

REGULAR MEETING

Oceanport, New Jersey
July 19, 1990

- REGULAR MEETING:** The regular meeting of the Mayor and Council of the Borough of Oceanport was called to order on July 19, 1990 at 8:01 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 Council in the Flag Salute.

As copies of the minutes from the regular meeting held on June 21, 1990 had been made available to the Governing Body for their review, Councilman Miller moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Rodman and unanimously approved by Council.

CLERK'S REPORTS:

1. Police report for the month of JUNE, 1990 which will be posted on the Bulletin Board.
2. Application for membership to the Port-au-Peck Chemical Hose Fire Co. made by Mathew Brown and application for membership to the Oceanport Hook & Ladder Fire Co. made by Michael S. Schneider.

Councilman Terra moved to approve both applications. It was seconded by Councilwoman Filippone and unanimously approved by Council.

COMMITTEES:

COUNCILMAN MCGEE: NO REPORT.

COUNCILMAN TERRA: Councilman Terra commented that the 1990 Directories have been mailed to all residents in the Borough and he informed everyone to use this very valuable booklet which lists all the organizations of the Borough and the names of who to contact as well as their phone numbers. He stated this Directory is primarily put together by Diana Super who did an outstanding job and Patti Varca assisted her and he thanked both of them for an excellent job.

Councilman Terra reported that the Oceanport Hook & Ladder Fire Co. has finally received their new air packs and he explained that an air pack is similar to a scuba type apparatus which is a tank that is carried on the back of firemen, filled with oxygen which allows a firefighter to enter a smoke filled building and we are delighted that not only have the air packs been received, but the firemen have already gone through a drill using these new packs. He also commented that one of the major factors for purchasing these new packs is that the maintenance can be done by the firemen and save a considerable amount of money in the future.

Councilman Terra stated that the Police Report for the month of JUNE, 1990 outlines the monthly totals and he is always amazed at how many calls are received by the Dispatchers in one month's time and during the month of June, 542 calls were received and out of that number 309 calls were responded to by members of our Department. He also reported that our patrol cars put on over 10,000 miles in June while patrolling the Borough streets and we have an excellent Police Department and the men are doing an outstanding job of covering the Borough.

Councilman Terra continued that also attached to the Police Report for June, were the following certificates for the continuing education of the entire Police Department: Lynn Nieman completed a course in Public Safety Telecommunicator Training; certificates for a course on "Assisting the Elderly Caller" were awarded to Tammy M. George, Diane L. Cook and Faith Allan; certificates were awarded to the following for completion of "Recognizing and Identifying Hazardous Materials" Robert Joyce, Phil Budinski, Steven A. Tagerty, Thomas Hendley, John H. Connor, Jared Murphy, John Rolly, Frank Van Brunt, Donald E. Ross, Lynn Nieman, Faith Allan, Charles Mackay, Helen Lapka, Diane L. Cook, Joan Williams, Kip Bebout and Mauro Baldanza.

Councilman Terra reported that the recycling effort has hit a few snags and we are still having a little bit of trouble coordinating pick up of materials at the drop off site by our recycling contractor and after many calls last week by both Diane Super and Patti Varca and his own calls, we managed just in time to have our containers emptied today and we are ready for the weekend. He stated the recycling effort on the part of the entire community has been tremendous and if we can just manage to get our hauler to respond to calls for the full containers to be emptied in a timely manner, we would have a lot fewer problems.

Councilman Terra commented that he asked all the residents to look in the next Bulletin for the Hurricane survival check list which has been put together by Jim Slattery, our Emergency Management Director and since we will be approaching Hurricane season, this information will be invaluable to all residents.

Councilman Terra moved to approve the permanent appointment of Frank VanBrunt as a Police Officer of the Borough following the completion of his six month probationary period. It was seconded by Councilman Rodman and unanimously approved by Council.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone called for the second reading and public hearing of an ordinance amending the sanitary code of the Borough and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT SANITARY CODE" PASSED AND APPROVED ON JULY 27, 1944.** ORD. # 608

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

Margaretta Swoope, 165 Monmouth Blvd., asked what this ordinance was about.

Mayor Cavanagh stated it is increasing the inspection fees for the required inspections by the Board of Health for all food establishments, which allows the Borough to recoup the costs charged by the Monmouth County Board of Health for said inspections.

168 As no one else from the public wished to be heard on this subject, Councilman Miller moved to close the public portion on this matter. 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 Terra.

The Clerk called the roll:

AYES: Councilpersons McGee, Terra, Filippone, Miller, Rodman and Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

Councilwoman Filippone reported that the Oceanport Volunteer First Aid and Rescue Squad has had 28 calls in the month of June, for a total of 179 to date, which amounted to 220 person hours for the month of June with a total to date of 1348 person hours. She stated that if anyone does not know the value of this Squad and its members, she suggested that you should attend some of their meetings to see what they are doing, which she has been doing over this past year and she has always respected them, but after attending the meetings, it shows what they do month after month and she commended all members of the Squad.

Councilwoman Filippone announced that we have licensed over 600 dogs to date and there will probably be a few more, since the 1990 dog census has just been completed.

Councilwoman Filippone announced that those residents who live on the river undoubtedly know already, that we have experienced another major fish kill in the river today and she contacted the County Board of Health and asked them to come out and check the situation out. She continued they were aware that this was a possibility, because there had been a major algae bloom in the bay earlier and it was just a question of time till it came down into our area. Councilwoman Filippone reported that a resident, Mr. Al Weigel took some photographs of the major fishkill and she had experienced this situation earlier in the year and she and Councilman Miller went down off her dock and documented it with a video tape and she advised the public that she has some statistics with her this evening if they would care to review them after the meeting with regard to the fecal coliform count of the Shrewsbury River and we are keeping on top of this situation, but the Board of Health did not feel that this was the case today, although they have called in representatives from the DEP already.

Councilwoman Filippone stated that the river has been closed to fishing which has been a secret, unless you live near the river and she was conscious of the fact that the river was closed, but it took her a long time to find the sign which informs the public not to eat fish from this river and she recommended that the residents not eat any fish coming out of the Shrewsbury River at this particular time.

COUNCILMAN MILLER: Councilman Miller stated he wanted to correct an omission from the last regular meeting and offered his congratulations to Councilman Terra's daughter Dana upon her graduation from Shore Regional High School and commented that she did a fine job as the yearbook Editor.

Councilman Miller also offered his congratulations to Councilman Wolfe and his wife Robin on their 15th wedding anniversary today.

Councilman Miller reported that the Waterways Committee activities are underway and we have had an organizational meeting at the end of June and since then we have had 6 outings on the Litterbug to pick up floatables and every other week, two members of the Committee, Tom Saboy and Jamie Weiss, go out at 6:00 A.M. and take water samples at five sites in the river, starting with Branchport Creek near Casa Comida, at Troutman's Creek at the end of Port-au-Peck and several sites on this side up toward Parker's Creek. He continued these samples are then dropped off at Councilman Rodman's home and he works next door to the County Board of Health, so he just drops them off for us and our numbers have been pretty close to the County's numbers. He advised that 200 which is the number of colonies per 100 milliliters which is considered safe--Branchport Creek by Casa Comida and Troutman's Creek have been in excess of 1,600, but the rest of the river is pretty good with 80 colonies and down.

Councilman Miller thanked Gay Steinbrick, a member of the Waterways Committee who through the company where she works, may give us a grant of \$100 for equipment for the Litterbug and she is processing the paperwork presently.

Councilman Miller reported under Parks & Recreation, we have 130 children, Kindergarten through 12 year olds registered in the summer action camp which is run under the direction of Mr. John Kerwin, five days per week, 9:00 a.m. to Noon.

Councilman Miller advised that the tennis courts at the Community Center are basically finished and are being used and the kiddy cubes are being installed as we speak practically, at both Trinity and Evergreen Parks and to go along with that, we have been able to secure, through a contact from Councilman Wolfe with a parkway employee by the name of Bill Byrnes, 60 - 20' redwood ties that we will be able to use around the kiddy cube areas and also in doing some work in putting up a berm near the Lions Swim Club to help beautify the area. Councilman Miller extended his thanks to Mr. Byrnes and stated we will be forwarding a letter of thanks to him directly.

Councilman Miller reported he tries to visit the parks on a regular weekly basis and found them to be in very good shape and the maintenance of the parks is due mainly to Mike Giordano and his Public Works crew and he thanked them all for their efforts.

COUNCILMAN RODMAN: Councilman Rodman stated the only thing he wanted to comment on was that he did not want the paper to state that the entire Shrewsbury River was closed, since it is his understanding that the Board of Health has closed to fishing only that portion that is Branchport Creek, which is the area of water south of the Borough which borders on Monmouth Park and Long Branch.

Councilwoman Filippone stated that she did not think that this was so as of today, because that is not what the Board of Health had indicated to her today.

Mayor Cavanagh advised the press in the audience to contact the Monmouth County Board of Health tomorrow to find out the extent of the river closing.

170 Councilwoman Filippone also stated that if anyone who lives on the river is interested in having their water near their home tested, they must have clearance from the homeowner to come down on their private docks because they cannot go on private property without permission. She advised anyone who is interested to contact her directly.

R-90-47 COUNCILMAN WOLFE: Councilman Wolfe asked the Clerk to read resolution R-90-47 with regard to a senior citizen's tax deduction, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

R-90-48 Councilman Wolfe asked the Clerk to read resolution R-90-48 with regard to a veteran's tax deduction, after which he moved to approve same. It was seconded by Councilman Terra and unanimously approved by Council.

R-90-49 Councilman Wolfe then asked the Clerk to read resolution R-90-49 with regard to the waiving of permit fees for the Board of Education for sidewalk, curbing, and other site work at the Maple Place School, after which he moved to approve same. It was seconded by Councilwoman Filippone and unanimously approved by Council.

Councilman Wolfe reported on behalf of himself and Councilman Terra he thanked Diana Super for all the work that she did in finalizing the 1989 recycling tonnage grant application and it was quite voluminous and took many, many hours of her time away from her regular duties and she worked many evenings and Saturdays working with Councilman Terra and himself in working out the hours and it is just another aspect of the work involved with local municipalities in order to apply for grants using the same employees, but adding to their work load.

Councilman Wolfe reported that the Public Works Department installed twelve redwood trash cans throughout the various parks in the Borough and the trash cans were purchased through the Clean Community Grant that he and Councilman Terra applied for last year for this year's expenditures and we will purchasing some more cans as well as other items under the litter grant.

Councilman Wolfe commended the Public Works Department headed by Mike Giordano for getting the trash cans installed in the parks and they appear to be a nice addition. He stated the crew also installed a bench over at Trinity Park for the parents to use when the children are at the new kiddy cube and it appears that the parks are really in excellent shape this year and the basketball courts all have new nets installed and we are in the next stage to get the basketball courts striped since we have received some comments requesting this.

Councilman Wolfe stated that the Public Works Department did some striping over at the Port-au-Peck Chemical Hose Fire Co. in the parking lot and that was quite a savings to the Borough, since we would have had to go out to a private company for the striping. He stated they did some handicap parking striping at that location, as well as the Borough Hall parking lot and it brightened up both locations and he thanked Mike and his crew.

Councilman Wolfe read a letter from Gail Scalzo, Corresponding Secretary on the Recreation Committee in which she resigned due to her family moving to Florida and in the letter she commended the efforts of the Recreation Committee for their volunteer work for the Community.

MAYOR CAVANAGH: Mayor Cavanagh offered the name of Walter Dangler to fill a vacancy on the Fire Police, which term expires December 31, 1990.

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

Mayor Cavanagh reported he has attended two meetings of the reinstated Save Our Fort Committee and stated that there has been a kind of systematic plan adopted apparently, to reduce the number of people at Fort Monmouth as well as the number of jobs, etc. He advised that the Committee is headed by Congressman Pallone, Mayor Frankel of Eatontown, the Mayor of Tinton Falls, business people in the area and himself and we have begun meeting and will all be at Monmouth Mall next week as a way of drawing attention to the fact that each Community should take note of this situation, because obviously as we have less people working here and with an already depressed real estate market will not be improved; we will have problems with jobs and other things and obviously, many of your friends and neighbors are probably employed if not at Fort Monmouth directly, as a result of things that affect Fort Monmouth. Mayor Cavanagh stated that there could be a very serious affect if you trickle down the ripples of hundreds of people and the economy, store owners, etc. so we are all getting involved before a formal situation has gotten out of hand and hopefully we will be able to do something.

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

PETITIONS FROM THE PUBLIC:

Margaretta Swoope, 165 Monmouth Blvd., stated she wanted to ask one personal question of each of them and asked how many moments, personally, have each one of the Councilpersons and Mayor spent today on what the residents can do about our tax situation? She stated that she is aware of what the press has been reporting that it is a County problem, State problem, but she wants to know what they think the residents can do and would like each member of the Council as well as the Mayor to present their suggestions.

Mayor Cavanagh questioned Mrs. Swoope on what level she was speaking about, to which she stated she only wanted their thoughts on what they can do because they are in dire straits, speaking for herself, she does not know how much longer she can afford to live in Oceanport and if it were not for her son living above her and paying her taxes, she would have been gone months ago. She continued with the new tax bills received recently, she and other residents think about this every moment of every day and continuously wonder what they are going to do.

Mayor Cavanagh stated before we have each of the Councilmembers speak he wanted to just comment that the concept of the tax problem is something we talk about and work with every day just as everyone else does. He stated the Governing Body all pays taxes just as everyone else does and we also grimace as the taxes go up and we have to deal with it on two levels; one being that we pay ourselves and two, that we must be responsible to the people who come in and speak to us about what we are doing in the tax structure. Mayor Cavanagh commented that he has no problem with Mrs. Swoope asking him any question she would like about what he has done with the tax abilities that he has control of, but what always happens, is that we as a Governing Body affect 16% to 17% of your tax dollar; 83 cents of every tax dollar has absolutely nothing to do with the Borough of Oceanport.

172 Mayor Cavanagh suggested that we control the 16% as best we can and there was an article in the Asbury Park Press last fall which stated that over a four year survey, Oceanport was the fourth lowest municipal increase rate in the County of Monmouth out of 53 municipalities and this was an independent study. He stated that we operate with a Road Department with four people and one Superintendent when Little Silver has 11 and Fair Haven and Rumson have 15-17 people working; what we do is work with no Administrator so that we can save at between 30-50,000 dollars per year; we have an unpaid Recycling Coordinator who works all day and then takes care of recycling, unlike most other towns who have a paid Recycling Coordinator and a budget in many cases that is 5 - 10 times what our recycling budget and we do things like this every month, as often as we can and make every attempt we can and that is why we came in the top five of the survey with the smallest tax rate increase.

Mayor Cavanagh stated we are unable to help the residents one iota with what the schools or the County does with their money or what the State does or what the Federal Government does.

Mrs. Swoope asked if there is a financial debit in Oceanport, to which the Mayor asked if by that question she meant does the Borough owe money, to which he stated yes. She then asked if we are able to pay our debts, to which he again stated yes. Mrs. Swoope then asked if we have a surplus, which the Mayor stated we do every year.

Mrs. Swoope again asked each of the Councilmembers to advise her what each of them would suggest personally, as to what can be done about our municipal budget? She stated she is aware of what the State is doing and she read a quote from the Press about Matawan where there was an upheaval and they were trying to figure out what to do about the irate taxpayers and the Mayor stated he planned to form a bi-partisan panel to determine if the municipal budget could be trimmed and the Committee will review every line of the budget and residents can take the budget home and hold neighborhood meetings of their own groups.

Mayor Cavanagh stated that maybe Matawan doesn't, but this Borough mails a copy of our budget to every resident prior to our public meeting and every line item is mailed to your home. He stated we sit for hours every year and go over our budget line by line and as an example, he stated that we withdrew from the Regional Monmouth County Health Commission and went over to the Monmouth County Board of Health because it saved the Borough money. He stated we do things like this all the time and we are always looking for grants to offset the taxes. He further stated that the budget is adopted and certified to the State and if someone told you right now that we are going to change our budget this year, they would not be telling you the truth because you cannot change this year's budget after it has been adopted and approved by Trenton. He stated we hold public hearings on the budget prior to adoption as well as mailing out the copies of all the homes, again prior to its adoption. He advised that when we held our public hearing on the 1990 budget, there were several people in the audience and many of the comments by the residents were that it looked like we did a pretty good job locally and the budget seemed pretty tight and they asked what they could do about the other portions of their tax bills.

Mayor Cavanagh stated a group of seniors came to a meeting several months ago and complained about the County rate and he has arranged to have the Monmouth County Board of Freeholders conduct their November meeting in the Borough Hall so that his citizens can have a vehicle directly near their home to speak to the County representatives.

Mayor Cavanagh commented that this Governing Body goes through an on going budgetary process from street lighting where we try to substitute different types of lights to cut down the expenses, etc. but no situation is ever perfect and he is sure the more we keep trying to address these items we will find something here and there, but there is not a lot of fat in our budget and we do not wind up the end of the year with thousands of dollars left over.

Councilman Rodman responded to Mrs. Swoope as to what he has been doing recently regarding her questions and he stated that he was sure every member of this Governing Body could read a list of items at least as long, and maybe longer. He continued that in the last month he has approached some of the Monmouth County Freeholders with an idea of trying to get them to purchase more recycled paper products, so that instead of us having to pay a recycler to take our product, the price would increase because of more demand throughout the State on all levels and maybe we could break even or get some money for the recycled paper. Councilman Rodman advised that today he spent some time reviewing our annual audit for last year and he has several questions about the audit to make sure we are getting all the money we should be getting and that tax collections for instance, are on a par with other municipalities. He continued that he will be looking into the possibility of Oceanport being able to register for the acquisition of surplus federal property and there is a large warehouse near the Edison area which is full of federal excess property which is available to municipalities and Boards of Education for free and he will be looking into what is available and if we can use any of the items.

Councilman Rodman stated one of the things he has recently spent a lot of time on is calling our State Senator and wrote letters to our two Assemblymen vehemently opposing the new so called quality education act, which was recently rammed through the Legislature by the Florio Administration and signed immediately by the Governor. He commented that he personally feels that his observation of that law is that it is real bad news for all the residents of the Borough as property tax payers and it is going to be the single costliest item in the next three years and he did everything he could to lobby against it, but it went through.

Councilman Rodman stated these are the things he has been doing and he was not sure if she wanted to take the time to poll the entire Council but he stated that on a bi-partisan basis to tell her that he believes that there is no one on this Governing Body who is trying to spend any extra money on things that are not necessary.

Mrs. Swoope stated that what she is being told then is that there is no place to trim any money?

Councilman Rodman stated that is not what he is saying, because in looking at the audit he is looking to see if there are some areas that we may have been over looking. He also informed Mrs. Swoope that when we are putting together our budget, as the Mayor mentioned earlier, we go through it line by line and there are frequently extensive discussions over line items that are \$200-\$300, to make sure they are really necessary. He feels that the residents of the Borough are getting a good pull from the Council for your support of the people that are here.

Councilman Miller stated he is also an educator and he is somewhat scared about his pension and has been teaching for 27 years and at the end of June, he spent an afternoon speaking with the two Assemblymen in front of their office with a lot of other teachers and he was there as a

teacher, as a tax payer and as a Councilman. He continued he had a chance to speak with Assemblyman Jacobson and at that time he thought that the Assemblyman was going with us, but unfortunately the pressure must have been too great due to the kinds of things the Governor did.

Councilman Miller commented that as the Mayor eluded to earlier, we have a 5 member Public Works and a similar size town like Fair Haven has 15 members and 3 people who do nothing but recycling and that is one thing as a Council that we do and the fact that Councilman Wolfe was able to make a contact with the gentlemen from the Garden State Parkway in order to obtain 1,200 feet of redwood ties at no cost to the Borough is a very large savings to the taxpayers while still allowing us to continue to beautify the Borough. He stated that all the time that all of us spend together with our Borough Clerk are all acting like Borough Administrators because we do all the duties and we are doing it for nothing because we love this Borough and we enjoy our jobs and that is another way and our local municipal increase was under 3 cents and if you check with the surrounding municipalities, he does not think there is a town around that did as well as we did.

Mayor Cavanagh pointed out to Mrs. Swoope that you must also look for consistency because anyone can give you a real good year and then give a really high pop the next year, so you have to look at the record for four to five years in a row. He stated we have tried since he has been Mayor and stated that if you added up the number of people who were working here when he started in 1984 and the number of people working here in 1990, there are not any more and in fact, there are less because we do not have an Administrator nor a Foreman's position in Public Works.

Mrs. Swoope asked what the senior citizens-long term residents who are living on a fixed income like social security, what do we do if we cannot come up with the money for the August 1 tax payment because she does not have the \$1,400 to make the payment.

Mayor Cavanagh stated that we all anguish every time this happens and the most frustrating part of his public life for the years he has sat on this dais, is to fight with everyone on the Council and the other Department Heads to cut the budgets and everybody gets mad and we make our budget as tight as possible, and all these other parties raise the tax rate and the residents come before us and ask where they are going to get the money. He commented that out of the \$1,400 due to the Borough by Mrs. Swoope, only \$230 of that belongs to us and the point he is making is that it becomes extremely frustrating for all of us to absorb all of these complaints and not be able to do anything.

Councilwoman Filippone responded to Mrs. Swoope and stated she understands what Mrs. Swoope is going through because she had a 50% increase in her taxes this year and although she is working right now, but when she is no longer working, she really does not know what she will do, but feels she may have to consider the option of selling her home, because she will not be able to afford to live there. She continued that she has sat here for 7 years and knows that for these 7 years we have all worked our brains out with the budget process and it is a very tedious process, although with the computerization it does make it much easier. She stated we are also all aware that many people are affected by our budget, but we did not do the revaluation, we did not do the tremendous increase in the values of our homes because we own river front property. Councilwoman Filippone wanted to assure the residents that we work at it and we work at it constantly.

Mrs. Swoope questioned if perhaps we have been misled by the Assessor as to the value of our homes and property, since you could not sell our homes for what they are assessed on.

Councilwoman Filippone suggested if you feel the assessment is incorrect, then you should take a tax appeal.

Mayor Cavanagh stated that if the Assessors are wrong, and we cannot say whether a particular assessment is right or wrong because it is a professional process. He also informed the public that the revaluation is mandated by order from the County and we went and appealed the first order to revalue because he wanted to buy an extra year because it was his sense that with what was going on with the real estate market were far escalated and if you think the assessments are bad now, imagine what they would have been if the assessments were made a year earlier when real estate was selling everywhere. He commented that in this area his sense of direction was good and we received a year extension, but then the County initiated a suit against the Borough to compel us to revalue and he wanted the residents to understand this was not something we did on a voluntary basis. He continued when we hired a company to do the revaluation, we hired the same company that has done this service for the Borough at least twice before and if you ask if they are completely accurate, he is sure they are not, but once again he stated that it is not a process that we can control and the residents will have to work with the local Tax Assessor, the County Tax Board, etc. and if they are wrong that is where your relief is because we certainly cannot make adjustments or suggest that the values are right or wrong. Mayor Cavanagh stated we cannot answer for what the revaluation company did because in probably 98% of the cases we would not have the slightest idea what assessments have been put on your property because it does not go through the Council and we have no involvement in the process and that way no one can allege any favoritism in any case.

Mayor Cavanagh advised the residents that the actual tax rate from last year went up 8% so that any increase in your taxes over 8% is a result of the reassessed value being greater than the co-efficient of the average. He stated he is not here to defend the assessments but he is only trying to explain that if you want to criticize all of the taxing authorities for increasing your taxes 8% you are welcome to do that and we will take our one sixth of the 8% and speak about that portion because other than that, we cannot help you and he is not trying to be unfair, but these are the facts.

Mr. John Salerno, 57 Wardell Circle, stated his sister lives on Comanche Drive not more than 1,000 yards away from him in a larger house and more property than he does, and he is now paying \$800 more than she is and wants to know why?

Mayor Cavanagh stated he cannot answer that question.

Mr. Salerno stated he heard a rumor and wanted to know why the Borough is divided into thirds and wanted to know what is so different between his property and his sister's property?

Mayor Cavanagh asked Mr. Salerno if he has been in to see the Tax Assessor, to which Mr. Salerno stated he was in the other day, but Mr. Hoffman was not in. Mayor Cavanagh asked if Mr. Salerno had been in to speak with the representatives from the appraisal company when they had their meetings after he had received his new assessment, to which Mr. Salerno stated he did not.

Mayor Cavanagh commented that these are the people who can give him the answers to the questions he is asking and he does not mean to put him off, but he does not have the slightest idea to the answers to these types of questions.

Mr. Salerno asked why we continue to hire the same company every time and asked why we do not hire someone else?

Mayor Cavanagh stated this service is put out to bid and Realty Appraisal was thousands of dollars less than any other bidder and they have all the cards and information from the prior revaluations. He stated quite candidly, the last time it was done there was a normal rate of 5-10% of dissatisfied residents, but no major problems. He stated that this company does many of the municipalities in Monmouth County and they are one of the largest companies in the area.

Councilwoman Filippone advised the residents that the Borough Council had requested the representatives of Realty Appraisal to attend one of our work shop meetings to give us an idea of how they performed the revaluation assessments because she had been called by many senior citizens asking this question and she questioned the representatives because there seemed to be many more complaints this time than the last revaluation and he stated that he found her comment to be surprising because there were no more people who came in to speak with them when they were available to protest their assessments than there had been the last time and there were the same 10-12% as last time.

Mayor Cavanagh wished that Mr. Salerno and all the other people who have been complaining about their assessments had come in to speak with the representatives and he was not trying to duck any of the questions, but he really does not have the information to give him.

Mr. Salerno stated that he just felt that there seemed to be certain areas of the town that were really getting socked in the assessments, to which Mayor Cavanagh stated that the river front properties were certainly getting "socked" to which Mr. Salerno stated his property is not on the river.

Mayor Cavanagh advised Mr. Salerno to go and speak with the Assessor and commented that he might be right and can take a tax appeal.

Mrs. Peg McQuaid, 56 Wardell Circle stated that what she did not understand was how our land values vary so and we are all neighbors and our values vary greatly and she stated that she did come in to speak with the representatives and their attitude was "tough darts" and received no explanation.

Mrs. Annette Boland, 50 Wardell Circle, stated she came in as well and received no answers whatsoever from these representatives and she felt that they did not perform a proper revaluation. She stated she has been living here through three revaluations and to her it was not done properly and stated that they did not go through her home this time.

Mayor Cavanagh asked if Mrs. Boland had been in to see the Tax Assessor to which she stated she has been unable to find him, to which Mayor Cavanagh advised her he is here every morning, Tuesday through Friday - 9:00-Noon. Mayor Cavanagh asked Mrs. Boland if she wanted to come in he would make certain that the Assessor was present to which she stated she would like to see him on Tuesday morning at 9:00 A.M. and the Mayor asked the Clerk to check with Mr. Hoffman and make sure he would be

available on Tuesday morning to speak with Mrs. Boland and Mr. & Mrs. McQuaid and if there was a problem, we would contact them and advise of a new date. 177

Mrs. Boland stated that we have all heard that the race track has been assessed at a lower amount, which all of us must absorb the difference, to which Mayor Cavanagh stated that is true and also commented that this is typical and happened during the last revaluation as well.

Mrs. Boland commented that she has heard that this happened because it is a commercial business losing money, which the Mayor stated was not the reason and continued that there was a tax appeal filed by the race track after the last revaluation when it was owned privately and the issue that was raised at the time was that there is a concept within the tax structure/tax valuation that if you are a business and you have a plant that has a certain capacity and because of whatever reasons, you wind up using less and gave an example that if you had 800 workers working and because of economic times you wind up with 400 people working and half the plant is never used, the concept there is that it becomes a theory of in-utility and it depreciates the overall value. He pointed out that he is not defending that and it is not his idea, but we hire people who are professionals and ask them to develop the equation and he believed that she was correct in that being the concept that is involved, but the time for a tax appeal to be taken has not passed yet and he is not even sure who will and will not be filing tax appeals, so he is still not sure that this specific number is finalized yet.

Mrs. Boland asked if this was negotiated a number of months ago with the racetrack?

Mayor Cavanagh stated no and explained it is not something that is negotiated but is a number that is put together between the appraisal company and our Tax Assessor and they certify that number in the Spring and that number has been on the books since May or June, but again reminded her that it may not be the final number.

Mr. Margalotti, Borough Attorney explained to Mrs. Boland that whatever the number for the race track is, that was never a negotiated number, because her question implies that there was some sort of discussion with the Sports Authority and he clearly wanted to state the facts to answer her question. He stated that her question infers the possibility that there was some previous negotiation between the Sports Authority and the Borough at which a reduced value was arrived at and that is categorically not so and the directive that was given to the Tax Assessor, who works independently as a matter of law and not under control of the Governing Body and by Realty Appraisal, which was the company who was contracted to perform the current revaluation was to go in and do a full and complete evaluation of the property of the race track plant just as they have done in prior years and to give the Council their professional opinion as to what the current fair market value of that property was as of last year, because this year's taxes are based upon those values as derived last year and that is exactly what was done. He further stated that the figures that were used for purposes of calculating this budget and which are the proposed tax assessed values effective 1990 are those figures which the revaluation company derived by themselves independently.

Mayor Cavanagh stated that what Mrs. Boland may be referring to is the fact that there was an appraisal done as a back up appraisal by another appraiser and those numbers were all given to the Tax Assessor and he arrived at the numbers.

Mrs. Boland asked why a back up appraisal was done, to which Mayor Cavanagh stated that it was felt by the Council that the significance of the event and the significance of the numbers required another opinion as to the situation.

Mrs. Boland asked if there was a lowering of the amount during the last revaluation, to which Mayor Cavanagh stated yes and continued that as best as he could remember, the number was about \$100,000 before the appeal and several million translated backward as a result of the appeal and that was back in 1984-85. He stated this will happen every time because as the area builds up around us, there are more rateables and their percentage will drop to a degree.

Mayor Cavanagh stated there is also a factor that no one has touched on that perhaps everyone should think about and that is that the Borough has pretty much in the past five years been very resistive of any development of all that land and that is due to his sense of his community, in that we are not looking to have mass development on all those acres of undeveloped property and obviously, if they were developed, the tax impact might be a lot different, but so would this town. He stated his sense of the people in this town has always been that we are not looking to double the size of our town and looking for full scale development and that does cut down on the rateable base, since if it were developed there would be a lot more rateables available. He stated we are talking about hundreds of acres of land and he has been stating publicly that we do not want that and if he is wrong, then the people should tell him and we have to think about this situation.

Mrs. Boland stated she did not want development either and then asked if the percentage of rateables is much greater in Oceanport then it was during the time of the last revaluation?

Mayor Cavanagh stated that your home is considered a rateable and we have had some development of homes since the last revaluation, but there has been no commercial development. Mayor Cavanagh stated that we are a residential community and our percentage of commercial development, other than Monmouth Park is really nothing and we have always liked things that way and maybe this thinking will change in the next five years, but with development come things like more schools, etc.

Mayor Cavanagh advised everyone that they have the right to file for a Tax Appeal and the last day to file is August 15, 1990 and the forms are available in the Tax Office.

Mr. James McQuaid, 56 Wardell Circle felt that someone sold the Tax Assessor a bill of goods because it appears to him that Monmouth Park is used more now than ever before with simulcasting for at least 6 months, boat shows, flea market, etc. and he would like someone to explain to him how this is considered lack of use of Monmouth Park when they never had these things before.

Mayor Cavanagh stated that Mr. McQuaid is correct that Monmouth Park has extended activities with about a dozen trade shows, a Market, simulcasting, etc., but it is his understanding that the concept they are speaking of is if you go to Monmouth Park, which was built to accommodate a crowd of 35,000-40,000 people to watch the races, but if you think back to many years ago, there were days when there were that many people there and the traffic was terrible. He continued that in those days they needed room for 40,000 people on the big race days, but if you go now on a big race day, you can see now that if they get 25,000 people they are

thrilled and in essence, the usage of the building by large crowds has changed. He stated the racing industry apparently and he wanted to make clear he was not here as an apologist for the racing industry, but according to what he reads in the paper, the casinos, the lotteries, etc. is taking away the gambling dollar and it almost appears that the pie has been cut too many times, but that does not change the aspect here.

Mr. McQuaid stated that it does change because it raises our taxes and that is why we are here tonight.

Mayor Cavanagh explained that what he meant was the fact that there are more tax dollars going elsewhere doesn't necessarily effect this institution. Mayor Cavanagh stated that we are not here on the basis of telling you that we are in favor of Monmouth Park paying less taxes; all he is suggesting to Mr. McQuaid is that you have to talk to the people who conceived that theory and developed and put the numbers together and certified that and we do not do that function.

Mr. McQuaid stated that he understood that, but the Mayor represents all of the residents and he felt that the Mayor was obligated to follow through on the unhappiness of the people who live in this town and continued that Mrs. Swoope's problem is not with the Borough's budget, but her problem and our problem is the increase in our property taxes. He continued that the Mayor mentioned an eight percent increase while his went up 33% and other people went up 50% and he felt that this just did not make sense and he would like somebody to explain to him why there is such a discrepancy on the entire tax set up and no one has been able to do that yet to his satisfaction.

Mayor Cavanagh asked Mr. McQuaid if he was going to come in on Tuesday morning and speak with Mr. Hoffman, to which he stated he would be here, but felt it would not do any good unless he can get some answers and results. Mr. McQuaid wondered if we were living in a democracy any more because it seems that we are paying for things we do not get and he is not happy about this. He stated if things continue, he and his wife will have to move and he does not want to.

Mr. Tim Williams, 38 Wardell Circle stated that he was an irresponsible tax payer because he never attends Council meetings because he is very happy with the manner in which the Governing Body runs the town and you will never see him here to knock down the local budget. He stated the group that is here this evening are the ones that will go into their pockets when the Borough knocks on the door for whatever function is taking place. Mr. Williams stated we are all frustrated just like the Council is and it is the bureaucracy that puts up a barrier between the residents and the Council is probably the most frustrating thing of all. He stated that the people have heard rumors that the town was taxed in three different divisions and when they come here with a problem, they are now here for the Mayor to say why didn't you attend this meeting or that and we are ignorant of the ways of a lot of things the Council does because we trust you and will go on doing so.

Mr. Williams stated that when the last appraisal was done, the reason no one came out to the meetings was that when it came out in publication, the tax payers were lead to believe that the taxes would not go up because the base was broadened. He stated that this is where Mr. McQuaid and the rest of us become frustrated because there seems to be a new excuse and we are not attacking the Borough Council, but we are talking about the Government that runs this State, of which the Council are a part of and maybe we need to try and get a message back to these

people that says we are sick of being stroked and if it is going to raise our taxes, tell us up front. He stated we have all become more sensitive to the problem and the talk throughout the Borough is we are all paying a lot more taxes, but we could not move if we wanted to because we cannot sell our homes. Mr. Williams stated as the taxes continue to go up we all wonder about what is going to happen and he added that we have a beautiful town and the people maintain their homes and property but no one knows that their homes and property are worth any more.

Mr. Williams is here tonight to find out for all those years he has been remiss and irresponsible in not attending the Council meetings, and he is concerned because if the track is going to pay less taxes because of less use, he suggested that when his children move out of his house, will he be entitled to pay less taxes because of less use. He stated we are all frustrated and do not know what to do and hoped that the Council could properly educate all of the people here this evening as to what best way they can get their messages to the right people.

Mayor Cavanagh stated that as far as he knows, he and Tim have never experienced a barrier between them and he felt that what Tim was really stating was that the higher in government you go, the less contact seems possible. He stated he shares some of their frustration and really did not have a response and he has expressed his thoughts on the next tax package to some higher officials and felt they were not pleased to hear his remarks. He stated that tonight in Holmdel the Mayors from all the municipalities are meeting and he was not sure how many were attending, but they were going to discuss the tax package.

Councilman Miller stated that he did the same thing that Councilman Rodman did and we are on different political sides, but he wrote his letters to Assemblymen Villapiano and Jacobson and to Governor Florio and he went out and he didn't just speak to the Assemblymen, he carried a picket as a teacher in protest. He continued when he did speak with them, he spoke as a teacher, tax payer and Councilman and would have liked to have been in Trenton on that Sunday. He stated the people are now trying to get one million signatures and he and his entire family signed those petitions and those are the ways we can go to make the Governor realize that we are upset and his comment in the newspaper was that he was not there to win friends and influence people and that he was there to be the Governor, whatever that means. Councilman Miller stated at the present time, Governor Florio has the lowest poll quotient since Governor Byrne, of people who think he is doing a good job. He also suggested that the way you can voice your frustration is at the ballot box.

Mayor Cavanagh commented that as recently as today, he has expressed his thoughts to one of his Assembly people about what this tax package is doing to his town and it may not be a popular stance with the people in his political party, however, the people he represents are not being helped by this scenario.

Mr. Williams again stated that we have not come here tonight to challenge the Borough's sixteen cents and just wants the Council to understand the frustration of the people sitting in the audience including himself. He continued that we are tired of hearing things like taxes will not go up because the base will be broadened and then by the time the bills are received it is a different story. He stated that is why many of the people did not come out to the hearings because they believed that the taxes would not go up drastically.

Councilwoman Filippone stated that she agreed with Mr. Williams because after the last revaluation, we did not get zonked like this time and we did not say that the taxes would not go up and she felt there would be an increase, but nothing like the increase she experienced.

Mayor Cavanagh stated that as we speak, Trenton is considering taking over all future revaluations and reassessments on a State level, taking away the local involvement and he guessed, they would have several super companies that would run everything and here is another level of bureaucracy if that happens. He continued that every time Trenton does something, the Borough loses money. He gave an example of the new 911 program, which is a good program, but in speaking with the Chief today we are talking about at least \$15,000, and it is frustrating for everyone.

Councilman McGee stated he felt that the Council members share the frustration and none of us are immune from what you are all feeling and he feels this frustration on a daily basis and his mother who is 74, lives in another community and she is going through the same kind of dilemma that you are speaking about tonight, considering the same kind of options regarding how long she will be able to live there and it is a heart wrenching decision, since she wants to stay near her family.

Mayor Cavanagh stated his suggestion is that anyone who is on a fixed income, senior citizens, etc. who cannot afford to pay the taxes, there should be a system whereby a bank should come in and take care of taxes and add a percentage on for interest, let the landowner live there and commit the equity and when he passes on, the estate can simply satisfy the money owed out of the sale of the property and everyone would be allowed to stay in their homes and live comfortably.

Mr. Williams commented that part of our problem is that the fact that the bureaucratic system has gotten so big, every time there is a new set of regulations, there is a budget that goes along with that, which in turn raises the taxes. He stated he felt it is time for the State to take a deep hard look at deregulations and letting go of some of the responsibilities it has taken over.

Mayor Cavanagh stated he did not disagree with Mr. Williams' comments and commented if you look at the rolls of people who work for the State of NJ it is an incredible number.

Councilman Miller commented that Governor Florio came in and put on 1,500 new jobs at the top that is costing the taxpayers two million dollars extra per week, which works out to 104 million dollars per year.

Mayor Cavanagh advised he had questioned the Chief as to how long it has been since we have hired a new Police Officer, not a replacement for someone who has left, and we are talking about back in 1978 and we have not done this because we are trying to not spend money and then you look at the State and see thousands of people are being hired and our one extra person would make no difference.

Mr. Williams again stated that the people here tonight do not mind paying taxes and probably would not mind if the municipal portion instead of being sixteen cents was twenty-five cents, but it is the 84 cents that has everybody upset.

Mayor Cavanagh asked if the people here tonight are going to come back in November when the Freeholders come to hold their meeting here and he hoped that everyone would come because that is why he set it up to be held here.

182 Councilman Miller commented that it will be interesting in that one of the things that has passed as part of this new tax package is that the Counties are supposed to get a certain amount of money back in effect, because certain services that the County performed are now going to be taken over by the State and it will be interesting to see since this is one of the Governor's ideas for reducing property taxes and we will have to see if the twenty-five cents paid to the County will now be reduced. Councilman Miller added that on the one hand, Governor Florio hired 1,500 people, but also felt that every new Governor along the way had their share of political pay offs and did basically the same thing.

Mayor Cavanagh asked the residents if they would like the Mayor to try and get someone from a higher level in Trenton to come out and try and answer some of the questions raised this evening, which the residents stated they would be interested in this type of a forum. He will try and see if someone from the State level would be willing to come down and talk to the residents and he will make the call tomorrow as well as advising his Assembly people of what comments were made here this evening from his residents.

Mr. John Williams, 135 Comanche Drive stated he agreed with all the people here tonight because we don't care what the local tax rate is as long as it is reasonable. He continued we have lived here all our lives and we live peacefully and don't bother anyone and his problem is all of these mandated programs that come from Trenton that are laid on the municipality so that they can balance their budget, but somewhere somebody must be able to say no-something is going wrong and asked why we can't say that.

Mayor Cavanagh stated that Mr. Williams is absolutely right and if he were to give Mr. Williams copies of minutes from previous meetings, he would read the Mayor making this statement at least 20 times, wherein he keeps saying that what we need is an amendment in Trenton that says if the State mandates, then the State pays. He continued what we need in Trenton is a cap for the State, just like the municipality has a cap because he doesn't understand why we have one and they don't. He stated we must live with a 5% cap increase on our budget, while last year the State increased their budget by 12% which makes no sense and does not seem right.

Mr. Williams commented that people say turn out and vote and our previous Governor was an expert on shuffling monies around while the new Governor made a statement about the businesses leaving NJ because the taxes were too high and then he calls for a tax increase and advises the public that things will work out okay and something is definitely wrong. Mr. Williams also stated he does not approve of the mass transportation plan in Oceanport, because we do not need a railroad station in this Borough because they will be using it here instead of in Long Branch and he does not see that many people riding the train and he has been stopped by them. He also does not think it is intelligent, while we are speaking of new jobs, to give Mr. Gagliano the same money he was getting before to now become a lobbyist to go and lobby to get more money out of us and felt this was ridiculous and somebody has to do something.

Mr. John Williams stated if anybody is going to represent him sending this message back to the State, he would very much appreciate it if it was Mayor Cavanagh because he feels the Mayor has the ability and he has the utmost faith in him and he has always had faith in the people who are sitting on the Council right now. He stated if the Council wants to raise his taxes for the town, anything you think is raisable, he is

more than happy to pay, but he is fed up with all this pie in the sky. He has been listening to for most of his life and is tired of hearing that things will get better and he has been hearing that for a long time. He is also tired of hearing how the race track pays most of our taxes and keep you mouth shut because if the race track was not here, you would be paying a lot more and he has been hearing that for 35 years. He continued that he is hearing it to a little different beat this time in that we better be careful and he felt that he did not ask them to be there and he did not ask the State to take over the track, but just happens to be one of those old fashioned people who do not believe that the Government belongs in business. He stated that we live in a capitalistic society and if people are not happy, they should get out.

Mayor Cavanagh promised that tomorrow he will again specifically call and communicate the messages he has received this evening and what it will accomplish, he could not say, but he will make their feelings known.

Mrs. Swoope suggested that the minutes from this meeting be sent to our Governor and she would second everything the other people have stated this evening and put it in writing because she does not have a lot of faith in a phone call.

Mayor Cavanagh stated when the minutes are prepared he will send a copy to both the Legislators and to the Governor with a letter that says this is what my town thinks and ask them to read them and to advise us on what they think.

Mr. John Williams stated we have a sales and use tax in this State and mostly everyone must collect it and pay this tax, except doctors, accountants and lawyers and if you wanted to raise money in a hurry without taxing soap and paper towels, they could have put a tax on the legal profession.

Mayor Cavanagh stated in defense, as both a lawyer and politician, in the beginning of this whole tax package, Trenton assessed every lawyer in the State \$100 for no other reason than because they were lawyers.

Mr. Williams stated he would rather pay the \$100 than collect the sales tax because it costs him to hire an accountant to go over his records and he feels he is a tax collector for the State of NJ and it takes his time and it is very annoying and feels there are other people who are in the same boat.

Mayor Cavanagh stated the best solution the Governor could have come up with was to tax lawyers and most likely everyone would have applauded that.

Mr. Williams pointed out that a good number of our Legislators in Trenton are also lawyers and this was turned down a long time ago and their reasoning at the time was that the poor people would not be able to afford a lawyer if they had to pay sales tax, but now if they need to buy a cake of soap and some paper towels to get clean, we don't care if they can afford this, but they still don't have to pay sales tax on their legal bills. Mr. Williams continued that the medical profession got taxed another \$100 under their licensing regulations and they have not figured a way to tax the accounts yet, which the Mayor added to that physical therapists were now taxed as well as auto body shops and chiropractors.

Mr. Williams wanted to know when the lawyers were going to join the rest of the State and pay sales tax like everyone else.

Mr. Tim Williams stated in closing that he wanted to live in Oceanport and raise his family here because when he was younger there were families in this town on all economic levels and it was a beautiful cross section and it was not a Rumson nor was it an Asbury Park and it was in his opinion, a perfect combination of people and this is one thing that concerns him with the increase in taxes, is that he wonders what his community will be like if only the very rich can afford to live here, and that is not the type of community he wants to live in and that is what bothers him.

Mayor Cavanagh stated that what bothers him also is how many other communities are going to be much cheaper to live in and it seems to him that everybody is getting nailed to the point where the average tax bill in the City of Long Branch is now approximately \$4,500 and he is not sure where everyone is going to be able to move to because there are not places around that you would want to live that you could afford in this State.

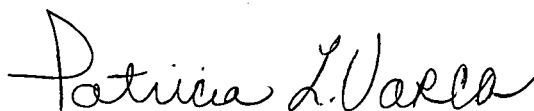
Councilman Miller pointed out to Mr. Williams who has children in the schools and what this excellence in education is going to end up doing is making schools good schools mediocre and that will make the education system in the State mediocre.

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 this bills as listed on the Voucher Register dated July 19, 1990. It was seconded by Councilman Miller and unanimously approved by Council with the exception of Councilman Miller who abstained from voting on two vouchers payable to himself for expenditures being reimbursed to him. TOTAL 1989 VOUCHERS PAID THIS MEETING \$3,673.00. TOTAL 1990 VOUCHERS \$126,589.98. TOTAL 1990 VOUCHERS PAID THIS MEETING \$98,829.76. TOTAL 1990 OPERATING FUND \$225,419.74. TOTAL PUBLIC ASSISTANCE TRUST ACCOUNT \$904.72. TOTAL DOG REGISTRY ACCOUNT \$750.80. TOTAL CAPITAL ACCOUNT \$11,753.17. TOTAL RECREATION TRUST ACCOUNT \$587.90. TOTAL TRUST ACCOUNT-LEEWARD \$521.00. TOTAL TRUST ACCOUNT-SUE \$215.14. TOTAL GENERAL LEDGER SHORE REGIONAL HIGH SCHOOL \$458,988.02. TOTAL GENERAL LEDGER OCEANPORT BOARD OF EDUCATION \$32,000.00. TOTAL GENERAL LEDGER MIDDLE DEPT. INSPECTION AGENCY \$621.00. TOTAL GENERAL LEDGER FIRE PREVENTION \$56.55. TOTAL GENERAL LEDGER-REDEMPTION 3RD PARTY LIEN \$3,400.19. TOTAL GENERAL LEDGER STATE TRAINING FEES \$360.24. TOTAL GENERAL LEDGER INVESTMENTS \$2,581.086.00. (SEE VOUCHER REGISTER)

At 9:22 P.M. Councilman Rodman moved to adjourn this meeting until the next regular meeting scheduled to be held on August 16, 1990 at 8:00 P.M. It was seconded by Councilman McGee and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK