

REGULAR MEETING

Oceanport, New Jersey
July 21, 1994

- REGULAR MEETING:** The regular meeting of the Oceanport Mayor and Council was called to order on July 21, 1994 at 8:05 P.M.
- MEMBERS PRESENT:** Councilpersons McGee, Filippone, Miller, Taylor, Wolfe and Mayor Cavanagh.
- MEMBERS ABSENT:** Councilman Clark.
- 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 from the regular meetings held on June 16 and 30, 1994 had been made available for review by the Mayor and Council, Councilman Wolfe moved to waive the reading of same and approve the minutes as presented by the Clerk. It was seconded by Councilman Taylor and approved by Council, with the exception of Councilman McGee, who abstained from voting on the minutes from the meeting of June 16, 1994 since he was not present.

CLERK'S REPORTS:

1. Police report for the month of JUNE, 1994 and a copy of same will be posted on the Bulletin Board.
2. Raffle license application made by Monmouth Park Charity Fund, to be held on 7/31/94, 50/50 cash raffle.

The Clerk advised that the paperwork was found to be in order and the required fee had been paid, after which Councilwoman Filippone moved to approve said raffle application. It was seconded by Councilman McGee and unanimously approved by Council.

COMMITTEES:

COUNCILMAN CLARK: ABSENT.

COUNCILMAN MCGEE: Councilman McGee moved to approve the settlement offer on the recommendation of the Borough's Insurance Carrier, Scottsdale Insurance Co. regarding DeMistro v. O'Toole, et al. (Oceanport). It was seconded by Councilman Taylor and unanimously approved by Council.

Councilman McGee advised that attached to the Police Report for the month of June are a number of certificates that our Police Department employees have earned by completing courses and they are as follows: Ptl. Steven Cioffi, Ptl. Raymond Ciani, Ptl. Steven Tagerty, Sgt. Mackay, Dispatchers Helen Lapka and Diana Fahy completed a course on Cell Block Management-Suicide Awareness; Steven Tagerty has been certified as an Instructor from the State Police Training

Commission; certificates were also awarded for the completion of Dispatcher 9-1-1 Refresher Course taken by Dispatchers Lynn Vitalone, Diane L. Cook, Joan Williams Richard Conte and Diana Fahy; Frank VanBrunt was awarded a certificate for courses in Alcoholic Beverage Control & Enforcement For Uniform Officers and Street Gangs On Your Streets; Steven Cioffi completed "Coaching the Emergency Vehicle Operation-Police" course; Steven A. Tagerty and Raymond V. Ciani completed a course in Chemical Agents Instructor and Det. Mauro Baldanza completed a five day course Terminal Agency Coordinator which is the computer system the Borough now has which ties us in with Monmouth County and with Trenton.

Councilman McGee commented that our Police Department is well trained and keeping abreast of all the latest techniques and things that are necessary to operate efficiently.

ORD.
#655

COUNCILWOMAN FILIPPONE: Councilwoman Filippone called for the second reading and public hearing regarding an ordinance regulating personal watercraft and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **AN ORDINANCE REGULATING THE TRANSPORTATION ACROSS AND LAUNCHING FROM CERTAIN PUBLIC LANDS AND RIGHTS OF WAY WITHIN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, OF PERSONAL WATERCRAFT, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.**

Mayor Cavanagh then opened the meeting to the public for any comments and/or questions regarding this subject only.

Mr. Ward Coles, 555 Port-au-Peck Ave. asked when the signs going to be put up, to which Mayor Cavanagh advised we have ordered the signs and Councilman Wolfe commented they should be received and installed within the next week or so.

Mr. Elwood Baxter, 21 Pocano Ave. asked when the ordinance will begin to be enforced to which Mayor Cavanagh advised that the signs do not dictate enforcement and they will be enforced as soon as it is legally adopted and published according to law.

Mr. Baxter questioned if this would not be an added burden upon the Police Department to which Mayor Cavanagh stated he believed the Police have already been in a certain fashion, encouraging conformance with the proposed regulations and based upon the number of complaints we have received, they have been very successful, since there have been few calls.

Councilwoman Filippone moved to close the public hearing on this subject. It was seconded by Councilman Wolfe and unanimously approved by Council.

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

The Clerk called the roll:

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

Councilwoman Filippone reminded the residents of the Borough that cat and dog licenses were renewable during the month of January and at the Board of Health meeting held the other evening, the members were adamant that summonses be sent out to those residents who have not renewed and she advised anyone who has yet to renew their cat and/or dog licenses, to do so quickly, because summonses will be going out in the near future.

Councilwoman Filippone reported that the Oceanport First Aid Squad responded to 26 emergency calls during the month of June and 6 were motor vehicle accidents, 11 were mutual aid calls, 3 were fires and 2 other for a total of 336 miles and 405 man/woman hours and she also commented that there were 10 advanced life support calls as well.

Councilwoman Filippone commented that the mutual aid calls responded to by our First Aid Squad are becoming a large percentage of the calls, which is placing a burden on our volunteers.

Councilwoman Filippone reminded the residents that the Oceanport First Aid Squad has begun their fund appeal for this year and the letter went out several weeks ago and hopefully many people have responded and so far they have collected \$14,712 and 33% of the residents have responded and they sent out 1668 letters and received 568 responses, and she asked anyone who has not responded yet, to please do so as soon as they can.

Councilwoman Filippone congratulated the Squad members on the fact that they are one out of only four other towns who qualified for the Prudential grant for the defibrillators in the amount of \$2,500 and she commented that this is in large part thanks to John Connor for all the paperwork he filled out and for the excellent records they keep and their compliance with the law.

COUNCILMAN MILLER: Councilman Miller asked the Clerk to read resolution **R-94-54** authorizing the Mayor to sign a consent form regarding the submission of a permit for the wastewater treatment system at Monmouth Park Racetrack, after which he moved to approve same. It was seconded by Councilman Wolfe and unanimously approved by Council.

Councilman Miller reported under Recreation, the Summer Action Camp is half way through and there are 200 children signed up and it is one of the largest groups ever, according to John Kerwin, the Recreation Director.

Councilman Miller announced that the Summer's End Festival is scheduled to be held on September 11, 1994 and it is not too soon to remind residents that there will be a flyer in the next Bulletin, requesting donations for the fireworks, which we have been very successful without using any taxpayers dollars for this event, which costs approximately \$5,500. He again reminded everyone that anyone who donates \$50 or more receives a tee shirt and also advised that the Army Band will not be with us this year, as they have been in the past, because they are being moved out of Fort Monmouth and Chris Reisner of the Recreation Committee is looking into other types of bands for this event.

Councilman Miller stated that on a negative note, he wanted to mention if any resident observes vandalism, to please contact the Police Department immediately, because we have been experiencing vandalism at Blackberry Bay Park Basketball Courts and the rims are being destroyed and we are into our second set and they are now hanging down again, and the rims cost approximately \$100 each, which is \$200 every time we have to replace them and he is quite unhappy about this situation.

Councilman Miller reported under the Shade Tree Committee, on July 31, 1994 at 11:00 A.M., the Committee will be dedicating the tree farm, which is along side the Port-au-Peck Fire House, to the recently deceased Ron Maher, who was a member of the Environmental Commission and this is a cooperative project which was guided by Greg Moore, as his Eagle Scout project, the Environmental Commission was involved and the local and County Shade Tree Committees were also involved. He stated that in another 2-3 years, we will be able to plant trees throughout the Borough at no additional cost.

Councilman Miller reported under Waterwatch and Waterways, that the last sampling taken last Saturday took place approximately 48 hours after a good rain storm and the results show the fluctuation between dry times and wet times and commented that the sampling results were not good and the fecal coliform numbers were relatively high and stated that we have never, during the three years we have been doing this, had a number over 200 off Gooseneck Point and it was 270; we have not had numbers higher than 10-12 off Sommers Park and Blackberry Bay and they were 70-90 and we had numbers of 700 plus in Branchport Creek opposite Wardell Circle and Troutman's Creek. He continued that the following Tuesday, our Waterways Committee sampled strictly for fecal coliform in Branchport Creek and the highest numbers found were at the Bridge near Casa Comida, where the number was 300, which is not really too bad and Seeley's Marina was 300 and Troutman's Creek was 13 and the number dropped down and you can see that all that rain cleaned out the storm drains and we had no re-supply of fecal matter between then and the following Tuesday.

Councilman Miller advised that there is presently a Countywide push for greater documentation and this is as far as the samplings are concerned and it is being carried out by the Monmouth County Environmental Council and it is also being supported by the Two River Times newspaper and in last week's issue, they began publishing the results of any testing unit in the Shrewsbury and/or Navesink and as of right now, the Oceanport WaterWatch is the only Committee of its type doing this kind of sampling.

Councilman Miller reported he will be attending a meeting with Councilman Taylor on July 25, 1994 with the Northcoast Region Environmental Group and the Navesink Environmental Group and basically they will be attending that meeting as advisors to the Navesink Group to implement the kinds of things the Oceanport WaterWatch Committee has been doing for the past three years.

Councilman Miller stated he is very happy to announce that the race track and the DEPE have both signed an Administrative Consent Order to implement one of two alternatives to limit the input of manure/fecal coliform by June 1, 1995. He continued that one plan was to do an on site situation which would have cost somewhere in the neighborhood of 1-1/2 to 2 million dollars and the other alternative was to hook up with the Northeast Monmouth County Regional Sewerage Authority in Monmouth Beach and the hook up with the sewer authority would be much easier, because the first plan involves a great deal of permit processing and they should be on line by June 1, 1995. He continued that he did not see how the first plan of on site treatment could possibly be completed by the June 1, 1995 deadline, however, this has been taken out of the equation, since Tuesday night the sewer authority passed a resolution accepting the tracks effluent and he cannot express how good he feels that this has happened, because it will take out of Turtle Mills Creek an average of 900,000 gallons per week and will be 1,000 gallons per day of wash water and up to 100,000 gallons times 2 of any rainy situation. Councilman Miller stated this will clear up the problem at least 90-95% and perhaps even more of the problems we have been experiencing and documenting and we will still continue to be vigilant and take our samples in the Branchport Creek and hopefully the numbers will continue to go down.

Councilman Miller stated we have received a report from Chief Joyce of the Police Department with regard to the jet ski activity and he advises that in the last month things have quieted down quite a bit and the Marine Police have put up 3 of the 5 signs and he called up Sgt. Herklowitz last Friday and he advised that the other two would be put up shortly and he was going to contact Mrs. Silkworth for permission to place one of the signs on her dock. He stated he will contact him again tomorrow and find out what is going on with the other two signs, since Mrs. Silkworth indicated that she has not heard from him. Councilman Miller stated he wanted to thank the Chief and his Department for their cooperation in this matter and it is due in part to their attention to the complaints we had been receiving that seems to have quieted down the situation as well as the Marine Police and the residents who brought this matter to the attention of the Council and worked with us since last fall.

COUNCILMAN TAYLOR: Councilman Taylor advised that the Borough held a Clean Communities Clean Up Day of the parks and we had volunteers from the Boy Scouts, Girl Scouts, Waterways and Water Watch Committees, as well as other volunteers, who all received tee shirts and he wanted to thank everyone who came out to help.

Councilman Taylor reported under recycling, that phone books are being recycled and we will be keeping the trailer at the drop off site for another two weeks and we have collected approximately 700 books so far this year and last year we collected 710, so he is hoping we will do better this year.

COUNCILMAN WOLFE: Councilman Wolfe moved to approve the following recommendations as made by the Borough Engineer for the release of certain bonds/cash as listed below:

- a) Monteiro, 16 Leeward Ct., Blk. 98, Lot 11 - \$1,500 bond.
- b) Oceanport Estates, Section I, Blk. 10, Lots 13, 14 & 20 and Blk. 8, Lots 10 & 11 - \$2,556 portion of bond.
- c) Oceanport Estates, Section II, Blk. 10, Lots 13, 14 & 20 and Blk. 8, Lots 10 & 11 - \$4,056 portion of bond.
- d) Amoroso, Mohawk Ave., Blk. 70, Lot 7.01 - \$10,000 cash bond.

Prior to voting on the above, Mayor Cavanagh asked if anyone on the Council had a problem voting on any of the above listed properties, since if they do not, we can vote on all of them at one time. No one on the Council expressed any problem with any of the above mentioned properties.

Since Councilman Wolfe had moved to approve the above listed properties, Councilman Miller seconded the motion and it was unanimously approved by Council.

Councilman Wolfe then asked the Clerk to read resolution **R-94-55** granting a disabled veteran's full tax exemption, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Wolfe commented that he met with Ms. Cross of the DEPE back in June, who came to inspect Blackberry Bay, Community Center, Evergreen and Old Wharf Parks to check the Borough's compliance with the running of the Land and Water Conservation and Green Acres funding, which were used for the development of these parks. He received a letter from Ms. Cross in which she commented that the parks were found to be well maintained and in full compliance with Green Acres regulations and he asked the Clerk to place this letter in the Borough's files.

Councilman Wolfe moved to appoint Councilman Taylor temporarily to the Finance Committee, in the absence of Councilman Clark, for the purpose of signing the vouchers. It was seconded by Councilwoman Filippone and unanimously approved by Council.

MAYOR CAVANAGH: Mayor Cavanagh advised that our Bulletin Editor, Ro Terra, is in the hospital and we have sent her something today to cheer her up a little and hopefully she will be back home shortly.

Mayor Cavanagh mentioned that he spoke with the Chief during the week, with regard to his following up with the Marine Police and asked if they had given him any type of target date as to when the remaining two signs will be installed, to which the Chief indicated they had not and Mayor Cavanagh asked him to keep reminding them as well as explaining that we have residents in the Borough who would be willing to put up the signs themselves. Mayor Cavanagh stated that since we have had an enormously cooperative effort from beginning to end to this entire problem, including many of the people who are here this evening, have been active throughout and he would like to see this effort end soon and he expressed his appreciation to everyone involved in working with the Council to resolve this problem.

Mayor Cavanagh commented on the Sewer Authority hook up and stated that Mr. Ward Coles is in the audience this evening and he is the Borough Representative to the Authority and extended to him the Governing Body's thanks in the sense that what he believes the Authority has done, will hasten the elimination of the problem we have been looking at, addressing and working on since 1987 and while the other system may have had some environmental interesting aspects, this one will be pragmatically the most efficient way to have everything on line before the next season begins and when the racing season begins next spring, he believes that this system will be in place and a Councilman Miller pointed out earlier, it will take care of 900,000 gallons per week of waste and rain water, which should be within the parameters necessary to address the problem and put the river back in excellent shape and we should begin to see those results next spring.

Mayor Cavanagh stated that he noticed from the articles he has read this past week, two things that he thinks are going to be economically difficult for us all to deal with shortly and stated that initially he sees the State Mandate/State Pay constitutional amendment is in trouble in the Senate and it does not look like it is going to get on the Ballot this November and the reasoning that he read had something to do with the fact that it would really not eliminate all the things that we are complaining about, but if it eliminated most of what we are complaining about, it might be a start, but apparently there is substitute legislation that is being considered that would direct itself to certain specific mandates to give us an interim relief package. He commented that for himself, he still believes that until they enact a global State Mandate/State Pay directive, which means if you are in Trenton and pass a law, you must fund it and you do not pass the funding along to other people and until they do this, we are going to have these problems periodically and in varying amounts for as long as we all sit up on the dais.

Mayor Cavanagh stated the second item that he is concerned about and urged everyone to take a few minutes and take a look at the Supreme Court decision for school funding or just the short version, because the way he reads it, there is an awful lot of money that needs to be raised to adhere to what he thinks is a directive from the Supreme Court on how to fund the Special Needs Districts and if that is the case, there are only two ways to do this. Mayor Cavanagh explained that you either have to have more revenue or you have to re-distribute the revenue that you have and that has an obvious impact to everyone sitting in the audience, depending on which way they do this, because if

they chose to raise revenue through local taxes, then we have a property tax problem; if they re-distribute it through re-distributing local revenue, then we may have the same problem but if they expand the base and the State funds the difference, which is what we are all hoping will happen, then perhaps we will not have the type of problem that may well potentially be there. He suggested that everyone keep an eye on this situation because it may have a very direct impact on all of the residents.

Mayor Cavanagh stated that to which ever of the jet ski people who were able to have the front page story in the Asbury Park Press within a week of our consideration of this ordinance we adopted tonight, and in case anyone had been wavering, they would be subtly reminded of the impact of this problem, he offered his congratulations and thought it was a marvelous piece of strategy.

Mayor Cavanagh then opened the meeting to the public for any comments and/or questions they might have.

PETITIONS FROM THE PUBLIC:

Mr. Elwood Baxter, 21 Pocano Ave., stated in regard to the Mayor's comments about the State Mandate/State Pay concept, he felt that the Mayors in the Two Rivers Council of Mayors must feel the same way, to which Mayor Cavanagh advised that the Two Rivers Council have already passed two resolutions and forwarded them to the Legislature strongly advocating that they adopt and they have done this for the last two or three years.

Mr. Baxter stated obviously there have been no positive results to date, to which Mayor Cavanagh commented that this went further than he has ever seen this Legislation go before, and he really thought this time it was going to happen, but now he is a bit chagrined because he is not sure it is going to happen this year.

Mr. Baxter commented that it will be unfortunate if this does not happen because Trenton's apparent attitude, at least the Executive Branch, seems to be to let the Mayors and Councils figure out how to get the citizens out of the mess they will be in and he would urge all the citizens to constantly contact their Legislators and let them know that this State Mandate/State Pay must happen.

Mr. Baxter advised that he wanted to point out that the remuneration to him, which is listed on the Voucher Register, that George Katzenberger, who is also in the audience this evening, helped out and some of that money is for the work that he did on the signs as well and he wished that the Marine Police would get the signs put up since they have had the signs for 3-4 weeks.

Mr. Baxter lastly wanted to sincerely express his thanks to the Governing Body for displaying the wisdom in having the annual health screening, which was held this past April for all residents and wanted to thank Councilwoman Filippone in particular, for her efforts to continue this program. He commented that he participated in the most recent screening and he is living proof that this is a very valuable enterprise and he always thought this Borough was the finest of the 53 in the County and now he is definitely certain of this. Mr. Baxter thanked everyone and was glad that he was lucky enough to be picked up on early detection and he urged all the residents to take advantage of this worthwhile program when it is held again.

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

Councilman Wolfe moved to approve the bills as listed on the Voucher Register dated July 21, 1994. It was seconded by Councilman Taylor and approved by Council, with the exception of Councilman Wolfe who abstained from voting on the bills due William Haggerty & Sons. TOTAL 1993 VOUCHERS PAID THIS MEETING \$19,205.61. TOTAL 1994 VOUCHERS \$123,297.39. TOTAL 1994 VOUCHERS PAID THIS MEETING \$100,665.71. TOTAL 1994 OPERATING FUND \$223,963.10. TOTAL RECREATION TRUST ACCOUNT \$1,205.85. TOTAL PUBLIC ASSISTANCE I ACCOUNT \$1,250.00. TOTAL PUBLIC ASSISTANCE II ACCOUNT \$1,540.00. TOTAL DOG REGISTRY ACCOUNT \$33.60. TOTAL TRUST ACCOUNT \$16,871.03. TOTAL CAPITAL ACCOUNT \$333.96. TOTAL GENERAL LEDGER-SHORE REGIONAL HIGH SCHOOL \$407,686.77. TOTAL GENERAL LEDGER-OCEANPORT BOARD OF EDUCATION \$359,752.60. TOTAL GENERAL LEDGER-MIDDLE DEPARTMENT INSPECTION AGENCY \$1,830.00. TOTAL GENERAL LEDGER-MARRIAGE LICENSES \$325.00. TOTAL GENERAL LEDGER-FIRE PREVENTION \$2.00.(SEE VOUCHER REGISTER).

Mayor Cavanagh stated that if anyone doubted what he said earlier regarding the importance of the school financing, they should look at page 3 of the Voucher Register and notice that our quarterly tax charge at Shore Regional High School is \$407,686.17 and the Oceanport Board of Education is \$359,752.60, so that is why he is recommending that we watch this situation closely because these are very significant numbers.

At 8:43 P.M. Councilman Miller moved to adjourn the meeting until the next regular meeting scheduled to be held on August 18, 1994 at 8:00 P.M. It was seconded by Councilman Taylor and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK