

REGULAR MEETING MINUTES

Oceanport, New Jersey
July 19, 2012

The Regular Meeting of the Oceanport Mayor and Council was called to order on July 19, 2012 at 7:58 P.M. with Mayor Mahon announcing that the meeting had been properly advertised in accordance with the law.

MEMBERS PRESENT: Councilpersons Gallo, Ibex, Irace, Bertekap, Johnson, Kahle, Mayor Mahon

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

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

INVOCATION: Borough Chaplain Robert Mills gave the invocation.

CLERK/ADMINISTRATOR REPORT: Ms. Jungfer stated there were 9 items on the consent agenda and asked for a motion. Councilwoman Kahle made a motion to approve the Consent agenda which was seconded by Councilman Ibex and approved by Council.

CONSENT AGENDA

1. Resolution authorizing the payment of bills. **R-12-106**
2. Resolution authorizing the submission of a Sustainable Jersey Grant application. **R-12-107**
3. Resolution authorizing tax refunds for overpayment **R-12-108**
4. Resolution approving a continued shared service with Eatontown for an impound yard. **R-12-109**
5. Resolution amending the 2012 Budget to add an item of revenue; Alcohol Education and Rehab **R-12-110**
6. Resolution approving a field usage application. **R-12-111**
7. Approval of the Workshop meeting minutes of June 21, 2012.
8. Approval of the Regular meeting minutes of June 21, 2012.
9. Approval of the Executive Session minutes of June 21, 2012.

Ms. Jungfer also advised that she was in receipt of the Police Report for June 2012, which had been distributed and would be posted.

COMMITTEES:

COUNCILMAN GALLO: No report

COUNCILMAN IBEX: No report

COUNCILMAN IRACE:

1. Resolution amending the 2012 Capital Budget

Ms. Jungfer explained that the resolution was needed to make improvements to the monument area in front of Borough Hall after which Councilman Irace moved to approve the resolution which was seconded by Councilman Johnson.

The Clerk called roll:

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

The Clerk stated that the motion carried

Councilman Irace reported on attendance along with the Mayor the Assembly Regulatory Oversight Committee hearing on the issue of a casino at the Meadowlands Racetrack, the racetrack industry need for help in the form of a racino, the presence of racinos in surrounding states, the fact that Atlantic City casinos pay an 8% tax and that Chuck Gural, President of the Meadowlands stated he would be willing to put a casino at the Meadowlands and pay a 55% tax to the State of New Jersey which was what Pennsylvania casinos currently pay. Councilman Irace also stated that there was a written agreement between operators of the Meadowlands and Monmouth Park to split 50/50 of revenues that a casino at the Meadowlands would earn with estimates that the State would earn somewhere between \$350-700 million and the casino revenues between \$750 million - \$1 billion. Councilman Irace also discussed the impacts on reduced numbers of thoroughbreds and breeding in New Jersey as breeders were relocating to other states. Councilman Irace also gave an update on where the Assembly, Senate and Governor stands on the issue.

Mayor Mahon added that his presence at the hearing was about the question "if at the Meadowlands, why not at Monmouth Park" and read from his statement before the Committee including "what impact would the addition of slots and VLT's at Monmouth Park mean to Oceanport" – because quality of life considerations were at the top of the list along with economic stability and stable taxes, we have advocated for VLT's at the Meadowlands as the obvious location outside of Atlantic City. However, any plan allowing for slots and VLT's at the Meadowlands and *not* Monmouth must provide a shared economic benefit just the same to ensure stability for horse racing". Mayor Mahon also gave some data on the equine industry.

COUNCILMAN BERTEKAP: Councilman Bertekap moved to appoint Paul Hester to the Parks and Recreation Committee which was seconded by Councilman Irace and approved by Council. Councilman Bertekap also announced Parks and Recreation's 1st Annual Movie in the Park sponsored by JCP&L and Shop Rite on Sunday night.

COUNCILMAN JOHNSON:

1. 2ND reading and public hearing of an amendment to the Noise Ordinance #908
2. 2nd reading and public hearing on a Bond Ordinance.
3. Introduction of a Capital Ordinance for Improvement to the Monument Area of Borough Hall.

Councilman Johnson called for the 2nd reading and public hearing of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 267 OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED "NOISE" TO AMEND AND SUPPLEMENT SECTION 267-1.E**" and then asked the Clerk to read the affidavit of publication by title only.

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 Mayor Mahon closed the public portion.

Councilman Johnson then made a motion to adopt the Ordinance and advertise same in accordance with the law, which was seconded by Councilman Irace.

Councilwoman Kahle commented that after the last meeting many people didn't know that there was even a noise ordinance and thought it would be better to leave the ordinance as it was and made a motion to table the proposed amendment which was seconded by Councilman Ibex.

The Clerk called roll on the motion to table the proposed amendment:

AYES: Gallo, Ibex, Kahle
NAYES: Irace, Bertekap, Johnson

ABSTAIN: None
ABSENT: None

The Clerk stated that there was a tie. Mayor Mahon voted no. Motion did not carry.

Mayor Mahon stated that there was a motion and a second to move the Ordinance amendment to final adoption.

The Clerk called roll:

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

The Clerk stated that the motion carried.

Councilman Johnson called for the 2nd reading and public hearing of **"AN ORDINANCE OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES FOR THE BOROUGH OF OCEANPORT AND APPROPRIATING \$555,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$200,000 EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$121,000) AND PROVIDING FOR THE ISSUANCE OF \$222,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF OCEANPORT TO FINANCE THE SAME"** and then asked the Clerk to read the affidavit of publication by title only.

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 Mayor Mahon closed the public portion.

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 Councilman Irace.

The Clerk called roll:

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

The Clerk stated that the motion carried.

Councilman Johnson called for the introduction of **"AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE MONUMENT AREA OF BOROUGH HALL FOR THE PLACEMENT OF A PIECE OF STEEL FROM THE WORLD TRADE CENTER"** and then asked the Clerk to read the proposed Ordinance by title only, after which Councilman Johnson moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of August 16, 2012 and to advertise same in accordance with the law and was seconded by Councilman Irace.

The Clerk called roll:

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

The Clerk stated that the motion carried.

COUNCILWOMAN KAHLE: Councilwoman Kahle reported that the Environmental Commission was awarded a grant from ANJEC for \$7,000 which was a matching grant so in actual the grant was for \$3,500 with the Borough matching it in-kind with man-hours to complete and environmental resource inventory for the town which was needed for both Sustainable Jersey and the Master Plan and announced the kickoff meeting on August 15th and invited anyone to attend that was interested and recognized Dr. Karen D'Agostino, Dr. Kaloss and Jeanne Smith, Deputy Borough Clerk who were instrumental in obtaining the grant for the Borough.

Councilwoman Kahle also reported that the Community Garden was flourishing and that one of the members had created an Oceanport Community Garden Facebook page.

Councilwoman Kahle stated that the Environmental Commission and the Water Watch Committee would be performing their annual walk-through at Monmouth Park that coming Monday and would be viewing the recently completed improvements.

MAYOR MAHON: Mayor Mahon advised of the Haskell Draw and Press Conference at Monmouth Park on July 26th for the 45th running of the Haskell on Sunday, July 29th and that the Oceanport Stakes would run that same day and encouraged everyone to come out and enjoy.

Mayor Mahon also noted that the Water Watch Committee would be taking advantage of their Committee page on the Borough's website much like the Monmouth Park Task Force's page where they would submit that Committee's information through the front office and it would be archived for public records and posted by the Borough's webmaster. The Water Watch Committee has indicated that they would be taking advantage of that – it was actually their request that was brought to them last year by Councilwoman Kahle. It keeps it all in-house within our public records requirements and the archiving that the Borough Clerk was required to do – it wouldn't be immediate like Facebook and it wouldn't be accessible individually outside of Borough Hall but would come through the Clerk/Administrator's office. Mayor Mahon added that this was available to all the Borough's committees. Councilwoman Kahle added that they would be posting their water testing results as well.

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

PUBLIC:

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

Bill List: Capital Trust \$7,313.00 Dog Registry \$1,935.60 Escrow Trust \$1,180.00, COAH Admin Fees \$7,755.51, Off Duty Trust \$162.30 Open Space Trust \$21,877.08 Other Trust \$63.88 Public Defender Trust \$200.00 Recreation Trust \$858.34 2011 Vouchers Paid \$320,019.19 2011 Vouchers Paid this Meeting \$0.00 Total 2011 Vouchers Paid \$320,019.19 2012 Vouchers Paid \$11,221,547.33 2012 Vouchers Paid this Meeting \$2,057,994.66. Total 2012 Vouchers Paid \$13,279,541.99

At 8:18 p.m. the Clerk read a Resolution authorizing the meeting to enter Executive Session for the purposes of property acquisition and personnel matters on a motion made by Councilwoman Kahle and seconded by Councilman Ibex and approved by Council.

At 9:40 p.m. the Council returned from Executive Session and re-opened the Regular Meeting on a motion by Councilman Ibex which was seconded by Councilwoman Kahle and approved by Council.

Mayor Mahon asked Ms. Jungfer to read a Resolution appointing Jason Sutton as Acting Registrar through the end of 2012 and appointing Mary Jane Yorg as Deputy Registrar through 2012 which was moved by Councilman Ibex and seconded by Councilwoman Kahle and approved by Council. **R-12-113**

Mayor Mahon advised that they had one additional item from Executive Session – a resolution authorizing the Borough Administrator to execute the terms of the Last Chance Agreement with regards to Department of Public Works employee Marc Hunter the execution of that agreement results in termination which was moved by Councilman Ibex and seconded by Councilman Bertekap and approved by Council with the exceptions of Councilman Johnson whom abstained and Councilwoman Kahle who voted no.
R-12-114

As there was no further business, the meeting was adjourned at 9:45 p.m. on a motion by Councilman Ibex which was seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

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

KIMBERLY A JUNGFER
BOROUGH CLERK