

REGULAR MEETING MINUTES

Oceanport, New Jersey
August 21, 2008

The Regular Meeting of the Oceanport Mayor and Council was called to order on August 21, 2008 at 8:00 P.M. with Mayor Mahon stating the meeting had been properly advertised in accordance with the law.

MEMBERS PRESENT: Councilpersons Gallo, Kahle, Johnson and Mayor Mahon

MEMBERS ABSENT: Councilpersons Briscione, Ibex, Irace

OFFICIALS PRESENT: Borough Clerk, Kimberly A. Jungfer and Borough Attorney, John O. Bennett, III

INVOCATION: Borough Chaplain Robert Mills gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Mahon led the audience and members of the Council in the flag salute.

CONSENT AGENDA

1. Resolution authorizing the payment of bills. **R-08-113**
2. Resolution authorizing a tax refund. **R-08-114**
3. Resolution authorizing an inter-local agreement with the Oceanport Hook and Ladder Fire Co. **R-08-115**
4. Resolution, insertion of item of revenue: Click it or ticket. **R-08-116**
5. Resolution, Dedication by rider for the Fireworks Trust Account **R-08-117**
6. Resolution, Dedication by rider for the Law Enforcement Trust Fund **R-08-118**
7. Resolution, Dedication by rider for the Developer Fees Trust Fund **R-08-119**
8. Resolution, Dedication by rider for Historical Trust Fund **R-08-120**
9. Resolution, Dedication by rider for the Water Watch Trust Fund. **R-08-121**
10. Resolution authorizing the Fireworks display at Summer's End Festival. **R-08-122**
11. Resolution granting temporary permission for the possession and consumption of alcohol at Summer's End Festival. **R-08-123**
12. Resolution awarding the contract for the Tractor and Large Area Finish Mower. **R-08-124**
13. Resolution appointing a technical assistant in the Construction Office. **R-08-125**
14. Resolution approving field usage. **R-08-126**
15. Approval of the workshop minutes from August 7, 2008.
16. Approval of the regular minutes from July 17, 2008.
17. Approval of the Special meeting minutes July 23, 2008.
18. Approval of a Raffle Application: Oceanport PTO On Premise 50/50
19. Approval of a Raffle Application: Oceanport PTO Off Premise merchandise raffle.

The Clerk stated that there were 19 items on the Consent Agenda. Councilman Gallo requested that Item 16 be removed. Councilwoman Kahle requested that Item 15 be removed.

Councilman Johnson moved to approve the remaining items on the Consent Agenda, which was seconded by Councilman Gallo and approved by the Council

The Clerk asked for a motion on Item #15. Councilman Johnson moved to approve Item #15, which was seconded by Councilman Gallo and approved by Council with the exception of Councilwoman Kahle who abstained.

The Clerk asked for a motion on Item #16. Councilman Johnson moved to approve Item #16, which was seconded by Councilwoman Kahle and approved by Council.

CLERK'S REPORT: The Clerk stated she was in receipt of the Police Report for July 2008, which had been distributed and would be posted.

COMMITTEES:

COUNCILMAN GALLO: Councilman Gallo extended an invitation to everyone for the upcoming Summer's End Festival and that there would be fireworks.

COUNCILWOMAN KAHLE: Councilwoman Kahle stated that she had no report.

COUNCILMAN JOHNSON:

Councilman Johnson called for the 2nd reading and public hearing on an amendment to the **Vehicle and Traffic Ordinance** regarding overnight parking and then asked the Clerk to read the affidavit of publication by title only. **(#849)**

Mayor Mahon then opened the meeting to the public for anyone who wished to be heard. As no one from the public wished to be heard, a motion was made by Councilwoman Kahle to close the public hearing, which was seconded by Councilman Gallo and approved by Council.

Councilman Johnson then made a motion to adopt the Ordinance on second and final reading and advertise same in accordance with the law, which was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES: Gallo, Kahle, Johnson
NAYES: None
ABSTAIN: None
ABSENT: Briscione, Ibex, Irace

Councilman Johnson called for the 2nd reading and public hearing on an amendment to the **Zoning Ordinance** regarding Communications Towers and then asked the Clerk to read the affidavit of publication by title only. **(#850)**

Mayor Mahon then opened the meeting to the public for anyone who wished to be heard. As no one from the public wished to be heard, a motion was made by Councilwoman Kahle to close the public hearing, which was seconded by Councilman Johnson and approved by Council.

Councilman Johnson then made a motion to adopt the Ordinance on second and final reading and advertise same in accordance with the law, which was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES: Kahle, Johnson
NAYES: None
ABSTAIN: Gallo
ABSENT: Briscione, Ibex, Irace

MAYOR MAHON: Mayor Mahon stated that Mr. Al Datemasch, one of the Borough's crossing guards and long-time resident had passed away earlier that week and extended sympathies on behalf of the Borough to his family.

Mayor Mahon then gave details regarding the agenda for the Special Meeting that was scheduled for Saturday including who would be attending and some of the items that would be presented and discussed.

Mayor Mahon also reported that at 6 pm that evening he learned that the NJDEP had issued an enforcement order against Monmouth Park and that a fine had been assessed for about \$150,000 for an illegal discharge into Branchport Creek the previous weekend.

Mayor Mahon also reported on a meeting with TRWRA officials in an effort to come to an agreement between Monmouth Park and Two Rivers Water Reclamation Authority. He stated they met to review documents regarding the agreement as well as tour the facility.

PUBLIC:

The Mayor then opened the meeting for anyone from the public who wished to be heard.

Jen McDermott, Doreen Drive, asked if they were aware of the recent fish kill that occurred in Branchport Creek. Mayor Mahon stated yes and summarized the information that he had been given to date, including one report to which the Board of Health responded and their conclusion that it had been one species of fish affected by an algae or virus. Councilwoman Kahle added that Water Watch also looked into it and that a report was done by Monmouth University supporting that conclusion and that it is apparently occurring up and down the east coast. Ms. McDermott asked if the pollution would be discussed at the Special Meeting. Mayor Mahon answered yes there was a segment in which that would be discussed.

Gay Steinbrick, 50 Seneca Drive, made comments regarding the fish kills and that she doesn't believe that the algae answer is the only reason and that she feels the town hasn't done enough to solve the problem. Mayor Mahon responded to her comments by explaining at length what is being implemented with Monmouth Park to address the pollution problem and what it involves. Ms. Steinbrick also commented why she believes the fine will have no effect as it one State agency dealing with another State agency and asked if the town plans to get the EPA involved. Mayor Mahon answered that the EPA is already involved and that its their regulations that Monmouth Park has to abide by and that NJDEP is the enforcing agency and Oceanport is not an environmental agency but a 3rd party working diligently to get the problem resolved. Ms. Steinbrick made additional comments regarding the extent of the pollution, how clean water can be separated and how would the public continue to be informed which Mayor Mahon answered.

As no one else from the public wished to be heard Mayor Mahon closed the public portion of the meeting Councilwoman Kahle and seconded by Councilman Gallo.

Bill List: Capital Trust \$39,217.70 Dog Registry \$31.80. Escrow Trust \$2,550.00. Fireworks Trust \$3,350.00. Public Defender Trust \$400.00. Water Watch Trust \$162.00. 2007 Vouchers Paid \$161,234.00. 2007 Vouchers Paid this Meeting \$.00. Total 2007 Vouchers Paid \$161,234.00. 2008 Vouchers Paid \$13,182,715.56. 2008 Vouchers Paid this Meeting \$385,220.57. Total 2008 Vouchers Paid \$13,567,936.13.

As there was no further business, the meeting was adjourned at 8:53 p.m. on a motion from Councilwoman Kahle, seconded by Councilman Johnson and approved by Council.

Respectfully submitted,

KIMBERLY A JUNGFER
BOROUGH CLERK