

REGULAR MEETING MINUTES

Oceanport, New Jersey
July 16, 2009

The Regular Meeting of the Oceanport Mayor and Council was called to order on July 16, 2009 at 9:13 P.M. with Mayor Mahon stating the meeting had been properly advertised in accordance with the law.

MEMBERS PRESENT: Councilpersons Briscione, Gallo, Ibex, Johnson, Irace, Kahle and 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.

CONSENT AGENDA

1. Resolution authorizing the payment of bills. **R-09-101**
2. Resolution appointing a relief dispatcher. **R-09-102**
3. Resolution authorizing the use of certain athletic fields. **R-09-103**
4. Resolution awarding a contract for removal of the underground storage tanks. **R-09-104**
5. Resolution authorizing application for a share grant study for solid waste. **R-09-105**
6. Resolution appointing custodian of the Petty Cash Account. **R-09-106**
7. Resolution authorizing participation in the New Jersey Sustainable Energy Joint Meeting. **R-09-107**
8. Resolution requesting a dedicated trust for Community Enhancement and Beautification. **R-09-108**
9. Resolution authorizing a year end tax penalty **R-09-109**
10. Resolution authorizing Robert Gagliano to do an appraisal of certain Borough property **R-09-110**
11. Resolution authorizing payment of \$500.00 to Little Silver for a previously approved Shared Police Study **R-09-111**
12. Denial of a request by Habitat for Humanity to convey certain Borough property to them
13. Approval of the Workshop Minutes of June 18, 2009
14. Approval of the Regular Minutes of June 18, 2009

The Clerk stated there were items added to the Consent Agenda from the Workshop Meeting and described each of the additional items to be added and asked for a motion. Councilman Briscione asked that Items 13 and 14 be removed. Councilwoman Kahle made a motion to approve the remaining items on the Consent Agenda which was seconded by Councilman Briscione and approved by the Council.

The Clerk asked for a motion on Item #13. Councilman Irace moved to approve Item #13, which was seconded by Councilman Johnson and approved by Council with the exception of Councilman Briscione who abstained.

The Clerk asked for a motion on Item #14. Councilman Irace moved to approve Item #14, which was seconded by Councilman Johnson and approved by Council with the exception of Councilman Briscione who abstained.

CLERK/ADMINISTRATOR'S REPORT: No report

COMMITTEES:

COUNCILMAN BRISCIONE: Councilman Briscione reported on Public Works and gave details regarding a weather event that brought down branches including 320 yards of debris that Public Works picked up and arranged for the disposal. Councilman Briscione also reported that the sprinkler system at Old Wharf Park had been repaired.

Councilman Briscione also advised the public of potential traffic delays on July 19th due to the Warp Tour at Monmouth Park and on August 2nd for the Haskell and where traffic information would be available.

COUNCILMAN GALLO: Councilman Gallo made a motion to appoint Therese Wollman and John Amador to the Recreation Committee which was seconded by Councilman Johnson and approved by Council.

COUNCILMAN IBEX: No report

COUNCILMAN JOHNSON: 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 THE CONSTRUCTION, REPAIR, REHABILITATION, MAINTENANCE AND RECONSTRUCTION OF STORMWATER BASINS AT MONMOUTH PARK RACE TRACK IN THE BOROUGH OF OCEANPORT AND APPROPRIATING \$25,000,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$25,000,000 IN BONDS OR NOTES OF THE BOROUGH OF OCEANPORT TO FINANCE THE SAME, AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF** 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 of the hearing.

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 Councilwoman Kahle.

The Clerk called roll:

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

Councilman Johnson called for the 2nd reading and public hearing of **ORDINANCE SETTING FORTH AND ADOPTING AMENDMENTS TO CHAPTER 78 SECTION 2 OF THE CODE OF THE BOROUGH OF OCEANPORT** 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.

Sherman Maps, 44 Ithaca Ave, asked why the ordinance had to be amended. Mayor Mahon explained about the creation of the dual title Clerk/Administrator and its role as the immediate authority that Council had directed all departments to report and the amendment establishes that relationship.

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

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: Briscione, Gallo, Ibex, Johnson, Irace, Kahle
NAYES: None
ABSTAIN: None
ABSENT: None

Councilman Johnson called for the 2nd reading and public hearing of **ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF OCEANPORT, NEW JERSEY OF PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2009 (SHORE REGIONAL SCHOOL DISTRICT PROJECT), OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY** and then asked the Clerk to read the affidavit of publication.

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 of the hearing.

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 Councilwoman Kahle.

The Clerk called roll:

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

Councilman Johnson called for the introduction of **AN ORDINANCE VACATING A CERTAIN PORTION OF THE RIGHT-OF-WAY OF HIAWATHA AVENUE AND MOHAWK AVENUE IN THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY** 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 20, 2009 and to advertise same in accordance with the law and was seconded by Councilwoman Irace.

The Clerk called roll:

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

Councilman Johnson called for the introduction of **AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY IN THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 40A: 12-13 ET SEQ.** 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 20, 2009 and to advertise same in accordance with the law and was seconded by Councilman Irace.

The Clerk called roll:

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

COUNCILMAN IRACE:

1. Resolution certifying review of the 2008 audit as required by law **R-09-112**

Councilman Irace made a motion to approve the Resolution certifying the review of the 2008 audit which was seconded by Councilman Johnson.

The Clerk called roll:

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

COUNCILWOMAN KAHLE:

1. Resolution establishing a environmentally preferable purchasing policy. **R-09-113**
2. Resolution supporting a local government energy audit program **R-09-114**
3. Resolution endorsing the Mayor's Wellness Campaign **R-09-115**

4. Resolution supporting anti-idling. **R-09-116**
5. Resolution authorizing the submission of a Greenhouse Gas Reduction Grant application **R-09-117**

Councilwoman Kahle reported on Sustainable Jersey and gave an update on some of the actions being worked on and that she was looking for volunteers to support the initiatives and that the application was available on the website.

Councilwoman Kahle then asked the Council for a consent to move on the five resolutions in one vote which Council did not oppose. Councilwoman Kahle made a motion to approve the five resolutions supporting or authorizing various actions for Sustainable Jersey which was seconded by Councilman Johnson and approved by Council.

Councilwoman Kahle also reported that the banner campaign was going well and that they would be installed in the next few weeks and that applications for a banner were still available.

MAYOR MAHON: Mayor Mahon advised that he was appointing Diane Chayes to fulfill the unexpired term for Thomas Conlon, Class IV Member of the Planning Board and to appoint Jaclyn Flor to Alternate I to fulfill the vacancy left by Ms. Chayes appointment.

Mayor Mahon made the appointment of Helen B. Rosner Stone and David A. Gardner as Public Defenders for the Court of Oceanport.

Mayor Mahon stated that after their last meeting whereas resident Joe Wolf had presented a flag to the Council, Council had consented to the flag being flown on Veteran's and Memorial Day at the 9/11 memorial in Old Wharf Park and that the flag would also be flown by Monmouth Park on Haskell Day and that he had invited all Borough residents that had served in the Iraq or Afghanistan conflicts to join him in the Winner's Circle following the Oceanport Stakes race that precedes the Haskell for the presentation of the trophy. Mayor Mahon announced that also present would be Garrison Commander for Fort Monmouth, Colonel Stephen Christian and Oceanport Councilman and Viet Nam Veteran Ted Ibex to present the trophy and invited everyone to come out.

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

PUBLIC:

Deborah Sharkey, 437 River Street, asked if there had been any testing of the water quality at Branchport Creek which Mayor Mahon answered yes. Councilwoman Kahle offered to email the results.

Ms. Sharkey asked for an update on the Builder's Remedy. Mr. Bennett answered that there was a Settlement Agreement which continued to be circulated and that if it were not resolved there was a Case Management date set by the Court for September.

Ms. Sharkey expressed concerns about the development from the Builder's Remedy as the roadways in that neighborhood are narrow and just recently there had been a fire and one of the firetrucks had difficulty getting down Morris Place.

Mayor Mahon stated that they are aware of the concern and that there was currently circulating between the Borough Engineer and Traffic Safety a possible modification to the traffic pattern in the Morris Place neighborhood.

Stuart Briskey, 46 Werah Place, commended Councilwoman Kahle on her recommendation to post on a police blotter homes that have been broken into and other pertinent information. Mr. Briskey also made comments concerning how the town was run and the lack of accountability.

Mr. Briskey asked why there was no money for vital firefighting gear – the grant – what happened?

Mayor Mahon answered that they received a communication early in January through the councilmember whose brother is the Fire Chief, reporting a problem with gear that had failed inspection – that did not meet a 10 year life cycle under NFAP guidelines. The same gear passed a PEOSHA inspection stating it was okay. No additional funds were included in the budget due to difficulties with the budget which were well documented. Mayor Mahon continued that there was \$9,300 in the budget that could be used for that specific purpose. The Council also authorized in early May a grant to be applied for but when it came time for the grant deadline the parties responsible for applying the grant had not.

Mr. Briskey asked who were the responsible parties. Mayor Mahon answered the Chief of the Fire Department.

Mr. Briskey made additional comments about the lack of accountability, why his tax money would have to pay for fire gear that a grant would have covered, why light bulbs were out on the police sign and thought the Fire Chief's vehicle should be taken away for recourse.

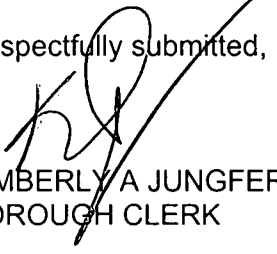
Mayor Mahon interjected and stated that they had not said "oh well" and that it was discussed how to provide for the fire gear through the budget as there was no guarantee that the Borough would have been awarded the budget and they put fire safety first. Mayor Mahon also stated why they would not take the vehicle away from a volunteer for an oversight when his first responsibility was to take care of the firefighters.

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

Bill List: Capital Trust \$9,967.50 Dog Registry \$47.40 Escrow Trust \$1,070.00. Fireworks Trust \$1,700.00 Open Space Trust \$37,623.38 Recreation Trust \$1,578.00. 2008 Vouchers Paid \$165,361.63. 2008 Vouchers Paid this Meeting \$75.00. Total 2008 Vouchers Paid \$165,436.63 2009 Vouchers Paid \$10,852,422.69. 2009 Vouchers Paid this Meeting \$2,093,674.32. Total 2009 Vouchers Paid \$12,946,097.01.

As there was no further business, the meeting was adjourned at 9:38 p.m. on a motion by Councilman Briscione, which was seconded by Councilwoman Kahle and approved by Council.

Respectfully submitted,


KIMBERLY A JUNGFER
BOROUGH CLERK