

Oceanport, New Jersey  
July 16, 1992

REGULAR MEETING: The regular meeting of the Oceanport Mayor and Council was called to order on July 16, 1992 at 8:09 P.M.

MEMBERS PRESENT: Councilpersons Clark, Miller, Taylor, Wolfe and Mayor Cavanagh.

MEMBERS ABSENT: Councilpersons Terra and Filippone.

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 of the Regular Meeting held on June 18, 1992 and the Special Meeting held on June 30, 1992 had been made available for review by the Governing Body, Councilman Wolfe moved to waive the reading of same and accept the minutes as presented by the Borough Clerk. It was seconded by Councilman Miller and approved by Council, with the exception of Councilman Clark who abstained from voting on the minutes of the Special Meeting of June 30 since he was not present.

#### CLERK'S REPORTS:

1. Police report for the month of JUNE, 1992 and a copy will be posted on the Bulletin Board.
2. Taxi license application made by Al DiGirolamo t/a A & W Limo.

The Clerk reported the required fee had been paid and the vehicle inspected and approved by the Police Department, after which Councilman Miller moved to approve said license. It was seconded by Councilman Clark and approved by those Councilpersons in attendance.

3. Raffle license applications made by the Monmouth Park Charity Fund, Inc. to be held on August 2 and August 8, 1992, both are 50/50 cash raffles.

The Clerk reported the required fees had been paid and the paperwork was found to be in order, after which Councilman Taylor moved to approve the raffle licenses. It was seconded by Councilman Miller and unanimously approved by those Councilpersons in attendance.

#### COMMITTEES:

COUNCILMAN CLARK: Councilman Clark reported that the County of Monmouth is actively pursuing something to take care of the junk mail, so hopefully in the next several months, we should be hearing about a program.

Councilman Clark advised that telephone directories will continue to be recycled here in the Borough through July 23, 1992 and they will be taken on the 24th to the Tinton Falls reclamation center, so anyone who still has an old phone book, should make certain to drop it off in the separate trailer near the newspaper trailers.

Councilman Clark commented that recently the law has stated that any appliance that contains freon, such as refrigerators, freezers or air conditioners, must have the freon removed prior to taking them to an approved disposal area. He stated we are recommending to all residents that if you order a new appliance, to request the store to remove the old appliance, if possible because it will save the Borough some money. He explained that we will be collecting them and keeping them in a separate location until we have a dumpster load, it will be taken away by our disposal contractor, but it will cost the Borough extra money for this service.

Councilman Clark stated he was pleased to read an article in the Asbury Park Press which reported that several area supermarkets will dispose of the plastic bags which the newspapers come in and urged everyone to contact your local supermarket.

Councilman Clark advised that we have a number of businesses who are delinquent in submitting their quarterly recycling reports which we need to make our reports to the County and State and a letter will be going out shortly reminding them of this and if they do not respond to the letter with their reports, we will follow that up with a summons until we receive the required information.

COUNCILMAN TERRA: ABSENT.

COUNCILWOMAN FILIPPONE: ABSENT.

COUNCILMAN MILLER: Councilman Miller reported under Waterways, the Litterbug has been active on the river and yesterday, he and Bart Boyle were out in the Blackberry Bay area all the way around to Sommers Park and he stated it was probably the cleanest the river has been over the past three years and came back with no floatables and/or garbage anywhere in those areas.

Councilman Miller stated we are going out every other Tuesday morning at 8:00 to sample Branchport Creek and then we are taking the samples out to the Monmouth County Board of Health for processing.

Councilman Miller advised under the WaterWatch, they went out a week ago Tuesday and the results again, as far as coliform count is concerned, were great and ranged from 50 at the intersection of Branchport Creek and Troutman's Creek to a low of 2 off of Gooseneck Point in the Shrewsbury River and all the other sites were equally low and that is a plus and it is a combination of dry weather and the effects of the new sewer lines being installed in Long Branch.

Councilman Miller stated that although the coliform counts were great, the nitrates and phosphates are very high and the water is loaded with algae, but all in all, the water quality is at its best since we began back in April. He also felt that another reason the river is so clean of garbage, is that during the spring, through a combined effort of the DEP and State Correctional facilities, brought in a group of 20 convicts to come in and clean up along the waterfronts on the northern side of the river and that has helped tremendously.

Councilman Miller reported under Recreation, the boat ramp work is proceeding on schedule and the contractor is down at the site working.

Councilman Miller stated he and Councilman Wolfe made a survey of the parks last week and they are in above average shape and the Public Works Department is doing a great job as always.

Councilman Miller also reported that Pete Bova has retired who kept both the Community Center and Old Wharf House in good shape and we have hired Ed Mundell to take over that position.

Councilman Miller reminded everyone that the Recreation Committee was accepting donations for the Summer's End fireworks display and there are tee shirts that will be given out to anyone who makes a donation of \$50 or more.

Councilman Miller reported under the Shade Tree Committee, we are doing a survey which is being performed by Shade Tree member, Ralph Walsh, of the trees at Evergreen Park. He stated this was requested by the Recreation Committee, since in the past that area must have been a tree farm and there are some rare trees in that location and when they have identifications made of the various trees, we plan to have plaques put on them to identify them to the public.

COUNCILMAN TAYLOR: Councilman Taylor moved to accept the funds now available under the Monmouth County Community Development Program in the amount of \$68,754 for drainage and road improvements to Fairfield, Summerfield and Springfield Avenues and Woodbine Way. It was seconded by Councilman Wolfe and approved by those Councilpersons in attendance.

Councilman Taylor advised that he attended the Maple Place Graduation ceremonies on June 22 and offered his congratulations to Olivia Martell who received a writing scholarship; the Sonny Giordano Award which is a sportsmanship award was presented to Carol Manzi and Warren Emily, to Jessica Dutoit as Valedictorian and Amy Freestone as Salutatorian and also citizenship awards were presented to Jamie Fiasconaro, Kyle Sheridan and the Jimmy Slattery Memorial Award went to Warren Emily and he offered his congratulations to everyone involved in the commencement ceremonies.

Councilman Taylor reported the Oceanport Drug Alliance met on June 30 and we appointed the following officers: he will be Chairperson; Lucille Chaump and Kim Radach, Vice Chairperson; Carol Miller, Treasurer; Melissa Tavener, Recording Secretary and Ken Duffie, Corresponding Secretary.

Councilman Taylor advised that the Alliance will be meeting again on July 29 at the Old Wharf House at 7:30 P.M. and we will be starting to put committees together and we have selected several committees to begin with and we will be looking for volunteers for each of them and establishing our programs for the coming year.

Mayor Cavanagh commented on the motion regarding the Community Development Program stating that the Borough had applied to the County for Community Development Block Grant funding for the areas commented on earlier and we had initially been advised that we were not going to be considered for funding, however, apparently the County received approximately \$473,000 in excess of the monies the Federal Government had originally advised them they would be receiving. He stated several other towns, including the Borough, received funding for various projects and we have decided to accept the funding, although we have only read it in the newspapers and our Borough Engineer has discussed this with the representatives of the program over the telephone.

Mayor Cavanagh advised that in speaking with the Borough Engineer regarding this matter, he has assured him that this amount of money is adequate to fully drain and pave at least the street in the worst condition and on that theory, we have decided to accept the offer of this funding,

which means we cannot re-apply to complete the project this current year, however, the Council decided that it was worth it to know that we would be assured of having sufficient funding to complete the drainage work and at least some paving of the streets in the worst condition and will apply in the following year for additional money for paving and curbing. He continued that hopefully, when we receive the actual notification, we can speed the process up and maybe complete the project before the winter sets in. He stated that the residents in that area have been waiting for this project for many, many years and we hope to give them some relief with this drainage work and thank the Freeholders and the Monmouth County Community Development Program for these funds which will enable us to take a first major step on beginning this project.

ORD.  
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COUNCILMAN WOLFE: Councilman Wolfe called for the second reading of an ordinance with regard to grass clippings 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 "GARBAGE, RUBBISH AND REFUSE" PASSED AND APPROVED ON MAY 20, 1976.

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

Mr. Charles Caparn, 34 Wardell Circle commented that this ordinance that we are speaking of has existed for years in the Borough and no one but himself and several other people, have been able to see it enforced. He continued that he would highly recommend that we establish a means of getting this data out to the landscapers who leave piles of grass around or blow the grass into the street.

Mayor Cavanagh suggested that we include an article in the next Bulletin underscoring both the changes and continuity of the ordinance so that the residents are aware of it and it was published in the Atlanticville, but it will also go into the Bulletin and hope that it gets around through enforcement, if necessary.

As no one else in the public wished to be heard on this subject, Councilman Clark moved to close the public hearing. It was seconded by Councilman Miller and approved by those Councilpersons in attendance.

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

The Clerk called the roll:

AYES: Councilmen Clark, Miller, Taylor and Wolfe.  
NAYS: NONE.  
ABSENT: Councilpersons Terra and Filippone.  
ABSTAIN: NONE.

Councilman Wolfe then called for the introduction of the 1992 salary ordinance and asked the Clerk to read the proposed ordinance by title only as follows: AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED ON MARCH 16, 1939.

Councilman Wolfe moved to approve this ordinance on first reading. It was seconded by Councilman Miller.

The Clerk called the roll:

AYES: Councilmen Clark, Miller, Taylor and Wolfe.  
NAYS: NONE.  
ABSENT: Councilpersons Terra and Filippone.  
ABSTAIN: NONE.

Councilman Wolfe then moved to hold the public hearing on this ordinance at the next regular meeting scheduled to be held on August 20, 1992 and to advertise same in accordance with law. It was seconded by Councilman Miller.

The Clerk called the roll:

AYES: Councilmen Clark, Miller, Taylor and Wolfe.  
NAYS: NONE.  
ABSENT: Councilpersons Terra and Filippone.  
ABSTAIN: NONE.

Councilman Wolfe asked the Clerk to read resolution R-92-54 amending the 1992 temporary budget, after which Councilman Wolfe moved to approve same. It was seconded by Councilman Taylor and approved by those Councilpersons in attendance. R-92-54

Councilman Wolfe then asked the Clerk to read resolution R-92-55 authorizing Tax Anticipation Notes, after which he moved to approve same. It was seconded by Councilman Taylor and approved by those Councilpersons in attendance. R-92-55

Mayor Cavanagh explained that this resolution is part of the problem with no one being able to have an adopted budget and as you may have notice, since 90% of the municipalities in the State do not have an adopted budget, we are all faced with the potential that we may run short of money on August 1, when our payments are due to the County and the Schools. He stated that we have two choices, one being that we can send out provisional tax bills, which a minority of the towns will be doing, which will not be accurate, but will get people to send in their 3rd quarter taxes and then they will have to mail out another revised tax bill within another month. He stated it is very costly to do this, as was stated in an article in the Press as well as trying to explain to the residents why they are getting two tax bills and will be very confusing to the residents. He stated the other method, which has been recommended by our Borough Auditor, in order to avoid more confusion and the added expenses which involve not only the cost of the bills and mailing, but the employee overtime it would take to get such a program completed, to pass this resolution tonight which would allow us to utilize tax anticipation notes, which is borrowing money, if in fact there is a shortfall on August 1 from the taxes we do collect and the money we have in surplus, and we are in need of money. He continued that it is his understanding that these are temporary notes and perhaps we will not even need them, but if we do, the required paperwork will be in place and our Auditor has indicated that we should be prepared.

Councilman Wolfe asked the Clerk to read resolution R-92-56 amending the 1992 Municipal Budget, after which he moved to approve same. It was seconded by Councilman Clark and approved by those Councilpersons in attendance. R-92-56

Councilman Wolfe asked the Clerk to read resolution R-92-57 regarding the insertion of special items of revenue into the 1992 budget, after which he moved to approve same. It was seconded by Councilman Taylor and approved by those Councilpersons in attendance. R-92-57

R-92-58 Councilman Wolfe then asked the clerk to read resolution R-92-58 awarding a contract for Elevator Subcode Official in the Borough of Oceanport, after which he moved to approve same. It was seconded by Councilman Miller and approved by those Councilpersons in attendance.

MAYOR CAVANAGH: No Report.

Mayor Cavanagh then opened the meeting to the public for any comments or questions they might wish to discuss.

Mrs. Mary Schwarz, 125 So. Pemberton Ave., stated she wanted to address the bicycle laws and she requested that something be published in the Bulletin for the children warning them that tickets are being issued if they are not following the regulations. She also felt the Borough ordinance be reviewed on this matter as well, since it states up to 15 days in jail for not having a light on a bicycle, which she felt was rather severe for a young child. She also stated that the fines are not the same for every child and some children have been fined \$21 and others have been fined up to \$31 from what she has heard and she did not think this was fair and felt there should be one amount set for the same offense, but it is her understanding the difference comes if it is written under the State Statute or the Borough Ordinance.

Mrs. Schwarz stated she did not feel it was the Borough's fault, but that the ordinance is very vague and should be looked at and the children must be aware and she felt it was good for their safety, but they deserve as much respect as adults do and should know what the penalties are as well as the fines being uniform.

Mayor Cavanagh stated in terms of publishing, it has been published last year in the Bulletin and for some time, the Police Department was not issuing any tickets, but merely warning the children and we published an article in the Bulletin at that time saying we are only going to give warnings for a certain period of time and to make sure that the lights are installed on the bicycles because we don't want anyone getting hurt riding around in the dark with a bike that has no light.

Chief Joyce concurred with what Mayor Cavanagh had stated and commented that he can assure the Council that any child who has received a summons in this Borough has received at least three warnings before the summons was issued, to which Mrs. Schwarz did not agree and Chief Joyce offered to speak with her after the meeting in his office regarding her situation.

Mayor Cavanagh stated as to the amount of the fine, when you speak about municipal violations, there are any number of fines that are levied up to a certain amount or within a certain range, which gives the Court discretion to determine a first offender from someone who consistently has broken a certain law. He continued that to make the conclusion that all municipal violations carry with them a specified designated fine is not necessarily accurate.

Mayor Cavanagh asked if the Chief knew if there were some fines that were \$21 and some that were \$31 for the same offense, to which Chief Joyce stated that the fines are set by the Administrative Courts in Trenton and there could be a difference in the amounts because there are minimum and maximum fines for what the situation is and the Mayor requested that the Chief speak with the Court Clerk and find out if there can be one set fine for this violation we are speaking of and should be uniform.

Mrs. Schwarz also commented that she had been trying to get the PTO interested in bringing bicycle safety to Maple Place School and the bicycle safety program is only given at Wolfhill and she felt by the time the children are in Maple Place School, they are using their bicycles as means of transportation and could use more information on how to safely use their bikes, but there didn't seem to be any interest, since the Bicycle Rodeo is held at Wolfhill School.

Chief Joyce commented that the Bicycle Rodeo held annually is open to all children in the Borough regardless of age and everyone is welcome and flyers are sent home with the children through the schools.

Mrs. Schwarz commented that when her children were in Maple Place School, they were told that anyone above fifth grade was not welcome to attend the bicycle rodeo.

Mayor Cavanagh stated he will speak with Councilman Terra about putting another article in the Bulletin, but it has been done in the past and we will try and do it again as a reminder to the children, since it is for their own good and we are trying to protect them.

Mr. Rick Sweger, 1244 Turf Drive asked with regard to the temporary budget, because it is so late in the year, he wondered if this was legal under State law?

Mayor Cavanagh stated that those who are causing the delay, make the laws, but we are compelled to have a budget introduced by early March and we complied and the State is supposed to have a budget in place by July 1, 1992, so he really cannot answer Mr. Sweger's question, but as soon as the State gives us the okay on our budget, we will adopt it promptly.

Mr. Sweger questioned the amendment to the budget where there was an amount listed under Supplemental Fire Services and questioned what that was?

Mayor Cavanagh stated that was the annual fire grant, which has been reduced this year by \$105 and the State has decided that this number would be reduced by that amount.

Mr. Caparn, 34 Wardell Circle asked what the Borough residents should do about paying their taxes, which are due on August 1, since we do not have a tax bill, to which Mayor Cavanagh explained that he should pay the 3rd quarter taxes, but pay the same amount he paid for his 2nd quarter taxes and when the tax bills are sent out, there will be an adjustment made.

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

Councilman Wolfe moved to approve the bills as listed on the Voucher Register dated July 16, 1992. It was seconded by Councilman Taylor and approved by those Councilpersons in attendance, with the exception of Councilman Wolfe who abstained from voting on the vouchers due William Haggerty & Sons. TOTAL 1992 VOUCHERS \$184,679.89. TOTAL 1992 VOUCHERS PAID THIS MEETING \$70,410.87. TOTAL 1992 OPERATING FUND \$255,090.76. TOTAL CAPITAL ACCOUNT \$285,444.50. TOTAL TRUST ACCOUNT \$1,871.21. TOTAL RECREATION TRUST ACCOUNT \$2,384.74. TOTAL PUBLIC ASSISTANCE II TRUST ACCOUNT \$930.00. TOTAL DOG REGISTRY ACCOUNT \$266.60. TOTAL GENERAL LEDGER-SHORE REGIONAL HIGH SCHOOL \$363,861.66. TOTAL GENERAL LEDGER-

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OCEANPORT BOARD OF EDUCATION \$685,505.00. TOTAL GENERAL LEDGER-MIDDLE DEPARTMENT INSPECTION AGENCY \$562.00. TOTAL GENERAL LEDGER-MARRIAGE LICENSES \$85.00. TOTAL GENERAL LEDGER-WC AUDIT \$1,379.31. TOTAL GENERAL LEDGER-FIRE PREVENTION \$30.00. TOTAL GENERAL LEDGER-LIEN REDEMPTION \$5,748.62. (SEE VOUCHER REGISTER)

At 8:47 P.M. Councilman Miller moved to adjourn this meeting until the next regular meeting scheduled to be held on August 20, 1992 at 8:00 P.M. It was seconded by Councilman Taylor and approved by those Councilpersons in attendance.

Respectfully submitted,



PATRICIA L. VARCA  
BOROUGH CLERK