

REGULAR MEETING MINUTES

Oceanport, New Jersey
September 18, 2003

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on September 18, 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:** Borough Clerk, Patricia L. Varca 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 September 4, 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 Councilwoman Kahle and approved by Council with the exception of Councilman McGann who abstained from voting on the minutes since he was absent at that meeting.

CLERK'S REPORTS:

1. Police report for the month of AUGUST, 2003 and a copy will be posted on the bulletin board.
2. Raffle applications made by the Oceanport PTO as follows:
50/50 on premise cash raffles to be held on October 3 and December 6, 2003

The Clerk advised that the paperwork had been submitted by the PTO and was found to be in order, after which Councilman McGann moved to approve same. It was seconded by Councilwoman Kahle and approved by Council.

Mayor Gemma then stated prior to going into our abbreviated Committee Reports due to the storm, he asked the Borough's Emergency Management Coordinator, Harry Sutton, to give the Council and members of the audience an update on the storm situation.

Captain Sutton reported that at 4:00 p.m. the Governor declared a State of Emergency, but with no restrictions, as a precautionary measure in case the situation gets worse. He continued that we have some minor power outages, caused by falling tree limbs onto wires, but also commented that Jersey Central has been responding quickly and getting power restored. He advised that we have a situation on Horseneck where a tree is resting on a live wire and the residents there are presently without power, but Jersey Central is expected to be there shortly.

Captain Sutton also informed the Council with regard to preparedness, all the OEM vehicles were up and running and had full gas tanks; Tom Crochet has cleaned out all the storm drains and all of his chain saws and related equipment have been serviced and are in working order and he has

also checked the flood gates down at Pocano Ave. Captain Sutton also advised that the Police Department would be having over lapping shifts and reported that the next high tide is at 5:30 a.m. and that may cause some flooding, depending on where the storm is and how strong the winds are.

COMMITTEES:

COUNCILWOMAN KAHLE: No Report

COUNCILMAN MAHON: No Report.

COUNCILMAN APRUZZI: Councilman Apruzzi reported that the Police Report shows the Dispatchers received 930 calls of which 590 were responded to by our officers and he also commended the Department on the efficient manner in which they apprehended the suspect in the recent murder at the stable area at Monmouth Park.

COUNCILWOMAN GATTA: Councilwoman Gatta reported at the First Aid meeting the Captain's Report indicated there were 86 calls received in August, which is a high number and included 7 mutual aid calls and equated to 1,076 man/woman hours. She also advised that at our next Borough Council meeting the First Aid Squad will be making some presentations.

Councilwoman Gatta also reported that the flu and pneumonia clinic was scheduled to be held on October 24th from 10 a.m. to Noon at the First Aid Squad Building and the cost has increased this year to \$15 for either the flu or pneumonia vaccine and she is not sure if there are going to be any shortages or restrictions at this point, but will be reporting on this in the future.

COUNCILMAN MCGANN: Councilman McGann thanked Captain Sutton for his report this evening on the storm situation and to Tom Crochet and his staff for all their efforts regarding the storm.

COUNCILWOMAN COOPER: No Report.

MAYOR GEMMA: Mayor Gemma acknowledged that he will be sending his check shortly to the winners of the Mayor's Trophy Softball Game held on September 6th.

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

PETITIONS FROM THE PUBLIC:

Stu Briskey, 46 Werah Place asked in light of the Hurricane we are experiencing, has anything been done about the Borough having an a.m. frequency on the radio so that as an example, with the power out on Horseneck, we could be broadcasting what the problem was and when it was anticipated to be repaired.

Mayor Gemma stated that we are looking more toward using a Reverse 9-1-1 system, which we are going to share with the Board of Education to advise residents of emergent situations.

Mr. Briskey pointed out that in power outage situations, residents may not have phone service.

Councilman Mahon responded that OEM has submitted their plan to the Capital Improvement Committee, which includes \$20,000 for a similar radio broadcast, which Monmouth Beach is using as well as funds for a new siren system. He continued that the Board of Education at their last meeting

was reviewing the Interlocal Services Agreement drawn up which would all the Borough to share their Reverse 9-1-1 system at a very minor cost.

Councilman Apruzzi commented that when we spoke with Monmouth Beach about the possibility of sharing this type of service with the radio, it was not possible since they do not have adequate power for us to use the system as well.

Bob Howie, 20 Main Street and a representative of the Oceanport Hook & Ladder Fire Company as well as a member of the Hook's AdHoc Committee which has been working on trying to get an ordinance adopted by the Council to have the Fire Chief's position on a rotation basis from year to year between the two houses and believes this is an important issue to resolve and asked Mayor Gemma as to the status of this ordinance.

Mayor Gemma advised that at our last work shop meeting it was reported that the ordinance was on hold and there was a gentlemen's agreement with regard to the upcoming election which would take place with the officers already on the slate and that the ordinance would be considered later and this was reported by the Fire Commissioner as of this past work shop meeting.

Mr. Howie commented that he is unaware of any gentlemen's agreement and he is the Liaison for the Oceanport Hook & Ladder Fire Company, to which Councilman Mahon stated, as he had told Mr. Howie on the telephone the other evening, the feedback that he has gotten from the membership of the Fire Department is that there is going to be no challenge to the slate of officers in terms of succession in office, to which Mr. Howie stated that this must be a gentlemen's agreement that Councilman Mahon heard from the Port-au-Peck House. Councilman Mahon stated he has heard this from members of both houses to which Mr. Howie commented he is unaware of any such comments from the Oceanport Hook & Ladder House.

Mayor Gemma asked if there is an understanding to hold off on the ordinance to which Mr. Howie explained that he was told by Councilman Mahon that Port-au-Peck wanted to discuss it further and that is all he knows, and he knows nothing about any gentlemen's agreement from the Hook & Ladder and he will find out if someone made an agreement that he was not aware of.

Councilman Mahon clarified that when he uses the term gentlemen's agreement it is not a legitimate representative from Hook & Ladder or from Port-au-Peck with a handshake saying we are not going to challenge and no one has that much power from the Department but his understanding is that the general discussion is that Port-au-Peck will not challenge the succession of officers as was done two years ago and that is the talk in the Fire Department, to which Mr. Howie stated that this is a Port-au-Peck agreement and not a Hook and Ladder agreement.

Mr. Howie continued saying that the reason for the ordinance is because of the fact that there was no gentlemen's agreement and that is why we have to have this ordinance adopted, since it is the whole basis for this document.

Councilman Mahon stated that where we are with the ordinance right now is that it was reported at the Fire Committee meeting in August, it was reported again at the Hook & Ladder meeting the 2nd Tuesday of the month that we would have a meeting this past Wednesday and after the trip to Wildwood the discussion from the members of Port-au-Peck was that they needed to bring it back to their Company before it could be ratified or discussed as a Department and they have asked to discuss it at their meeting before they put forth the changes and they would like to have their representatives on the Ordinance Committee report to them and discussion it before their membership at their company meeting which is the last Monday of the month and that is where the

ordinance if left at this point. He also advised that there is an additional item that is being added as to the Fire Police details.

Mr. Howie commented that he understands that there are some different camps within Port-au-Peck as we have in the Hook & Ladder, however, the Hook & Ladder House is pretty much in line, and he has been given the task to get this ordinance passed this year and he is speaking for the Hook & Ladder.

Mayor Gemma asked Mr. Howie on behalf of the Hook & Ladder, is he telling the Governing Body that the Hook wants this ordinance in place prior to the elections this year, to which Mr. Howie stated that is correct and he felt that there has been sufficient time for this to be accomplished.

Mr. Margalotti commented that he has just recently completed drafting an ordinance amending the Fire Department ordinance which would guarantee the rotation of succession in the selection of the Fire Chief and Assistant Chiefs and that ordinance is basically ready to be considered and introduced and acted upon by the Council. He continued that Councilman Mahon had also brought to the Council the need to have in that ordinance a provision dealing with the appointment of Fire Police and determining under what circumstances the Fire Police are either under the jurisdiction of the Fire Chief or in certain restricted instances, the Police Chief.

Mr. Margalotti agreed with Councilman Mahon that this addition with regard to the Fire Police should be done at the same time and he asked Councilman Mahon how long he thought it was going to take for him to bring back to the Attorney and the Council the remaining details as to the Fire Police so we can introduce the ordinance and get it at least enacted within the next 30-60 days, even though based upon the agreement that has come about between the two houses that it need not be effective until January 1, 2004.

Councilman Mahon responded that he received the draft on the Fire Police last night by Dale Burd and he would forward a copy to Mr. Margalotti tomorrow. He continued that as far as the balance of the ordinance, the discussion from last November/December when we agreed to form a Fire Committee and an Ordinance Committee to do this job on behalf of the Fire Department, the process was that the Department would endorse it as a whole, not one company competing against another and it would be done as a whole, together and he has attempted on two occasions to schedule that meeting as a group with the entire Fire Department here in this building and to have a report given to them by the members of the Ordinance Committee and then have the membership of the Department vote on it. He advised that the members of Port-au-Peck Company have not during the course of the summer, had the benefit of their Ordinance Committee reporting back to them the status of the Ordinance Committee's activities.

Mr. Margalotti stated that when Councilman Mahon asked him to make the changes to the Fire Department ordinance, he was given an outline of the changes that were requested and the Attorney followed that outline to the letter and incorporated into the draft ordinance every single item that was on that outline, to which Councilman Mahon agreed had been done. Mr. Margalotti asked who had produced the outline he was given which Councilman Mahon stated was from the Ordinance Committee of the Fire Department. Mr. Margalotti stated if he has accurately incorporated into this draft ordinance everything that was on the list, he does not understand why the complicated procedure of moving on this ordinance, if everything that the Ordinance Committee of the Fire Department requested, has in fact been implemented, verbatim in the revised ordinance.

Councilman Mahon stated because this has not been brought back to the companies yet and the only reason it was given to the Attorney was at the Mayor's suggestion so that before they

endorse something that was not legally correct, we would run it by the Attorney to review first. Mr. Margalotti confirmed then that the outline that was given to him was not run past the two fire companies individually, to which Mr. Howie interjected that it had been reviewed by the Hook & Ladder.

Mr. Margalotti asked when Councilman Mahon thought Port-au-Peck will be able to sign off on these changes from the Committee, to which Councilman Mahon advised that their monthly meeting is scheduled for the last Monday of the month. Mr. Margalotti asked if they sign off on it at their meeting since their representatives are on the draft committee and are the ones who produced this outline, is there any reason we cannot act on this in October, to which Councilman Mahon responded at that point no.

Mr. Howie once again emphasized that he would like to have this ordinance passed this year and the Hook & Ladder reviewed it at their September meeting and they are in agreement.

Councilman Apruzzi asked how many members are on the Ordinance Committee, to which Mr. Howie stated there are two from each company.

Councilman Mahon stated that it is important that anything we adopt as a Governing Body reflects the will and intention of the majority of the membership of the Oceanport Fire Department to which Mr. Howie commented that he is trying to do what he thinks is best, which is this ordinance and it is best for the Borough and for the Fire Department to maintain camaraderie, continue new membership and to work as a team.

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 September 18, 2003. It was seconded by Councilman Apruzzi and approved by Council. TOTAL CAPITAL TRUST \$115,691.37. TOTAL ESCROW TRUST \$2,585.75. 2002 VOUCHERS PAID \$96,449.36. 2002 VOUCHERS PAID THIS MEETING \$229.70. TOTAL 2002 VOUCHERS \$96,679.06. 2003 VOUCHERS PAID \$9,806,104.23. 2003 VOUCHERS PAID THIS MEETING \$329,593.76. TOTAL 2003 VOUCHERS \$10,135,697.99. (SEE BILL LIST)

At 8:18 p.m. Councilwoman Gatta moved to adjourn this meeting until the next regular meeting scheduled to be held on October 2, 2003 at 8:00 P.M. It was seconded by Councilman Apruzzi and approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK