

REGULAR MINUTES

Oceanport, New Jersey
September 1, 1994

- REGULAR MEETING:** The regular meeting of the Oceanport Mayor and Council was called to order on September 1, 1994 at 8:02 P.M.
- MEMBERS PRESENT:** Councilpersons Clark, McGee, Filippone, Miller, Taylor, Wolfe and Mayor Cavanagh.
- 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 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 approved by Council with the exception of Councilman Miller who abstained from voting on same because he was not present at this meeting.

CLERK'S REPORTS:

1. Police report for the month of AUGUST, 1994 and a copy will be posted on the Bulletin Board.

COMMITTEES:

COUNCILMAN CLARK: Councilman Clark reported that the soffets, roof and air conditioning have been repaired at the Old Wharf House.

Councilman Clark reminded all Department Heads that the inventory lists are returnable by September 15, 1994 and if anyone has any questions in this regard, they should contact him directly.

Councilman Clark announced that the Boy Scouts will be holding a spaghetti dinner on October 18, 1994 at the Maple Place School from 5-8 PM and he urged everyone to come out and support this fund raiser for the Scouts.

ORD.
#657

Councilman Clark then called for the second reading of an amendment to the fees ordinance with regard to variance fees and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only, as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "THE FEES ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON APRIL 16, 1994.**

Mayor Cavanagh opened the meeting to the public for any comments or questions on this subject only.

As no one in the audience wished to be heard on this matter, Councilman Clark moved to close the public hearing. It was seconded by Councilman Wolfe and unanimously approved by Council.

Councilman Clark moved to adopt this ordinance on second and final reading and to advertise same in accordance with law. It was seconded by Councilwoman Filippone:

The Clerk called the roll:

AYES: Councilpersons Clark, McGee, Filippone, Miller, Taylor and Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

Councilman Clark then called for the second reading of an ordinance regarding park improvements and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **AN ORDINANCE AUTHORIZING REPAIR OF BASKETBALL COURT AT COMMUNITY CENTER FOR THE SUM OF \$3,500., AND PURCHASE OF SHRUBBERY FOR OLD WHARF PARK FOR THE SUM OF \$3,000.** ORD. #658

Mayor Cavanagh opened the meeting to the public for any comments or questions anyone may have on this subject only.

Mrs. Barbara Silkworth, 29 Mohawk Ave. stated she had a question with the section contained in this ordinance dealing with the purchase of shrubbery at Old Wharf Park and asked if this is replacement shrubbery or new shrubbery and commented that in either case, she thought that what she was questioning at this time when our municipal tax rate has recently gone up 5.7 cents over last year, which really equates to almost 18%, she questioned the necessity perhaps at this time for shrubbery in the park. Mrs. Silkworth continued that while it may be aesthetically very nice to have, could not this money be spent in better areas in the Borough.

Mayor Cavanagh asked if Mrs. Silkworth wanted him to address the budget question she raised about the percentage it went up and the numbers or did she want to discuss the shrubs, to which Mrs. Silkworth stated she wanted to know about the shrubs.

Councilman Wolfe advised that this was not an ordinance which was raising monies from the Budget, but were monies which had been put aside from previous years and placed in a capital improvement account and has no effect whatsoever on the tax rate. He further explained that the initial money was either from donations received from utility companies who have either done work in the parks or when they were granted easements and they request that these monies be specifically used for park improvements/conservation purposes. Councilman Wolfe commented that both the water company and the telephone company have donated monies regarding the Old Wharf Park for work they have done and plan to do in the future.

Councilman Miller explained that in the years he has been the Recreation Commissioner, we have been very lucky and we have received somewhere in the neighborhood of \$30,000 as monies donated from the various utility companies and we have used this money to help maintain the quality of the park, at no cost to the taxpayers. He stated that he believes in an on going maintenance process so that we don't wind up getting hit hard, like a neighboring town who let the parks go to ruin, and then had to spend \$200,000 to revitalize their parks, while Oceanport has not had to do that and hopefully, as long as he is around, will not have to do that. Councilman Miller stated that as Councilman Wolfe explained, this money was donated by the utility companies and the \$3,500 for the basketball court is coming from those monies and some of that money was also spent on part of the

costs to repair and replace the tennis court lights at Blackberry Bay Park and the balance of the money in the amount of \$3,000 will be spent at Old Wharf Park. Councilman Miller commented that Old Wharf was hit very hard in the 1992 storm and last year again and we lost many trees and shrubs and want to replace these lost plantings and also around the time capsule areas so it is basically a replacement project.

Councilman Miller commented that four years ago we won an award for parks under 10 acres from the County and because of no fault of our own, the weather caused it to no longer be that award winning park any more and that park is used quite a bit by our own community and the Fort Monmouth community also uses Old Wharf Park quite a bit and we are going to be able to have this park back to the way it used to look and at no cost to the taxpayers.

Mrs. Silkworth commented that it being the case that the money is basically a grant to the community and cannot be spent in any other manner, she felt that it might be a good idea to include as a whereas section of the ordinance so that at any point, it is on the record that this money is in fact a bonus to the town and it is not really costing the Borough anything.

Mayor Cavanagh stated that we have probably discussed this matter at least two or three times that he can remember, at public meetings, when we received the grant and we have done this on the record a number of times and we are well familiar with this, and obviously anyone who comes to the meetings would be well familiar with it because when we received the grant, we spoke about this matter. Mayor Cavanagh commented that the important matter to underscore is very simple, one being that it is not being raised by the local tax rate and it did not come through the budget and lastly, that it cannot be used for anything else. Mayor Cavanagh felt we could say that we have used it to save the taxpayers money because they don't have to replenish those bushes with tax payers funds and he stated that the Council is appreciative of Mrs. Silkworth pointing out what an excellent job they are doing in looking out for the taxpayer.

As no one else from the public wished to be heard, Councilman Clark moved to close the public hearing on this subject. It was seconded by Councilman Wolfe and unanimously approved by Council.

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

The Clerk called the roll:

AYES: Councilpersons Clark, McGee, Filippone, Miller, Taylor and Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

Councilman Clark called for the introduction of an ordinance vacating Malden Way and asked the Clerk to read the proposed ordinance by title only as follows: **AN ORDINANCE ABANDONING, VACATING, RELEASING AND EXTINGUISHING ANY AND ALL PUBLIC RIGHTS IN AND TO AN UNIMPROVED STREET APPEARING ON THE OFFICIAL TAX MAP AS MALDEN WAY, IN THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.**

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

The Clerk called the roll:

AYES: Councilpersons Clark, McGee, Filippone, Miller, Taylor and Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

Councilman Clark then moved to hold the public hearing on this ordinance at the regular meeting scheduled to be held on October 6, 1994 beginning at 8:00 P.M. and to advertise same in accordance with law. It was seconded by Councilwoman Filippone.

The Clerk called the roll:

AYES: Councilpersons Clark, McGee, Filippone, Miller, Taylor and Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

COUNCILMAN MCGEE: Councilman McGee advised that Detective Sgt. Rolly is doing very well in his recovery from open heart surgery which he underwent last month and he is up and around and he was pleased to see him up and around. Councilman McGee also reported that Patrolman Tagerty has returned to work after recovering from bi-lateral pneumonia and Patrolman Ross is also back to work after a knee injury during an athletic endeavor.

Councilman McGee reported under Police that there was a half day training session for the School Crossing Guards, both new and returning Guards, and the Department does this on an annual basis as a refresher to them, so they can perform their task for the safety of the children of our community.

Councilman McGee also advised that the Police Department is currently switching equipment from the old patrol vehicles to the two new vehicles which just recently arrived and the Chief is doing this work himself, with the help of some of the Officers, which in turn is saving the Borough \$1,800 by doing this work themselves and commented that we appreciate their efforts in this regard.

Councilman McGee commented that a question was raised at the work shop meeting on Monday evening regarding the traffic light at Port-au-Peck Avenue and Monmouth Boulevard and the Chief again contacted the County to see if they can set the timing on the Port-au-Peck Avenue side to remain green bit longer, since it is difficult for traffic to cross Monmouth Boulevard because of the quickness of the light.

Councilman McGee reminded everyone that school will open on Wednesday, September 7, 1994 and he urged everyone to drive carefully, be observant of the children and buckle up.

Councilman Clark asked if Patrolman Ciani was also out to which Councilman McGee replied yes and Councilman Clark advised he noticed him around town with a knee brace on and was just wondering.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone stated she had no formal report, but wanted to wish all of the Jewish residents a Happy Rosh Hashanah and also wanted to make a

special note about Rabbi Daina, who is one of our long time residents and our Chaplain, and he has been very ill and she wanted to remember him at this special time of the year.

COUNCILMAN MILLER: Councilman Miller advised that on Tuesday night he was part of a water testing training program that took place at the Manasquan River Activity Center and it was run by the Monmouth County Environmental Planning Council. Councilman Miller stated that for someone like himself, who was part of the beginnings of a Water Watch Program, along with Councilwoman Filippone, in the Borough, it is great to see that we now have a County wide program which is doing the same type of things that we are doing and using our program as a model and asking us to participate in this project as the teachers of the group and there were approximately 30-35 people from all over the County, who were interested in learning the correct techniques of sampling and testing water. He went on to state that there was the same amount of people who showed up on Wednesday evening and the goal is to collect data for the County, so that they can begin disseminating this information to the Monmouth County Board of Health, Planning Board, various local Environmental Commissions, etc. for decision making and implementation of good practices in the surrounding communities. Councilman Miller stated that with the advent of less funding in the area of the environment on the State and Federal level, EPA and DEPE are finding out that the use of volunteers that don't cost any salary nor benefits, grants may be coming our way in the not too distant future to assist in the payment of the chemicals and equipment, which is a lot cheaper than having to pay a staff.

COUNCILMAN TAYLOR: Councilman Taylor reported that the next Hazardous Household Waste Day sponsored by the County will be held on September 10 at Tinton Falls.

Councilman Taylor reminded everyone that the Summer's End Festival will be held on Sunday, September 11 and the Drug Alliance Program will have a table there selling the Alliance Calendars for 1995 and asked everyone to try and stop by and sign up for the new calendars.

COUNCILMAN WOLFE: Councilman Wolfe announced that the Borough received a letter from the Northeast Monmouth County Regional Sewerage Authority advising that the sewer ban has been rescinded as of August 16, 1994 and he was sure this would be good news for people who have been waiting to build new homes.

Councilman Wolfe advised he has received a thank you card from Mr. & Mrs. Pack on Driveway and he and the Mayor have had contact with Mr. Pack over the last several months about some drainage problems with his road in front of his home and the Public Works Department met with them and himself and worked out a solution to everyone's satisfaction resetting the manhole in front of their home and repaving a section of that roadway and near Charles Park.

Councilman Wolfe wanted to just make note that earlier Councilman McGee had mentioned in his report that the Police Department is putting two new patrol cars into service and he wanted to make sure there was no confusion that the Borough may be spending their money haphazardly on patrol cars and pointed out that one of the cars was acquired under a grant from the State, which the Chief had submitted.

MAYOR CAVANAGH: NO REPORT.

Mayor Cavanagh then opened the meeting to the public for any comments or questions anyone may have.

PETITIONS FROM THE PUBLIC:

Mrs. Barbara Silkworth, 29 Mohawk Avenue stated on the Slow Speed-No Wake signs and stated that one has been placed on the bulkhead of the Woolley property and the one that was placed on a piling in front of her home, had to be removed one morning last week when the tide came in, because their pilings are not very high and the float was coming up and lifting the sign, which was lifting the piling. She stated that sign has been taken down and suggested that ideally, should be put a little further out into the water.

Councilman Miller asked Mrs. Silkworth to return the sign to Borough Hall, since he did not think there was a real need to place it up now for the remainder of the summer and next year we will see if we can have it moved further down into the river and we have to check with the Marine Police about the placement of same to make sure we are not violating any regulations.

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

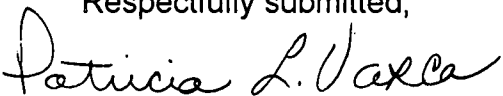
Councilman Clark moved to approve the bills as listed on the Voucher Register dated September 1, 1994. It was seconded by Councilman Wolfe and unanimously approved by Council. TOTAL 1994 VOUCHERS \$61,584.22. TOTAL 1994 VOUCHERS PAID THIS MEETING \$59,173.89. TOTAL 1994 OPERATING FUND \$120,758.11. TOTAL TRUST ACCOUNT \$1,000.01. TOTAL RECREATION TRUST ACCOUNT \$433.50. TOTAL PUBLIC ASSISTANCE I ACCOUNT \$1,750.00. TOTAL PUBLIC ASSISTANCE II ACCOUNT \$959.00. TOTAL DOG REGISTRY ACCOUNT \$16.20. TOTAL MONEY MARKET ACCOUNT \$100,000.00. TOTAL GENERAL LEDGER-MIDDLE DEPARTMENT INSPECTION AGENCY \$433.00. TOTAL GENERAL LEDGER-TAX APPEAL \$574.34. (SEE VOUCHER REGISTER)

At 8:25 P.M. Councilwoman Filippone moved to adjourn into Executive Session to discuss several personnel matters. It was seconded by Councilman Miller and unanimously approved by Council.

At 8:50 P.M. Mayor Cavanagh reconvened the meeting and advised that everyone was present on the Dais.

Councilman Wolfe moved to appoint Michael Giordano who was formerly an employee of the Borough, as Acting Superintendent of the Public Works Department on a temporary basis, as a result of the injury to our current Superintendent of the Public Works Department, who we have been advised will be out for another 3-4 weeks or perhaps longer, depending on how the shoulder separation heals and the amount of compensation to be given to Mr. Giordano will have to be reserved until we hear back from the Pension System and anyone else who may have to be consulted before that amount is fixed and he will be acting only on a temporary basis for the time of the injury. It was seconded by Councilman Miller and unanimously approved by Council.

At 8:52 P.M. Councilwoman Filippone moved to adjourn this meeting until the next regular meeting scheduled to be held on September 12, 1994 at 8:00 P.M. It was seconded by Councilman Miller and unanimously approved by Council.

Respectfully submitted,

 PATRICIA L. VARCA, BOROUGH CLERK