REGULAR MEETING MINUTES

Oceanport, New Jersey
October 3, 2002

REGULAR MEETING: The Regular Meeting of the Oceanport Mayor and Council was called to order on October 3, 2002 at 8:00 P.M. with Mayor Gemma stating the meeting had been property advertised in accordance with law.

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

MEMBERS ABSENT: Councilwoman Silkworth.

OFFICIALS PRESENT: Borough Clerk, Patricia L. Varca.

OFFICIALS ABSENT: 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.

Mayor Gemma commented that there was a discrepancy involving the minutes from the regular meeting held on September 19, 2002 and the approval will be done at the next meeting in order to allow the Clerk to review the tape.

CLERK'S REPORTS:

1. Copy of the Police Report for the month of September, 2002 and a copy will be posted on the Bulletin Board.

Mayor Gemma stated he was going to change the order of business this evening and recognizing there are many people in the audience tonight with concerns, asked both Councilmen Wolfe and Mahon to discuss the fire ordinance that the Council has been working on for the past several months.

Councilman Wolfe advised that we are not introducing anything this evening but are moving with a new schedule of introduction taking place at the October 17th meeting, the public hearing on the ordinance at the meeting scheduled for November 7th and the final advertisement, at which time the ordinance becomes law, on November 14th, 2002. Councilman Wolfe explained that we want to re-visit the ordinance with regard to some input we reviewed at the work shop meeting tonight and with the firemen and we will need the Borough Attorney to re-draft some of the wording and he will not be back until next week.

Councilman Wolfe continued that the ordinance would create a one year transition period for the Borough position of Fire Chief and the election for same and there would be a Fire Chief, a 1st Assistant Chief and rather than a 2nd Assistant Chief, for this year only, two Deputy Assistant Chiefs, one elected from each house and then in December, 2003 there would be an election f the Fire Department to elect a 1st Assistant Chief and during that period of time, the Borough Council would

then amend the ordinance to go back to the three Chief standard which has been the historical basis for Fire Chiefs in the Borough for more than 50 years. He commented the only thing this ordinance would then do would be to memorialize that and secure the election from alternating houses each year and some other issues regarding a Chief's Committee that both houses wanted, to discuss fire issues.

Mayor Gemma asked with regard to the timing of the upcoming nominations for positions in the fire department, he asked Councilman Wolfe if he had anything more to add, to which Councilman Wolfe stated that the nominations come either the end of this month into the first week in November and we would ask that they delay their nominations or wait until at least after the introduction of the amendment to the ordinance, so they understand the format the Borough is going to take for the election of the Chief and thereby designate the appropriate officials to move up into these ranks.

Councilman Mahon wished to clear up one point and stated that what we would be asking the fire companies to do is to delay their nominations or to make those nominations so that they coincide with the titles that the ordinance change would reflect, which would be to nominate for Deputy Chiefs rather than 2nd Assistant Chiefs and nominate as you would for the other two offices first and the actual election is the first Tuesday in December following the first Monday of the month and that would give the Council time to enact the ordinance and be in compliance with their election.

Mayor Gemma asked if the Chiefs of the Fire Department have been spoken to as well as the other members of the Fire Department about this matter, to which Councilman Wolfe stated that this would be a matter that would have to be brought up with their membership and voted upon.

Councilman Mahon commented that this solution is transitional in nature, it gets us through the next year and accomplishes two purposes and does not interrupt the succession of officers presently elected from Port-au-Peck and at the same time the Hook & Ladder will be able to elect and obtain an office for chief during the transitional year. He continued that nothing in this proposal is agreeable completely to either organization and it is imperfect, however, it does reflect the Governing Body's concern that each fire company be represented at the Chief Officer level and the second concern is that this representation be established again, in this coming election cycle for the fire chiefs and in order to do this, it is necessary to have this amendment take place now and he hoped that the companies will come to terms on a variety of things when we go into discussions and that they will determine the language by which they will be governed and we can go forward.

Councilman McGann commented that he is aware that some of the members may have just heard this for the first time this evening as they walked into the meeting room and he suspected there will be continued dialogue between now and October 17th between Councilmen Wolfe and Mahon together with the members of the fire company.

Mayor Gemma opened the meeting to the public for any comments on this subject only.

Bob Howie, President of Oceanport Hook & Ladder Fire Co. stated one concern he has is if the Council wants to have a representative from the Hook & Ladder that is fine, but no matter how we establish this ordinance as far as the organizational chart with a Chief, 1st Assistant Chief and either a 2nd Assistant or two Deputy Chiefs, these are things that can be discussed. He stated that after Tuesday night he thought an agreement had been reached, but the members of the Hook and Ladder feel that what is fair is that the Chief's position should go to the Hook next year and what the members of the Hook & Ladder would accept is that we at least have the 1st Assistant Chief's position next year. He did not think the idea of a 2nd Assistant or Deputy Chief from the Hook is fair

and everyone from the Hook that he has spoken to agrees with this assessment and finds it unacceptable.

Mr. Howie stated that he feels strongly that the Chief's position should be from the Hook and continued that he did not want to sound threatening but if the Hook does not get the Chief's position of 1st Assistant Chief, the Hook & Ladder will probably go district and he needs to know what is going to happen because he doesn't want to spend any un-necessary money if he doesn't have to, but he honestly feels that this is a fair and equitable compromise on the part of the members of the Hook and Ladder.

Mayor Gemma commented that he appreciated Mr. Howie's comments and pointed out that he has a letter, which was delivered today from Port-au-Peck in which it states that a vote was taken regarding the proposal, and the members voted to keep the present policy with no charges. He also advised that he believed that in the very near future the Council will adopt an amendment to the present ordinance and it will, in fact, make sure there is representation from both houses, but his understanding is that the ordinance will not guarantee anyone any particular slot and felt what Councilman Wolfe explained earlier is most likely what is going to be adopted by the Council.

Mayor Gemma advised that his initial opinion was never to put either himself or the members of this Council in this position where we had to be sitting here making ordinances and he believes that it is necessary but never wanted to do this.

Mr. Howie stated he understood the Mayor's comments and stated that he wants everyone to work as one department and it has been his goal for approximately ten years and some times it is a struggle, but he wanted again to say that what he believes to be fair is for the Hook to be in the slot for the 1st Assistant Chief next year.

Tom Crochet, 21 Center Street asked that Councilman Mahon's proposal be considered with regard to the committee chart put together which would consist of the officers from both companies and also the intention of this would be to allow everyone collectively in the department to have input on the annual budget and also the five year capital plan and felt that this would benefit the entire department.

Councilman Mahon stated that there are very strong feelings on both Councilman Wolfe's part and his that reflect the spirit of the Governing Body during our discussions with the members of the Fire Department and Mr. Howie mentioned earlier where he thought the Hook & Ladder should be and Councilman Mahon pointed out that we need to balance the need for equity in terms of representation and we need to do no harm. Councilman Mahon explained that by doing no harm, he meant that we as a Governing Body should not enact any ordinance that un-does an election that the membership voted on nominated candidates and that cannot and should not be un-done. He continued that if the Governing Body were to put someone into the Chief's position or 1st Assistant Chief's position next year, that action would have that affect and it would cause harm to those individuals who have progressed, who have trained and who were freely elected by the majority of the membership of the fire department.

Councilman Mahon stated taking this all into consideration, this is the compromise solution. He stated that Mr. Howie mentioned the outcome as the meeting was ending the other evening between representatives from the two companies and he was correct in what he stated that the discussion centered around two different proposals and before we closed that meeting, in response to the Port-au-Peck representatives, he re-stated their position on what his report back to the Borough Council would be and that report was that we had laid out the objectives, that we discussed

several drafts, that the representatives went back to their respective companies and he reported that the Hook & Ladder membership gave their representatives the authority to introduce and execute ordinance change recommendations and that the Port-au-Peck representatives did not receive that authorization. He continued that based on the two memberships not agreeing to let the representatives develop an ordinance proposal that could be agreed upon that night, that the committee could not reach a consensus and therefore, we would refer it back to the Borough Council for further discussion, although there is a strong sense that the people who are governed by this ordinance should be the authors of that ordinance.

Stu Briskey, 46 Werah Place commented that this ordinance is all well and good and both sides know what the intentions are, but what he would ask is that the fire ordinance has needed to be re-vamped for over fifteen years so no matter how this ordinance is amended, the ill will between the two companies will continue. He stated that what needs to be done is the entire ordinance needs to be re-done and include this portion in the new ordinance because a standard must be set that both companies must adhere to, because one of the big problems right now is that there are separate standards and they are not written standards, but perceived standards and some are written and others are not, so if the Borough is going to have equity between the two companies, a Borough ordinance must be created with a standard that contains checks and balances on both sides and responsibilities for the officers of the department.

Mayor Gemma commented that this ordinance is a first step and ultimately the rules should be re-written but not by the Borough Council, but by the members of the Fire Department.

Councilman McGann commented that we on the Council can legislate many rules and regulations, but what we cannot legislate is leadership, fairness and equity and he asked the members of both houses to rise above your differences and particularly those who hold offices of Chief and Assistance Chiefs and stated that it is their responsibility as the leaders of the Department and the Council cannot legislate leadership and they have to do it and bring the two houses together once again.

COMMITTEES:

COUNCILMAN MAHON: Councilman Mahon reported under Water Watch a complaint had been received with problems along the river in front of 92 Seneca Place and Dr. Kaloss and Richard Gruskos have been addressing that problem and keeping himself and the rest of the Council informed and hopefully we can get a resolution for the Russo family in this matter as well as moving forward in their combined efforts with the Monmouth County Board of Health and the Environmental Commission regarding the fecal coliform counts in the waterways surrounding Oceanport.

COUNCILMAN APRUZZI: Councilman Apruzzi reported that Summer's End was held on September 21st and expressed his thanks to the Recreation Committee and Jeff Bottger who was the Sub-Committee Chairperson for this event and we had a great fireworks display at the end of the day. He also extended his thanks to the Fire Department and First Aid Squad members for being on hand during the entire day.

Councilman Apruzzi reported that back in August an application was submitted to Green Acres for Blackberry Bay Park and Sommers Scout Park and about two weeks ago we received a letter from Assemblyman Arnone concerning a Department of Environmental Protection grant and all we had to do was fill out the appropriate paperwork and submit it, which we have done and if approved, we will receive the funding as a grant and will find out in November. He continued that the Green

Acres loan application submitted will not be decided on until some time in March, but if we are lucky enough to receive the grant from the DEP, we will just cancel the loan application.

Councilman Apruzzi advised that we have had vandalism at Blackberry Bay Park in the restrooms during soccer games, but it does not mean we are looking at the soccer players, but other young boys who are in the park at the same time and we experienced ten different cases of vandalism during September in the Borough. He also advised that we are still experiencing vandalism at Old Wharf Park with the goose fence which is being trampled down by we suspect possibly fisherman and we have been making repairs on a regular basis. He announced that we have now installed a surveillance camera in the park that will hopefully act as a deterrent and our Public Works has been making repairs where necessary.

Councilman Apruzzi announced that at the recent Capital Improvement Committee meeting held last week three organizations made presentations of their five year needs and they were the Library, Fire Department and the Shade Tree Committee and he commended them all on their exceptional presentations before the Committee as to what their needs are in the future.

Councilman Apruzzi offered his condolences to the Minnish family on the death of Frank's mom and to Barry Jacobson on the death of his wife, Barbara.

COUNCILWOMAN GATTA: Councilwoman Gatta reminded the public that the Borough will be conducting our annual flu and pneumonia clinic on Wednesday, October 16 at the Oceanport First Aid Squad from 10:30 a.m. to Noon and for the flu vaccine you must be fifty or older and for the pneumonia you must be 65 and older and never received this vaccine in the past.

Councilwoman Gatta reported that we have received a letter from Larry Taylor resigning his position on the Coastal Alliance Committee and she accepted same with regret and commented that he has worked very hard for many years on this Committee. Councilwoman Gatta advised that in the interim, we will have an Acting Chairperson, Lucille Chaump who will be taking on the responsibilities until such time as the Committee reorganizes.

Councilwoman Gatta informed everyone that we have severe water restrictions in place at the present time which have been in place for some time due to the very low amount of ground water which are at record lows and they are predicting a very dry autumn, so there is no lawn watering or washing of cars.

Councilwoman Gatta stated at the Board of Health meeting last night we had a report given on the West Nile virus and as the end of September, there have been five birds out of eleven that tested positive for this virus. She explained that once the County has tested five positive birds, they will no longer test any further ones but we need to contact the County and just let them know if a resident does find a dead crow, since they are keeping records. She also spoke with the County Mosquito Commission who advises that until we have the first frost, the mosquitoes are still carrying the West Nile virus, so it is still quite important to make sure you have no standing water in your backyards.

Councilwoman Gatta commented that as she is looking out in the audience at all the volunteer firemen in attendance, she reminded them that they are the leaders and residents rely on all of them for so much and she charged all of them to sit down together and work out a compromise because it is so important and it should come from all of you and let the past go and start from now and go forward. She continued that she is aware that they all have one common goal for the good of this Borough and she again implored them to work together and continue to communicate in order to move forward.

R-02-59

COUNCILMAN WOLFE: Councilman Wolfe asked the Clerk to read resolution **R-02-59** authorizing the refund of an overpayment of property taxes for Block 24, Lot 17, after which he moved to approve same. It was seconded by Councilman McGann and approved by Council.

R-02-60

Councilman Wolfe then asked the Clerk to read resolution **R-02-60** authorizing the Mayor and Municipal Clerk to sign the InterLocal Services Agreement transferring the fire dispatch over to the County system, after which he moved to approve same. It was seconded by Councilman Mahon and approved by Council.

Councilman Wolfe moved to award a contract for the 2002 Road Program to S. Brothers, Inc. of South River, NJ which is for the reconstruction of Wardell Circle and Wyandotte Avenue, which is subject to the approval of the DOT, since Wardell Circle is being done with a grant and to return the bid bonds to the unsuccessful bidders. It was seconded by Councilman McGann and approved by Council.

Councilman Wolfe explained that once we received the approval from the DOT, the contract will be finally awarded and if the weather holds out hopefully by mid fall, Wyandotte may be paved this year as well as some construction work on Wardell Circle including curbing work and drainage pipe installation, but the final work will be completed by May 1, 2003 in order to give time for the water company to come in and install a new water main on Wardell plus the installation of two new fire hydrants.

Mayor Gemma also pointed out that what this also means is that we are unable to do the work on Mohican Avenue due to the lack of funding and the amount of money that this street was bid and we will bid that project out for next year and hopefully be able to complete that in 2003.

ORD.# 757

COUNCILMAN MCGANN: Councilman McGann called for the 2nd reading and pubic hearing of a bond ordinance with regard to the purchase of Block 88, Lot 26 which is presently owned by the NJ Sports & Exposition Authority and commonly known as the "soccer fields" and asked the Clerk to read the Affidavit of Publication and the ordinance by title only as follows: **BOND ORDINANCE APPROPRIATING $1,100,000 AUTHORIZING THE ISSUANCE $1,045,000 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT IN THE COUNTY OF MONMOUTH, NEW JERSEY.**

Mayor Gemma opened the meeting to the public on this subject only, but hearing no comments, Councilman McGann moved to close the public hearing on this matter. It was seconded by Councilman Wolfe and approved by Council.

Councilman McGann moved to approved this ordinance on second and final reading and to advertise same in accordance with law. It was seconded by Councilman Wolfe.

The Clerk called the roll:

AYES: Councilpersons Mahon, Apruzzi, Gatta, Wolfe and McGann.
NAYS: None.
ABSENT: Councilwoman Silkworth.
ABSTAIN: None.

COUNCILWOMAN SILKWORTH: Absent.

MAYOR GEMMA: Mayor Gemma advised that he had a proclamation proclaiming October as Domestic Violence Awareness month in the Borough and asked the Clerk to post same in an appropriate place in the Borough Hall.

Mayor Gemma reported that last week there was a meeting with the Two Rivers Council of Mayors and representatives of GPU were present and discussed they response or lack thereof to the August 2nd storm and he let them know what problems we encountered and they are now reaching out to our OEM Coordinators and other Borough Officials for suggestions as to what they can do in the future to avoid the problems encountered and he has forwarded letters to Jim Slattery and our Police Chief asking for their recommendations, which he will forward on to GPU.

Mayor Gemma commented that he received a letter from Assemblyman Arnone with regard to our EDA grant which we recently submitted and he is attempting to get it moved up and lending his support to this application and hopefully this will be approved and we will be able to improve our downtown area in conjunction with our purchase of the soccer fields.

Mayor Gemma spoke with Chief Bebout today and as a result of some meetings and joint exercises we have had with Fort Monmouth in working with them in updating our emergency operations plan (EOP) and received a suggestion today to do what is known as a "tabletop" exercise similar to what took place at the Fort several months ago and we will be planning our emergencies and how we react to various scenarios and gage our reactions.

Mayor Gemma congratulated Councilman Apruzzi on the great job done with Summer's End and to the Fire Department for winning the Mayor's Trophy and advised them to see the Clerk for their winnings.

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

PETITIONS FROM THE PUBLIC:

John Feiter, Monmouth Boulevard stated once again we are faced with talking about the allocation of funds under the grant program and explained that he felt it was ludicrous to put approximately 40% into two things that have less to do with the recreation programs in this town. He continued that $110,000 is being put into the tennis courts at Blackberry and the park at Sommers and asked if there was an analysis done of the usage of the soccer, baseball and softball fields that are used by the children of this town who must exceed over 500 children and instead, decide to put 40% of the grant amount to a park that sits at the end of a street looking over the river and tennis courts, he cannot believe the usage of those two items comes anywhere near close to the usage of the softball, baseball and soccer fields and commented that he had again gone out and walked the fields and noticed the poor conditions.

Councilman McGann stated that we have taken notice of the problems and continued that the Council has an obligation to all its citizens of Oceanport, not just the baseball players and he asked if we have any accident reports of children being hurt on these fields over the last three years, to which Mr. Feiter stated not yet, but felt it will surely come.

Councilman Apruzzi advised that all accidents happening on the fields come through the Recreation Committee and we have had no reports over the past seventeen years that he has been involved with the Committee.

Mr. Feiter again asked if an analysis was done of how many children utilize all the fields, to which the Mayor stated he did not know, but when Mr. Feiter was finished, he would ask Councilman Apruzzi to comment.

Mr. Feiter asked how the allocation of funds was decided and are those public minutes?

Councilman Apruzzi reported that we are allocating approximately $70,000 for the tennis courts which covers redoing the courts and installing new lighting and $35,000 is being allocated for Sommers Park which is a passive park and recently had work done on it by the Sewer Authority and we want to put that park back to where it was prior to the work being done and this is something that both Recreation and the Mayor and Council are looking to revitalize this park. He continued that the tennis courts are sinking and the tennis leagues will not use those courts because of the condition of them and the traveling teams play at Community Center courts. Councilman Apruzzi stated that the number of children who use the parks including Community Center and Blackberry Bay number in the hundreds and every year Recreation meets with soccer, baseball, Pop Warner and hockey with regard to their requests for allocations for the coming year and when they come in they advise of the number of children participating in the programs and he doesn't have the numbers with him, but knows for sure that soccer is over 400 children, baseball is over 350 so we have quite a large number of children using the facilities.

Councilman Apruzzi explained that Mr. Feiter is absolutely correct with regard to the numbers of children using the parks as compared to the number of people using the tennis courts, but the Recreation Committee, when looking at the parks for revitalization planning, has to look at all the requirements and cannot just look at one aspect of the usage and we are trying to spread the funding around as best we can.

Councilman Apruzzi commented that we have had a baseball program with the Baseball Association representatives made up of the President, Vice-President and Treasurer who come in and ask for funding and we have put money into the fields and most of the allocations are for the infields, not the outfields, but last year Tom Crochet and his crew re-did the outfield on the right side which is the soccer field running along the brook and that was our first attempt to re-do a field, but we had the drought situation and lost most of the seed and that is the issue of not having an irrigation system, which is what we are attempting to do in order to keep our fields in better shape.

Councilman Apruzzi pointed out that there have been inquiries about this matter from the Baseball Association and from private citizens and Recreation working with these groups, at public meetings held on the 2nd Wednesday of every month at the Old Wharf House at 7:30 p.m. and noted that he has not seen many of the people who are in the audience at any of these meetings to discuss the needs of the town's fields and advised that there are minutes of all those meetings.

Mr. Feiter stated that what he is being told tonight is that 750 participants in a recreation program for utilization of a recreational field are taking a back seat to a much smaller number for tennis and a passive park, to which Councilman Apruzzi responded that we have input from those associations who say they want to have the fields irrigated and upgraded and we are doing that and how much money that takes to do is uncertain at this point.

Mayor Gemma stated that Mr. Feiter's questions about the process is how it is being allocated and Mayor Gemma pointed out that at the present time this is the initial allocation for the loan and when we finally learn exactly what we will be receiving, Recreation will then come back to us and we will go over how it will be allocated and informed Mr. Feiter that he should be part of the process.

Jim Gallo, 1st Assistant Fire Chief thanked the Mayor for his donation to the fire department.

Councilman Wolfe moved to approve the vouchers on the Bill List dated October 3, 2002. It was seconded by Councilman McGann and unanimously approved by Council. CAPITAL TRUST TOTAL $11,173.00. 2001 VOUCHERS PAID $903.25. 2002 VOUCHERS PAID $100,856.94. 2002 VOUCHERS PAID THIS MEETING $835,187.16. TOTAL 2002 VOUCHERS $936,044.10. (SEE BILL LIST)

At 9:05 p.m. Councilwoman Gatta moved to adjourn this meeting until the next regular meeting scheduled to be held on October 17, 2002 at 8:00 P.M. It was seconded by Councilman Apruzzi and unanimously approved by Council.

Respectfully submitted,

Patricia L Varca

PATRICIA L. VARCA
BOROUGH CLERK