

Oceanport, New Jersey

October 1, 1992

REGULAR MEETING: The regular meeting of the Oceanport Mayor and Council was called to order on October 1, 1992 at 8:05 P.M.

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

MEMBERS ABSENT: Councilman Miller.

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 from the regular meeting held on September 17, 1992 had been made available for review by the Governing Body, Councilman Wolfe moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Taylor and unanimously approved by Council.

CLERK'S REPORTS:

1. Police report for the month of SEPTEMBER, 1992 and a copy will be posted on the Bulletin Board.

COMMITTEES:

COUNCILMAN CLARK: Councilman Clark commented that he has received a copy of a matching grants program guide that he will be reviewing same to see if there are any grants that apply to the Borough.

Councilman Clark advised he has also received information on plastic and polystyrene recycling and will review those as well to see if we can further our recycling efforts in both those areas.

Councilman Clark announced that our Clean Communities Grant for 1993 is \$6,514 which is up from \$6,327 from last year and he thanked everyone who helped fill out the required paperwork and we will use this money to continue our Clean Communities in our Borough. He also stated that later on in the meeting Mayor Cavanagh will read a Proclamation regarding a Clean Up day in the Borough and he stated it will be held on Saturday, October 10 between 1-4 P.M. and is being sponsored by the Cub Scouts and any volunteers are welcome to join in and help out in cleaning up the Borough Parks. He commented that we will not have the Litterbug available for any floatables in the river because it will be out of the water by that time.

Councilman Clark reported he attended a meeting held by Monmouth County Recycling and they had a panel made up of representatives from five other States and the first thing they commented on was that Monmouth County has an excellent recycling program and each of these different States contain a wealth of information and they will be forwarding copies of what they are doing and see what we can incorporate into our present program.

Councilman Clark advised the public that there is going to be a backyard composting seminar which normally would cost the Borough \$150 to

send a representative, but this is a free session and will be held Oct. 10 and he will be unavailable to attend and anyone who would like to attend in his place and bring back the information, is welcome in order to advise the Council on what took place.

Councilman Clark stated he will be attending a Clean Communities meeting scheduled for tomorrow at 10 A.M. in Manalapan and if anyone would like to go with him, they are welcome.

Councilman Clark reported that at the meeting he attended yesterday, he received a lot of details on some educational programs that are not necessarily for just school children, but are used for pre-schoolers and could also be used by adults as well in order to keep learning.

Councilman Clark advised that November 1 according to the County of Monmouth, will begin the junk mail recycling and they have not provided any information so far, other than there will be three drop off sites within the County and he will have to get together with Councilman Wolfe to see how best to collect this material from the residents and the easiest way for it to be handled by the Public Works Department and we welcome any volunteers who might be interested in assisting us in this new program.

Councilman Clark last reported that we have solicited informal quotations for installing heating and air conditioning in the front offices which will enable the heat and air conditioning to be turned off and/or down over the weekends and holidays, which will be a savings to the Borough. He stated he has received three quotes and the quotes range from \$5,873, \$7,000 and \$7,950.

Councilman Clark then moved to award a contract to Concorde Heating and Air Conditioning at the low bid of \$5,873 for the Borough Offices and that all quotes are available for review in the Clerk's Office. It was seconded by Councilman Wolfe and unanimously approved by Council.

Councilman Clark commented that he had received a request from the Port-au-Peck Chemical Hose Fire House to have the baseboard heating checked out in their meeting room and he had asked the company that is maintaining that system to take a look at it and they have not yet responded and unfortunately, he was working on other projects and forgot about this matter, but he will call them again and receive a quotation and hopefully there will be money left over in maintenance to take care of this by the end of the year.

R-92-63 COUNCILMAN TERRA: Councilman Terra stated in the absence of Councilman Miller, he asked the Clerk to read resolution R-92-63 naming the Clean Communities Program Coordinator and authorizing submission of the 1993 grant application, after which he moved to approve same. It was seconded by Councilman Wolfe and unanimously approved by Council.

Councilman Terra reported under the Police Department, the speed limit on Port-au-Peck Avenue has been changed back to the 40 MPH from the 30 MPH speed limit while the race track is in session and effective today the 40 MPH signs are up and he asked Councilman Wolfe to thank the Public Works Department for getting the signs up in a timely manner.

Councilman Terra announced that an award was received by the Police Department and read part of the letter which states "the Awards and Recognition Committee of the Youth Activities Division of the National Safety Council is pleased to award the Oceanport Police Department an award of commendation for the outstanding contribution made for greater awareness toward the prevention of accidents and the promotion of safety and health.

The Department can look with great pride on its accomplishments for its superb programs carried out by its members". He offered his congratulations to the Department and its fine work connected with the bicycle safety programs and this was an article in a national publication and over 230 entries have been reviewed by this Committee.

Councilman Terra reported under the Fire Department, we have the Port-au-Peck Chemical Hose Fire Company conducting an open house on Tuesday, October 13, 1992 from 7:00-9:00 PM. and the essence of this open house will be to introduce the members of the community to the kinds of work that volunteers can do as a fireman.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone commented that the Chief has informed her that someone stopped to help an injured squirrel, who in turn bit the person and the squirrel has not been sent away to be tested for rabies. She wanted to again warn the people in the community that they should not touch any animal during this serious rabies situation.

COUNCILMAN MILLER: ABSENT.

COUNCILMAN TAYLOR: Councilman Taylor wished all our Jewish friends a happy and healthy New Year.

Councilman Taylor also reminded all residents that the next Drug Alliance Committee meeting will be held on October 14, 1992 at the Maple Place School at 7:30 P.M. and the public is invited to attend.

COUNCILMAN WOLFE: Councilman Wolfe stated in Councilman Miller's absence, he has been asked to announce that the next meeting of the Oceanport Cable Committee will be held on Thursday, October 22, 1992 at 7:30 P.M. in the Borough Hall and is open to the public for anyone interested in becoming a member or to come out and discuss any problems they may be experiencing with Storer. He also advised that there will be a questionnaire in the next Bulletin asking for comments and ratings on Storer Cable's performance in the Borough.

Councilman Wolfe reminded all the residents that the annual leaf season is upon us and the Public Works Department will begin picking up leaves the week of October 15 and residents should rake leaves to the curb. He also commented that any leaves that have branches mixed in will not be picked up by the Department.

MAYOR CAVANAGH: Mayor Cavanagh read a proclamation proclaiming Saturday, October 10, 1992 as Clean Up Day in the Borough of Oceanport and urged all residents to participate in this worthy endeavor.

Mayor Cavanagh wished Councilman Clark good luck on his up coming surgery.

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

PETITIONS FROM THE PUBLIC:

Mr. Ron Reisner, 30 Mohican Ave. stated he sent a letter to the Mayor and Council dated September 21, 1992 and continued in reviewing the Borough's sign ordinance which is included in the Zoning Ordinance, the ordinance appears to be totally illegal and unenforceable. He continued that he suggested in his letter that the ordinance be amended immediately in a way in which the ordinance can be enforced and found to be

Constitutional. Mr. Reisner asked that the amendment be done now because the election is upon us and people have the right to air their ideas and express them in legal and lawful manner and stated that if the Governing Body were to read the case law that is mentioned in the letter, it appears that the ordinance that is now on the books is unenforceable and illegal and recommended to the Council that they at least introduce the amendment on first reading tonight and adopt it formally at the next meeting prior to the election and waive the 20 day period, so that it could be effective on publication. He continued that it is his point of view that the Borough should have ordinances in all respects that are legal, enforceable and constitutional and when we find ordinances on the books that are not, they should be changed as soon as possible.

Mayor Cavanagh commented that everyone received a copy of Mr. Reisner's correspondence, which was distributed at the first work shop meeting subsequent to receipt of same and we have asked the Borough Attorney to review the cases he cites and to review the ordinance and report back to the Council at the next work shop meeting and give us his impressions regarding his conclusions. He stated he wanted to point out that the ordinance in question was adopted in December of 1975, so it has been in place for nearly 17 years and the cases referenced by Mr. Reisner, although he is not prepared to discuss whether they are on point or dispositive, the most recent one is 13 years old, so he would respectfully suggest that it has been published and lawfully referenced for at least 13 years and in that respect, he thinks that the Council is entitled to translate immediately into the next meeting so that we have an opportunity to digest what he has stated.

Mayor Cavanagh continued that for the interest of the people in the audience, commented that Mr. Reisner has raised the issue of whether or not the Borough should be able to restrict signs by our Zoning Ordinance, in the fashion in which it is presently constituted. He went on to explain that as it presently exists since 1975, there has been a restriction regarding political signs that indicate that while you may display them, you may only do so in your window or garage window or somewhere inside and they may only be 2' x 3'. Mayor Cavanagh stated that Mr. Reisner suggests that the case law implies that although we may be allowed to restrict them and he has also suggested that we may continue to restrict them, he has also suggested that the case law he references would indicate that they should be allowed to be on the property outside the home and he recommends limiting to one in nature and he is not sure if the case law indicates that because he has not had a chance to hear from the Borough Attorney and he thinks the only other change indicated was that our present ordinance says no signs can be put up sooner than 45 days and Mr. Reisner suggests 60 days.

Mayor Cavanagh commented as he stated earlier, we will wait for the Borough Attorney to review this matter and report back to the Council at the next work shop meeting.

Mr. Charles Caparn, 34 Wardell Circle commended Councilman Wolfe on the leaf schedule and also the comment that if there are branches mixed in with the leaves, the pile will be left at the curb, but wanted to know how big the pile can get and how long can it be there before it has to be picked up, because as he reads the regulations, limbs are supposed to be picked up within a reasonable amount of time or action will be taken and he hears nothing about that portion of the regulations. Mr. Caparn commented that he is waiting for some type of reply because the limbs lie in the street from year to year.

Mayor Cavanagh asked Mr. Caparn exactly what his question is and Mr. Caparn responded he wanted to know what happens to a person who leaves the limbs out at the curb and leaves them there.

Mayor Cavanagh stated the answer is the same answer that has been given the last several times he has asked this question, and that is if the limbs are not properly bundled and tied, then the Zoning Officer is notified and speaks with the residents and explains what has to be done and if they do not comply within a certain amount of time, then a summons is issued and they must appear in Court.

Councilman Wolfe commented that as an additional step to put an end to this situation with the branches not being picked up, he is going to be meeting with the Public Works Superintendent on Saturday with Councilman Terra and we are going to discuss the problems and try and set up a schedule that the Public Works Department will be noting locations where branches are left in the street and not properly tied and turning them in on a weekly basis to the Front Office where they will be forwarded to Mr. Kirk for action and hopefully this will take care of these on going problems once and for all.

Mr. Caparn expressed his thanks to the Mayor, since this is the first time he has gotten an answer regarding this situation in the several times he has been at the meeting.

Councilman Clark commented that in the 1992 Directory on Page 16 it states that all branches and tree limbs must be tied and bundled not to exceed 6' in length and not 3' in diameter and this Directory comes out every year and this regulation has been included and coming out in the next Bulletin, which should be out next week, will be a flyer telling what can and cannot be recycled and the proper way to put out these items and it takes cooperation from all the residents to make the programs work.

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

Councilman Wolfe moved to approve the bills as listed on the Voucher Register dated October 1, 1992. It was seconded by Councilman Terra and unanimously approved by Council. TOTAL 1992 VOUCHERS \$47,005.99. TOTAL 1992 VOUCHERS PAID THIS MEETING \$24,879.78. TOTAL 1992 OPERATING FUND \$71,885.77. TOTAL RECREATION TRUST ACCOUNT \$37.11. TOTAL FIREWORKS TRUST ACCOUNT \$2,491.00. TOTAL DOG REGISTRY ACCOUNT \$13.20. TOTAL GENERAL LEDGER-OCEANPORT BOARD OF EDUCATION \$685,505.00. TOTAL GENERAL LEDGER-MIDDLE DEPARTMENT INSPECTION AGENCY \$727.00. TOTAL GENERAL LEDGER-3RD PARTY REDEMPTION \$397.51. TOTAL GENERAL LEDGER-FIRE PREVENTION \$60.00. (SEE VOUCHER REGISTER)

At 8:32 P.M. Councilwoman Filippone moved to adjourn the meeting until the next regular meeting scheduled to be held on October 15, 1992 at 8:00 P.M. It was seconded by Councilman Terra and unanimously approved by Council.

Respectfully submitted,

Patricia L. Varca

PATRICIA L. VARCA
BOROUGH CLERK