REGULAR MEETING MINUTES

Oceanport, New Jersey
October 16, 2003

REGULAR MEETING: The Regular Meeting of the Oceanport Mayor and Council was called to order on October 16, 2003 at 8:00 P.M. with Mayor Gemma stating the meeting had been properly advertised in accordance with law.

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

OFFICIALS PRESENT: Deputy Borough Clerk, Kimberly A. Jungfer and Borough Attorney, Francis A. Margalotti.

INVOCATION: Borough Chaplain Berry gave the invocation.

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

As copies of the minutes from the regular meeting held on October 2, 2003 had been made available to the members of the Governing Body, Councilwoman Gatta 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. The Deputy Clerk stated that the Police Report for the month of September, 2003 had been received and distributed and would be posted after the meeting.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle reported that the Environmental Commission met this month and had two applications regarding bulkheads and docks and both were approved.

Councilwoman Kahle stated that the Water Watch Committee also met and have concerns that no signs are posted if the water testing they do every month shows high levels of contamination. The Department of Health, the Monmouth County Department of Health and the DEP don't post signs because it is not a swimming waterway. The Committee stated water quality advisories will be posted on the Borough website which is scheduled to be available in January

Councilwoman Kahle reported that the bathrooms at Blackberry Bay have been painted, but the air dryers have been put on hold until the end of the year and would be done by next summer.

Councilwoman Kahle reported that some mold had been found in the Community Center and in the foyer here at Borough Hall. It was believed to be from the wet spring that we had and clean up will be done in house.

Councilwoman Kahle stated that there are cracks in the foundation at the Old Wharf building and we will be getting quotes from local masons as to the cost of repairs.

Councilwoman Kahle reported she is looking into shared services with Fair Haven and some other districts regarding recycling and sanitation and as soon as information is available it will be distributed.

Councilwoman Kahle stated that residents of Burnt Mill Circle are concerned about the traffic in the morning with Shore Regional and also in the afternoon with the track. She said she wrote to the Monmouth County Freeholders and was told it was a municipal situation, therefore, the residents of Burnt Mill Circle will be surveyed regarding a "No Left Turn" sign at the intersection with Eatontown Boulevard.

Councilwoman Kahle reported that the seniors would like to take over the scheduling of the Old Wharf House and she was not sure if the Council would be interested in entertaining a motion this evening regarding this matter or have the Council review the letter she received from the seniors first.

Mayor Gemma suggested that the letter be reviewed prior to action being taken.

Councilman Apruzzi stated it had been discussed briefly at the Workshop Meeting this past Tuesday, and from that he has printed the duties and responsibilities for scheduling both Old Wharf and the Community Center because there is an onus on whoever is doing the scheduling. He continued that there are ramifications on having possibly two schedulers, one being for the Old Wharf House, who would be a senior, and one being for the Community Center where there are rental uses and Councilman Apruzzi does not feel at this point, though not opposed to the change, we understand how the two schedulers will coordinate that. He reiterated he did not have any problems with the request but felt it should be worked through to have it in place for January.

Mayor Gemma asked if the seniors have looked at the schedule to which Councilman Apruzzi stated that they have a copy of the schedule compiled by Christine Smith.

Mayor Gemma clarified by asking if the Seniors had a list of responsibilities of what they are supposed to be doing and was told not yet. The Mayor suggested that the list be given to the Seniors for their review and comment and then by January 1st maybe this can be implemented.

Mayor Gemma informed Councilwoman Kahle that he had a memo going to her and Dr. Kaloss regarding grant money from the DEP about point source and non point source pollution and asked that they take a look at it and see whether we can work towards something in two respects. He continued the first being can we do something particularly towards point source pollution if most of the fecal coliform is coming from the track and maybe a joint proposal with the track would be in order. The second being fecal coliform coming from lawns and the like, which would be non point source pollution.

COUNCILMAN MAHON: Councilman Mahon reported that OEM and the Fire Department have submitted updated 5 year plans to the Capital Improvement Committee this past month.

Councilman Mahon stated the Cable Technology Committee received notice from Comcast Cable Company that time is nearing to renegotiate the local franchise agreement and the Committee will be reaching out to other communities for information on what the most recent franchise agreements look like.

Councilman Mahon reported there is a vendor installing a dark fiber ring around Monmouth County and also in Long Branch, and they are hooking up schools and government offices and so on and is available to local industries. They have indicated that they would like to come in at some time and give an informal presentation to Council with a goal of coming back to Council in the future for a non-exclusive franchise agreement.

Mayor Gemma asked what a dark fiber ring was, to which Councilman Mahon explained that it is essentially a line that has no customers and it becomes energized as customers log on. They are putting it in advance of any client base. He stated that Long Branch School district has signed on and all the schools are tapping into the dark fiber ring which will bring state of the art technology in terms of communication within the school district. What they are looking to do immediately is to bring that link from Long Branch to Fort Monmouth because of the high technology uses there.

Councilman Mahon reported that the siren at the Port-Au-Peck Firehouse sustained damage in the recent windstorm through a fallen tree. The repair of this siren would be tied into switching the sirens, putting the smaller siren at the Community Center and the larger siren at Port-Au-Peck firehouse.

COUNCILMAN APRUZZI: Councilman Apruzzi reported that in the Police Report for the month of September, the dispatchers took 977 calls, which is a little less than the normal amount per month and patrols answered 548 of those dispatched calls.

Councilman Apruzzi stated that Chief Bebout has requested the movement on monies from one line item into another line item in his budget in order to purchase a new printer for approximately $1,900.00. The Council has okayed that and it will be done at the first meeting transfers are allowed.

Councilman Apruzzi reported there have been some citizen questions that have come up concerning a few things, one being the senior citizen crossing in front of the senior building. The Chief has responded that he will begin posting an officer there who will be enforcing the speed limit. Also the "Bridge Out" sign on the corner of Port-Au-Peck and East Main Street, drivers are having problems negotiating around that sign and it has been moved tightly into the curb. He continued that the Chief will be looking into a left only arrow at the Port-Au-Peck, East Main Street, Oceanport Avenue light or a right only, because the situation has two lanes merging into one through the light and it is felt that there will eventually be an accident because of this if there hasn't already been some in the past. He continued that the same situation is being reviewed at the light on Wolf Hill Avenue, Port-Au-Peck Avenue and Eatontown Boulevard.

Councilman Apruzzi announced that the Halloween Party will be held on October 26th at the Port-Au-Peck Firehouse. All children and grownups who wish to look like or act like children are invited. He thanked the firehouse for letting them use the facility, which has been done in the past and it has always been fun. It will be from noon to 3 p.m.

Councilman Apruzzi stated that about a year ago this past August, the Mayor gave him an application for a grant through Green Acres. He continued that there was about 4 million dollars in the pot, and after about a month of preparation the application was submitted on September 26, 2002 asking for $282,500.00. Today's Atlanticville mentioned that Oceanport was still in the running for that grant, and Councilman Apruzzi was happy to mention that he received word today, which will be official tomorrow, that Oceanport has received a $282,500.00 loan at 2% payable over 20 years, not a grant. The efforts have been rewarded and there are a few other grant applications which have been submitted that the Borough is awaiting word on.

Mayor Gemma thanked Councilman Apruzzi and asked that if anyone from the State or the DEP was instrumental is helping us he asked they be thanked accordingly. Councilman Apruzzi stated that he had done most of the writing, the Recreation Committee participated and Borough Engineer, Tom Rospos helped with the estimates of the park work. He then explained what the funds were earmarked for in addition to the funds approved last January by Council for renovations of the park.

COUNCILWOMAN GATTA: Councilwoman Gatta spoke of the Flu and Pneumonia clinic with regard to the concern brought up at Tuesday's workshop meeting about the inconvenient time of the clinic. Councilwoman Gatta explained that the Borough cannot designate our time, the times are given to us by the Monmouth County Board of Health, so we have to hold the clinic at the times the County will provide the personnel to administer the vaccines.

Councilwoman Gatta stated that the Flu and Pneumonia Clinic will be Friday, October 24, 2003 from 10 a.m. to 12 p.m. at the First Aid Building. The County Board of Health will be providing 250 flu vaccines and only 50 pneumonia vaccines. The cost is $15.00 for each of the vaccines, free with Medicare Part B and no HMOs are accepted. Eligible individuals for the vaccines include those 50 years and older and those who have an extenuating health problem. It was noted that they are expecting additional vaccines and if this is in fact the case they will be brought that day and will be offered in addition to the 250 vaccines allocated for Oceanport. Councilwoman Gatta added that reports indicate it could be a bad flu season and urged everyone to mark the clinic on their calendars.

Councilwoman Gatta reported that last evening was the First Aid meeting and they too went to the Capital Improvement Committee last month with their capital requests for 2004. She added that they are still in the process of their fund drive and on Saturday, October 25th they will be having a Halloween party at the West Long Branch Community Center from 7 to 11 p.m. The tickets are $45.00 per person and include dinner, open bar, DJ and door prizes. Proceeds will go to the building fund. Tickets are available and at least 100 tickets need to be sold to break even so she asked for everyone's support, and added that you do not need to dress in a costume.

Councilwoman Gatta stated that the First Aid is also getting ready for another fund raiser, their annual sale of Christmas Trees and Holiday Bazaar. The members are concerned this year because of the bridge closing and traffic being redirected so signs will be up and hope that people will continue to support them.

Councilwoman Gatta reported that Harold Sutton was at the First Aid meeting to speak about the Community Emergency Response Team which was in the paper a few weeks ago. Mr. Sutton is offering a course, a twenty hour training, 8 weeks, 2 ½ hours per week which is open to citizens, spouses of emergency volunteers and council members, which she plans to take. Councilwoman Gatta encouraged the entire Council to seriously consider taking this course since Council does get called in on emergencies and rather then just lending our support, this class would enable all of us to roll up our sleeves and help.

Councilwoman Gatta announced that on Saturday, October 25th the Borough will be having its first Community Day in Oceanport at the Old Wharf House, adding that it is also Make a Difference Day. All the organizations in town and the surrounding areas have received notification of this Community Day and there has been a good response. Emergency services will be there, along with the sports associations, the library, garden club, seniors and also the PTO and Board of Education. She continued that the PTO will be conducting a used clothing drive and all the clothing received will go to The Make a Wish Foundation and the American Red Cross will be there for anyone who would

like to give blood. Forty trees which were donated to the Borough will be planted in the Borough nursery. Councilwoman Gatta encouraged everyone to come, adding unfortunately the Bulletin is not yet out but hoping it will be out soon because both the Flu and Pneumonia Clinic and Oceanport Community Day are featured in there.

Councilwoman Gatta reported that on October 29th the Coastal Monmouth Drug Alliance will be hosting a meeting at Maple Place School, the first meeting of the year with notices in the lobby of the building.

Councilwoman Gatta stated she was currently working with the school superintendent to work on the annual Veteran's Day program and as the date gets closer more information will be supplied.

Councilwoman Gatta thanked Councilman Apruzzi for all the work he did in procuring this 2% loan for the fields, knowing it was an extensive application to fill out, and thanked him because it is a win for the children.

COUNCILMAN McGANN: Councilman McGann happily reported that in conversations with the Monmouth County Recreation Commission they have appropriated $750,000.00 for Wolf Hill Park for 2004, with another $750,000.00 in 2005 and projected $1,000,000.00 in 2006 so that will be a tremendous amount of money spent by the County at Wolf Hill Park with initial work being done on the fields.

Councilman McGann commended Councilman Apruzzi on the receipt of the low interest loan.

Councilman McGann called for the introduction for an amendment to the Fire Department ordinance regarding the regulations for chiefs and fire police and asked the Deputy Clerk to read the proposed ordinance by title only: **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.**

Councilman McGann moved to approve this ordinance on first reading. It was seconded by Councilman Apruzzi.

The Deputy Clerk called the roll:

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

Councilman McGann then moved to hold the public hearing on this ordinance at the next Council meeting scheduled to be held on November 6, 20003. It was seconded by Councilman Apruzzi.

The Deputy Clerk called the roll:

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

Councilman McGann was pleased to report that construction has commenced on Lake Drive and Riverview Road, adjoining the Oceanport Plaza. Curbs initially are being installed, with sidewalks and repaving to follow, so it will probably take a total of roughly three weeks to finish the job. He added that construction will be starting on Pocahontas and Mohican around the second week in November, so these four streets will hopefully be completed by years end.

Councilman McGann announced that leaf pick up has commenced and reminded everyone to rake their leaves to the curb for pickup.

Councilman McGann stated that snow fence was being installed, so the Borough is getting ready for winter, but hopefully the snow fence will not be needed for a long time.

Mayor Gemma asked Councilman McGann about the Green Acres funding for the purchase the "Soccer Fields". Councilman McGann stated that Ms. Jungfer sent down additional information to Kathleen Minniear, the project manager at Green Acres consisting of about five different items, which he believes will fill all the requirements to have the funds released for the closing which he would anticipate to be in the month of November.

COUNCILWOMAN COOPER: Councilwoman Cooper asked the Deputy Clerk to read resolution #R-03-64 requesting approval to insert an item of revenue into the budget, namely a recycling grant, after which she moved to approved same. Councilwoman Kahle seconded the motion which was unanimously approved by Council.

Councilwoman Cooper reported on the nine month expenditures for the budget. She stated expenditures are on tract with the exception of two items, Environmental Commission is at 93%, but most of the testing has been completed so there should be no problem. The Streets and Roads are at 93% of budget due to the snow storms this year, and hopefully there will be no bad weather until after the 1st of the year.

Councilwoman Cooper continued that the police vehicle shows at 99% but all payments have been made for this year.

Councilwoman Cooper explained that though Parks and Recreation is showing at 45% this is not accurate because Action Camp was not figured in. Some other items are natural gas where we are at 75% of budget, so if we do get some cold weather this could be affected. Another items is gasoline and oil, and though it is at 91% of budget, the Board of Educations reimbursement is not reflected in that number so that line items should balance out. The one item that is going to be a problem is insurance, we are at 88% of budget. We did pay the last bill but December's bill will be a problem. There are a few different things that are factored into that. A retired officer that slipped through the cracks, which resulted in a payment of $10,000.00 and a continuing payment, a employee switched from single to family coverage and also some other personnel were misquoted as to the figures which will be reimbursed. December's bill will be a problem and will need some transfers in November. We are going to be short $37,000.00 for insurance and one thing we need to check for next year for budgeting is making sure everyone is on the list, possible changes and take a percentage increase for the full year. It was her understanding that when the budget was done it was only done for a six month period and we need to consider that. Hand in hand with that a notice has gone out from the CFO to advise everyone that November 4th will be the last date to submit any purchase orders, after that date, prior approval will be required by the Borough Clerk and CFO for any purchases.

Councilwoman Cooper reported on the employee evaluation process stating she met with the Borough Clerk as to who will be completing the evaluations for the employees and how it will be handled and will need to go back to Council for further discussion before implementation.

Councilwoman Cooper added that the clothing drive on October 25th will be through the Values Development Program of the PTO, drop off will be from 9 a.m. to 3 p.m. and the money raised will go to Make A Wish Foundation not the clothing, someone will come in and give us cash based on the weight and then that money will be sent to the Foundation.

Councilwoman Cooper thanked Councilman Apruzzi for his work on the grant and commented it was greatly appreciated.

MAYOR GEMMA: Mayor Gemma reported that on Tuesday he attended a press conference as spokesman for the Stakeholders Group put together by Senator John Bennett and several people from all different political walks of life from labor to management, from the Chamber of Commerce to the Horsemen's Association. The groups' goal is to have a place at the table for any discussion in terms of the disposition of the asset known as the racetrack either by sale or by lease or to make a decision not to do anything. He asked that it be recognized that the racetrack is one third of the Borough's tax base and to preserve an asset is not just the physical infrastructure, but an asset that has on ongoing industry that supports that asset. The Mayor continued that the Borough has had a good relationship with the Sports and Exposition Authority and would like to maintain that relationship and we have worked with them on many other things such as purchasing the soccer fields, but in the same sense working with a large group of people that is non-partisan and represents all different walks of the industry we also feel we need to have a voice as the host community that will be impacted by both what will happen to the physical plant as well as what ideas there might be for an industry that has to be economically pretided with other tracks in the area in order to be viable.

Mayor Gemma repeated that this is done with recognition that one third of the Borough's taxes ride upon this one single tax payer and we must be cognizant of that.

Mayor Gemma stated he has sent a memo to the Police asking them to scope the contract issues such that meetings for any police contract renewal which is up the end of this year can be fruitful and both sides can have a listing of the issues and have an intelligent discussion and try to quickly resolve this.

Mayor Gemma stated that this being the last public hearing prior to an election and the fact that Pedro is pitching against Roger he asked that those wishing to use this as a political forum not and also reminded the people that are here on the Fire Ordinance that this is not the public hearing for that and it is on November 6th. He continued that people can certainly make comments but the public hearing to say yes, no, or maybe is really November 6th and that is when this Council will be making a decision as to what to do.

With that Mayor Gemma then opened the meeting to the public for any comments or questions they might care to make.

William McNish, 112 Bridgewaters Drive, had a question regarding the Fire Ordinance, when it was discussed about a year ago there was discussion about chief rotation. The elections were then held and Mr. Crochet was elected so the discussions ended. At that time he stated any change to the ordinance could take one to two years mainly because each company has to agree. He had a problem in that from last October until September 29th of this year, there was not one thing handed to the members at the Port-Au-Peck company meetings. On the night of the 29th when the members

read it over they found two or three things they felt were wrong in it. Mr. McNish said he then read the article in today's paper where the Mayor said at the October 2nd meeting that the ordinance will be given to representatives of both fire houses for comments at the next workshop meeting and he just wanted to know what the members where suppose to get.

Mayor Gemma stated that he asked at the October 2nd meeting was that letters come from both houses setting forth their concerns. He said that from The Hook he received a three page memo with their list of concerns and attached to that was a draft ordinance. The Mayor continued that the Fire Police gave some comments that were incorporated into the ordinance by the Borough Attorney and from Port-Au-Peck he received a one paragraph letter stating that at the present time the house did not want to do anything.

Mr. McNish asked why it was not read this evening?

Mayor Gemma explained that the purpose of this evening was to introduce an ordinance. The discussion and vote on the ordinance will take place on November 6th. The concern was and remains that last year the Council said it was going to do something and it has taken a year. The Borough Council may decide to do nothing, they may decide to vote on the ordinance, they may decide that the ordinance that was introduced is not a good one. He hoped that people express their concerns if they have any, set forth in writing so that when the Council makes a decision it is an informed and intelligent one based upon the concerns of as many stake holders as possible. Part of the thinking was that something must formally be introduced so this process may continue.

Mr. McNish stated that a number of people were told that if both fire companies do not agree then nothing would be presented.

Mayor Gemma stated that if this is the concern then he asked Mr. McNish to come back on November 6th and again articulate his concerns. He continued that others have said the Council has had a year to do something. The Council is trying to put something on the table and while the members of Port-Au-Peck may have just seen an ordinance on September 29th for the first time, members of other places, the Fire Police and the other house, have had the opportunity he would assume to comment on the ordinance.

Mr. McNish stated that by introducing an ordinance is doing the exact same thing that was done last year, without having anything discussed throughout the year. He feels there are many issues in the ordinance that could have been settled and it seem that we have gone for one year and come back and nothing was discussed.

Mayor Gemma felt this was not a fair statement since many things were supposedly discussed, one house had the opportunity to discuss it fully with their members and has set forth a three page response that he welcomes sharing with others. Mayor Gemma continued that as public officials we abdicate our duty if we say from October of 2002 to October of 2003 nothing has taken place so we are going to do nothing and on November the 6th the Governing Body may say you are right, there should be agreement with both houses before anything is done or the Governing Body might say we are going to do something minimal.

Mayor Gemma again asked Mr. McNish to come back on November 6th in that forum, at that time and set forth the concerns then.

Mr. McNish asked if the ordinance was written up and was told yes.

Mayor Gemma explained that in order for any town to adopt an ordinance it must be introduced, there must be a period between introduction and public hearing so everyone can look at what is written and then the Council has three choices; they can say no, they can say yes or they can amend. If the Borough Attorney says those amendments are so substantial from that which was introduced, then the ordinance must be reintroduced. He added that there is a forth choice, it could be tabled until a later date.

Mr. McNish expressed concern that if this amendment is approved there is a possibility of having to keep changing the ordinance throughout the year in order address and agree on all the issues. He felt the issues should be resolved prior to the ordinance so that everything can be taken care of at one time.

Mayor Gemma said he understood what he was saying and again asked him to come back on the 6th, but asked more importantly between now and November 6th to please look at what was introduced and articulate the concerns.

Greg Widmaier, Eatontown Blvd., stated that with regard to the last meeting the Hook and Ladder brought up some concerns regarding the County dispatch procedures, which have been written up and he wished to leave it with the Council. Mayor Gemma instructed Mr. Widmaier to leave the information with the Deputy Clerk whom he asked to give it to Councilman Mahon for his review and comments at the next Workshop meeting.

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

Councilwoman Cooper moved to approve the vouchers on the Bill List dated October 16, 2003. It was seconded by Councilman Apruzzi and approved by Council. TOTAL CAPITAL TRUST $5,179.57, TOTAL ESCROW TRUST $1,379.50, 2002 VOUCHER PAID $96,679.06, TOTAL 2002 VOUCHERS $96,679.06, 2003 VOUCHERS PAID $10,338.255.05, 2003 VOUCHERS PAID THIS MEETING $900,340.43, TOTAL 2003 VOUCHERS $11,238,595.48. (SEE BILL LIST)

At 9:15 p.m. Councilwoman Gatta moved to adjourn this meeting until the next regular meeting scheduled to be held on November 6, 2003 at 8:00 P.M. It was seconded by Councilman McGann and approved by Council.

Respectfully submitted,

KIMBERLY A. JUNGFER
DEPUTY BOROUGH CLERK