

SPECIAL MEETING

Oceanport, New Jersey
July 1, 1996

SPECIAL MEETING: The Special Meeting of the Oceanport Mayor and Council was called to order on July 1, 1996 at 7:35 P.M.

MEMBERS PRESENT: Councilpersons McGee, Filippone, Miller, Taylor, Wolfe, Silkworth and Mayor Cavanagh.

OFFICIALS PRESENT: Borough Clerk, Patricia L. Varca, Borough Attorney, Francis A. Margalotti and Borough Engineer, Thomas K. Rospos.

Mayor Cavanagh stated the purpose of this Special Meeting, which had been advertised in accordance with law, is for the purpose of conducting a public hearing on the application to be submitted to the Monmouth County Community Development Program for funding for ADA requirements and the second reading and public hearing of an ordinance amending the Fire Department ordinance, as well as several resolutions which need to be approved.

Mayor Cavanagh then explained that the application being submitted by the Borough of Oceanport this year is for funding, as delineated at length at the Citizens Advisory Committee meeting held a short time ago, takes into account a variety of sites where we would be placing types of ADA related construction efforts in order to comply with the requirements.

Mayor Cavanagh also advised that the amount of funding proposed for this application was \$50,200 which would include removing and replacing sidewalk and concrete curbing, bituminous concrete leveling course and site restoration and would intend to construct handicap ramps at various locations within the Borough of Oceanport.

Mayor Cavanagh advised that the Borough Engineer is present this evening to answer any questions they may have on this application and then opened the meeting to the public for any comments and/or questions relative to the application being proposed to be submitted for funding to the Monmouth County Community Development Program.

As no one from the public wished to be heard on this matter, Councilman McGee moved to close the public hearing and it was seconded by Councilman Wolfe and approved by Council.

Councilwoman Silkworth moved to authorize the Borough Engineer to submit the application to the Monmouth County Community Development Program in a timely manner. It was seconded by Councilman McGee and unanimously approved by Council.

Mayor Cavanagh then stated the next item on the Agenda this evening was to conduct the public hearing on the amendment to the Fire Department Ordinance with regard to special memberships.

Councilwoman Filippone 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 "FIRE DEPARTMENT ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED DECEMBER 2, 1920.**

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

Peter McOrmond, 19 Branch Avenue stated that this ordinance was only just brought to the attention of the members of the Oceanport Hook & Ladder Fire Company over this past weekend and although the Chief knew about this, he did not get the information out to the members, so this is the first opportunity they had to review the contents of the amendment. He continued that he had spoken with Councilman Wolfe and gave him some sentiments expressed by some of the members and although they have no objection to the ordinance as it reads, with the exception that they do not think that if you joined a fire company before a certain date, you no longer have to go through a Police background check because they felt it sounded as though they were patronizing someone and they would want that Police background check kept in for all memberships, whether or not this person is a member of another fire company. Mr. McOrmond stated if the Police background check exemption was removed, then the Oceanport Hook & Ladder Fire Company would go along with the amendment to the ordinance.

Mayor Cavanagh asked Mr. McOrmond if he was correct in understanding that what he is saying is that there is a section of the ordinance which speaks to the Borough's grandfather clause in our current ordinance, to which Mr. Margalotti commented that the present ordinance contains a grandfather clause which when the Police background check amendment was passed to our Fire Department ordinance, it only applied perceptively; anyone who was a member of the Oceanport Fire Department at that time, would be exempt from going through that check and only applied to new memberships. Mr. Margalotti continued that since our own members who were active members at that time, were exempt by virtue of that provision, it was felt by the Council as well as the discussion we had with representatives of both fire companies, that the same grandfather clause should apply even to the special memberships.

Mr. McOrmond did not agree that we should allow members from other towns to join the fire companies without having a Police background check, to which Mayor Cavanagh asked Mr. McOrmond if his fire company had a different opinion then the Fire Chief, to which Mr. McOrmond stated yes.

Mayor Cavanagh commented that all the Fire Chiefs met and agreed upon the wording contained in this ordinance and it reads the same as our other ordinance and asked if he felt we should also amend our other ordinance, to which Mr. McOrmond stated that he is suggesting that this ordinance be amended because it would allow other members of fire companies from other towns to become members of Oceanport without a Police check and he did not feel this was proper and did not see the reason for giving out of towners an exemption.

Mr. McOrmond stated he could understand giving the exemption to members of the fire department who live in the Borough, because we all know them and they are members here, to which Mayor Cavanagh asked if they are members in good standing in another fire company in another town, he would deny them the same privilege as the people in this town, to which Mr. McOrmond stated yes because they are already members of this Fire Department.

Mayor Cavanagh commented that he wished someone would have articulated these feelings prior to this evening and the Mayor again stated that we discussed this matter with all three Fire Chiefs as well as other representatives of the Fire Companies and it was introduced and published in the newspaper and posted.

Mr. McOrmond suggested that this matter be postponed and discussed further.

Mayor Cavanagh asked Councilman Wolfe when he met with the Fire Chiefs and discussed this matter were there any objections from the Oceanport Hook & Ladder Fire Company, to which Councilman Wolfe stated that we spent over an hour reviewing this amendment and evidently Tom Crochet, Fire Chief who is from Oceanport Hook & Ladder, did not bring it back to a full membership meeting, which is his understanding. Councilman Wolfe stated that he felt this was unfortunate and he felt badly when Mr. McOrmond called him on Friday to say that he had heard nothing about it until he read an article in the newspaper.

Mayor Cavanagh asked Mr. McOrmond when he heard about this amendment to the fire ordinance, to which Mr. McOrmond stated he read the article in the Atlanticville and contacted Councilman Wolfe to find out what was going on and following their conversation, Chief Crochet posted a copy of the ordinance at the fire house and Mr. McOrmond stated he would then speak with the other members of the fire company and see what type of feedback he received.

Mayor Cavanagh asked the Clerk when this ordinance was advertised, to which she replied it was advertised in full on May 9, 1996.

Mayor Cavanagh asked what the Council wished to do in this situation, to which Councilman Wolfe commented he did not want to push something through without both fire companies being in concurrence with this amendment, to which the Borough Attorney raised the question of what will happen if we run into a situation where the other fire company has no objection to the amendment, to which Mayor Cavanagh stated that it appears to be obvious that they have no objection, since they are not here this evening.

The Borough Attorney commented that it is ultimately up to the Governing Body to decide which is the better way to go with this amendment.

Councilman McGee asked Mr. McOrmond if his sentiments about this matter are shared by other members of the Hook & Ladder Fire House, to which Mr. McOrmond stated yes.

Councilman McGee asked if he knew approximately how many members are aware of this and not in favor of it, to which Mr. McOrmond stated the total membership of the Hook & Ladder Company is about 30-40 with 10-15 active members and he has spoken to 5 or 6 people, to which Councilman McGee stated it would seem that about half of the active members are not in favor of this amendment. Councilman McGee asked if they were against it or unaware of it, to which Mr. McOrmond stated that no one was aware of it except Tom Crochet.

Councilwoman Silkworth asked how long had the ordinance been posted at the Hook & Ladder Fire House, to which he stated this past Saturday.

Mayor Cavanagh asked again what the Councilmembers wanted to do, to which Councilman Wolfe moved that we table this ordinance until we receive concurrence from both houses. It was seconded by Councilman McGee and approved by Council.

Mayor Cavanagh advised Mr. McOrmond that we are designating him as the official recipient of notice and this will be brought up again before the Governing Body at the meeting scheduled for July 18, 1996 and he is to notify anyone in the Fire Department who may wish to come out and discuss this matter.

R-96-40 Mayor Cavanagh asked the Clerk to read resolution R-96-40 regarding the waiving of building permit fees for the Port-au-Peck Chemical Hose Fire Company for work to be done on a building they own located at 295 Port-au-Peck Ave., after which Councilman Wolfe moved to approve same. It was seconded by Councilwoman Filippone and unanimously approved by Council.

R-96-41 Mayor Cavanagh asked the Clerk to read resolution R-96-41 regarding a grant application for Tecumseh Avenue in the amount of \$98,200 through the NJ Transportation Trust Fund Authority Act, after which Councilman Wolfe moved to approve same. It was seconded by Councilwoman Silkworth and unanimously approved by Council.

At 7:46 P.M. Councilwoman Silkworth moved to adjourn this Special Meeting. It was seconded by Councilman McGee and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK