johnson also wished Ed Ryan a speedy recovery.

Councilwoman Kahle asked wasn't the Oceanport Village Center supposed to be made up of 1- and 2-bedrooms. Councilman Johnson stated that was why the owner came before the Board to request conversion of 8 of the units and the Board approved it and stated that he did not participate in the review as it required a d-variance.

Councilman Briscione commented that a number of those were required for the Borough's COAH.

Councilman Johnson answered only (3) 3-bedroom, actually only (2) 3-bedroom with a total of 9 affordable units for the project.

MAYOR MAHON: Mayor Mahon gave a Proclamation declaring a curfew in the Borough for October 30th and 31st and November 1st more commonly known as Mischief Night and Halloween.

Mayor Mahon appointed Bruce R. Lane and Thomas Cox to fill vacancies on the Environmental Commission.

Mayor Mahon reported on the water pollution issue with Monmouth Park and that resolutions had been passed allowing Long Branch's sewerage authority to accept flow from Monmouth Park in addition to what is being sent to Two Rivers.

Mayor Mahon extended his sympathies, concern and prayers to Ed Ryan and gave an update on his condition.

PUBLIC:

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

Robert Mills, 11 Elizabeth Drive, asked about the bank in town that was closed and was the rumor true that it was moving across the street. Mayor Mahon answered it is closed and gone away and provided additional information that the developer is in negotiations to bring a bank to the site.

Councilman Briscione added that there is an approval in the development plans for a bank to have a drive-thru so the chances are that a bank will come it just has to get built first.

Joe Lombardo, Vice-President Oceanport First Aid, stated on behalf of the Squad and the Ryan family thanked everyone for their prayers and concerns. Mr. Lombardo also commented on decisions and changes that will be made with the Squad as a result of their inability to provide jaws-of-life as they have no vehicle to transport them and that they had been turned over to the Fire Department.

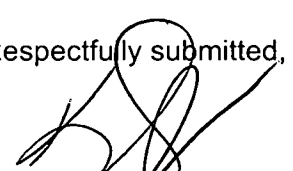
As no one from the public wished to be heard Mayor Mahon closed the public portion of the meeting which was moved by Councilwoman Kahle and seconded by Councilman Ibex.

Bill List: Dog Registry \$4.80. Escrow Trust \$84,265.42. Fireworks Trust \$480.00. 2007 Vouchers Paid \$162,979.00. 2007 Vouchers Paid this Meeting \$.00. Total 2007 Vouchers Paid \$162,979.00. 2008 Vouchers Paid \$16,082,962.03. 2008 Vouchers Paid this Meeting \$99,729.21. Total 2008 Vouchers Paid \$16,182,691.24

At 8:36 p.m. the Clerk read a Resolution authorizing the meeting to enter Executive Session on a motion made by Councilman Itrace and seconded by Councilman Gallo and approved by Council.

At 9:29 p.m. the Council returned from Executive Session and the Regular Meeting was re-opened and as there was no further business, the meeting was adjourned on a motion by Councilman Ibex which was seconded by Councilman Gallo and approved by Council.

Respectfully submitted,


KIMBERLY A. JUNGFER
BOROUGH CLERK