

REGULAR MEETING MINUTES

Oceanport, New Jersey
September 15, 2005

The Regular Meeting of the Oceanport Mayor and Council was called to order on September 15, 2005 at 8:00 P.M. with Councilwoman Chaump stating the meeting had been properly advertised in accordance with law.

MEMBERS PRESENT: Councilpersons Kahle, Johnson, Chaump, Sharkey (entered at 8:06 p.m.) and Briscione.

OFFICIALS PRESENT: Borough Clerk, Kimberly A. Jungfer and Borough Attorney, Martin A. McGann.

OFFICIALS ABSENT: Mayor Gatta and Councilman Gallo

INVOCATION: Borough Chaplain Berry gave the invocation.

PLEDGE OF ALLEGIANCE: Councilwoman Chaump led the audience and members of the Council in the flag salute.

As copies of the minutes from the special meeting held on September 1, 2005, emergency meeting held on September 1, 2005, the regular meeting held on July 21, 2005, August 11, 2005 and workshop meetings held on August 8, 2005 and August 9, 2005 had been made available to the members of the Governing Body, Councilwoman Chaump moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilwoman Johnson with the Clerk calling the roll and all members in attendance voting in the affirmative.

At this time Councilwoman Chaump requested the minutes reflect that a bill was held because it didn't follow the proper procedures and they are still working on that and it will be held again this evening.

CLERK'S REPORTS:

1. The reported that the she was in receipt of Police reports for the month of July and August 2005 and a copy will be posted on the Bulletin Board.
2. Raffle license application made by the following:
 - A} Oceanport PTO, on premise 50/50 cash raffle to be held October 7, 2005 at the Shrewsbury Sailing and Yacht Club.
The Clerk advised that the appropriate fees had been paid and the application found to be in order after which Councilwoman Chaump moved to approve the same. It was seconded by Councilwoman Kahle followed by the Clerk calling the roll and all members voting in the affirmative.
 - B} Oceanport PTO, on premise 50/50 cash raffle to be held on December 3, 2005 at the Maple Place School.

The Clerk advised that the appropriate fees had been paid and the application found to be in order after which Councilman Briscione moved to approve the same. It was seconded Councilwoman Kahle followed by the Clerk calling the roll and all members voting in the affirmative.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle started with an update on the Old Wharf Senior Building. She reported that the builder is waiting for the surveyor to finish to determine the floor elevation of the building to see if it has to be changed for compliance with the regulations and when that is done he will apply for the building permits. The Senior Committee has been given a list of all the items destroyed by the fire and they are in the process of making a list of missed items and replacement value for the items.

Councilwoman Kahle reported that regarding the municipal building, the process of a feasibility study is underway to obtain needed space for the municipal complex as well as the public works building. It was budgeted for last year and they hope to have it completed and presented to the council in October. The architect has met with administration and is making suggested changes in the layout and will meet with the police and the library late next week. When that is completed he will meet with the building committee and then present it to the Council after that. She also reported that Port Au Peck firehouse has some damage to the concrete apron in front of the firehouse and they are in the process of getting quotes to have that repaired.

Councilwoman Kahle reported that regarding the Water Watch Committee, they had their meeting and for the second month in a row welcomed a new member. They will be sampling Oceanport waterways on Saturday morning and as a reminder, they are seeking new members to join that committee and anyone interested should contact Steve Collins or come to the meetings held the second Tuesday of the month.

COUNCILWOMAN JOHNSON: Councilwoman Johnson stated total calls for the Fire Department in August were 12 and there are fifteen new explorers that are interested in joining. She reported that this past Monday there was a demolition of a home on Shore Drive, which the fire department participated in that drill. There is also going to be a drill at the Oceanport Hook and Ladder this coming Monday, with a live fire showing the uses of a fire extinguisher for all the new explorers done by the fire inspector, Mr. Pane.

She also reported that the Oceanport Hook and Ladder is looking into a second mortgage for the repair of their roof. She also reported that the Circus, which was held in August, brought in \$6,600 for the hook and ladder and thanked Mr. Dellera Sr for all his assistance in putting this together. She stated that the Oceanport Hook & Ladder now has a thermal imaging camera.

Councilwoman Johnson reported that the Board of Health is waiting for a date for the flue and pneumonia shots and hopefully they will have an answer by the end of the week. They are looking at the second week in October, which would be held at the First Aid Building and will post any announcements outside Borough Hall as soon as they have the information.

Councilwoman Johnson reported that the Library will be having their 40th anniversary celebration, which will be held, at the Library on October 1st from 2-4PM serving refreshments and invitations were extended to all. A proclamation will be read.

COUNCILMAN SHARKEY: Councilman Sharkey reported that the Recreation Committee met the previous night and discussed the status of Blackberry Bay Park which has made significant progress in the last couple of weeks with the addition of dirt, grading and the field was rolled as a last resort to get the bumps out. It will need to be core aerated and seeded for at least a couple of years. It is a major issue that they have to make sure gets done. The plan is that the first aeration and seeding be done shortly. The final inspection is by the committee is October 1st before they recommend to Council to release the final payment. He also stated that there was an idea thrown around of maybe a Memorial Day parade ending there.

Councilman Sharkey continued that the Recreation Committee also made a unanimous vote to appoint a new member, Bill White, who lives in Oceanport. He also went on to thank Ken Carroll for welding work he did on the soccer field.

Councilman Sharkey reported that the tennis court project is out to bid. They have spent a fair amount of time to make modifications and will be a nice improvement to the park and will be paid for by a grant. Regarding the soccer fields, the recreation committee discussion on what to do with them is a long-term project and they recommend they apply for a feasibility grant and it will entertain getting proposals from park planners. It is a matching grant that they will apply to the County for and they will have to commit to 50% of the grant. That is the first step and they feel is the appropriate way to proceed.

Councilman Sharkey stated that regarding the property casualty insurance, they will be going out to bid from the insurance committee.

Councilman Sharkey made the motion to appoint Bill White to the recreation committee, which was seconded by Councilwoman Kahle and followed by the Clerk calling the roll and all members voting in the affirmative.

COUNCILMAN BRISCIONE: Councilman Briscione asked the Clerk to read resolution **R-05-87** applying for a planning grant for Fort Monmouth property after which he moved to approve same. Councilwoman Kahle seconded the motion followed by the Clerk calling the roll and all members voting in the affirmative.

Councilman Briscione asked the Clerk to read resolution **R-05-88** reaffirming and ratifying special counsel representation to court regarding the developer's ordinance after which he moved to approved same. Councilwoman Johnson seconded the motion followed by the Clerk calling the roll and all members voting in the affirmative.

Councilman Briscione reported in regard to the Planning Board that the continuation of the hearing and the application of Holiday Oceanport which is the Old Wharf Inn was postponed yesterday at the request of the applicant. The application proposes demolition of the existing two buildings and construction of a four-story age restricted condominium building containing thirty six two bedroom units. Variance requested includes height, units per acre, side setback. . The Board will continue to hear the application on October 12th.

Councilman Briscione stated that with regard to the local racetrack, he reported that he attended a meeting with the Assistant Commissioner of Transportation Snyder, Commissioner Zarro of the Sports & Exposition Authority, various members of the NJ Sports & Exposition Authority security detail and members of the Department of Transportation to preliminarily begin discussions about the 2007 Breeders Cup. Capt. Baldanza of the Police Department attended the meeting and received compliments about the changes made on traffic control on Haskell Day and the efficiency of the traffic control plan. DOT assured them that they will be involved as part of this process. They explained that they had just finished a successful event plan to the PGA Championship. They discussed the plan's improvements to Rt 35 & 36 and Rt. 71 and how they would impact the 2007 Breeders Cup. They are investigating whether work on those roads would be completed, should they accelerate it if possible, or should be postponed if they were to interfere with the event. They also discussed possible traffic control plans and the necessity to beautify Rt 36. This group plans to meet on a regular basis.

Councilman Briscione reported with regard to the police report for August indicated that the department answered 1,313 calls and officers responded to 937 calls. There were 284 summonses issued and 408 motor vehicle stops. Councilman Briscione stated he has discussed with Chief Sutton the possibility of creating an ordinance to deal with the location of registered sex offenders in Oceanport. They are currently reviewing ordinances that have been passed in other towns and Council will be working on that in the next month.

Councilman Briscione reported that the Mt. Laurel Sub Committee met on September 13th. Mr. Surenian has two case management conferences and filed an answer to the second amended complaint on Sept. 2nd. Additionally he has filed a motion in court on Sept. 6th requesting temporary immunity from additional builders remedy lawsuits while the Borough is formulating their plan to comply with the Mt. Laurel obligation. With regard to the first and second cycle responsibilities, the Mt. Laurel numbers are 157 units. The sub committee has been working on identifying credible units and they have scoured the area for credits and have identified the following: the Senior Housing on East Main Street is 100 units and thanked the Clerk for locating the certificate of occupancy enabling that building to comply, Monmouth Housing Alliance is six units and the homeless shelter in Ft. Monmouth is two units. They are also working on a vacant land analysis, which will determine whether they have the land to support what the obligation is. In the event they don't have the land, the Borough will have what is called an unmet need which is the difference between what is required and what may possibly be able to be put up. The Clerk will provide copies of COAH regulations on qualifying projects and special counsel asks that if anyone is aware of projects that comply to please contact the Borough Clerk and she will get this information to Mr. Surenian. There is a whole list of projects that do comply however, those projects must be legally zoned for what they are used for.

Councilman Briscione reported that the subcommittee has been working on the suitability issue of the Marina property. They are getting engineers reports on this property and looking to the public and neighborhood for facts relating to such things as road access, accidents that may have taken place on Morris Place and River Street, traffic situations that have caused incidents with police intervention, pictures or videos of the storm in 1992 or occasions where the area has been flooded or the site has been flooded causing additional flooding throughout the neighborhood. He asked if people would please call the Clerk with this information to set up a process for it to be cataloged and then forward that information to Mr. Surenian and the engineers. There are COAH regulations for site suitability in the

Clerk's office and asked that people review them and if they have any suggestions to contact the Borough Clerk.

COUNCILWOMAN CHAUMP: Councilwoman Chaump asked the Clerk to read resolution **R-05-89** for a veteran's tax deduction after which she moved to approve the same. Councilwoman Kahle seconded the motion followed by the Clerk calling the roll and all members voting in the affirmative.

Councilwoman Chaump reported under Public Works that the Borough has gone out to bid for the 2005 Road Program and bids will be coming back on the 27th with the award on October 6th. Also under Public Works, all potholes on Horseneck Point Road have been repaired with hot asphalt and she did go with the Borough Engineer and Superintendent to Horseneck and there are two or three that they missed that they will be going over. Catch basins on Asbury Ave and Itaska Place have both been repaired. Grass has been cut away from the trees at Borough Hall and mulch has been placed.

Councilwoman Chaump continued that there has been some problems with their vehicles and equipment. All repairs have been made in the shop and the machines are back in service. They have begun to do their seasonal leaf maintenance on the leaf machine and the case front-end loader is broken, the transmission is slipping, brakes are locked and public works is looking into something for capital for next year. Eighty five percent of the street sweepings have been removed to disposal companies and the snow fence has been removed and the collection of leaves is to begin on October 17th.

Councilwoman Chaump reported that she attended the Board of Education meeting and they presented their five year facility plan. The architect was there and spoke of renovations and improvements to Maple Place School and also to Wolf Hill School. Maple Place improvements will total 3.3 million and Wolf Hill, depending on options will either be 4.2 or 4.8. This is only a five year facility plan and the Bd of Ed will have to decide if they're going out for referendum or do it over a five year plan and not all in one lump sum. Shore Regional is doing their long-range plan on Wednesday, September 28th in their library and Council and the public are invited.

Councilwoman Chaump stated that under finance the CFO was in on Monday night to discuss the bond sale and the cash management report. Finance Committee, with approval of the Council will implement some changes this year in their budget process. The Finance Committee is going to meet with the CFO and Borough Clerk. Their goal is to have numbers in place by the end of December so they can start the process in January and have some numbers by the end of December.

Councilwoman Chaump said that under the Mayor's report, there is a proclamation in support of "You Drink, You Drive, You Lose Program and asked the Clerk to read same. The next proclamation is regarding National Alcohol and Drug Recovery and was proposed by the Coastal Alliance and Councilwoman Chaump asked the Clerk to read the proclamation.

Councilwoman Chaump reported that she attended on behalf of the Mayor the Fort Monmouth Public Meeting on August 29th which was a question and answer meeting. Congressman Holtz informed the public they were in the early planning stages of this process as to what will happen to the Fort property and to make sure Monmouth County does not have a brain drain with the contractors or companies leaving the area. Congressman Pallone who was also there stated that BRAC has to report to Congress to make sure the criteria is met. It is very important to make sure the stipulation that

communications and technology work will not be interrupted by closing Ft. Monmouth. Senator Corzine spoke at the meeting also as well as Commissioner Virginia Bauer who will be involved from the Governor's office to help with the redevelopment. Eatontown Mayor spoke about Plan B in applying for the grant, which they passed a resolution this evening and members of the public.

Councilwoman Chaump stated she also attended the Ft. Monmouth reuse committee meeting on August 31st along with the current and former mayors of surrounding communities. They established a date with a coordinated resolution to apply for a grant, which was passed this evening and will be forwarded to Eatontown. This grant will cover three towns and will seek proposals from qualified groups to help plan for the redevelopment of Fort Monmouth. The grant will be sent electronically and will be reviewed in three days of when it is received. They will not be applying for the grant until the President passes into law BRAC list which is probably going to be on or around September 20th.

Councilwoman Chaump reported that the next meeting she attended was the Breeder's Cup Meeting on Sept. 8th at Monmouth Park Racetrack. The discussion was on the when, how and the impact on the racetrack. There is going to be three days of racing in 2007. Saturday, which is the biggest race, the Breeder's Cup, they expect 45,000 fans and Friday and Sunday they will probably have between 20-25 thousand fans. There might possibly be a fourth day of racing. There will be a presale of tickets starting July 2007. The most important thing is that there is going to be 16 million dollars in capital improvements in the racetrack, which will include a new turf course. They are going to open the patio terrace dining, do electrical upgrades, add heat, and upgrade the bathroom and paints. They are asking towns to display banners using the logos of the Breeder's Cup. She reported on the Mayor's Meeting on September 10th. Colonel Sullivan discussed Ft. Monmouth closing. He informed the mayors that they are on step six and there are about 3,000 steps to go over the next six years.

Councilman Briscione stated that regarding the Breeders Cup, the Sports & Exposition Authority was considering selling or leasing the racetrack on a long term basis and they weren't putting capital improvements into the facility so the facility has gone down over the past five years or so. They are not in a position where they are going to sell now so the Capital Improvements Accounts Councilwoman Chaump reported on the sixteen million dollars will get the track back up to the standards that they use to see there. Just more care taken of the facility. This goes toward the long term liability of the racetrack. If they put the money in they hope it will be an important tax ratable. The Breeders Cup in Arlington and Lone Star had economic reports done by universities and those reports indicated that the impact to the surrounding areas and those jurisdictions was 60 in one, 55 million in another, would that being held in the northeast, it's indicated at least 75 million dollars. Now it would not all go into Oceanport but be spread out throughout Monmouth County and other areas of the state and add to the tourism season.

Councilwoman Chaump opened the meeting to the public.

John Bonforte, Horseneck Point stated he was there on behalf of the residents on Horseneck Point regarding the affordable housing issue. One of the things he pointed out was a court case for the Fox Chase condominiums in Tinton Falls. The judge ruled in favor of the occupants. So if you had 80 market price units and 20 affordable housing occupants, the 80 paid 125 percent of the cost. So that's something he thought the Borough should look into so this doesn't happen to the taxpayers of Oceanport. He thought it was important to bring it to the Council's attention. He also asked how much of a land area of Fort Monmouth is Oceanport land area and does that land area now pay taxes to Oceanport.

Councilman Briscione stated that it's 400 plus acres and federal property and they do not pay taxes.

Mr. Bonforte asked if that would be a plus for Oceanport if and when they got the property and Councilman Briscione stated that from an economic standpoint it doesn't have the tax value that their other large ratables have. In regard to Fox Chase, he will bring that up with Mr. Surenian.

Mr. Kelly, Gooseneck Point Road said that he would like to get more information on what is going on over at Blackberry Bay Park. He stated that he has been the recipient of unsolicited emails, emotional and rational. He would like to complement and comment Councilman Briscione on sending out informative, authoritative and non-emotional responses to what he has received and he appreciates that. He indicated that one of the emails that he received was regarding a \$47,000 backup for the lawn service people to reseed whatever is going to happen over at Blackberry Bay Park. He asked Councilman Sharkey if that is incremental to the overall cost and if it is, and if their primary contractor fails, do they have any recourse to go back to him and recover those costs. He also heard that the Recreation Committee is going to do the final inspection but if they are planting seed now are they going to sign off on this or do they wait until next Spring to find out the grass didn't grow and go back and start the whole process all over again.

Councilman Sharkey stated the Council had talked about it in executive session. There was potential litigation involved so they can't disclose all the factors but a lot of his concerns, were considered and contemplated. The plan is to core aerate and seed now because it's an appropriate time. The first contractor is doing the seeding.

Mike Tober, Horicon Ave. stated he is the Chair of Parks and Recreation and explained that the contractor has rolled the field, without authority. The field is now flat and he has recommended that the field be core aerated to reduce the patching. If the field is seeded properly they should have a beautiful field. This is the best time of the year now to seed and it shouldn't have to be done again. Council will have to work with the borough attorney to work that out. It is recommended that the field be core aerated again next year. They can do a weed and feed in the spring. They should have a great field if it is taken care of it during the year they shouldn't have to do the whole thing over; just spot seeding.

Councilman Briscione stated he spoke to Mr. Tober at the workshop to get in touch with the people at Monmouth University to extend their turf management people to our parks and recreation people and our public works people to teach them how to keep these fields up as a community service type endeavor.

Councilwoman Chaump thanked Mr. Tober for his expertise on what is going on.

John Feiter, Monmouth Blvd. asked about the playing surfaces; the softball and baseball fields and Mr. Tober stated that the Borough Engineer has had the contractor put in two inches plus of clay over the infields. One of the issues they had was they had improper clay then he put two inches of really nice clay which was well above the spec and now he put another two inches so they really have four inches of clay which meets their specifications. They have properly graded and rolled. The infields are graded properly and everything is up to spec.

Frank Wollman, Center Street, who stated he is the Scoutmaster of Troop 58. They had an eagle project a couple of weeks ago that cleaned out the tree nursery next to the firehouse. At this point, the trees are fairly overgrown but can still be salvaged and he has encouraged the borough to use them as they are and if not, open it up to the public.

Councilman Sharkey suggested that he speak to someone on the Shade Tree Commission and suggested he speak to Mike Tober.

Mr. Tober stated that the trees have been put in there and one of the issues is they need holes in the ground before they dig them out. What he suggested was they use pots so when they go to remove trees they can just lift them out. That way the trees are actually useable. He asked if they could work with the Shade Tree Commission to use different varieties that grow throughout the year. He offered his help to the Boys Scouts to get a nursery going and every so many years they can harvest the trees and distribute them throughout town. Any help from the Boys Scouts would be a tremendous help.

Mrs. Bonforte, Horseneck Point Road read an article in the newspaper regarding an ET program spraying against the gypsy moths. She asked if Oceanport was part of that or if they are planning on doing their own spraying. Councilwoman Kahle stated they are part of the Mosquito Commission that does spray and she would be in touch with Mrs. Bonforte to get more information on this program.

Mr. Feiter stated that he had spoken to the Mayor in the past regarding the improvements the County did in regard to the traffic lights, as you come down Monmouth Blvd from Monmouth Beach, there is no indication of whether a right turn is permitted. It's rather annoying at to hear people honking their horns and he asked if the Council could approach the County to have them put up a sign that indicates to drivers that it's permissible to make a right at that intersection or could the Council look into passing a Borough ordinance about making it a no honking zone and also an OEM sign that says don't blow your horn at this intersection. Councilman Briscione responded that they addressed the county and deferred to the Police Chief for a response and Chief Sutton said they could not put a sign as it was a County intersection.

Mr. Feiter said it is not the County's prerogative to put up that sign. He stated he has documentation to that effect. The County promised them four years ago that they would come back and review the traffic patterns. They came back and changed the light frequency. He stated he is concerned since they have had serious accidents previously. He had suggested five or six years ago that the state consider something that is done all the state and that is a sign stating traffic light ahead so people don't run into others. He predicted that someone would be killed there. Councilman Briscione said he would call and ask them to come out and make a site survey.

Michael Resignio, 32 Morris Place brought up the issue of Oceanport Holdings. He stated Mr. Sharkey was nice enough to find them a place to meet and he is fully aware of the fact that he is not supposed to be there. He guaranteed that he was not in the room when the meeting was conducted. There just cannot be the bickering going on back and forth between the Council. He hopes that everyone there has their best interests at heart and he feels that if he wants to sit in on that meeting and he doesn't violate any rules that he should be able to and Councilman Briscione stated that the attorneys will address that issue and resolve it.

Mr. Resignio stated that he didn't want to see the Council fighting any more and they are going to have to get along as they are the ones who elected the Council and they can choose not to re-elect them once their terms is completed.

Roseanne Letson, 37 Morris Place. Mrs. Letson sated that she would like to thank Mr. Briscione for the information provided by him tonight.

Councilman Briscione stated that he could provide only the information that legal counsel allows him to say. He also responded to her question on the Jets. He stated he called the Governor's office and they really had no idea what was going on except the governor made those overtures and he has found out that the Jets have spent \$25 million improving the Hofstra facilities so it's very premature and probably not going to happen.

Councilwoman Chaump stated that for those people in the audience that are not aware Councilman Briscione was referring to special counsel, Jeff Surenian.

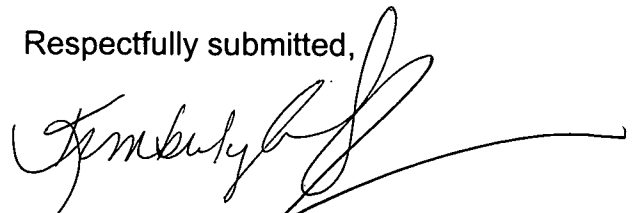
As no one else from the public wished to be heard Councilwoman Chaump closed the public portion of the meeting.

Councilwoman Chaump asked the Clerk to read resolution **R-05-90** approving the vouchers on the Bill List dated September 15, 2005 after which she moved to approve the resolution pending two signatures. It was seconded by Councilwoman Johnson with the Clerk calling the roll and all members voting in the affirmative.

Bill list dated September 15, 2005. CAPITAL TRUST TOTAL \$30,688.78. DOG REGISTRY TOTAL \$193.20. ESCROW TRUST TOTAL \$2,031.66. OPEN SPACE TRUST \$235.00. RECREATION TRUST \$305.35. 2004 VOUCHER PAID \$196,779.26 2004 VOUCHERS PAID THIS MEETING TOTAL \$196,779.26. 2005 VOUCHERS PAID \$13,151,600.55. 2005 VOUCHERS PAID THIS MEETING \$1,752,104.15. TOTAL \$14,903,704.70;

Councilwoman Chaump moved to adjourn the meeting at 9:10 until the next regularly scheduled meeting. It was seconded by Councilwoman Johnson and approved by Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kimberly A. Jungfer', with a long horizontal flourish extending to the right.

KIMBERLY A JUNGFER
BOROUGH CLERK