

REGULAR MEETING

Oceanport, New Jersey

August 16, 1990

- REGULAR MEETING:** The regular meeting of the Oceanport Mayor and Council was called to order on August 16, 1990 at 8:00 P.M.
- MEMBERS PRESENT:** Councilpersons McGee, Terra, Filippone, Miller, Rodman, 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 Governing Body in the flag salute.

As copies of the minutes from the regular meeting held on July 19, 1990 had been made available to the Mayor and Council for their review, Councilman Rodman moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman McGee and unanimously approved by Council.

CLERK'S REPORTS:

1. Police report for the month of JULY, 1990 a copy of same will be posted on the Bulletin Board.
2. Raffle application made by Oceanport PTO to be held on December 1, 1990, prizes to be assorted merchandise certificates.

As all paperwork was found to be in order, Councilwoman Filippone moved to approve said raffle license application. It was seconded by Councilman Miller and unanimously approved by Council.

COMMITTEES:

COUNCILMAN MCGEE: Councilman McGee reported that the street light has finally been installed at the First Aid Building following two years of effort with Jersey Central Power & Light Company.

Councilman McGee reported under Community Development he has learned that as a result of the 1990 Census the area has been expanded in which we can apply for grant funds and we will be working in the near future to develop a suitable project for this application.

COUNCILMAN TERRA: Councilman Terra commented that waste oil and all types of batteries can be dropped off at the Monmouth County Reclamation Center from 10:00 A.M. - 2:00 P.M. on the second Saturday of each month and he also reminded residents that they can drop off their waste oil and batteries at the Oceanport Drop Off Recycling Center any time during the week and on Saturdays. He also reported that over the next several days we should be receiving battery containers which will be placed around town and these will be used for the smaller household batteries.

Councilman Terra reminded all residents that the next hazardous waste drop off day will be on September 15, 1990 at the Monmouth County Reclamation Center at Tinton Falls and asked residents to look for articles in the newspapers as to what types of materials will be accepted and how they should properly be disposed of.

Councilman Terra stated there was an article in the Monmouth County Recycling Bulletin with regard to an exhibit on plastic recycling and the County Coordinator made some comments about the communities that should be getting involved and the slogan on the exhibit was "when is my town going to recycle plastic" and Oceanport residents know that we have started a year ago and are way ahead of the other communities.

Councilman Terra reported that the Governor's Solid Waste Task Force came out with a report wherein they recommended that we strive for a 60% recycling rate throughout the State and we have managed to begin with 20%, then 25% and recently 36% and we are going to have to do quite a bit more in the future. He continued that one of the areas that will significantly change the numbers will be the recycling of grass clippings which can presently be bagged and thrown away with their trash, but within the next year or so, there will be a ban on all yard waste from being dropped off at the landfill so that we are going to have to begin thinking about the recycling of these items and will certainly take place during the next five years so we must begin to think about composting our grass clippings.

Councilman Terra reported we have entered into negotiations with Garden State Paper concerning the newspapers collected for recycling and we are always interested in getting some type of long term contract so that we are guaranteed that our papers will be picked up and he is happy to report that we are about to enter into an agreement with this company wherein they will pay us \$1.00 per ton and provide the newspaper trailers as they have been doing in the past. He stated this is a significant improvement since we have been getting nothing in the past, but it is far better than surrounding communities who are paying as much as \$45 per ton to get rid of the newspapers.

Councilman Terra reminded the commercial establishments within the Borough that the recycling reports for the second quarter are due.

Councilman Terra advised that there were two errors on the calendar of the Oceanport Bulletin, one being September 3 listed as being the work shop meeting of the Borough Council and should have read September 4 and it stated taxes were due for October 1 and should have been November 1.

Councilman Terra stated there was an interesting insert in the Bulletin this time put out by our Emergency Management Coordinator with regard to hurricane awareness and it was very informative and encouraged residents to save this flyer for use in case of a hurricane.

Councilman Terra commended both Sgt. Sutton on the completion of a 40 hour course on fingerprinting classification and Lynn Nieman completed an 80 hour course on National Telecommunications.

Councilman Terra moved to award a bid for a new firetruck to Kovatch Mobile Equipment in the amount of \$216,500. It was seconded by Councilman Wolfe and unanimously approved by Council.

Councilman Terra stated that about three years ago the Fire Department came to us with a request for a new firetruck and the Committee for the specifications has worked very diligently over the past years and we finally submitted a bid for the truck in May of 1990 and received only one bid and the total bid was over \$269,000 and we felt it was appropriate to reject that bid and go out to bid again and received one bid again and the bid for the truck had gone down, but the equipment portion had gone up.. He continued that the Committee recommended that we

purchase the truck only following several discussions and use the old equipment from the truck being taken out of service, and the representative of the company will perform this work at no additional costs and will be done here in Oceanport.

R-90-51 Councilman Terra then asked the Clerk to read resolution R-90-51 with regard to authorizing a Program Coordinator for the Supplemental Safe Neighborhoods Program and approval of the attached utilization report. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Terra reported that the members of the First Aid Squad had written a very nice note which he published in the last Bulletin and he read same, which thanked Councilwoman Filippone for taking such an active interest in the First Aid Squad and for her organization and efforts in the successful Health Screening Program and expressed their thanks and appreciation for her hard work and efforts on behalf of the entire community.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone commented that she had received a call this afternoon from a resident who was concerned about the fact that people are blowing their grass clippings into the street and he felt that this was done mostly by commercial cutters and she reminded the homeowners that it is illegal to throw any type of trash into the street and they must bag their grass clippings for garbage collection or compost them. She also stated that what happens is they get washed down into the storm drains and ultimately into the river, which is a source of pollution.

Councilwoman Filippone reported we seem to be seeing some forward progress and have received cooperation from the race track and the DEP, but as she has been reporting all along, it has been determined that there are other sources of pollutants that are affecting our river and all of the testing that has been done has been showing this. She commended Councilman Miller for his efforts on behalf of the water pollution problems.

Councilwoman Filippone reported that the County Board of Health has a program where they can identify ticks for lyme disease and we have specific instructions that must be followed and will be published in the next bulletin. She stated out of 100 ticks tested by the Board, over 50% of them had lyme disease and she advised residents to be very careful in this area.

Councilwoman Filippone advised that we have 611 dogs licensed in the Borough and reminded all dog owners that they are supposed to pick up their dog droppings and they are not permitted to walk their dogs on public or private property and must clean up after their dogs and we have been receiving many complaints about this problem.

Councilwoman Filippone noted that the Local Assistance Board has appointed Mary Kelly as the Director for the next five years and under State Statute this appointment is made by the Local Assistance Board.

Councilwoman Filippone reported that the Oceanport First Aid Squad has been extremely active and to date they have received 219 calls and given 1,633 people hours to date and she commended them for the fantastic work they do and the great dedication they have for this Borough and its

residents and reminded everyone that we are looking for volunteers in the fall to assist the Squad in making holiday wreaths for their fundraiser in December and anyone interested should contact her.

COUNCILMAN MILLER: Councilman Miller reported under the Shade Tree Committee, which is chaired by Bill Sullivan and one of the members is in the audience tonight, Mrs. Margaretta Swoope, have been finishing up by removing or trimming some trees throughout the Borough and with the money left over, we plan to trim Milton Avenue and any other emergencies that come up can hopefully be taken care of by the Public Works Department.

Councilman Miller stated under Waterways, the Committee has been very active this summer and have been out in excess of 12 times picking up storm debris, floatables and taking water samples and also went out and labeled as many of the drain outlet pipes that empty into the Shrewsbury for dredging purposes. He continued that the majority of the members of the Committee have participated throughout the summer and we have assisted Bill Simmons of the Monmouth County Board of Health on July 31 with water sampling tests done by members Tom Saboy and Jamie Weiss and they are then dropped off at Councilman Rodman's home and he takes them to the County Health Office to be analyzed.

Councilman Miller reported this past Wednesday we were invited by Bill Simmons of the Monmouth County Board of Health to go on a tour of Monmouth Park Stable area to review the improvements that have taken place and he and Councilmen Terra and Wolfe took the tour and he stated although there is much to be done, we have truly raised the level of concern as far as Monmouth Park is concerned and they recognize that there is a problem that they are going to work to a solution. He continued they have taken some temporary measures and there are a lot more things to be done and they appear to be committed to take care of these problems. He also commented that much will have to do with the DEP and the number of allowable chloroform and if it is around 200, some of the things they have projected may not make it and they will have to take further steps.

Councilman Miller recommended to the Mayor in this regard, that we get our Environmental Commission, local Board of Health and Waterways Committee representatives together and form a Waterwatch Committee and he has a name and number for information and direction in this matter and he recommended that since the Environmental Commission takes care of land, sea and air, that they set up this Committee.

Councilman Miller reported under Parks & Recreation, the kiddy cubes are installed and are being used by the children. He continued that the restrooms at Blackberry Bay Park are just about completed and will be ready and operational for Summers' End Festival.

Councilman Miller read a letter from Kathleen Maida resigning from the Recreation Committee due to her work schedule and thanked her for her years of service on that Committee.

Councilman Miller reported for all the residents who live near Blackberry Bay Park area, that the lights for the basketball courts is a dead issue and the Recreation Committee reconsidered this matter after some reports from Chief Joyce on the problems of such a project and the Committee has voted to not put up the lights.

Councilman Miller reminded all residents that the Summer's End Festival will be held on Sunday, September 9 and there will be music, food, games and ending the day with fireworks. He urged all residents to send in their donations using the envelope in the recent Bulletin because funds are needed due to the increase in the insurance and these fireworks are paid for exclusively through donations and no tax dollars are used for this purpose.

COUNCILMAN RODMAN: No Report.

R-90-52 **COUNCILMAN WOLFE:** Councilman Wolfe asked the Clerk to read resolution R-90-52 accepting the 1989 municipal audit, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Wolfe moved to award a bid for the 1990 road improvement program to **Stavola Contracting Co., Inc.** and to return the other bid bonds to the unsuccessful bidders. It was seconded by Councilman Terra and unanimously approved by Council.

Councilman Wolfe stated he wished to advise the residents that we have a five year plan for road improvements and this is the first year of this program and we are planning to re-pave all or part of Ithaca Ave., Shrewsbury Ave. and Algonquin Ave. and will continue to follow the five year plan and if we have to extend it by a year, we will do so, but we do have a program to follow of the roads that are in need of re-paving.

Councilman Wolfe asked the Clerk to read resolution R-90-53 designating a Public Agency Compliance Officer under the State Affirmative Action requirements, after which he moved to approve same. It was seconded by Councilman Rodman and unanimously approved by Council.

Councilman Wolfe moved to accept the agreements with Kimberly Woods and Bridgewater Townhouses concerning solid waste collection through 1993. It was seconded by Councilman Rodman and approved by Council, with the exceptions of Councilmen Terra and Miller who voted No.

Councilman Terra commented that prior to the condos being built it was necessary for the residents of Oceanport to be assured that the additional complex of multi-family units would not adversely effect them. He stated the Borough Council responding to the public opinion, signed an agreement with the builder stipulating that certain costs would be absorbed by the condo owners after moving in and some of these included garbage collection, street lighting, fire hydrants, snow plowing, etc. and the contract was agreed upon and accepted by all condo residents and has remained in effect to the present day. Councilman Terra stated he was adamantly opposed to expending Borough money to pay for condo services initially because he felt that the contract was valid, freely entered into and was in essence a fair agreement to all parties at the time. Councilman Terra continued that times have changed and so have his attitudes and he now feels that some courtesy should be extended to condo owners but he objects to the present formula in this agreement. He commented that he favors a more gradual takeover of services over a five year period starting at 20% in 1991 and reaching 100% in 1994 and he feels that the present agreement is too much, too soon and these are his reasons for voting no.

Councilman Miller stated that he prepared this statement back in June, just prior to when he thought the vote would be taken and felt it was quite ironic. Councilman Miller stated that although he believed

that legal contracts were entered into by condo residents they were not morally correct and they deserve a reprieve from what was essentially double taxation. He continued however, that in dealing with this problem he felt that he had to take into consideration the other 90% plus of the Borough's residents needs and his compromise was that he felt that on July 1 we should start with a 10% payment of all the service costs and he felt that was the right way to go and would be pro rated 20% a year and actually what we would be doing is starting what the State has told us to do six months ahead of time. He continued that the way taxes were going to sky rocket based upon what is happening in Trenton, he felt that the compromise would have been the equitable way to go for all the taxpayers in Oceanport who we all represent and because of his foregoing statement, in all good conscience would have to vote no on this agreement.

Councilman Rodman stated that he had no statement, but felt his affirmative vote on this matter reflects that he felt this is a fair agreement.

Mayor Cavanagh stated that this issue passes by a four to two vote and stated for the record that in essence what is happening is that the Legislature in Trenton mandated that Governing Bodies throughout the State of New Jersey begin to provide certain services for condo owners on a projected percentage schedule over the next five years beginning in 1991 through 1996, phasing in at 20% per year in each of the five years for all municipal services, including garbage collection, street lighting, fire hydrant services, road maintenance, snow plowing, etc. and that law was passed during the end of 1989. He continued that at the time the law was passed, we were in the process of meeting and discussing the situation with the owners of the condominium association and the law mandates that you do certain things at certain times, so that the issue of whether or not you should do it has for all intensive purposes been foreclosed, and the question is how quickly you do it, what do you agree to do and how does it work. He stated that the commentary of the minority Councilpeople is simply that while the formula may be imposed, they believe the agreement should be at a less progressive rate than what we have agreed to do. Mayor Cavanagh advised that what we have agreed to do is beginning July 1, 1990 the Borough is going to absorb the cost of garbage pick up at Kimberly Woods and reimburse the cost of garbage pick up at Bridgewaters Townhouses. He continued that in essence, the contract that we have worked out with our current solid waste hauler is that there will be no added charge for the actual pick up of the trash, at Kimberly Woods and what the Borough will have to pay is simply the dumping fee, extra calculated by unit, so there is no charge for the actual service, but our contract with our hauler is service plus tipping fees, which is not uncommon and therefore, the dumping fees will increase somewhat over the next six months and through 1993. He stated the other Association at Bridgewaters Townhouses has a contract calling for about \$200 per month and we would be reimbursing that with a set off of another issue that deals with their two fire hydrants.

Councilman Wolfe noted on Councilman Miller's comments about our meeting at the racetrack last week, in that this Governing Body has been very active in any pollution that takes place within the borders of this Borough and we will continue to be extremely active in that aspect and when we left the racetrack facilities yesterday with Bill Simmons, County Health Officer, he is going to be visiting the racetrack on a weekly basis to monitor the progress that they are making and they have had a company come in and clean out all the catch basins in the facility and they are starting to move some of the manure piles away from exposed catch basins and in fact, have closed down a number of locations where

those piles had existed and will no longer allow them to be dumped there. He stated that they are now in the process of covering and tarping the remaining piles, but the County will be visiting this site on a weekly basis and Mr. Simmons has advised that he will inform the Council when he is going on the inspection tours so that if someone on the Council wishes to join him, they will be advised of the date and time.

MAYOR CAVANAGH: Mayor Cavanagh stated that as a follow up to Councilman Wolfe's comments, we began looking into this situation late 1987 when we were dissatisfied with the test results from the river and over the past few years we have, through the Environmental Commission and a variety of other ways, continued to inquire and various things have been done at Monmouth Park over these years, and have changed many of the processes in the which they pick up the manure and where it went, etc., but he knows that everyone sitting on the dais is sensitive to the fact that this summer events seem to have focused in a way that great attention is now being paid to the situation and the sampling that is being done by both the Waterways Committee and the Monmouth County Board of Health is an overall review of the river. He felt that everything has converged at a good time in the sense that we have gotten everyone's attention and our goal is not that we go through a series of interim solutions, but simply within the near future and hopefully before the next season begins, that there is in place a full time permanent solution, that addresses the entire problem and that will eliminate as much as possible the situation we are all concerned about.

Mayor Cavanagh stated that Councilwoman Filippone's remarks earlier are right in that it will allow people to go on to the next source of pollution and gradually, he is hopeful that we will have surveillance up and down the river and by other towns that border the Shrewsbury, since the river is our greatest asset and we want to maximize this asset and felt we have reason at this point to be optimistic about the situation.

Councilman Terra wanted to give special thanks to Councilwoman Filippone because she has not only initiated this effort, but has been right on top of it and has been doing so for quite a while to keep the effort going. He also expressed his thanks and appreciation to Councilman Rodman for taking the water samples to the Monmouth County Board of Health.

Councilman Terra also stated earlier he was speaking of recycling and was stating how proud he was of Oceanport residents and how cooperative they have been with the recycling program and the fact that we recycle oil and batteries and plastics, which few towns do and we have now expanded the recycling program to really get into the spirit of things and what we have done is taking our leaves which have composted over the last several years and we are returning them to a bin at the drop off site for use by our residents, so we are closing the circle on recycling.

Mayor Cavanagh stated that the fireworks fund that Councilman Miller spoke about earlier, commented that it is important that the taxpayers understand that those monies that go toward the fireworks, do not come from the tax dollars, but it is from money that is raised by Recreation and is something we all enjoy, but not everyone pays for, since according to the Recreation Chairman, indicated that the donations are not coming in and he needs a budget of approximately \$4,200 which means if every household sent in \$3.00, we would have more than enough to take care of this program and we have been continuously complimented on the firework

display every year. He stated we are going to put up the sign on the Community Events Board to ask everyone for donations because if we cannot fund it privately, it may not continue.

Mayor Cavanagh stated with regard to the discussion on the new firetruck, it is his understanding that the firetruck we are replacing is approximately 20 years old and it has given us very good service, but we do have a responsibility to provide equipment that we feel secure with and some residents will never realize how valuable the new equipment is and hopefully no one will, but when an emergency does occur, we must be as prepared as possible for the safety of all our residents.

Mayor Cavanagh offered the name of Joseph Feiter to serve as Assistant Emergency Management Director for a term expiring 12/31/92.

Councilman Wolfe moved to approve this appointment. It was seconded by Councilman Miller and unanimously approved by Council.

Mayor Cavanagh offered the name of Ronald J. Kirk to fill the vacancy for the position of Zoning Enforcement Officer, which term expires December 31, 1990.

Councilman Wolfe moved to approve this appointment. It was seconded by Councilman Miller and unanimously approved by Council.

Mayor Cavanagh offered the name of Cheryl Moore to fill a vacancy on the Recreation Committee, which term expires on December 31, 1992.

Councilman Rodman moved to approve this appointment. It was seconded by Councilman Miller and unanimously approved by Council.

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

PETITIONS FROM THE PUBLIC:

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

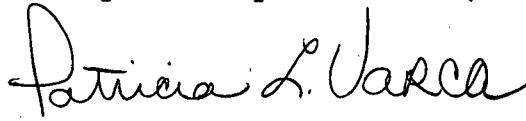
Councilman Wolfe moved to pay the bills listed on the Voucher Register dated August 16, 1990. It was seconded by Councilwoman Filippone and unanimously approved by Council. TOTAL 1989 VOUCHERS \$3,600.00. TOTAL 1989 VOUCHERS PAID THIS MEETING \$3,600.00. TOTAL 1990 VOUCHERS \$113,619.64. TOTAL 1990 VOUCHERS PAID THIS MEETING \$82,780.36. TOTAL 1990 OPERATING FUND \$196,400.00. TOTAL CAPITAL ACCOUNT \$6,364.10. TOTAL PUBLIC ASSISTANCE TRUST ACCOUNT \$3,503.07. TOTAL DOG REGISTRY ACCOUNT \$56.75. TOTAL TRUST ACCOUNT \$2,186.98. TOTAL RECREATION TRUST ACCOUNT \$3,146.94. TOTAL GENERAL LEDGER SHORE REGIONAL HIGH SCHOOL \$147,392.50. TOTAL GENERAL LEDGER OCEANDPORT BOARD OF EDUCATION \$572,579.60. TOTAL GENERAL LEDGER MIDDLE DEPARTMENT INSPECTION AGENCY \$364.00. TOTAL GENERAL LEDGER CLEAN COMMUNITIES GRANT \$55.00. TOTAL GENERAL LEDGER FIRE PREVENTION \$9.75. TOTAL GENERAL LEDGER REIMBURSEMENT STREET OPENING \$35.00. TOTAL GENERAL LEDGER REFUND TAX OVERPAYMENT \$63.30. TOTAL GENERAL LEDGER OPEN SPACE TAX \$12,033.66. TOTAL GENERAL LEDGER COUNTY TAX \$533,729.75. TOTAL GENERAL LEDGER LIBRARY TAX \$18,197.12. TOTAL GENERAL LEDGER INVESTMENTS \$3,211,086.00. (SEE VOUCHER REGISTER)

AUGUST 16, 1990

194

At 8:53 Councilman Miller moved to adjourn this meeting until the next regular meeting scheduled to be held on September 6, 1990 at 8:00 P.M. It was seconded by Councilman Rodman and unanimously approved by Council.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia L. Varca". The signature is written in dark ink and is positioned above the printed name.

PATRICIA L. VARCA
BOROUGH CLERK