

## REGULAR MEETING

Oceanport, New Jersey  
October 3, 1991

**REGULAR MEETING:** The regular meeting of the Oceanport Mayor and Council was called to order on October 3, 1991 at 8:02 P.M.

Councilman Wolfe moved to appoint Councilman Rodman as Deputy Mayor in the absence of both Mayor Cavanagh and Council President Terra for this evening's meeting. It was seconded by Councilman McGee and approved by those Councilpersons in attendance.

**MEMBERS PRESENT:** Councilpersons McGee, Miller, Rodman and Wolfe.

**MEMBERS ABSENT:** Councilpersons Terra and Filippone and Mayor Cavanagh.

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

**INVOCATION:** The invocation was given by Rabbi Daina.

**PLEDGE OF ALLEGIANCE:** Councilman Wolfe led the audience and members of the Council in the flag salute.

The minutes of the regular meeting held on September 19, 1991 were tabled for approval until the next regular meeting because there were not sufficient votes to approve same, since Councilman Rodman had to abstain from voting on the minutes as he was not present at that meeting.

**CLERK'S REPORTS:**

1. Police report for the month of September, 1991 and a copy will be posted on the Bulletin Board.

**COMMITTEES:**

**COUNCILMAN MCGEE:** Councilman McGee reported that on Sept. 24 he attended a forum sponsored by the League of Women Voters of Monmouth County concerning the incinerator proposed for Tinton Falls and he found it very worthwhile and he was tremendously enlightened listening to the different sides present their cases. He continued that clearly this is a very complex issue and one that everyone should take the time to inform themselves of all the facts relative to the big picture and not just the small components that go into the fray of what is being discussed in the press. He urged everyone to take the time to educate themselves as best they can on this topic and make sure they get out and vote because it is important and impacts us all.

**COUNCILMAN TERRA:** Absent.

**COUNCILWOMAN FILIPPONE:** Absent.

**COUNCILMAN MILLER:** Councilman Miller reported under the Waterways and Water Watch Committees, there will be a shoreline clean up for the area around Charles Park tentatively set for the third Saturday in October along with the Boy Scout and Cub Scout troops.

Councilman Miller reported that they had two members of the Water Watch Committee attend a meeting in north Jersey of the State Water Watch Group last week and they received some educational packets that have been turned over to the Principal of the Maple Place School, who assured him they will be used in the 7th & 8th Grade classes where environmental issues are discussed.

Councilman Miller advised that they have one more month of their non point source pollution project and after that they will be analyzing all of the results and will make a final report some time in January.

Councilman Miller reported under Parks & Recreation we have just completed a concrete replacement job in Trinity Park and it cost us much less than we had anticipated because Mr. Sal Lagrotteria, a local resident and contractor, donated his time and equipment to break up the concrete at the park for free and the Borough trucks took the debris away, so we saved at least \$1,000 on that project and we were able to get needed top soil from the track, also at no charge and that was a savings of \$400. Councilman Miller advised that because of those savings, they will now be able to paint and do some other major repairs at the Community Center.

Councilman Miller offered his thanks also to Ralph Maida for repairing a door at the Old Wharf House, again at no cost to the Borough.

Councilman Miller also thanked John Duke for his donated time and efforts for helping us install a railing for our handicap ramp which is located in the rear of the building, although he has to make a change in the height of the railing, which will be taken care of without too much problem. He stated between the help given by the Boy Scouts last year and the time and work donated by John Duke this year, we have easily saved approximately \$6,000 to the Borough.

Councilman Miller stated that he was in receipt of a report from the Monmouth County Board of Health and the Turtle Mews Creek area was sampled on Sept. 12 and you can see what effect there is when most of the horses leave the area, because the Turtle Mews Creek area was a low 300 and coming to the eastern side at the railroad bridge, just west of Casa Comida was 500 and at the Branchport Creek Bridge was only 80, so the river as far as the coliform count is concerned, is coming back to the numbers we would like to see all the time.

Councilman Miller reported in the absence of Councilman Terra that attached to the Police Report were the following certificates awarded to our police officers and stated that Jared Murphy completed a course on Method of Instruction at the Monmouth County Police Academy and Mauro Baldanza completed a course on Advanced Traffic Accident Investigation by the Institute of Police Technology and Management.

Councilman Miller than asked the Clerk to read resolution R-91-59 R-91-59 authorizing the submission of a grant application under the Clean Communities Program, after which he moved to approve same. It was seconded by Councilman Wolfe and approved by those Councilpersons in attendance.

**COUNCILMAN RODMAN:** Councilman Rodman asked the Clerk to read resolution R-91-60 R-91-60 regarding the approval of a contract between Shore Regional High School and the Borough of Oceanport for busing for the 1991/92 school year, after which he moved to approve same. It was seconded by Councilman McGee and approved by those Councilpersons in attendance.

Councilman Rodman explained that this resolution simply continues the courtesy busing which is a common feature of municipalities who may enter into with school districts and because of the proximity of the school with Route 36, we think it is very important to continue this primarily for safety reasons.

**COUNCILMAN WOLFE:** Councilman Wolfe reported that today he attended a meeting that was held in the Wall Township Municipal Complex and there were over 80 individuals there from various Monmouth County communities as well as representatives from the DEPEE and this meeting was sponsored by the State and was in reference to the infrastructure storm water and testing program that is taking place at the present time throughout the State of New Jersey. He continued that it was very informative and he will report in length at the next work shop meeting to the Borough Council, but the main purpose of the meeting was to clarify questions that the communities have that were not able to be answered via the telephone.

Councilman Wolfe advised that he was informed of several time frames and deadlines involved with this program and the first deadline is upon signing the agreement with the State on the grant application for Phase II of the infrastructure, at that point we have one year to complete the mapping of all storm water systems and sewer systems within the Borough. He commented that he learned that in regard to the sanitary sewers, they will accept the maps that are on file with the Northeast Sewer Authority instead of having to pay our Borough Engineer to include those maps in with the storm water outlets. He continued that the next step in this procedure after the signing of the Agreement with the State, is upon the completion and acceptance of the maps by the State, we then start the testing of 1/3 of all storm water outfalls that drain or discharge into any tidal waterways and it would be at the Borough's discretion to select the ones that are the most polluted, which could easily be determined from the analysis being prepared by Councilman Miller's Water Watch Committee.

Councilman Wolfe also advised that Oceanport was brought up at the meeting as one of the few towns that are performing any kind of testing of these discharges on a voluntary basis right now and we are far ahead of most of the communities in this area.

**ORD. #617** Councilman Wolfe then called for the second reading and public hearing of an amendment to the garage sale ordinance and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "SALES AND AUCTIONS, PRIVATE" OF THE BOROUGH OF OCEANPORT PASSED AND APPROVED ON NOVEMBER 1, 1973.**

Councilman Rodman opened the meeting to the public for any comments on this subject only.

The Borough Attorney explained that the amendment was merely to increase the cost of the garage sales from the present fee of \$2.00 to \$5.00 effective January 1, 1992.

As no one from the public wished to be heard on this subject, Councilman Wolfe moved to close the public hearing. It was seconded by Councilman McGee and approved by those Councilpersons in attendance.

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

The Clerk called the roll:

AYES: Councilpersons McGee, Miller, Rodman and Wolfe.  
NAYS: NONE.  
ABSENT: Councilpersons Terra and Filippone.  
ABSTAIN: NONE.

Councilman Wolfe called for the introduction of an ordinance to amend the present fee ordinance and asked the Clerk to read the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "FEES" PASSED AND APPROVED ON APRIL 16, 1981.**

Councilman Wolfe moved to approve this ordinance on first reading. It was seconded by Councilman Rodman.

The Clerk called the roll:

AYES: Councilpersons McGee, Miller, Rodman and Wolfe.  
NAYS: NONE.  
ABSENT: Councilpersons Terra and Filippone.  
ABSTAIN: NONE.

Councilman Wolfe moved to hold the public hearing on this ordinance at the regular meeting scheduled to be held on October 17, 1991 and to advertise same in accordance with law. It was seconded by Councilman Rodman.

The Clerk called the roll:

AYES: Councilpersons McGee, Miller, Rodman and Wolfe.  
NAYS: NONE.  
ABSENT: Councilpersons Terra and Filippone.  
ABSTAIN: NONE.

Councilman Wolfe called for the introduction of an amendment to the Alcoholic Beverage ordinance and asked the Clerk to read the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "ALCOHOLIC BEVERAGES" OF THE BOROUGH OF OCEANPORT PASSED AND APPROVED ON JANUARY 17, 1957.**

Councilman Wolfe moved to approve this ordinance on first reading. It was seconded by Councilman Rodman.

The Clerk called the roll:

AYES: Councilpersons McGee, Miller, Rodman and Wolfe.  
NAYS: NONE.  
ABSENT: Councilpersons Terra and Filippone.  
ABSTAIN: NONE.

Councilman Rodman explained that the Council feels this is an important ordinance and stated that basically this ordinance will prohibit the possession and/or consumption of alcoholic beverages by minors in a private residence in the Borough. He continued that we had considered adopting this ordinance earlier in the year, but held off because it has passed in a similar version in the State Senate and was poised for action in the Assembly. He advised that we had passed a resolution asking our Assembly people to please urge this legislation on and support it but he is afraid that it has not happened and we have never heard from them and it is still not passed. Councilman Rodman

stated that we are taking action on our own, which will effectively allow Police Enforcement, if necessary of the consumption or possession of alcoholic beverages by minors on private property, which is a change and it will help crack down on what the Governing Body feels is a growing problem and there have been some very destructive parties that have taken place within the County and recently there was a very sad situation with the death of a young man in Monmouth County because of a drinking party of young people and hopefully between now and the next meeting when it will be adopted, the State will take it up and he believes that the Governor is in support of this Legislation. He stated that he equates this with the uniform closing which recently had to be accomplished by the municipalities in Monmouth County to establish uniform bar closing times and he thought the best way to handle that kind of a situation is on a State wide level so he is a little disappointed that municipalities are having to have to handle this one at a time, but if this is the only way to accomplish this then that is the direction this Borough Council is heading.

Councilman Wolfe then moved to hold the public hearing on this ordinance at the next regular meeting scheduled to be held on October 17, 1991 and to advertise same in accordance with law. It was seconded by Councilman Miller.

The Clerk called the roll:

AYES: Councilpersons McGee, Miller, Rodman and Wolfe.  
NAYS: NONE.  
ABSENT: Councilpersons Terra and Filippone.  
ABSTAIN: NONE.

Councilman Wolfe reminded all the Borough residents that the leaf pick up program will begin on October 15 through December 30 and all residents are asked to rake their leaves to the curb during that time frame do not bag them.

MAYOR CAVANAGH: Absent.

Councilman Rodman then opened the meeting to the public for any comments they might care to make.

#### PETITIONS FROM THE PUBLIC:

Charles Caparn, 34 Wardell Circle questioned the Council on the definition of the word litter as listed in the resolution passed tonight.

Councilman Rodman stated he was not sure of the definition, to which Mr. Caparn questioned how a resolution could be passed when no one is sure of the definition.

Councilman Rodman stated that he believes that the law of the State of New Jersey has a place in the resolution which was passed, that contains a definition in it, however, he is not personally familiar with that definition.

Councilman Wolfe asked if Mr. Caparn was asking what constitutes litter and if so, explained that we passed a resolution to amend our regulations to comply with the State and it pretty much deals with everything and anything that falls under the term "trash" including recyclable material, although that is a separate item.

Mr. Caparn asked if debris in the roadway was included, to which Councilman Wolfe stated yes, as well as papers, cigarette butts, anything that is not of a natural state, like branches and limbs, which come under a separate ordinance.

Mr. Caparn wondered how the Council can discuss the ordinance when they don't know the true definition of the word litter by the State.

Councilman Wolfe commented that everyone here on the dais was present the night we amended the State Mandated ordinance to comply with the Clean Communities Program and it was almost 2 1/2 years ago and he believed everyone did understand what was included and it lists various items that range from something as small as a bottle cap or cigarette butt to newspapers, cardboard, debris and trash that might fall off a truck or be thrown out of a car and we can supply you with a copy of what the definition is as stated in the Clean Communities Program application.

John Duke, 54 Hunters Run stated he was here tonight as a representative of Boy Scout Troop #58 and they have been asking the Mayor and Council for some time for permission to store a container which they have the opportunity to get from Sea Land for free to store the various items used by the Scouts because much of their equipment is presently being stored in different people's homes. He also pointed out that the Scouts have been very lucky in raising money and being able to purchase various types of equipment, although they have the problem now of storing all of it. He would appreciate an answer as soon as possible because he is concerned that Sea Land might change their mind. He also stated that he was over at the Public Works Garage earlier this evening and the area where the snow fence is presently being stored would be a perfect spot, since it is out of the way and they would even paint the trailer if it was objectionable to the Council, although in that location, it would not be seen.

Councilman Rodman stated that the idea sounded good and he was sure that Councilman Wolfe would discuss the matter with Mr. Giordano and it would be further discussed at the next work shop meeting.

Councilman Miller questioned if Mr. Duke would be able to get equipment that was needed during the times the Public Works Department was working, since at other times the gate is locked, to which Mr. Duke stated if he needed access he could just go and ask Mike to open the gate. Councilman Miller stated he would always contact either Councilman Wolfe or himself.

Councilman Rodman asked Mr. Duke if the Scouts would be responsible for the trailer as well as if anything was missing or stolen from the trailer, to which he stated that the Troop would assume all responsibility.

Councilman McGee asked if anyone else would be sharing the trailer space with the Scouts, namely the Recreation Committee, to which Mr. Duke commented that there was some discussion in the beginning with representatives of the Basketball Association, but since that time he has not heard anything from the Committee in this regard.

Councilman McGee asked how large a trailer is this, to which Councilman Wolfe stated the problem was that it is a 40' trailer.

Mr. Jerry Joyce, Asbury Park Press questioned if the proposed alcoholic beverage amendment would apply to someone drinking in the presence of their parents or guardians.

The Borough Attorney answered that under State Law there are certain recognized exceptions where a person under the age of 21 could lawfully consume alcoholic beverages and among them include in the presence of a parent or guardian and with that person's permission, would take care of the family situation. He continued that also where it is part of a religious observance is another example of where that is permitted.

Councilman Rodman commented that everyone on the Council has reviewed several versions of ordinances and everyone on the Council is cognizant of the concern that we not invite the police into people's private homes on an unwarranted basis and he thinks we are adopting this in light of what we perceive to be a significant problem in the community of parties that are getting out of control and fortunately we have not had a glaring example in our Borough, but we are seeking to prevent that and send a message. He continued that in light of our review and consideration of police presence on private property, we are going ahead with this ordinance.

Councilman Miller added that we have not had anybody injured coming from a party in this Borough, but two years ago we had two young people killed by a drunk driver and alcohol weighs very heavily on his mind and he had been thinking about introducing something for a while and when the Red Bank football player died this past August, he felt that this must be addressed, because there are some parents who need a little assistance and guidance and that is basically what this ordinance is going to do for those parents who cannot see the harm that it can end up doing to their children, we just have to do something. He continued that we thought long and hard about civil rights and this is not something where if there is a family cookout in the backyard that the police are going to be running onto the property asking for identification. He stated it is more to stop Friday and Saturday night parties before a football or soccer game and you often see a home where cases of beer are being brought in or a keg with lots of cars and young people and you know what is going on, and up to this point the Police could only stand and wait for someone to come off the property before something could be done.

Mr. Duke asked if someone had to make a complaint or can a Patrolman who witnesses kids going into a house with alcohol or cases of beer, to which Councilman Miller stated that observing minors with alcohol is just cause for the Officer to investigate the situation.

As no one else from the public wished to be heard Councilman Rodman closed the public portion of the meeting.

Councilman Wolfe moved to approve the bills as listed on the Voucher Register dated October 3, 1991. It was seconded by Councilman Miller and approved by those Councilpersons in attendance. TOTAL 1991 VOUCHERS \$167,271.69. TOTAL 1991 VOUCHERS PAID THIS MEETING \$14,296.58. TOTAL 1991 OPERATING FUND \$181,568.27. TOTAL PUBLIC ASSISTANCE TRUST ACCOUNT \$420.00. TOTAL FIREWORKS TRUST ACCOUNT \$53.49. TOTAL DOG REGISTRY ACCOUNT \$18.00. TOTAL GENERAL LEDGER-OCEANPORT BOARD OF EDUCATION \$633,178.60. TOTAL GENERAL LEDGER-MIDDLE DEPARTMENT INSPECTION AGENCY \$810.00. TOTAL GENERAL LEDGER-STATE TRAINING FEE \$118.28. TOTAL GENERAL LEDGER-THIRD PARTY REDEMPTION \$108.16. TOTAL GENERAL LEDGER-DWI \$178.00. TOTAL GENERAL LEDGER-FIRE PREVENTION \$20.01. (SEE VOUCHER REGISTER)

At 8:37 Councilman Miller moved to adjourn the meeting until the next regular meeting scheduled to be held on October 17, 1991 at 8:00 P.M. It was seconded by Councilman McGee and approved by those Councilpersons in attendance.

Respectfully submitted,

*Patricia L. Varca*

PATRICIA L. VARCA  
BOROUGH CLERK