

REGULAR MEETING

Oceanport, New Jersey
July 18, 1991

- REGULAR MEETING:** The regular meeting of the Oceanport Mayor and Council was called to order on July 18, 1991 at 8:03 P.M.
- MEMBERS PRESENT:** Councilpersons McGee, Terra, Filippone, Miller, Rodman, Wolfe and Mayor Cavanagh.
- OFFICIALS PRESENT:** Borough Clerk, Patricia L. Varca, Borough Attorney, Francis A. Margalotti and Borough Engineer, Thomas K. Rospos.
- PLEDGE OF ALLEGIANCE:** Mayor Cavanagh led the audience and members of the Council in the flag salute.

As copies of the minutes of the regular meeting held on June 20, 1991 had been made available for review by the Mayor and Council, Councilman Rodman moved to waive the reading of same and approve the minutes as presented by the Clerk. It was seconded by Councilman Wolfe and unanimously approved by Council.

CLERK'S REPORTS:

1. Police report for the month of JUNE, 1991 and a copy will be posted on the Bulletin Board.
2. Application for membership to the Port-au-Peck Chemical Hose Fire Company made by Samuel F. Talerico

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

3. Resolution approving the liquor license renewal of three inactive licenses of Harry M. Stevens, Inc. following approval for their renewal from the Division of Alcoholic Beverage Control.

R-91-47 The Clerk read resolution R-91-47 regarding these renewals, after which Councilman Wolfe moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

PUBLIC HEARING on the Monmouth County Community Development Grant application for the road improvement program for Summerfield, Springfield and Fairfield Avenues and Woodbine Way.

Mayor Cavanagh reported that this hearing had been advertised in accordance with law and follows the Citizen's Advisory Committee meeting that was held on July 15, 1991 and they discussed the project with our Borough Engineer, Mr. Tom Rospos regarding this application which includes paving, drainage and grading work on the streets listed above. He then asked the Borough Engineer to briefly describe the application as it will be submitted.

Mr. Rospos advised that the project involves the overlay of curbs along both sides of the streets on all four streets named, some drainage work to improve the existing drainage facility on Springfield, Summerfield and Fairfield Avenues and at some of the intersections; where

there are existing outlets on Oceanport Avenue, the streets will be graded to allow the water to flow to the outlets. He continued that the project is basically an overlay in conjunction with curbs and drainage work where necessary and the roads will be widened as much as possible without destroying the properties next to the roadways and we would normally try for thirty feet, but in this instance where the pavement is only twenty-four feet, we will attempt to widen to twenty-six or twenty-eight feet.

Mr. Rospos stated that the estimated cost of the project is between \$200,000-\$300,000 and we are applying for this funding under fiscal year 1992 under the Community Development Program of Monmouth County.

Mayor Cavanagh then opened the meeting to the public for any comments and/or questions regarding this proposed application for the project just described.

As no one from the public wished to be heard on this subject, Councilman Rodman moved to close the public hearing. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Terra then moved to authorize the Borough Engineer to prepare the necessary documents related to this project and file said application with the Monmouth County Community Development Office for this grant. It was seconded by Councilman Wolfe and unanimously approved by Council.

COMMITTEES:

COUNCILMAN MCGEE: Councilman McGee reported under Buildings & Grounds, the air conditioning system for the main portion of the Borough Hall has been completely renovated and a new system has been installed, balanced and is working very efficiently.

Councilman McGee reported that the air conditioning system in the court room and caucus room has gone down and it appears that the system needs to be replaced and we have no idea how long it will continue to operate and he asked the Clerk to read a resolution declaring this an emergency.

The Clerk read resolution R-91-48 requesting the approval from the R-91-48 Director of the Division of Local Government Services concerning the replacement of same, after which Councilman McGee moved to approve. It was seconded by Councilman Rodman and unanimously approved by Council.

The Clerk then read resolution R-91-49 which declares an emergency R-91-49 exists and precludes the Borough from having to follow bidding requirements under the Local Public Contracts Law, after which Councilman McGee moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman McGee advised Councilman Miller that he has finally received the contract from Jersey Central Power & Light Company for the light in the park, however it is for the wrong park so he asked Councilman Miller to advise Mr. Nadler that we are in the process of having the contract corrected and he should have that shortly.

COUNCILMAN TERRA: Councilman Terra complimented Councilman McGee on the fine job he has done with regard to the air conditioning problems and several of the Dispatchers are very appreciative of the new system.

Councilman Terra reported under the Fire Department, the new truck has been delivered and is almost ready for service, but there are some minor problems that have to be resolved that they should be taken care of over the next few weeks and the new truck will hopefully be on display at the open house of the Port-au-Peck Chemical Hose Fire Company, which is their 75th anniversary and it will be held on Sunday, July 28, 1991 from 2-5 PM and the public is invited and refreshments will be served.

Councilman Terra advised that the Oceanport Hook & Ladder had a very successful softball game against several members of the NY Giants Football team this past Saturday and he thanked the NY Giants for participating in the game and to all those people who came out and helped raise money for the Hook & Ladder Fire Co.

Councilman Terra stated the next item he wanted to mention concerns the Directory and yearly a Directory is sent out with a listing of all members of the Governing Body and members of the various Boards and Committees with their phone numbers and there is a lot of valuable information contained in this booklet and he extended his thanks and compliments to Diane Super who does most of the work on this Directory. Councilman Terra stated that every residence is sent a copy of the Directory and there are extra copies at Borough Hall.

ORD: Councilman Terra called for the second reading and public hearing of
#615 an amendment to the Zoning Ordinance and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT ZONING ORDINANCE" PASSED AND APPROVED ON JULY 3, 1969.

Mayor Cavanagh explained that what this amendment seeks to do is to get actively involved in the planning process both the Environmental Commission and the Shade Tree Committee so that their input will at least be sought by every applicant in the various circumstances that are discussed in the ordinance before the matter is presented to the Planning Board.

Mayor Cavanagh opened the meeting to the public for any comments on this subject.

As no one from the public wished to be heard on this matter, Councilman Rodman moved to close the hearing. It was seconded by Councilman Miller and unanimously approved by Council.

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

The Clerk called the roll:

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

Councilman Terra then called for the second reading and public hearing on an amendment to the Shade Tree ordinance and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "SHADE TREE ORDINANCE OF THE BOROUGH OF OCEANPORT, NEW JERSEY" PASSED AND APPROVED ON OCTOBER 4, 1973. #616

Mayor Cavanagh opened the meeting to the public for any comments on this ordinance.

As no one from the public wished to be heard on this matter, Councilman Terra moved to close the public portion of the meeting. It was seconded by Councilman Miller and unanimously approved by Council.

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

The Clerk called the roll:

AYES: Councilpersons McGee, Terra, Filippone, Miller, Rodman and Wolfe.

NAYS: NONE.

ABSENT: NONE.

ABSTAIN: NONE.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone reported that we presently have 586 licensed dogs in the Borough and 41 dog license reminders sent out due to the recent dog census and she urged anyone who received a reminder to get their dog license before the time limit, or a summons will be issued. She also commended the Boy Scouts for doing a fine job, once again, in performing the Dog Census under the leadership of Dr. Parker.

Councilwoman Filippone reported that at the meeting of the Monmouth County Board of Health, they proposed that a new facility be built for hazardous solid waste and it is on the drawing board and they are also trying to extend the collection dates to one day per week rather than six times per year, because not everyone can make these specific days. She felt this was a commendable effort and was happy to see this taking place.

Councilwoman Filippone also noted that the County Board of Health has reported that there are no cases of rabies in Monmouth County and we are very pleased about that report.

Councilwoman Filippone reported that the Oceanport First Aid Squad received a certificate of appreciation from Fort Monmouth for all the help the Squad gave regarding Armed Forces weekend. Councilwoman Filippone also commented that there is no Captain's report this month because the Captain's son was in the hospital although he is doing fine now.

Councilwoman Filippone advised that the CPR course that the Squad will be giving for Borough residents will be held on July 25 at 7:00 P.M. and they have six people registered which is a good sign and would like to get a few more residents to sign up and anyone interested should contact her and she will tell them who to get in touch with for more information.

Councilwoman Filippone stated that the Oceanport First Aid Squad requested that she inform the public that all mail addressed to the Squad must be sent to them via their P.O. Box 26 and not to the Pemberton Avenue address because it will not be delivered if the street address is used.

Councilwoman Filippone stated that once again she wanted to commend the outstanding volunteers of the Squad for their dedication and she has been attending their monthly meetings for almost a year and a half and each time she attends, she has more admiration for all of the members.

R-91-50 COUNCILMAN MILLER: Councilman Miller asked the Clerk to read resolution R-91-50 authorizing the submission of a grant application regarding the sewage infrastructure improvement act, after which he moved to approve same. It was seconded by Councilman Rodman and unanimously approved by Council.

The Borough Engineer commented briefly that the State is going through the final mapping process and we have received a grant for, approximately \$5,500 for the preliminary mapping which is due to be submitted by next Monday and the final mapping applications and the procedures were just recently forwarded to the Borough and his office and the applications are due August 15, 1991. He continued that the maximum amount that the Borough would be eligible for is \$64,400 and this would cover an extensive mapping of the entire system including all the sanitary sewer systems within the Borough. He commented that this is an extensive mapping procedure and will require a lot of work to complete this project.

Councilman Miller reported under Parks & Recreation we have approximately \$2,300 donated from 170 citizens for the Summer's End Festival fireworks display and it works out to be approximately \$13 per person which is pretty good considering the state of the economy. He continued that anyone who donates \$50.00 will receive a red tee shirt with a Summer's End fireworks logo on the front. He advised that the Fort Monmouth Band will be in attendance at the Festival and the date is Sunday, September 8 with a rain date scheduled for September 15, 1991.

Councilman Miller reported under Water Watch and Waterways Committees, he commented that after the mapping is completed under the Infrastructure Project, one of the things that will happen is quarterly that all of the storm drains that have been mapped out in Oceanport, will be sampled for total coliform, fecal coliform, etc. and the data that is received will essentially be used against the Borough because if the levels set by the State are exceeded, then we will have to spend large sums of money to track down where the source is and then clean it up.

Councilman Miller informed the public that the Water Watch Committee has been testing 10 storm drains since April of this year and most of the results have turned up very positive or slightly positive and he has been testing on his own, he has been testing five out of the ten storm drains and as an example, behind the First Aid Squad Building he got a reading of 900 and the limit for fecal coliform is 200, Relwof Ave. is 900, Asbury Ave. is 900, so according with the State's regulations, we would have to do some detective work and find out what is causing the problem. He continued that Charles Park had a reading of 90 and Shore Road was 8 and the most important thing the citizens of the Borough can do is make sure that the only thing that goes into our storm drains is water.

Councilman Miller stated that although there is no funding for these quarterly tests, he has been in touch with several agencies and he is pleased to report that there is a good chance that one of these agencies may be willing to work with our Water Watch Committee and we will perform the sampling the agency will do the work and the cost will be minimal and he will report back on this in the near future.

Councilman Miller reported that the numbers at the Port-au-Peck Avenue Bridge by Casa Comida have ranged from 500-1,600 off and on and he has been testing in this area weekly since June and those numbers are comparable with last year's. He wanted to explain that the good news is that the procedure is in and there are now 85 roll off containers and 15 more are being delivered, but the bad news is that the house keeping portion of the process is what is lacking because they are using canvas sacks and the trainers, handlers, etc. are using wheel barrels which are overloaded and the straw and manure goes all over and when they wash down the horses, these materials get washed into the storm drains and into the river and this will have to be addressed quickly because the State will be issuing a number for the track to be in line with and they will have to adjust their system to come in at that level and he hopes they will take positive action.

Councilman Miller advised that the Water Watch Committee has finally received our Charter and he will bring it to the next meeting and present it to the Mayor. He advised that the Borough's Water Watch Committee is probably one of the most active in the State from what he has been told by the Director and the last time the Committee went out to take samples it was in a driving rain storm and our group is very committed and we will have a good set of numbers in October to see how our storm drains are doing.

COUNCILMAN RODMAN: Councilman Rodman stated he wished to offer an informal type of resolution indicating the Oceanport Governing Body's support for Assembly Bill #4808 and directed the Borough Clerk to send a copy of this resolution of our two Assemblymen and to Assemblyman Doria requesting he post the bill at his earliest convenience and to Governor Florio asking that he support this legislation should it reach his desk, which it hopefully will. He asked for a second to resolution R-91-51. It was seconded by Councilwoman Filippone and unanimously approved by Council. R-91-51

Councilman Rodman explained that this Bill is the companion legislation to some legislation that has recently been passed by the NJ State Senate which would prohibit the consumption and possession of alcoholic beverages by minors in a private home under certain circumstances. He continued that the legislation exempts certain religious observance ceremonies or consumption or possession in the presence of and with the permission of the youth's parents or guardians. Councilman Rodman commented that this is the type of legislation which he thinks that this Governing Body has been looking for to stem what we feel is a problem that exists not just in our community, but throughout New Jersey, which is the consumption of alcohol by minors at private parties and right now, this is something which our Police Department are powerless to act upon and this would give them State Law authority and while the fines that are spoken of in the legislation are not significant, the thing that is significant is the minimum of 30 days of community service for someone under the age of 21, which may mean a summer job for someone if they were convicted of this offense. He felt that this will send a strong signal that Oceanport really considers this a significant problem and this kind of behavior will not be tolerated any longer.

Mayor Cavanagh requested that Council President Terra chair the meeting for the first three items listed on the agenda under Councilman Wolfe since he has a potential professional relationship with the parties involved.

COUNCILMAN WOLFE: Councilman Wolfe moved to authorize the Council President and Borough Clerk to sign a restrictive covenant agreement regarding the subdivision known as Block 61, Lots 2, 26 and 27 - Rosario Zocco (Karo). It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Wolfe moved to award a contract to the low bidder for the reconstruction of Bridgewater Drive to Adnan Concrete Construction Co. of South River, New Jersey in the amount of \$82,682.00 subject to the approval of the NJ Dept. of Transportation and to return the bid bonds to the unsuccessful bidders. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Wolfe moved to award a contract to the low bidder for the 1991 Road Program to Fiore Paving Co., Oceanport in the amount of \$17,000, contingent upon the contractor agreeing to the change order eliminating certain items which reduces the contract price and to return bid bonds to the unsuccessful bidders. It was seconded by Councilman Rodman and unanimously approved by Council.

Mayor Cavanagh then resumed chairing the Council Meeting.

R-91-52 Councilman Wolfe asked the Clerk to read resolution R-91-52 accepting the 1990 audit after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Wolfe stated that the comments that the Auditor made have already been instituted for the 1991 budget year.

R-91-53 Councilman Wolfe asked the Clerk to read resolution R-91-53 requesting the insertion of an item of revenue into the 1991 budget from a Clean Communities grant in the amount of \$8,391, after which he moved to approve same. It was seconded by Councilman Terra and unanimously approved by Council.

R-91-54 Councilman Wolfe asked the Clerk to read resolution R-91-54 authorizing the Borough Tax Assessor to file an Assessor's Appeal, after which he moved to approve same. It was seconded by Councilwoman Filippone and unanimously approved by Council.

R-91-55 Councilman Wolfe then asked the Clerk to read resolution R-91-55 accepting a settlement agreement regarding the Woodbine Cemetery, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

Councilman Wolfe reported that the Borough of Oceanport has been recycling plastics on a voluntary basis for over two years and to bring the recycling of plastics full circle, at the last Recreation Committee meeting a request was made to purchase an additional picnic table and he researched a recycled table and found a company in Ocean Township that makes recycled plastic and wood fiber tables and the table has been purchased and it has been installed at the Community Center Park and this material does not have to be painted and the cost was \$245 which is equivalent to a steel table, which must be painted and maintained.

Councilman Wolfe also reported that the Tax Collector also researched at his request, tax bills for the up coming year processed from recycled paper and found a firm and we have ordered our new bills from this firm and they state on the bills that the paper is from recycled materials and the bills were the same price for the recycled paper as for the new fiber paper.

Councilman Wolfe suggested that the State should try and take this same type of step since they probably use more paper then any other business in New Jersey.

Councilman Wolfe commended the Public Works Department who have been doing an exemplary job on maintenance and restoration throughout the Borough and presently they are finishing waterproofing the Public Works Garage and they will then start waterproofing the Borough Hall Building and it is an on going job for Mike Giordano and his crew, but they do an outstanding job.

Councilman Wolfe reported we have received a letter and check from our insurance agent, Boynton & Boynton for a refund under the workmen's compensation insurance from previous years in the amount of \$8,642.

MAYOR CAVANAGH: Mayor Cavanagh reported that we have finally received from the County Board of Taxation the final numbers relative to the 1991 tax rate in Oceanport and he advised that the 1990 tax rate was \$1.861 per \$100 of assessed valuation; the 1991 tax rate will be \$1.781 per \$100 of assessed valuation or an \$.08 decline in the tax rate. Mayor Cavanagh stated that he spoke with the Tax Assessor today to find out what this will mean to the average tax payer and after some calculations, he estimated that the average tax payer will save \$162.76 or approximately 4.4% of the tax they paid last year.

Mayor Cavanagh explained that anyone who has a home assessed at over \$200,000 will save in excess of \$162 and anyone who has a home assessed under \$200,000 will save less then \$162, but the easiest way to calculate your savings is to simply multiply the tax that you paid in 1990 by 4.4% and you will get your savings.

Mayor Cavanagh stated we are all gratified that this year the tax rate has declined and our residents will be paying less taxes in 1991 then they paid in 1990. He stated this is the first time in the eight years he has been on the Council that the overall tax rate has gone down. He gave the breakdown of the tax rate as follows: local schools district gets \$.42; the regional district gets \$.23; the County gets \$.25 and the municipality gets \$09.8 so for the Borough's use, we collect less than one dime from the tax rate to operate this Borough.

Mayor Cavanagh stated that Councilman Miller has indicated that he wanted the public to be aware of the fact that we still need \$2,100 to complete the fireworks commitment for the Summer's End Festival so he requested that anyone who has not donated, to please do so shortly.

Mayor Cavanagh opened the public portion of the meeting for any comments anyone might wish to make.

PETITIONS FROM THE PUBLIC:

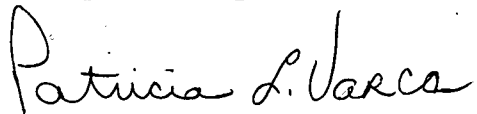
As no one from the public wished to be heard Mayor Cavanagh closed the public portion of the meeting.

Councilman Miller moved to amend the voucher register to include payment to Garden State Fireworks in the amount of \$2,245 which will be paid out of the Fireworks Trust Account. It was seconded by Councilman Wolfe and unanimously approved by Council.

Councilman Wolfe moved to approve the bills listed on the Voucher Register dated July 18, 1991 with the above added bill. It was seconded by Councilman Terra and unanimously approved by Council. TOTAL 1991 VOUCHERS \$131,502.49. TOTAL 1991 VOUCHERS PAID THIS MEETING \$162,574.13. TOTAL 1991 OPERATING FUND \$294,076.62. TOTAL RECREATION TRUST ACCOUNT \$1,210.69. TOTAL FIREWORKS TRUST ACCOUNT \$2,352.00. TOTAL TRUST-SUI ACCOUNT \$229.23. TOTAL DOG REGISTRY ACCOUNT \$753.95. TOTAL PUBLIC ASSISTANCE TRUST ACCOUNT \$140.00. TOTAL CAPITAL ACCOUNT \$216,500.00. TOTAL GENERAL LEDGER-MIDDLE DEPARTMENT INSPECTION AGENCY \$1,141.00. TOTAL GENERAL LEDGER-MARRIAGE LICENSES \$70.00. TOTAL GENERAL LEDGER-DWI \$451.00. TOTAL GENERAL LEDGER-STATE TRAINING FEES \$229.14. TOTAL GENERAL LEDGER-FIRE PREVENTION \$9.75. TOTAL GENERAL LEDGER-TAX OVERPAYMENT \$2,656.08. TOTAL GENERAL LEDGER-RIFLE REGISTRATION FEES \$60.00. (SEE VOUCHER REGISTER).

At 8:59 P.M. Councilwoman Filippone moved to adjourn the meeting until the next regular meeting scheduled to be held on August 15, 1991 at 8:00 P.M. It was seconded by Councilman Rodman and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK