

Oceanport, New Jersey
October 15, 1992

REGULAR MEETING: The regular meeting of the Oceanport Mayor and Council was called to order on October 15, 1992 at 8:00 P.M.

MEMBERS PRESENT: Councilpersons Filippone, Miller, Taylor, Wolfe and Mayor Cavanagh.

MEMBERS ABSENT: Councilmen Clark and Terra.

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

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

As copies of the minutes of the regular meeting held on October 1, 1992 had been made available for review by the Governing Body, Councilwoman Filippone moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Wolfe and approved by those Councilpersons in attendance, with the exception of Councilman Miller who abstained from voting because he was not present at that meeting.

CLERK'S REPORTS: NO REPORTS.

COMMITTEES:

COUNCILMAN CLARK: ABSENT.

COUNCILMAN TERRA: ABSENT.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone wished Councilman Clark well in his recuperation from his recent back surgery.

Councilwoman Filippone also commented that Rabbi Daina had fallen and injured himself and would be not be able to be with us at the Veteran's Day ceremonies and she wished him a speedy recovery also.

Councilwoman Filippone stated she read in a recent newspaper that a squirrel has been infected with rabies in a near by community and urged everyone to instruct children to stay away from all wild animals and especially squirrels, since they have a tendency to approach humans. She stated that she read in the paper that this individual was feeding the squirrel when they were bitten.

Councilwoman Filippone thanked Marilyn Nester for the article she wrote in the Two River Times with regard to flu shots. She continued she was able to make contacts for flu shots for residents of the Borough and one place is the Meridian Medical Center in Eatontown which is open to all residents, by appointment only, and the cost is \$10.00. She stated the other site is Red Bank Senior Center, but it is for seniors over 60 years of age or disabled and it is being held only one day on Wednesday, October 21, from 9:30 to 11:00 A.M. and the cost is \$4.50. Councilwoman Filippone encouraged all seniors and people who are not well to take advantage of these programs for flu shots because all indication show that the virus is here already and it appears that it will be a bad year.

COUNCILMAN MILLER: Councilman Miller also offered a speedy recovery to Councilman Clark and also to Rabbi Daina.

Councilman Miller reported under the Water Watch Committee that the last sampling was done on Saturday morning and he does not have all the figures worked up yet for the water quality index, but basically the quality of the river has improved over the last month and a half and as an example, he stated that all summer long you could only see down into the river for about three to three and one half feet, but now you can see down at least six to six and a half feet and the coliform counts at all six sites were basically within acceptable limits with the exception of two, which were very close to the acceptable limit. He commented that the river is cleansing itself which is an annual process and as soon as all the numbers are calculated, he will post them and forward copies to the local newspapers.

Councilman Miller advised that at last night's Recreation Committee meeting, it was decided that the basketball court at Charles Park would be refinished and that contract will be awarded and that will complete that park, since the tot lot is in good shape and the Public Works Department blacktopped the walking track. He stated that we will be resurfacing the tennis court at Trinity Park and except for the basketball courts at that location, which are projected to be redone this coming Spring, that park will be completed, as is Evergreen Park now done.

Councilman Miller pointed out that the Recreation Committee convened a group to set up a five year park maintenance plan, so that this work is done on a normal schedule and hopefully you will never see Oceanport looking for a bond issue for \$250,000 as one of our local neighboring towns have recently done, in order to re do a park that was totally neglected for many years. He stated the total expenditure for these two projects that he just discussed are under \$10,000 and the money has been budgeted.

Councilman Miller thanked the Lions Club on behalf of the Recreation Committee for their participation at Summer's End Festival by cooking hot dogs and hamburgers and feeding the members of the Fort Monmouth Army Band and they have donated their proceeds of \$250 to the fireworks fund.

Councilman Miller advised that the annual Holiday Tree Lighting ceremony is going to be changed to Friday, December 11 at 7:00 P.M. and the tree that will be lit this year, by request of the Oceanport First Aid Squad, will be the Phil Budinski Memorial Tree.

COUNCILMAN TAYLOR: Councilman Taylor reported that the Oceanport Drug Alliance met on Wednesday and have completed the Oceanport Lions Club Calendar and the program was put together in approximately six weeks with the assistance of Ann Wolf, Jane Farrell and Frank Remski, who were able to sign up 30 advertisers to make the program successful and he thanked everyone involved and hoped that next year things would run smoother.

Councilman Taylor advised that today he attended a meeting at the Monmouth County Police Academy where they conducted a program on Winning, Performance and Enhancing Drugs and it was a day long work shop which focused on steroids and other drugs. He continued it was a very informative session with Dr. James Lynch from Penn State spoke to everyone about the effects of steroids on the body and gave a slide presentation. Councilman Taylor stated there were several hundred people in attendance including groups of students from various schools and also had a young man from Ocean Township who was arrested for the illegal use of steroids and he was asked different questions regarding his involvement with these drugs

and he felt it was very informative to many of the young people in the audience. Councilman Taylor commented that he would be turning over brochures on this subject to the schools and articles about steroids and stated that children at age 12 and 13 are starting to use these drugs.

Councilman Taylor reminded the Community that steroids are illegal and you can be arrested because it is against the law to use and/or distribute them.

Councilman Taylor asked the Clerk to read resolution R-92-64 regarding the continued funding for the Drug Alliances, after which he moved to approve same. It was seconded by Councilman Wolfe and unanimously approved by Council.

Councilman Taylor wished both Councilman Clark and Rabbi Daina speedy recoveries.

Mayor Cavanagh explained that the resolution we just adopted to give our support, which was requested by the Monmouth County Board of Alcohol and Drug Abuse and apparently in this time of budgetary constriction there are people looking to utilize the funds previously utilized by the Drug Alliances, for different purposes. He continued that according to the information we have received that fund is comprised solely from fines on convicted drug offenders so it is not tax payers monies and it seems to make good sense to turn that money around to use it for preventative measures to help prevent alcohol and drug abuse.

COUNCILMAN WOLFE: Councilman Wolfe moved to temporarily appoint Councilman Miller to the Finance Committee, in the absence of Councilman Clark, for the purpose of reviewing and signing the vouchers. It was seconded by Councilwoman Filippone and unanimously approved by Council.

Councilman Wolfe stated that for the past two years work has been on going for the reconstruction project on Bridgewaters Drive, which is something we have been trying to get done for probably the last ten years. He continued we were able to receive a grant of approximately \$100,000 from the DOT Trust Fund and when the bids went out, they came in somewhat lower and we were able to negotiate with the State and have the project expanded to include an additional 500' of sidewalk installed on Asbury Avenue as well as the planting of 70 bayberry bushes on the south side of Bridgewaters and it is a complete turn around on the way the roadway used to be and the way it now is, since it has been completed. Councilman Wolfe stated on behalf of the Governing Body and all the residents of the Borough who use that road, wanted to thank the State and the DOT Trust Fund and hoped it would be continued and that we would be successful in the future with other applications, since it is a major help to small municipalities.

MAYOR CAVANAGH: Mayor Cavanagh wished Councilman Clark best wishes on his recuperation after his surgery.

Mayor Cavanagh offered his congratulations to the Shore Regional Soccer Team who won their conference title last Thursday evening and they are the Class C North Soccer Champions.

Mayor Cavanagh reported that he spent most of the morning today in Trenton at the Department of Environmental Protection with a large group of people comprised of people interested in the condition of the river, Monmouth Park, etc. and we had a group of people from the DEP, the Engineer from the Sports Authority was there together with former Senator VanWagner, who was in charge of rectifying the situation as well as representatives

from the American Littoral Society, Clean Ocean Action representatives, the Bureau Chief, Charles Mack, the Environmental Prosecutor and the Assistant.

Mayor Cavanagh stated we initially through the Environmental Commission, first sought assistance in monitoring and reviewing the bacteria counts in our river in August of 1985 and we have persevered and had meetings and discussions. He continued the purpose of today's meeting at the DEP was to make a proposal on the part of the Authority as to what he considers a final solution to the water quality and they are proposing to create a closed system to handle their run off within a treatment type concept, which is rather elaborate but will effectively control just about all potential run off from Monmouth Park into the river. He stated the only problem would arise if there was a major storm, but it would be a much lesser problem than what happens presently.

Mayor Cavanagh commented that the Authority is proposing to spend several million dollars on this project which is really what we have wanted all along and we have been working toward this direction. He stated that if the DEP goes along with this proposal, which it seemed to receive good reviews from everyone in attendance, it will be perhaps the most significant environmental event to occur on this river in many, many years.

Mayor Cavanagh advised that since he assumed the Press would want answers to questions he cannot answer, he commented that he has asked the Engineer for the Sports Authority to attend a public meeting and bring with him charts and maps and he will answer whatever questions anyone wants to ask and this will be set up within the next month or so. He also commented that it will probably take DEP 30-60 days to issue the permit and they could begin after the permit is issued, but they cannot begin construction in December, but as soon as possible, although there will be times during the racing season where they will not be able to do certain kinds of construction, so the most probable estimate seems to be that the project could be completed by the 1994 racing season.

Mayor Cavanagh explained that if this works as it was reported, it does many things, like reuses the water and in essence will recycle the water, which will cut the drain on potable water that we have now, it will eliminate daily discharge and it is a major undertaking, both in price and effect.

Mayor Cavanagh commented that he is hopeful that this is the final step in perhaps a long road and if the goal is reached, it is something that everyone on this Governing Body can be extremely proud of and the people on the river will see a substantial change in the situation.

Mayor Cavanagh then read a proclamation regarding Mischief Night and Halloween curfews set for October 30, 31 and November 1, 1992.

Mayor Cavanagh then opened the meeting to the public for any comments they might care to make.

PETITIONS FROM THE PUBLIC:

Mr. Ron Reisner, 30 Mohican Ave. commented that he had written to the Mayor and Council previously regarding a section of the zoning ordinance which under existing State and Federal case law is improper, illegal and unenforceable and his suggestion is that it be made legal, proper and enforceable, in such a way that everyone's rights will be protected. He stated that the Council should act upon his suggestion now because the election season is upon us and the Council should also, each year, review the ordinances and when things are found that should be changed, it should be done.

Mayor Cavanagh stated he does not know if he necessarily disagrees with Mr. Reisner yet, but pointed out that reasonable men and women might differ since a lot of different men and women have been members of the Governing Body in the past 17 years when this ordinance has been in effect and the 12 years since the case law stated was decided. He continued that he had anticipated having this discussed at length at the last work shop meeting, but unfortunately Councilman Clark was having surgery, Councilman Terra was unavailable and Mr. Margalotti had a death in his family, which required him to be in Florida for a period of time and indicated that when he returned, he had not had ample time to prepare a complete statement to the Council.

Mayor Cavanagh commented that we are not prepared tonight to agree or disagree with Mr. Reisner's suggestion, although he read the cases stated in Mr. Reisner's letter and anticipated that Mr. Margalotti will make his recommendation at the next work shop meeting and we will indicate at the next public meeting what action, if any, the Council will take. Mayor Cavanagh also commented to Mr. Reisner that he read a series of cases regarding signs after receiving Mr. Reisner's correspondence.

Mr. Reisner stated he would be back at the next meeting and commented that this is a relatively simple problem that can be rectified, although the only problem he could foresee is whether you may limit the time of year and the duration the sign can remain, since there is a question whether you can limit it to a short period before an election and require that they be removed shortly after the election.

Mayor Cavanagh stated that at the heart of this whole discussion is of course that concern and he felt that 17 years ago, the Council had as its goal the elimination of the continuing disbursement of signs that get wet and torn and fall apart. Mayor Cavanagh commented that there are many other Government Officials who say to him every year that they wish they could limit the political signs and he always comments that he is not sure for how long, and perhaps this is the time.

Mayor Cavanagh also commented that in defense of the people who sat on the Governing Body 17 years ago, in all fairness he did not think anyone intended to prohibit political speech in the sense that they have allowed political signs to sit in people's front windows of their homes, so I guess we have to balance the esthetics with the First Amendment and we will advise him at the next meeting, as stated earlier.

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

Councilman Wolfe moved to approve the bills as listed on the Voucher Register dated October 15, 1992. It was seconded by Councilman Miller and unanimously approved by Council. TOTAL 1992 VOUCHERS \$545,294.68. TOTAL 1992 VOUCHERS PAID THIS MEETING \$67,805.67. TOTAL 1992 OPERATING FUND \$613,100.35. TOTAL PUBLIC ASSISTANCE II ACCOUTN \$210.00. TOTAL DOG REGISTRY ACCOUNT \$192.00. TOTAL RECREATION TRUST AFCCOUNT \$684.47. TOTA TRUST-SUI \$157.39. TOTAL GENERAL LEDGER-3RD PARTY REDEMPTION \$4,910.92. TOTAL GENERAL LEDGER-SHORE REGIONAL HIGH SCHOOL \$145,544.60. TOTAL GENERAL LEDGER-MARRIAGE LICENSES \$70.00. (SEE VOUCHER REGISTER)

At 8:36 P.M. Councilwoman Filippone moved to adjourn this meeting until the next regular meeting scheduled to be held on November 5, 1992 at 8:00 P.M. It was seconded by Councilman Miller and unanimously approved by Council.

Respectfully submitted,

Patricia L. Varca
PATRICIA L. VARCA, BOROUGH CLERK