

REGULAR MEETING MINUTES

Oceanport, New Jersey
July 21, 2005

REGULAR MEETING: The Regular meeting of the Oceanport Mayor and Council was called to order on July 21, 2005 at 8:00P.M. with Mayor Gatta stating the meeting had been properly advertised in accordance with law.

MEMBERS PRESENT: Councilpersons Kahle, Johnson, Gallo, Chaump, Sharkey, Briscione and Mayor Gatta.

OFFICIALS PRESENT: Borough Clerk, Kimberly A. Jungfer and Borough Attorney, Martin A. McGann.

INVOCATION: Borough Chaplain Berry gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Gatta led the audience and members of the Council in the flag salute.

As copies of the minutes from the regular meeting held on June 20, 2005 and the workshop meeting held on June 2, 2005 had been made available to the members of the Governing Body, Councilwoman Chaump moved to approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Briscione.

The Clerk called the roll:

AYES: Councilpersons Gallo, Johnson, Chaump, and Briscione.

NAYS: Councilpersons Kahle and Councilman Sharkey.

ABSENT: None

ABSTAIN: None

As copies of the minutes from the workshop meeting held on June 13, 2005 had been made available to the members of the Governing Body, the Mayor asked for a motion to approve the minutes as presented by the Borough Clerk. A motion was made by Councilwoman Chaump and seconded by Councilwoman Johnson.

The Clerk called the roll:

AYES: Councilpersons Johnson, Gallo, Chaump, and Briscione.

NAYS: Councilpersons Kahle and Sharkey.

As copies of the minutes from the regular council meeting held on June 20, 2005 had been made available to the members of the Governing Body, the Mayor asked for a motion to approve the minutes as presented by the Borough Clerk. A motion was made by Councilwoman Johnson and seconded by Councilman Briscione.

The Clerk called the roll:

AYES: Councilpersons Kahle, Johnson, Gallo, Chaump, and Briscione.

NAYS: Councilman Sharkey.

Councilwoman Johnson asked that the minutes of June 20, 2005 reflect that comments made by Councilman Sharkey in reference to Ted Wardell, the insurance agent, are his opinions only, and not hers.

Councilwoman Chaump asked that the record reflect that the comments regarding the insurance broker, Ted Wardell, are the opinions and views of Mr. Sharkey and in no way reflect her individual opinions.

Councilman Briscione echoed the sentiments of Councilwoman Chaump regarding the comments made by Councilman Sharkey.

MAYOR GATTA: The mayor also stated for the record that comments made by Councilman Sharkey at the June 20, 2005 regular meeting relative to Ted Wardell, the insurance broker, reflect Councilman Sharkey's opinion and views only. His statements in no way reflects my opinion or the collective opinion of this governing body.

Mayor Gatta then opened the meeting introducing Mr. Boneforte from the Lions Club here that evening to make a presentation to the Borough but also to present a power point presentation on the works of the Lions Club. He put this together and she stated they were anxious to see his creative work.

MR. BONEFORTE: Mr. Boneforte thanked the people in the audience for coming. He began his presentation about the Lions Club. The first thing he did was pass out copies of the presentation to the members of the council and stated they've always tried in the Lions Club to involve our youth and show them what service is about. One of the things he asked people to do as you see this presentation is remember that the Lions Club is fifty three years old. Some of the things they did fifty years ago before he was there but he wanted to acknowledge Mr. Jim Pasgucci, who is the original charter member of the Lions Club. He reminded the audience when fellows like him were young, there were no organizations for all these different donations, just a few people in town who did it. This presentation was about yesterday, today and tomorrow as it relates to the Lions Club. The Lions Club is a national organization, international organization. One point 4 million members, 46,000 clubs in a 190 countries and men and women who are members of the club whose motto is "We Serve." While the Lions Club is international, he was going to focus tonight on the Lions Club in Oceanport and other individuals in Oceanport who may have not been in the Lions Club but who helped to make Oceanport what it is today. The Lions Club has been in existence for fifty three years. Charter night was held on June 7, 1942. These are some of the things that the Lion Club of Oceanport did in 1954 and 1955, collecting clothes and toys for boys homes, helping supervise hay rides for teenagers, organize a boys basketball team, scholarships, wrote letters to Washington for dredging the river, Christmas baskets to the needy families, The members of Oceanport got together, I'm sure the members that

were not Lions, as well as Lions, and they painted the Community Center. So if you have any complaints about the painting, you can see Jim after the meeting. Early in 1970 the Lions Club was asked to participate in a feasibility study for the senior citizen high rise which is now a reality. They had the Lions 128 people were examined, 53 people referred to doctor visits, scholarships, donations made to for resurfacing three ball fields, donations to preschool associations, eye exams, glasses for five local residents, and three possible cases of glaucoma are detected by the Lions Eye Mobile which was out here by Borough hall. 1972 the Lions Club embarked on a bold plan to construct a community pool at Blackberry Bay and the town officials supported the plan and provided a parcel of land for the project. 1973 the pool became a reality with the help of a lot of people in town and that's the Oceanport pool at Blackberry Bay. The Oceanport Lions Memorial Headstone which is outside at Borough Hall donated by the Lions. The Oceanport Community signs paid for by the Lions Club. A few past fund raising activities; scrap paper drive, each month back in the 50's and 60,' and 70's, the members of the Lion Club would jump on trucks and go throughout the whole town of Oceanport to collect scrap paper and sell it and that was one of their fund raising activities, jumping on and off the truck. Charlie would get up at the meeting and tell that he would be the last one to let you down. That was his famous phrase. These were colorful people. All year round Charlie wore at least one pair of long underwear. We had the five mile run for many years under the leadership of Jack Caputo, raised a lot of money for the community of Oceanport. Oceanport Community Calendar and the Lions Club Strawberry Festival was a precursor to the fair. Since 1996 the only fundraising activity of the Lions Club has been the Oceanport Lions Strawberry Fair. The fair is held for six days in late May. The fair is an official state of New Jersey agricultural event, the rides are supplied by Amusements of America and they are recognized in the Guinness Book of World Records as the largest traveling ride show, one of the largest paying zoos in the nation was there and ongoing 40 year tradition of the famous Lions Club Strawberry Shortcake. And this strawberry shortcake is a tradition in a town like Oceanport. People would come out each May over to the school and just have strawberry shortcake and that was the kind of community many people liked and therefore, wanted to move to Oceanport. He wanted to give a special thanks to the Monmouth Park Race Track. They very graciously supply the parking lot to the Lions Club Strawberry Fair and they want to give a special recognition to Pete Deller Jr and his family who literally give hundreds and hundreds of hours a year, each year to make the fair a reality. If not for Pete, Jr., the fair would not exist today. Wolf Hill School, the students of Wolf Hill were asked what reminded them of Oceanport, this is one of the murals they painted on the wall which reminded them of Oceanport. The mural of the Oceanport Lions Strawberry Fair. Today how has the Lions Club Strawberry Fair benefited taxpayers of Oceanport. Since 1996 not including what we're going to donate this year, the Oceanport Lions Club has donated approximately \$80,000 from the proceeds of the fair to charitable contributions or different organizations of Oceanport. When you include what they're going to donate tonight, it's over \$90,000 raised by the Lions Club Strawberry Fair donated to the town of Oceanport for all the taxpayers. Of the \$80,000 we just spoke about, this is where it went. Approximately \$11,000 went to the public safety committee, and this is a breakdown of some of the things we buy the public safety committee. The Oceanport First Aid, \$12,500. The Oceanport Fire Department, \$12,900. Port Au Peck and Hook and Ladder. The Oceanport Roller Hockey, \$800, Recreation \$3,000, Police, \$6,600, scholarship fund,

\$23,500. The Oceanport Board of Education, \$300, Shore Regional High School, \$3,500 for the jazz band and the marchers. Oceanport Senior Citizens, \$3,300 to repave or part of the paving was for the driveway at Old Wharf House. Oceanport Boys Scouts, \$730. Maple Place Band, \$1,750; and this is really a testimonial to Oceanport not just the Lions Club. There are generations that live in Oceanport whose children grow up and have children and they stay. And they have new arrivals. The Oceanport Lions Club feel they have played their part to provide a quality of life that has attracted people to the borough. This is really what's it about for the Lions, these are our most prized possessions and Oceanport through the police department, the citizens of Oceanport, the councils, all the councils who have come before this one, provide a safe and enjoyable environment which is really what's it about. The Oceanport Lions Club donates all the funds that we raise for charitable activities. One percent raised for charities, one hundred percent donated. The club continues its commitment to provide a quality of life for all the people of Oceanport. This year and these are the donations that they propose for this year. \$2,00 to the Oceanport First Aid Squad, and they will be handing out the checks to someone in the organization. \$2,00 to Port Au Peck Fire and Hose; \$500 to Oceanport Hook & Ladder; \$500 to the Oceanport Board of Education; \$500 donation to the Oceanport PBA; \$500 to the Oceanport Road Department; Horseneck Point in mind; this year they're announcing for the first time, a special memorial donation. This memorial donation is to honor not only Lions members, that have faithfully served the borough of Oceanport and while they are no longer with us, they feel they have given a mosaic of dedication to family, country and service for the youth of today and tomorrow. The Lions Club therefore contributes a hundred dollars a year for each of the 53 years they've honored those members who have served so that would be a \$5,300 donation will be made to the Oceanport taxpayers. It is to be used by the Mayor and council for the benefit of all the taxpayers as the council sees fit. They have nothing to say how it is spent; it's up to the council to make use of it for the taxpayers. He stated they are looking for new members. This presentation is the efforts of many people in the club so they're going on a membership drive so if anyone would want to be a member let them know.

MAYOR GATTA: On behalf of all the organizations the Mayor thanked the Lions for their most generous gifts to the Borough of Oceanport. She said their mottos certainly exemplifies everything that they have done. She asked the Lions members sitting in the audience, to please stand up, and be acknowledged for all their hard work.

MAYOR GATTA: The mayor stated it is so important for to carry on this tradition that the Lions Club has given to the Borough of Oceanport and she would second Mr. Boneforte's request to try and get more people to join the Lions. She stated they are only as strong as the people that volunteer and although she knows it is very difficult volunteering but if they can circulate all organizations need volunteers. She applauded all the work that they do and thanked them and wished them success in all future endeavors. She also thanked them for their generosity and assured the money will be put to good use. She then proceeded to introduce Robert Hulsart of the 2004 Municipal Auditor who reported on the 2004 audit.

COUNCILMAN SHARKEY: Councilman Sharkey introduced himself and stated he actually did meet with Bob Hulsart Tuesday morning for approximately two hours going over his questions with the borough wanting to statements. He complemented Mr. Hulsart on a nice job explaining some of the issues and stated they did have some different opinions on

a couple of topics. He stated he is a CPA as well and specialized in audit and control field. One of the major items of discussion he'd like Mr. Hulsart comment more on, was in regard to the deferred school tax money that the Borough used for the first time this year where they took money that was set up for deferred school taxes and used it to support current operations. Councilman Sharkey said he had strongly opposed that use of those types of money and said he thought that money was earmarked for schools and it was used to support borough expenditures. He then asked Mr. Hulsart what his advice would have been with regard to that issue.

MR. HULSART: Mr. Hulsart stated he doesn't believe in deferred school tax so he would have advised them not to use it. He also stated he doesn't believe in the deferred school tax and that he would have advised them not to use it. He then offered a simple explanation of what the first school tax is. He explained the school year runs July 1 through July 30th and the municipal years runs January 1st through December 31st so basically in a calendar year, the borough is raising the school tax basically six months ahead of time. He advised according to the law it is permissible to defer up to one half of the unpaid balances deferred school tax. And what that does when you defer is, it takes out of being a liability and creates so called surplus. However, there is nothing to back up that surplus. He said that if you ever have to go to as school districts have done you will have to fund that money. He said that he himself never believed in it and he didn't recommend it.

COUNCILMAN BRISCIONE: Councilman Briscione asked him if he knew approximately how many municipalities in the state do defer school taxes.

MR. HULSART: Mr. Hulsart stated most of them did because at the time that the income tax was enacted it was made mandatory so the governor and the state legislature at that time, it was made mandatory for about a three year period in order to sell the income tax they made it mandatory. After that it became optional and he knows it's something that the division of local government doesn't recommend and it's just a personal thing and that it's perfectly legal to use it.

MAYOR GATTA: The Mayor echoed that it's perfectly legal and she believed that there are many municipalities in the surrounding districts who utilize that and that was part of the deliberation.

MR. HULSART: Mr. Hulsart stated that they all utilized it at one time. And there are quite a few that still do that and it's perfectly permissible.

COUNCILMAN BRISCIONE: Councilman Briscione asked Councilman Sharkey, was he in favor of continuing Mr. Hulsart as the borough auditor.

COUNCILMAN SHARKEY: Councilman Sharkey responded he wasn't. He stated that when council went out for bid for borough auditor, Mr. Hulsart was only slightly higher, a couple thousand dollars then another competitive and qualified CPA and that he voted for the lower qualified CPA which would have been a \$4,200 savings to the borough and other council members voted not to take that savings and go for a higher auditor which was at \$25,000 which was even higher than Mr. Hulsart and there were political pay to play donations by this auditor that is probably some of the reasons why the council members voted to pay a higher fee then take the \$4,200 savings or continue with Mr. Hulsart.

MAYOR GATTA: Mayor Gatta stated, just for the record, that the auditor that he was talking about, when he submitted his request for proposal, submitted it for the wrong year. He was doing an audit on the wrong year. It was an indication, she reminded him, if you

remembered the conversations they had, that was of concern to some of the council people.

COUNCILMAN BRISCIONE: Councilman Briscione asked Mr. Hulsart how long he was the auditor of the borough before this year.

MR. HULSART: He stated the he goes back to 1959.

COUNCILMAN BRISCIONE: Councilman Briscione asked to clarify with Mr. Sharkey that those weren't the comments that he made. The only question that Mr. Hulsart was removed was not because of him and asked him if he denied that that's why we did that.

COUNCILMAN SHARKEY: Councilman Sharkey stated he didn't deny anything. His comments were fee based and his vote was for the lower fee to save the borough money, number one. Number two, there's also it's proved change CPA's as well, or rotate them. It's common business practice; it's mandatory now with public companies to change CPA'S or at least change partners of the same accounting firms. So, those were some of the rationale for his vote. He felt there was another qualified CPA as well that was in the same competitive price then the one they renewed with.

COUNCILMAN BRISCIONE: Councilman Briscione said he thought it's unfair to ask an auditor that we replaced to comment on the procedures that were recommended by the auditor that follows him.

MAYOR GATTA: The mayor agreed.

COUNCILMAN SHARKEY: Councilman Sharkey addressed Mr. Hulsart with regard to management reporting and that the borough when they did the budget this year, they did not give out one document of information that be made available to the public. He stated that as a councilman for the last six months on council, he very rarely saw any quality type reports in the first couple of months. He said they're getting them now and he's working with our CFO to get information sent to him electronically so they can do some type of analysis and understand what's going on in the borough. He stated that previously the borough doesn't have a package of reporting information on a quarterly basis of how it is doing financially and he feels this is a huge problem and it's a very common problem, in other towns as well. He believes that reporting process could be improved and he's been working over the last six months to develop some standard forms and recording mechanisms to improve that type of oversight in finances. He feels there is a lot of money going out the door here and they need to have some quality reports that can identify some of the problems and he feels with all the fraud in Monmouth County, it would make sense to improve that type of control. He asked him to comment on what he feels the difference between public companies where you own stock in compared to municipalities non profit and boards of ed, why the reporting is so much better for the public entities as compared to the municipal entities.

MR. HULSART: Mr. Hulsart stated that it's hard for him to comment because in the corporate world you have people who are paid to produce certain reports and documentation. In the public sector you have certain officials like your CFO and your clerk who render these types of reports. He couldn't comment on what's done with the budget because he really don't know as an auditor where he comes in on the municipal budget as once the mayor and council gets the budget together they would give him the figures and he would put it together and tell them where it stood and make some recommendations as to what the effect would be on the tax rate and so forth. So as for the actual budget figures,

they vary from municipality to municipality and basically he doesn't get involved in the nuts and bolts of the developing the budget.

COUNCILMAN SHARKEY: Councilman Sharkey felt there were a couple of findings that have been in his report for a number of years. One of them is the failure of the borough to aggregate expenses which would allow them to identify common expense items that would exceed the state bid threshold of 17.5 which was just increased. So as a borough, we spent, auto repairs that are all common, public works, police and other vehicles, with those repairs going to two or three different local body shops or repair shops, what the state requires them to do is aggravate the common expenses and see if they exceed \$17,500. If they do, you're required to go out to bid and their accounting system allows them to do that if you utilize that component of the system. That recommendation would say the borough some significant money on the phone bills. Because he did that quick little analysis. I aggregated the first aid, fire, and borough phone bills and we were over the 17.5. And that triggered Councilman Briscione to contact another vendor. And effectively save, which caused Verizon, our current vendor to drop their prices down to, save 20-25 percent.

COUNCILMAN BRISCIONE: Councilman Briscione stated they've been looking into that the past year and needed information from the state as to whether it was required to do that given you have different carriers with different types of phone service. He said it depends on when you retain the carriers, if you're still with the same carriers that you had originally. And then you have to weigh the cost of going out to bid and doing something like that every year. What they were able to do to get our original carrier, who they've never changed, to agree to meet competitor's analysis that they did of the phone system.

COUNCILMAN SHARKEY: Councilman Sharkey state that when you do your budget, at that point you should be looking at whether you aggregated your expenses and at the beginning of the year is when you should go out to bid and they haven't done that on phone bills and he believes there's a other expense categories that they have opportunities to save money to put out to competitive bid. He asked Mr. Hulsart if we have findings in his report from year to year the same findings and they don't correct that finding, which we obviously did not correct in this situation costing the borough money, what should they be doing to correct those findings if he doesn't feel that's an important issue.

MR. HULSART: Mr. Hulsart said it was but that was not a finding. It was a comment that was made in all the governmental audits because the needs for records do not aggregate purchasing so that was not a finding as such. It was merely a comment to indicate that it's not possible to aggregate it because things are not kept in that manner. And that's true not only here but other municipalities.

COUNCILMAN SHARKEY: Councilman Sharkey felt that if we fix that comment, it would save the borough money and we should be working toward fixing those.

MR. HULSART: Mr. Hulsart responded it would help if that were done, the state has never mandated that anybody do that and certainly, the better documentation you have, the better it is.

COUNCILMAN SHARKEY: Councilman Sharkey commented that the borough by laws require the finance committee, council liaison to the finance committee which is Councilwoman Chaump is the lead liaison and himself as a backup, to conduct the borough's budget and financial process and one of the components of it is to bring Mr. Hulsart in to have him present the budget. One of the functions of the finance committee is

to oversee the budget process and to sit in on a wrap up meeting. At the end of the audit to discuss and listen to what his findings are and he was very discouraged over the way this was handled. Mr. Hulsart came in and met with the mayor and the borough clerk and the CFO and he wasn't invited and I don't think Councilwoman Chaump was invited to that meeting. This is when some of these findings and recommendations should have been discussed. Now we have what's called a strong council, weak mayor form of government and he believes that was missed. And he argued with Mr. Hulsart, discussed with Mr. Hulsart if that control of a strong council is being circumvented should that be a finding.

MR. HULSART: Mr. Hulsart stated their exit conferences are basically with the CFO and the clerk. To discuss recommendations we have and give them an opportunity to address something maybe we didn't know at the time we did the audit. And anyone else is welcome to bid who wants to.

MAYOR GATTA: Mayor Gatta stated the reason she sat in is every morning she is here at the Borough and she did not see it to be a problem to listen to the CFO and the borough clerk discuss the audit. And that is the reason why that she was there.

MR. HULSART: Mr. Hulsart said he is available to meet with the finance committee or the mayor and council at any time.

COUNCILWOMAN CHAUMP: Councilwoman Chaump said that is the reason why she requested at the workshop meeting that he did attend tonight's meeting to present the audit. She also asked Mr. Hulsart to attend this public meeting and not to come to a workshop meeting to give them an opportunity two months ago when they received the audit so they could look it over and discuss it in public so that the full council would be aware of the audit and ask questions to the full council and not just to the committee.

COUNCILMAN SHARKEY: Councilman Sharkey thanked him for his years of service to the borough.

COUNCILMAN BRISCIONE: Councilman Briscione asked if he had found any issues regarding irregularities in his audit.

MR. HULSART: Mr. Hulsart responded no.

MAYOR GATTA: The mayor asked if everything was in order.

MR. HULSART: Yes.

MAYOR GATTA: The mayor asked if there was anything that he'd like to say in relation to the 2004 audit that set off some red flags.

MR. HULSART: Mr. Hulsart responded that an audit is a test. It's not a 100% audit. So there may be things, minor things, that he would not have looked at. Mr. Sharkey, would acknowledge that. It's not a 100% audit. He would feel very comfortable in citing the report that there is nothing material in there that should not have been brought to your attention.

MAYOR GATTA: Mayor Gatta thanked him and expressed appreciation for all his service to the borough.

CLERK'S REPORTS:

1. Police report for the months of May, 2005 and June, 2005 and a copy will be posted on the Bulletin Board.
2. The clerk read resolution **R-05-76** approving the Pocket Liquor license of Arthur & Alvina, Inc. (Dug Out) after which Councilwoman Johnson moved to approve same. It was seconded by Councilwoman Chaump followed by the Clerk calling the roll and all members voting in the affirmative.
3. Raffle license application made by the following:

A] Middlesex County Bar Association, on premise 50/50 cash raffle to be held July 29, 2005 at Monmouth Park Racetrack.

The clerk advised that the appropriate fees had been paid and the application found to be in order after which Councilwoman Chaump moved to approve the same. It was seconded by Councilman Briscione followed by the Clerk calling the roll and all members voting in the affirmative.

B] Middlesex County Bar Association, on premise merchandise raffle to be drawn on July 29, 2005 at Monmouth Park Racetrack.

The clerk advised that the appropriate fees had been paid and the application found to be in order after which Councilwoman Chaump moved to approve the same. It was seconded by Councilwoman Johnson followed by the Clerk calling the roll and all members voting in the affirmative.

4. Raffle license for Special Olympics of New Jersey, an on premise merchandise raffle to be drawn on September 3, 2005 at Monmouth Park Racetrack.

The clerk advised that the appropriate fees had been paid and the application found to be in order after which Councilwoman Kahle moved to approve the same. It was seconded by Councilman Briscione followed by the Clerk calling the roll and all members voting in the affirmative.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle started with the Environmental Commission stating that this month they are reviewing the ordinances for the new storm water regulations. They had a couple of recommendations which she brought forward at the workshop meeting. They are also complying with the new storm water regulations by advertising to the public solutions to the storm water pollution. You'll find this in the bulletin this month. She asked that everyone take a look at it and if you have any questions you may contact the environmental commission or her.

Councilwoman Kahle next reported on the Water Watch Committee stating it was started many years ago by Ed Miller and the committee meets monthly and monitors monthly the water quality of Oceanport's waterways. There are only a few members that are doing this and just like the Lions Club, they are in dire need of new members. They are looking for adults also eight graders to high schoolers who are interested in monitoring and preserving Oceanport waterways. This is very important since they are surrounded by water here. She asked if you do have interest look in the bulletin and contact Steve Collins who is the head of waterways or contact her and she'll be happy to pass on your name. They meet the second Tuesday of the month at 6:45PM here at borough hall.

Councilwoman Kahle then reported on the municipal building. Last year there was a committee started by then councilman Mahon looking into the space concerns of the municipal building. They've hired Eric Wagner, an architect, for a feasibility study and July 7, Councilwoman Chaump and herself met with him and discussed a preliminary plan. He will be meeting with the members of the municipal building, public works, police department and hopefully they're going to present a plan to the full council in September. They're hoping to get a little more space here in the building since they definitely need it.

Councilwoman Chaump stated that the Olde Wharf Center had a fire the beginning of the year and they did receive an insurance claim of \$243,000 the end of May. They wanted to know if we wanted to replace the building as it was and put it up or did we want to look into it to restructure it, get a little bit more use out of it. Do things a little bit differently then has been done in the past. So for the past couple of months they've looked into that. They've tried to find some prices to see how much it would cost. Jim Monteforte, a local architect, donated his time and his talent to drawing a little sketch and also trying to find out some information. The seniors have also had input. They had a meeting on Wednesday, and she am going to turn that over to Councilwoman Chaump for the results of the senior meeting and their input.

COUNCILWOMAN CHAUMP: Councilwoman stated she met with a group of seniors on Tuesday, which their committee is called Board of Trustees, to talk about the survey they had done and along with the survey, what the time line was, what the cost factor was, as far as the building. They took their survey on Wednesday after a meeting, and they discussed it at length and they did the survey which she has a copy of, with some input and they also did a show of hand. The board of trustees decided on Tuesday that their recommendation to the seniors on Wednesday was to restore the building as it was with a few minor changes. So that's what the seniors have decided and that's what she's bringing back to the rest of the council members because that is what the seniors would like to see since it is their building. So that's their recommendation.

COUNCILWOMAN KAHLE: Councilwoman Kahle said the only other consideration that she thinks council has to look into is that any time you improve a building over 50% of its value and that's going to be 100% of its value, that they might be subjected to the FEMA regulations. And that would be with the water level, they might actually have to raise the floors. Right now the senior center has two levels. They have the meeting level and you go up a couple of stairs and you have the ramp that goes up to the other level. They might have to comply with those regulations. She asked Councilman Briscione to clarify that a little more.

COUNCILMAN BRISCIONE: Councilman Briscione stated that Mr. Bruskus, who is in the audience knows and is the best judge of that. If a building is demolished or suffers a fire, and the improvements are in excess of 50% of the assessed value, it has to be raised to our flood level which is higher than FEMA. This building would give them a little problem in doing that since it's an exempt building so it wouldn't have an assessment on it that reflects anything close to market value. So it would be hard to determine what that percentage is. He believes if it was found by the building inspector that this didn't comply it would have to go back to the insurance company who would have to make good as they have a replacement cost plan. So if there were additional costs that were incurred because of this elevation change He feels that is something we might want to, if they're going to vote on it, might want to make that some type of resolution.

MR. MCGANN: Mr. McGann stated that substantial renovation would probably be the test which is used in other cases for rebuilding, preexisting, not for former uses type of

tests. In terms of the other question, regarding additional money from the insurance company, if you have to raise the elevation, comply, that would be an additional claim.

COUNCILMAN BRISCIONE: Councilman Briscione said they are complying with code.

COUNCILMAN GALLO: Councilman Gallo said he'd like to add something to this. Back a couple of months ago, when they first had the fire, Councilwoman Kahle asked the council to look into redesigning the senior building to be practical, one level and he had asked Jim Monteforte to do a floor plan and he has a sketch and it would provide a more open entrance to the building, a larger kitchen and two separate distinct meeting rooms. He thought the next step they needed to do was get architectural drawings so that from there they can go out to bid and see what the costs would come back as. He wanted to read a letter from Mr. Monteforte who said as per their request, he was pleased, as a resident of Oceanport, to assist in researching the repair and central upgrade for the Old Wharf caused by fire. However, it was his understanding that the mayor and council will be voting this evening on the matter and as he only had a few days to look into it, he strongly urged the mayor and council to postpone the vote until the next meeting. This will give him more time to do a thorough investigation of the situation and offer hard numbers to the different scenarios that he sees as options for the building. Here realizes that the seniors wish to be back in the building as quickly as possible, however, he sees several reasons as to why that should not be the overriding issue. He viewed the current floor configuration with a step as you enter, as a major liability for the town especially in this facility which is primarily used for senior citizen activities. He also believes the layout of the building could be improved with revamping of the layout. He would like the mayor and council not to see this as a situation that requires a decision but rather one that would bring a major improvement that is an integral part of our town. He is strictly a volunteer with the best intentions for my community and in his opinion this is an excellent opportunity for the town to get the best senior building it can have while fixing the potential liability issue. The 240,000 insurance money is a good number based on preliminary research. They can look into all sorts of outside money to offset the cost. He only asks between now and the next meeting to make the most informed decision they can. This is signed Jim Monteforte.

MAYOR GATTA: The mayor stated the concern that is that the Clerk spoke to the insurance people in May and got a dollar amount. It is now July and they are looking for an answer as to how to proceed and that is why a decision has to be made. They started this endeavor in May and she appreciates all the work that Jim Monteforte did. He's done wonderful work but being very busy it is very hard, especially when you're trying to do it pro bono it's very hard to get things in a timely manner. She feels the intent of the council was to try to see if they can work this within the confines of the \$243,000 they are getting from the insurance company. She asked the Clerk to explain what the next step would be.

THE CLERK: The clerk stated that if they accept the money they will write a check for 80% of the \$243,000. They would then have to have drawings go out to bid, hire a contractor and the additional 20% would not be returned to the borough until construction is almost complete. That is how it would work if the borough undertook the repairs of the building.

MAYOR GATTA: Mayor Gatta asked the clerk what would the alternative be if they told the insurance company to do the work.

THE CLERK: The Clerk responded they would tell the insurance company that they've chosen to have them replace the building, they gave us a detailed, she believed it's about a twenty page estimate of what Schlaefer Associates, that's the builder Selective uses. They would hire the builder, pay the builder. The building would be fixed. All they have to do is sign the agreement. They would take care of everything from the permits to the day you walk in the building within that price range, the cost to fix the building.

COUNCILWOMAN KAHLE: Councilwoman Kahle added that Selective also says they can make some minor changes.

THE CLERK: The clerk stated the building would be brand new. The siding would be new, they would be able to pick the colors for the siding, the paint and the interior, the meeting room previously had carpet, there was some interest by the seniors to maybe put non stick tile floor, They would be willing to do that. Maybe some and floor and window changes to the rear of the building. So they would be willing to work with a committee from the borough to make whatever more or less cosmetic, not financial, that they might want to do to improve the appearance of the building. The Clerk stated that the insurance company needs an answer tomorrow. The offer from the insurance company was dated May 4th. And they've contacted her several times. They really to need an answer on whether they're going to accept the funds so they can issue the check and close out their file on that portion of the claim. That's for the physical structure, not the contents. Or if they're going to move ahead and actually hire the contractor and oversee the reconstruction of the building.

COUNCILMAN SHARKEY: Councilman Sharkey asked the Clerk if she called the insurance broker to ask him to see what he could do to postpone any forced pressure.

THE CERK: The Clerk responded that it's not forced pressure, that there's been three letters from when the original settlement was sent on May 4th.

COUNCILMAN SHARKEY: Councilman Sharkey stated that typically insurance companies invest in, or set aside for claims and they earn investment income on an income basis so typically their master's at cash flow and they like to hold the premium as long as they can. He doesn't personally feel there's any pressure that they have to make a decision tonight. He'd like to know what Jim Monteforte does comes back with and he'd would make a motion that they postpone a decision tonight.

MAYOR GATTA: Mayor Gatta asked have more discussion.

COUNCILWOMAN KAHLE: Councilwoman Kahle suggested opening it to the public.

MAYOR GATTA: Mayor Gatta asked to have the the council discuss it first.

COUNCILWOMAN JOHNSON: Councilwoman Johnson said she believed this was brought up to the seniors. She stated she felt the seniors should have a say in what they want in their building. And she believes that was brought up this past week. If they want some things that we change inside, when you start to go into construction and into major construction, you're into quite a bit of money. You have to be careful what you do. So to stay in the realm of the money that they're giving them, theyreally need to research that really well before they go ahead.

MAYOR GATTA: The mayor asked the Clerk to give a history of why it's the senior center.

THE CLERK: The Clerk explained that used to be the shopping district many years ago. There was a community development project back in the early 70's when the park itself was purchased with Green Acre funding. The property was purchased for Old Wharf Park, the commercial portion was moved around the corner where you see the Village Plaza now. And that house was purchased with community development funding and the stipulation on that funding was the first five years the building could only be used for seniors and it could not be rented out. After that five year period was up, the building could be rented out but the seniors always have first priority on the use of that building and that was a stipulation of the community development funds that was used. It was a house that was purchased and renovated by the borough for that use. And the seniors have first right to that building and always will. That was the way the funding was obtained for that building. Seventy five percent of the time they use that building and have the first rights to the building.

COUNCILMAN BRISCIONE: Councilman Briscione stated that he thought their process or intention, was good. They were receiving almost a quarter of a million dollars in funds so thinking that the Old Wharf Park was going to undergo renovations and that building isn't typically the most attractive building with the green siding, they thought it might be worth looking into changing the siding to coincide with the park. Maybe opening up the back to the deck which is never used. It has open views to the river back there. So the thought was good and the intent was good but a quarter of a million dollars is all they're getting. The building is functional according to the seniors. There's not a whole lot you can do with this building which is restricted, number one, by parking. They can't make this building bigger because there's nowhere to add parking to it. And they can't change the footprint of it because it's situated on a river and that would expose us to CAFRA rules and regulations. So essentially it is what it is. And to delay this longer to see what these estimates are going to come in, Mr. Monteforte has been very helpful. He helped them get a grant last year to the First Aid building. However, he's already said it's going to cost more money to do this and quite frankly, they don't have the money and they don't have an idea of where to get the money if they were going to change this. The major change was in floor elevation. And the floor elevations, if the replacement cost coverage takes care of that, will be paid for with some increased premiums through the insurance company. That's one issue that they'll have a problem with. If that's not done, they're going to need more money. But he believes that since it's going to have to go to code, then any code changes will be paid for because they have a replacement cost insurance.

MAYOR GATTA: Mayor gatta opned it to the public for discussion

PETER DELLERA: 1262 Turf Drive, Oceanport, New Jersey. Mr. Deller stated he's been here all his life. He went through this the past couple of days and they made a presentation and gave a full explanation of what was going on and how everything worked; and how it was generated and we wasted a lot of time. And we had a board meeting Tuesday attended by the officers and the trustees were unanimous to put the building back where it was. Unanimous. And then they had a meeting yesterday of the full organization. They explained every detail and that vote was 85-90 senior citizens was unanimous. Lucille was there and Rick was there and he questioned as to why Councilman Gallo had

this problem yesterday, why didn't he bring this letter forward and why didn't he tell them.

COUNCILMAN GALLO: Councilman Gallo responded the letter was dated July 21

MR. DELLERA: Mr. Dellera again asked why he didn't tell them that he was planning on this yesterday.

COUNCILMAN GALLO: Councilman Gallo responded that he talked to Mr. Monteforete last week. He tried to schedule this for him. He didn't have the opportunity because he was away.

MR. DELLERA: Mr. Dellera asked the mayor if she had a copy of the first letter with the \$350,000.

COUNCILMAN SHARKEY: Councilman Sharkey responded that he's saying on the last line here, the \$250,000 insurance money is a good number based on his preliminary research. So he's saying the \$240,000 is adequate.

MR. DELLERA: Mr. Dellera said to take it a step further. Demolition, and reconstruction, of the meeting room and leveling the floor along with his suggestion to relocate the small meeting room to the rear to take advantage of the water view and relocate the kitchen to the front could be accomplished for between 250 and 300. So now they just went up \$50,000. And that's only a guesstimate. Then go to number three. So now they're up a hundred thousand. That's a cheap number based on his guesstimate. All this work should have been done. The seniors have spoken unanimously. And you should recognize that they spoke.

COUNCILMAN GALLO: Councilman Gallo said he saw the questions they asked the seniors. Two of them were phrased to the first thing. Do you want the building the way it is was question one, or question two, do you want the building the way it is with minor changes, question three was to do you want to tear the whole thing down, change it all around and make it look good for over \$300,000, take two years to rebuild it, that is not what they asked the seniors. When they asked the seniors for the change on this drawing, just changing the floor plan. It could be done in six months.

MR. DELLERA: Mr. Dellera asked for clarification of what they're suggesting. Raising the floor, raising the roof.

COUNCILMAN GALLO: Councilman Gallo responded that he asked the council to get the drawings so they can go out to bid and get the real answers.

MR. DELLERA: Mr. Dellera said they had five months to do it.

COUNCILMAN GALLO: Councilman Gallo responded that he didn't have five months to do it. May something is the date that they found out the cost. If the insurance said 50,000 he'd say go ahead and fix it. But 250,000 is a large amount of money to fix a building. He feels without getting bids, and finding out what it is, you can't make an intelligent decision.

MR. DELLERA: He's telling you right here, 125 to \$150 a square foot.

COUNCILMAN GALLO: Councilman Gallo responded that is an architectural assumption.

MR. DELLERA: Mr. Dellera said that when you tear things apart, that number changes and it goes up. Repair and reconstruction is always more than new. He's giving you new numbers here. He feels any builder would tell you that. Because their numbers are low. So, if he did his homework correctly, he would know that. So, to waste more time is ridiculous. Now, let's talk about the old code and the new code. He doesn't believe that there's a problem there working on the old code. Because when you take it down to the

bare facts, where are they going from there. There's only three or four beam structures that need to be replaced. There's five girder structures there. Big difference five then thirty. If they're going to repair that rafter section and then put a new roof on it, they're right back to where they started from. Now, you're going inside and tearing down sheetrock and replacing insulation and wiring. And a small amount of plumbing, if any. Here you want to do all of it. You want to tear the whole thing down.

COUNCILMAN GALLO: Councilman Gallo responded that's not what he's saying to do.

MR. DELLERA: Mr. Deller responded that Councilman Gallo doesn't know what it's all about. Any further delay, is delaying it. That's all he's doing. For whatever his reasons, he didn't feel Councilman Gallo can give him a legitimate reason why he wants to start.

COUNCILMAN GALLO: Councilman Gallo responded that he only has one reason. To make the building better and more useful.

COUNCILMAN GALLO: Councilman Gallo offered to to show everybody the print and they can look at it.

MR. DELLERA: Mr. Deller asked the Mayor and council to move this forward and they'll worry about meeting codes after a decision is made. If there's a problem they'll handle it. If you delay it, it's meaningless. It denies them a right to meet. They're meeting now at the fire house and like he said, Monday night, they met under a tree because nobody opened the door for Them. They should not be denied.

COUNCILMAN BRISCIONE: Councilman Briscione asked him to elaborate on his background.

MR. DELLERA: He stated that he's fifty years in the building business. One third of this town. He knows the land upside down and backwards and forward. He's been involved in more meetings, baseball fields, swimming pools, you name it.

MAYOR GATTA: The mayor thanked him and asked if anyone else would like to come forward.

DAVE GRUSKOS: 75 Cayuga. Mr. Gruskos stated he's not a regular at these meetings. He wasn't even aware of the senior project. He is familiar with Selective Insurance and is familiar with the way they push their claims. Of the companies I've had to deal with they are one of the cheaper ones. Mr. Monteforte is one of the premier architects in New Jersey. He's probably the premier architect in Monmouth County. He's working for free. Thirty days may seem like an eternity to some people but they would have an opportunity for an expert to make this a much better place. When it's all said and done it would be better. What Mr. Briscione brought up about the flood elevation, \$250,000 is way greater than 50% of that building. That building is going to fall under a lot of questions on what the elevation is. The elevation is going to be accessibility to the building. If that building pops up another 30 inches, how's it going to affect it. You have a lot of open questions. Vote on it.

MAYOR GATTA: The mayor expressed her appreciation to Mr. Gruskos.

RON SICKLER: 45 Morris Place. Mr. Sickler asked if the insurance company would have to deal with whatever the problems are with flood, or whatever. In other words, if they took over this project, would they take everything out of the councils' hands as far as any problems arise with that.

THE CLERK: The Clerk responded that is her understanding, yes. They would have to go to Walter Joyce or to the construction office and get building permits just like if it were any other person going to reconstruct.

MR. SICKLER: Mr. Sickler asked if they if the building had to be raised and it was an extra cost if the insurance company would bear the brunt of that.

THE CLERK: The Clerk said she was going to check into that tomorrow.

COUNCILMAN BRISCIONE: Councilman Briscione said hey have to build to code. If the code causes them to raise the floor, they would adjust their cost analysis then. It has to be done to code.

MR. SICKLER: Mr. Sickler asked if they'll not only be voting on whether they're going to accept that but if they'll also vote on whether they're going to turn it over to the insurance company to replace the building.

MAYOR GATTA: Correct.

LELAND WERSINGER: 15 Morris Place, Oceanport. Mr. Sickler stated he's been a member of the Oceanport Seniors for a little over ten years and was vice president and president. They've looked at the plans that Mr. Monteforte has offered so far. It completely relocated the kitchen and he felt it's ridiculous. Any food would have to be carried from one side of the building to the other side to the meeting area. As far as cost of doing this, raising the floor; if they're forced to raise it according to the law they have no choice. But if they do have a choice, if you raise the floor that brings all of your windows down. That means they would all have to be raised. The ceiling comes down as the floor goes up. They could have a possible acoustical problem. This is all money. And every month the cost of material goes up. If they decide to do it themselves, who is going to manage this construction. Does the borough have anyone? If you have to hire a manager, or general builder, that is going to cost in addition to the construction.

MAYOR GATTA: The mayor responded there are a lot of other inherent costs.

MR. WERSINGER: Mr. Wersinger reminded them we've gone, six, seven months and still have plywood windows. Nothing has moved. He stated they all have a building plan. It's great for Mr. Monteforte to donate his time but he has to run a business. He has to earn a living. So when you volunteer something, you do it when you have free time. They don't have any answers.

MAYOR GATTA: Mayor Gatta asked for a motion.

COUNCILWOMAN KAHLE: Councilwoman Kahle said they're going to have to make two motions with the two ideas. One to table the idea until next month until they have more information and one to move forward with the caveat that if any other incurring costs occur from, if by chance the insurance company will not pay to have the FEMA regulations adhered to, and they're going to have to incur those costs and they're going to have to look at that building again.

MR. McGANN: Mr. McGann stated the motion would also have to cover whether or not the borough is going to take the money for it. She suggested seeing if they're going to move this tonight. Go from there. If they move it they can then decide how they're going to move it.

COUNCILWOMAN KAHLE: Councilwoman Kahle said she'd like to make the motion that they move the senior building tonight and take a vote.

It was seconded by Councilwoman Chaump with the Clerk calling the roll and all members in attendance voting in the affirmative with the exception of Councilman Gallo.

MR. MCGANN: Mr. McGann told the council they now have to decide how they want to handle the insurance company. Do they want the borough to undertake the work or do they want the insurance company as proposed to have their own contractors do the work.

MR. MCGANN: Mr. McGann stated that their caveat controls within the confines of your contract or policy with the insurance company.

COUNCILWOMAN KAHLE: Councilwoman Kahle expressed concern if that is going to cover it. That's the problem she has making the motion.

MR. MCGANN: Mr. McGann explained they always have those problems with insurance companies. They would have to generally decide tonight conceptually whether they want the insurance company to do the work or whether they want the borough to undertake the work. From that point on, they'll have to explore if there's any coverage issues.

MAYOR GATTA: The mayor asked Councilwoman Kahle to make that motion.

COUNCILWOMAN KAHLE: Councilwoman Kahle made the motion that they allow the insurance company to replace the building along with a committee to make minor changes with Councilwoman Chaump seconding the motion.

COUNCILWOMAN JOHNSON: Councilwoman Johnson said that the statement of loss that was given to them with the paperwork from the insurance company, on the bottom is a note with an asterisk that says they are still waiting for building code upgrade cost report. She asked if that affect the money that they're giving us.

THE CLERK: She said she believed that was the first letter. There was a second letter that followed requesting it.

MAYOR GATTA: Mayor Gatta stated it was a question asked about a comment that was in a letter. There was a second letter that clarified the question that Councilwoman Chaump had.

COUNCILMAN BRISCIONE: Councilman Briscione said he thought the insurance company would provide us with construction management since they don't have expertise in and that they would have to pay for. Additionally, it will enable them to affect cosmetic changes to the building that will make it more attractive.

MAYOR GATTA: The mayor asked for a roll call.

THE Clerk called the roll:

COUNCILWOMAN KAHLE: Councilwoman Kahle said that while she agrees with Dave about Mr. Monteforte she thought he used a great architect and is an asset that they have and he was doing all this for free and she thought this building could be one of the showpieces as we see all over in Long Branch and other towns. She was at the senior meeting and they were really anxious to get into that building as soon as possible so she's going to vote yes.

COUNCILWOMAN JOHNSON: Yes, with just a quick comment. She thought with the minor changes and what the seniors wanted, they should go with the insurance company with those minor changes.

COUNCILMAN GALLO: Councilman Gallo said since Council did not give him another month to speak with Monteforte to get the prints and forms, it's probably mute so he's just going to have to say yes.

COUNCILWOMAN CHAUMP: Councilwoman Chaump voted yes and to say having been at that senior citizen meeting on Wednesday they make a very good argument on why things should stay the way that they are and she can see their point.

COUNCILMAN SHARKEY: Councilman Sharkey said it's a beautiful building on the water and unfortunately they aren't going to have an opportunity to put windows out on the whole back wall and rearrange the kitchen to the roadside so that they can get the whole view and value of that building. That's the unfortunate part of what's going to happen tonight. With that said, the reason he's voting yes to let the insurance company handle it is he doesn't believe they can manage the construction project. That's the main concern because he's seen how they've overseen Blackberry Bay. His vote is yes.

COUNCILMAN BRISCIONE: Councilman Briscione said the thought the intent was good. He doesn't agree that they may not be able to open the back with windows. He thinks there may be a way to put sliding doors in and open to the deck and give views. They've tried but he thinks the seniors have spoken and he voted yes.

COUNCILWOMAN KAHLE: Councilwoman Kahle said the last thing she wanted to report was the community development grant she reported on last month; their application has been denied. It's given every other year. They can apply next year. So they'll do it again then.

MAYOR GATTA: Councilwoman Johnson.

COUNCILWOMAN JOHNSON: Councilwoman Johnson reported that for the month of June the Oceanport and Port-AU-Peck Firehouse had 15 fire calls, two house fires, one structure, one drill, two fire alarms, one CO alarm, one vehicle fire, three motor vehicle accidents and two wires down. On June 27th, the Port Au Peck had their meeting. Greg Bebout is now a new member of the Port AU Peck Fire Department. He'll be on probation one year. They also have three more new explorers coming in and between Port Au Peck and Oceanport Hook & Ladder they're doing very well with the Explorers. Also, there was a drill at the Wolf Hill School which was a search and rescue which she was advised went very well. Unfortunately, it was a very hot night so they had to stop it a little early. The baseball team is in first place in their division this year and she congratulated them. They're going into the playoffs. She wished them all luck. And also in August, just to remind everybody, Hook & Ladder is having the circus. It's going to August 17th, 18th and 19th and that will be at the lot at Monmouth Park Racetrack. On July 6th we had a Board of Health meeting. Right now the dog and cat licenses are up to date. We did speak to the Health Department of Monmouth County on West Nile. They advise right now they have 60 birds which were picked up. One was positive in Hunterdon County and four for Monmouth County. None in Oceanport which is a good sign. Also, plans for the flu and pneumonia clinic will take place in October. As of this time they do not have a date. Hopefully, there won't be a shortage like last year. But they cannot guarantee them anything but they will be checking with them shortly to see if they can come up with a date and see how much they'll be getting. Status on the local well. So far for the Monmouth County Health Department, they've had one well replacement in Oceanport. Also, there was a concern about 8 Pemberton Avenue which is right next door to the First Aid Building due to the fact that it's after the fire it is still hasn't been boarded up and it's a hazard. They did speak to Ron Kirk and they were advised that a letter went out to them at that residence and hopeful we can get that boarded up. The next meeting will be October 5th for the Board of Health.

MAYOR GATTA: Thank you very much. Councilman Gallo.

COUNCILMAN GALLO: Councilman Gallo reported that the Shade Tree Committee has submitted vouchers for removal and trimming of trees at three different locations in town and he expects these to take place shortly. On the First Aid Squad, they had 38 emergencies, seven MBA's, eight fire calls, and eight other situations. They put in a total of 307 man hours. The First Aid approved storing a Monmouth County OEM Mass Casualty Trailer on their premise. This is one of a number of trailers in the county that carries first aid supplies in the event of a catastrophe. Monmouth County will keep it fully equipped and the squad will keep up with the inventory each month and they will also tow it to wherever it needs to go. The squad has also made the Oceanport Fire Police from the Fire Department honorary members so they can respond and assist the First Aid for traffic control on their calls.

COUNCILWOMAN KAHLE: Councilwoman kahle asked if they are going to house that at the First Aid building or is that going to be stored.

COUNCILMAN GALLO: Councilman Gallo responded at the First Aid building.

MAYOR GATTA: Councilwoman Chaump.

COUNCILWOMAN CHAUMP: Councilwoman Chaump asked the Clerk to read resolution **R-05-77** increasing the quote threshold for Borough purchases to \$1,500.00 after which she moved to approve same. Councilwoman Johnson seconded the motion.

The Clerk called the roll:

AYES: Councilpersons Kahle, Johnson, Chaump and Briscione.

Councilmen Gallo voted no and said he thinks it gives people at the 500 level who have to go out for two quotes in doing so, you could find something cheaper. He felt if you get up to 1,500 without a second quote so there's no opportunity of saving money and Councilman Sharkey voted no for one specific reason who believes they should be moving towards centralized purchasing. He really doesn't like the fact that the head of public works, the police, chief and other borough employees have to spend their valuable time going out and looking for quotes and buying items. He's rather see that function transferred over into the accounting department which would develop a specialization to be getting quotes and shopping around. The Division of local finances has raised the bid threshold for going out to bid from 17,500 to 21,000 and also for going out for quotes, they raised it to \$31,500 and in Oceanport they're going to be very conservative and make the departments go out to increase their getting quotes to \$1,500.

COUNCILMAN BRISCIONE: Councilman Briscione said he felt the process Mr. Sharkey outlines is under the purview of the finance committee. He voted in the affirmative.

COUNCILWOMAN CHAUMP: Councilwoman Chaump wanted to let the public know that at workshop meeting not one single council person spoke up when they discussed it so she thought it was going to be unanimous.

Councilwoman Chaump asked the Clerk to read resolution **R-05-78** providing for the issuance of General Obligation, General Improvement bonds after which she moved to approve same. Councilwoman Johnson seconded the motion followed by the Clerk calling the roll and all members voting in the affirmative with the exception of Councilman Sharkey

who said it was twenty pages long, it's a legal document and they did not have an opportunity to get a legal opinion. The advice they received from the CFO was basically made from a recommendation that they go with a straight line payment. Again, they needed to speak to professionals and he felt they should have a professional come in, give a presentation of the different components. He said he could guarantee that none of them on the council has understood this. Bond council didn't present or explain it to them. So he would be voting for a document he doesn't understand and he did review it.

COUNCILMAN BRISCIONE: Councilman Briscione said he had a letter from bond council dated July 20th that he said was in everyone's box. It says in part, I reviewed your letter to mayor and council, it was from Annette David, CFO, I reviewed your memo to mayor and council regarding your recommendation regarding which security schedule the mayor and council should adopt with respect to the above referenced bond issue and find your conclusion to be reasonable. If you have any questions please do not hesitate to contact me. Councilman Briscione voted yes.

COUNCILWOMAN CHAUMP: Councilwoman Chaump made the motion authorizing the Borough Engineer to advertise and receive bids for the 2005 Road Program. Councilwoman Johnson seconded the motion followed by the Clerk calling the roll and all members voting in the affirmative.

Councilwoman Chaump reported that she attended the Board of Education meeting. The PTO donated \$25,000 from their fund raising and she thanked the PTO. She reported there were five retirees and the special services program passed the Department of Education Monitoring with a few minor areas that need improvement. They are going to be purchasing a new computer program which is called Tie Net which is recommended by the state. No extra money to the taxpayers since it will be purchased with a grant. They have also applied to the Governor's school of excellence award for making plates. Last year they received the governor's school award for Wolf Hill School and received \$25,000 of which \$12,000 was used for professional development, \$10,000 went to the McGraw Hill reading program for Kindergarten thru third grades and \$3,000 went to the third and fourth grade classroom libraries. The board of education also accepted a donation from Philip's Medical Systems of \$1,088. They have in turn donated it to the OEM and on behalf of the council she thanked them for that. They received two Philip's Head Start AED's trainees, two infant child training cartridges, two training tool kits and eight replacement pads for both of those tool kits. So that's another shared service. They received it and they really couldn't use it so they donated it to OEM and to Buzzy Baldanza.

Councilwoman Chaump reported under Public Works under roads, the sink hole on Avon at Sea Girt Ave was repaired and that there was a drainage pipe that collapsed that's also has been repaired. The potholes on Crescent Place got cold patches. On Horseneck Point Road we are going to be using hot asphalt to repair some of the potholes out there. The catch basins need to be repaired and the catch basin on 27 Oneida Avenue was repaired. As far as the vehicles, the sweeper is not working. They are going to explore renting one to sweep the streets according to the storm water regulations. They also had some truck repairs done also. Notices that are going out to remove debris and brush in front of homes have gotten a positive response. The borough does not pick up that debris so grass clippings have to be removed by the homeowner or whoever is taking care of the lawns. They had a motion to hire a helper. Because of the advancement of the people in Public Works, with Demetrio Zarate moving up to the superintendent's position and Mark

Hunter moving up to the foreman position, they had an opening in public works for a helper. They went out and advertised and received two applications and between Wednesday and Thursday, superintendent, borough clerk and foreman interviewed both applicants and they are making a recommendation this evening.

A five minute recess was taken.

MEMBERS PRESENT: Councilpersons Kahle, Johnson, Gallo, Chaump, Sharkey, Briscione and Mayor Gatta.

COUNCILWOMAN CHAUMP: Returning to her report, she made a motion to hire Alex Berbenas as a helper in Public Works. The motion was seconded by Councilman Gallo followed by the Clerk calling the roll and all members voting in the affirmative.

Councilwoman Chaump also made a motion to hire Maximo Lopez as a part-time worker for Public Works and was seconded by Councilwoman Johnson followed by the Clerk calling the roll and all members voting in the affirmative.

Councilwoman Chaump stated she had a lengthy discussion on finance which she will hold until next month because she is still waiting for more information from the CFO which she has not received.

MAYOR GATTA: Councilman Sharkey.

COUNCILMAN SHARKEY: Councilman Sharkey stated he is the liaison for the Parks & Recreation. He reported the Parks & Recreation met this month and the only major concern is how Blackberry Bay Park is turning out. They had the engineer in and one day he gave a report. The sprinkler company had a two page punch list to fix broken sprinklers, leaky pipes, sprinklers at the wrong elevation, and he did 60% of the work. So there's 40% yet to come back to finish. The next step is that there are low spots that need to be filled and the third component is that the fields are bumpy. If you drive across them with the mower you're bumping around is what he's been told. The fields all need to be reseeded especially on the right side and he feels they have a major problem since the contractor basically feels he's done. He had his attorney send the borough a letter and they're now stuck in a situation of what to do. They have a field that's bumpy and one of the suggestions is to roll it which compresses it and then you have to aerate it and it takes a couple of years to soften it up again. So that's what council is faced with now trying to get this contractor to come back and finish up these areas and they've been nursing this along since May and it was supposed to have been finished on May 6th and he didn't do it. Every workshop meeting they basically give an extension until the next workshop meeting in August and then give him time to do it. The contractor has been thrown off the job in South Jersey and basically he was put back on it because he's trying to fulfill it. If it goes to court or litigation it could be dragging on for a while. So that's the boat they're in with Blackberry Bay. The single most important item is half a million dollars that we've poured into this project.

MAYOR GATTA: Mayor Gatta made a clarification and that was he did not write the borough the letter, he wrote it to the engineer. He was basically finished with it.

COUNCILMAN SHARKEY: Councilman Sharkey asked for the name of the contractor.

CLERK: R V W Livestock who was the lowest bidder.

COUNCILMAN SHARKEY: Councilman Sharkey reported the only other item he had on Parks & Rec was the purchase of some freeze resistant water fountains that he felt that they could install over at the community center and it's turning out that they can be installed so they have to go out and get bids and we're talking about \$2,000 in plumbing to install these fountains which was totally unexpected and is not going to get done this year.

THE CLERK: The Clerk asked where the money was coming from. The funds could be in the budget. That would be a decision for Rec and Public Works.

COUNCILMAN SHARKEY: Councilman Sharkey explained what is meant is that funds could be in the budget if you can transfer funds in November basically from one line item where you didn't spend it to cover other items so it can't be done until November 1st. With regard to the Capital Committee, it is another huge, advisory committee that has an ordinance requires the capital committee to meet and review the capital needs of the borough and to submit recommendations by July 1st to council. He explained this would give council adequate time, six months basically to review the needs of the borough, long term planning and spend some quality time looking at what we want to do. The Capital Committee did receive all the requests from the various departments, First Aid, Fire, all came in and that information now needs to be compiled and to be prioritized. The committee will be meeting in August, the fourth Thursday of the month and it's a priority. They will come back with their priorities to council and council will have an opportunity to ask questions and set some direction. He stated that during the month of January and February, they were running around trying to put together a budget with requests coming at them for capital needs. The reason they got in that boat was they weren't in compliance with the ordinance which says this all should be done and prioritized by July 1st. That would give adequate time to do it so he made a recommendation in working with the committee chairwoman to improve the process. He's also bringing in the CFO to be involved in this process and to identify funding opportunities and do some long range planning on how they're going to fund the capital improvement. They spend approximately \$300,000 a year on street and roads and they have some big needs coming up. First Aid is looking to get a new First Aid vehicle which is approximately \$140,000. The fire department is looking for another vehicle as well. One of theirs is getting old. That doesn't include the municipal building. He strongly urged the residents to attend the capital advisory meeting that is going to be coming up. With regard to insurance, he stated that it was heard early on in this meeting and a number of council members stated that they did not agree with his opinion on insurance and just so you understand where that's coming from, the health insurance broker, Ted Wardell, is in the audience and he did make some very strong comments about how he felt he conducted himself with regard to the health insurance program that went out to bid. In January they had Mr. Wardell in, a decision was made as council members that they were going to create some competitive bidding situation for all their professional services. He told him that he was going to bring in other insurance brokers to create that competitive situation. In the past it was not done. Last year it was not done and they had a 9% increase in health insurance which is one of the largest items in the budgets which is \$450,000. He told Mr. Wardell that in January at a council workshop that he would start the process to compare the bid specs and he would start conducting the process in March, towards the end of March. That would give us three months time for the brokers to prepare the quotes and then make a decision since the insurance renewals are July 1st. He received a letter in February with Mr. Wardell going out

to the market saying what insurance companies he was going to approach and basically in the letter said if you bring any other brokers in to submit a quote or application on top of what he already submitted that it would damage his negotiating ability. He felt completely disgusted with that maneuver when he knew the intent was to do it in March and he told him. He knows how angry he was. He was not afraid and he was accused by Mr. Briscione of being classless for attacking him.

COUNCILMAN BRISCIONE: Councilman Briscione said he did not accuse him but the process, accusing a professional without an opportunity to defend himself.

COUNCILMAN SHARKEY: Councilman Sharkey stated he didn't appreciate the way it was handled. The bottom line is that most municipalities that are known to be participating in pay to play and you get those types of brokers involved who are politically connected to get their work and there's commercial brokers who do not. They just stay away from them. They aren't in that political arena. They don't quote. Oceanport did not completely advertise to get competing quotes. One broker responded. I think he basically picked up the RFP and did nothing. Councilman Gallo kept asking him what about Horizon Insurance Company and stated he had family coverage for employees and it's he's paying a lot less than the borough and he told him to have the broker come in and talk to him. He said his broker does not participate or have any municipal clients to come in and say maybe you should have some of these commercial competitive ideas from the business world come into the arena and he had a couple of suggestions that were interesting. Deductibles and various other comments so he said absolutely you can participate and that's when they went to Oxford insurance company as well as Mr. Wardell and they both came back into council. Council had an opportunity to hear Mr. Wardell and Mr. Potter was the name of the other broker and the situation was this. He was told in January that they could expect a 12% increase for July. And you get that number as an estimate because it's early and you don't know what you're really going to have for budget purposes. Horizon said they would only give an eight percent increase so that was pretty good. When they realized Oxford had thrown a number on the table that was approximately \$30,000 even less, Horizon came back and said instead of an eight percent increase they'd drop it another point in increase so it was still \$30,000 more than the competitive quote they had. So council has to make a decision. The process is do they go with the \$30,000 savings or stay where they are and do they pay Verizon. It's a tough decision. The police had indicated they were not happy at the thought of changing to the Oxford network. They felt it was an inferior network and for \$30,000 why go that route. He was not happy with another item in this whole process. Mr. Wardell had indicated to him that he was going to approach another carrier, Central Jersey Health Insurance Fund. That's an insurance venue that covers municipalities and it doesn't pay commissions to brokers is what his understanding is. Brokers typically work on commission and why submit a quote from a fund that isn't going to pay you. He thought that's what was going to happen. We were going to get a quote from this guy and Mr. Wardell would typically add a fee for his service of being a broker. A broker would typically add a fee, a service fee for being a broker. That is how the situation is handled if you like Mr. Wardell and you want to stay with your current broker. Well, they didn't get that quote. Councilman Sharkey felt that market was blind, an opportunity was missed because that did not happen and these are some of the reasons he felt very strongly and he voiced his opinion and made the recommendation that they switch, they stay with Verizon because the \$30,000 was not enough of a savings at this

point to make a complete change without really getting these other opportunities in line as well. We need to have all the facts, in his opinion. He thinks we should change the date of the renewal to January 1st instead of July 1st. By having it January 1st you're in line with the police contracts and it just makes more sense to do that. That's when the property and casualty insurance renews as well. It lines everything up for budgeting purposes. That's why he made those comments. He made a recommendation to council that they should consider changing brokers. He also believes in having his comments and opinions independently verified and evaluated or challenged and he felt that another issue involving the health insurance was another major concern. And that has to do with some part time individuals that were on the borough's health insurance policy. The borough offers health policies for full time employees. Verizon did an audit, and it confirmed that fact and they had their borough attorney on our policy and we had previous borough attorneys and council people on the health policy. And he believes that's inappropriate. He also feels that between those two incidences that there were some things that didn't smell right and he notified and sent a letter to the department of insurance to review the situation and to independently confirm or exonerate this issue. With the property casualty insurance, he's going to be putting together bid specs as well. He's bringing in other residents who have property casualty experience as an advisory group to make sure everything is above board and that they get the best pricing. They did not go out for competitive quotes last year for property casualty and workers comp has been in what's called a jib and we're locked into it for three years. They had the opportunity to get out of it for this January 1st and they'll be ready to have competitive quotes. He believes the loss ratio is so good that they can hopefully save some money. There are towns around who are in one of these joint insurance funds, and on their property casualty they are getting \$100,000 bid checks. They don't get that because they are with Selective who keeps the money themselves so if they don't have losses they profit.

MAYOR GATTA: Mayor Gatta brought up his comment about part time employees and asked him to tell everyone there who pays for their premiums.

COUNCILMAN SHARKEY: Mr. McGann paid the borough his premium.

MAYOR GATA: The mayor asked if he has he always paid for his premiums.

COUNCILMAN SHARKEY: Councilman Sharkey responded that he has.

MAYOR GATTA: The mayor explained she just wanted to clarify that.

COUNCILMAN SHARKEY: Councilman Sharkey explained that they are an experienced rated policy.

MR. MCGANN: Mr. McGann asked Councilman Sharkey to stop there. He said he did not want you him to comment on his health conditions, his family's health conditions. It's a matter of privacy and he felt was stepping over the line and that he paid his premiums.

COUNCILMAN SHARKEY: Councilman Sharkey said that the point is even though he's paying the premiums if you did there was adverse losses. It affects the rates we're paying as tax payers and it's inappropriate for someone who is a part timer to give them special privileges to get group rates and to be on our borough policy.

MR. MCGANN: Mr. McGann stated group rates were higher than he was paying than with his own company. Number two, I was on the borough's policy twenty two years ago as municipal judge and at that time it was shifted over. I was offered provided I pay my

own premiums to stay on the policy so Councilman Sharkey's history is somewhat limited because his goes back twenty years and he's like to set the record straight.

COUNCILWOMAN JOHNSON: This letter was by a woman from Horizon Blue Cross/Blue Shield back on September 14th, 2004. The reason elected officials and professionals are eligible goes back to when the borough joined the state health benefits a number of years ago and states anyone in a professional supervisory position is eligible for coverage regardless of hours worked. When the borough left state health benefits the package had to be equal to cover regardless of hours worked so the status could remain so the premiums were paid for those insured. The other is February 24, 2005 also from Horizon Blue Cross/Blue Shield. There was a letter attached regarding part time employees in regard to your questions states a professional is covered under the borough's plan regarding Marty McGann, Francis Margoliti also back in 2003 as was Jack Halloway who was a borough prosecutor. It does state here that they reimbursed the borough for their premiums and paid their premiums. And this is Blue Cross/Blue Shield. In answer to Mr. Sharkey's question, Patricia Varca, before she left as clerk, I have a letter here. It's been the past practice for this office, at least the past 15 years with full knowledge of the governing bodies in the past, to authorize the broker of reference to secure quotes in a timely manner for both health and dental coverage for employees. In following this practice I gave Mr. Wardell a letter authorizing him to secure quotes from insurance companies that I understood they were discussed between Councilman Sharkey and Mr. Wardell. In the many years that Greenspec has been the borough's broker, I can only say that Mr. Wardell has fought hard and fast to keep the borough's rate as low as possible not to mention the hands on service that the borough and its employees receive.

COUNCILMAN SHARKEY: Councilman Sharkey commented on that eligibility letter. That eligibility letter was requested from and submitted by Mr. Wardell to Mayor Gatta. She received that. That eligibility requirement was for the state health plan. We had been in the state health plan for a number of years. He believes, and he feels that that presentation or that information to council members was an attempt to deceive us what true eligibility requirements. He was offended, personally, that that was even presented to me. So to be saying that Mr. McGann pays his premiums, allowed to be on the policy, is from what the appropriate authorities apine on it. That's the end of that discussion.

MAYOR GATTA: Councilman Sharkey, Mr. Wardell is in the audience and she invited him to address the council while everything is fresh in their minds.

COUNCILMAN BRISCIONE: Councilman Briscione just had one comment. Borough insurance premiums have been increases have been well below and during negotiations with the PBA we received substantial give backs from the bargaining association that resulted in cost savings for the borough as to experience ratings, the Oxford representatives sat in front of them and told the committee the basis of his quote was not based on any experience rating. They had one other company bidding that had zero municipal experience. He didn't think it was credible to give the policy to someone like that. This is a league of municipality that they all get. The orange tabs, five of them, five companies with extensive municipal experience that if they were going to call people to come in, these are the people they could have called.

MR. WARDELL: Mr. Wardell introduced himself as the broker for the borough. He stated he's been the broker for the borough for ten years and nine of them have been extremely prosperous but this has not been one of them. He said he was limited as to what

he could say in this matter since both the tape and transcript of the meeting are in his company's legal department's hands while they discuss what they are going to do about that but he, on a personal level, must address this. He stated he was appalled at Mr. Sharkey's actions that anybody would denigrate a professional the way Mr. Sharkey did even if some of his remarks were true which they weren't. There was some relevance here but it was still unprofessional to do that without the person being there to defend themselves. For example, he said in his remarks that he did not get dental quotes. He said Mr. Sharkey asked for dental quotes and he didn't get them. He gave Mr. Sharkey this document at their meeting, May 16th. The dental quotes are in it. Had he read it he would see the dental quotes. Mr. Wardell assumes he didn't read it. The second thing Mr. Sharkey made an allegation about was that Mr. Wardell did not get the health insurance fund because they don't pay commissions. That is what Mr. Sharkey said. He said it again tonight. Mr. Wardell said he has a letter from Monmouth County Health Insurance Fund dictating the commission they've had. They pay a rather handsome commission. He'd like to show this unlike some other people who have documented evidence of everything. So that is the second inaccurate thing Mr. Sharkey said. It does pay commissions.

COUNCILMAN SHARKEY: Councilman Sharkey asked if he gave them a quote.

MR. WARDELL: Mr. Wardell responded no and he can say why. Because as Mr. Sharkey mentioned, Mr. Sharkey poked his finger in his chest and said he will stop, you will stop and desist and that's the other reason why he didn't. The second reason Mr. Wardell didn't is that he would have needed some guidance from mayor and council. It is such a radical departure from what you have now. What you have with Blue Cross and Blue Shield is a premium. At the end of this year Blue Cross/Blue Shield pays out twice as much claims. They may raise the premium. If they do, you may leave. And you owe them nothing. That's their problem. With the JIF you're in it for three years. You're responsible for three years. If they raise the rate the second year, you are still responsible for the second year and the third year. So it is something he would need much more input from mayor and council to go in that direction. He has represented this borough to the best of his abilities for ten years. The average rate increase this year, ladies and gentlemen, is 13.2 %. That's what health insurance has gone up. The boroughs' went up seven percent. And it went up from the hard work of Grinspac and himself. He went out and got the extra quote and he did that because he had a fiduciary responsibility as the borough's broker to do exactly what he did and not one individual can tell him not to do it. Otherwise, he would be abrogating his responsibility. Mr. Wardell stated he has a responsibility to the borough and he takes that so seriously. He did what he always did, he did it with written permission, he did it with honor, he would do it again and because he did it this borough is paying much less money then what they would have been paying. And secondly, he said someone mentioned that the givebacks and the negotiations between police and mayor and council, mayor and council and the PBA did an exceptional job in negotiating the benefits of the benefits at a lower rate and in 2001 got rid of the traditional plan and went with a PPO. This year they raised the deductible from \$100 to \$200 and they raised the co pay from \$5 to \$20 and they agreed to allow any new employee to pay single only benefits for three years. Had they not done that, you would have paid \$32,000 more this year then you did. That's what you would have paid. He couldn't say much more other than he is just, just so appalled at the cowardice of denigrating him when he's not around, not saying

a word, when all he ever tried to do for any of you folks was do the best he could. The best he could.

COUNCILMAN SHARKEY: Councilman Sharkey stated he had a response. He said he never pointed his finger in Mr. Wardell's chest. And again, Mr. Wardell was told up front in January that we wanted to conduct a competitive bid process and he circumvented that direction. He stated he was appointed by the mayor to be the liaison with the insurance committee to oversee that responsibility and it did not go through to him. He did not walk the lines, the borough clerk to give an exclusive letter to Mr. Wardell. He never would have done that. In fact, we had it rescinded and this council agreed to have that exclusivity letter rescinded. In his opinion, totally uncalled for that letter going out. That wasn't the intent of this council and that made him very angry that type of action was taken and done. So that competition is what drives down the price.

COUNCILWOMAN JOHNSON: Councilwoman Johnson stated Mr. Sharkey had said in comments on June 20th he had documentation. She thought Council can also request documentation of his comments in reference to Mr. Wardell. The council still has not seen those documentations to support what he's accusing him of doing. What Mr. Sharkey is accusing Mr. Wardell of at June 20th meeting, council had asked for documentation to support that.

COUNCILMAN SHARKEY: Councilman Sharkey said he just laid out what the issues were. All these conversations, residents, are in the public minutes. Every one of them and every discussion with council in public minutes, workshops and regular meetings.

MAYOR GATTA: The mayor stated she thought he was going to provide the council with documentation. He was asked by Councilwoman Kahle just Monday night and she thought his response was that he had left it at home. He was going to provide this council with documentation to support some of his opinions and allegations that he made against Mr. Wardell.

COUNCILMAN SHARKEY: Councilman Sharkey stated he didn't recall that at all.

MAYOR GATTA: The mayor stated it's in the minutes.

COUNCILMAN SHARKEY: Councilman Sharkey stated all the documentation is from the minutes as well. They're all available and each council person gets a copy of the minutes.

MAYOR GATTA: The mayor asked Mr. Sharkey if he remembered saying he left them home Monday night when Councilwoman Kahle asked him.

COUNCILMAN SHARKEY: Councilman Sharkey asked if that was at 12:30 at night.

MAYOR GATA: The mayor stated it was earlier than that. He stated he didn't remember.

COUNCILWOMAN KAHLE: Councilwoman Kahle said she thought he was discussing the replacement of the broker so she asked about that.

MAYOR GATTA: Before Councilman Briscione gives his report, the mayor wanted to give a little background. Monday night there was a workshop meeting and many of the residents that are here tonight were here then but there are many new faces so she asked Councilman Briscione to also address the unanimous letter that residents did receive in his report, if that was okay.

COUNCILMAN BRISCIONE: Councilman Briscione gave some background. Mayor and council received a request from an entity known as Oceanport Holdings to contract purchase of a lot 1, block 18, and block 61, lot 60 and 1601 for a zoning change that would allow a marina and a six story, sixty unit condominium structure with a twenty percent set aside in accordance with the Mt. Laurel obligation. Mayor and council referred the matter to the planning board as any change in zoning even a recommendation of mayor and council must be reviewed by the planning board. It was deemed that the planning board was the proper body to request and make a recommendation to mayor and council. Oceanport Landings requested a zoning change to the planning board based on a set of preliminary plans mentioned previously. It was not a formal hearing or an application merely a request. The planning board has many issues with the request including ingress and egress of service vehicles, emergency vehicles, density of the development, storm water issues relative to the new storm water plans, seeing that the development was on the Shrewsbury River and the presence and character of the type of structure that was proposed in a residential neighborhood. The planning board recommended unanimously to mayor and council in a strongly worded resolution to deny a zoning change. Oceanport Holdings has filed suit with the court on the basis of Mt. Laurel litigation. Mayor and council retained Jeff Surenian, special counsel on Mt. Laurel issues to represent the borough in this lawsuit. The borough is in the process of preparing a vacant land adjustment to correct our present Mt. Laurel obligation and is in the process of certifying the plan to accomplish compliance. We'll be reading a resolution tonight dictating that.

MAYOR GATTA: The mayor opened it to questions at this particular time. She commended the audience on being very patience and expressed her gratitude.

RON SICKLER: 45 Morris Place. Mr. Sickler was at the meeting on Monday and he spoke to the owner of the marina and he was able to clarify with him. Some form of letter or intent, the legality of it was and he went and talked to him a gain yesterday and he still stands by his statement he told these two gentlemen that they could present him a plan for his approval or disapproval and while h was in discussion with him, one of the things that disturbed him was Keith Seeley said how come no one on this council has talked to him so that was one of his questions. With the amount of furor that has arisen over this in this brief amount of time, up until this afternoon or before this evening's meeting, why hasn't somebody talked to Keith to find out what he has to say about this.

COUINCILMAN BRISCIONE: Number one, Councilman Briscione said it's in litigation. Number two, there was a contract purchaser, whatever document he is referring to, gives that person standing to file a suit in court.

MR. MCGANN: Mr. McGann stated that once a matter goes into litigation, he's represented by counsel. The contact from this governing body comes through Jeff Surenian, special counsel representing the borough so any contact would have to go through him.

MR. SICKLER: Mr. Sickler asked would he be the litigant or would Oceanport developers be.

MR. MCGANN: Mr. McGann stated that while his property is the subject matter of the litigation so it would probably be in the hands of counsel to determine whether or not the original members of the counsel should have a dialog with that person.

MR. SICKLER: Mr. Sickler stated that based on his knowledge of the law and particularly this case, can somebody put forth a document that allows somebody to go

ahead seek preliminary approval and still that document allows them flexibility to approve or disapprove the sale based on what that group wants to do with the property.

MR. MCGANN: Mr. McGann answered that any document between parties can be negotiated by whatever mutual agreement.

MR. SICKLER: So it is within the realm of possibility that what Keith has told me in the past that he told them put a plan together, bring it to him and he'll talk. That would be in the realm?

MR. MCGANN: Mr. McGann stated he did not want to comment on what someone else has said. He said you can probably draw your own conclusions.

MIKE RESGINIO: 32 Morris Place. He, along with most of the people received an anonymous letter and he also received some other letters. His concern and he felt most everyone else's concern that lives in that area is the issue is going to be that and what they are specifically concerned about is this developer is going to try to negotiate with the borough council vis a vis this lawsuit and his interpretation is that this is nothing more than a strong arm tactic for him to come in here and say, look I'll drop the lawsuit. He doesn't need six stories, he'll take four stories. This is not going to happen in that area. It doesn't belong there, it doesn't fit there. There's nothing there but single family homes. He's lived in Oceanport 42 years, anybody that lives in Oceanport knows that area, knows the rest of town. There's a place for that and there's a very good place for it out over there by Oceanport Village, by the seniors and our commercial district. You can probably bring in a ton of planners that will agree with that. And he just wants council to understand that they are going to be watching them very closely. And he wants them all to understand they're going to act if you try to settle with this lawsuit and you settle for anything other than single family homes, they're going to come back with every means available to them.

MAYOR GATTA: Mayor Gatta added one of the items that they talked about at Monday's meeting was getting the lawyer to come to a meeting and we've arranged for him to come to an August 8th meeting so she encouraged everyone there to come back. She will be notifying them of that but encouraged them to attend. The questions that he can answer he certainly will. But she suggested that they all come back for that.

MR. RESGINIO: Mr. Resginio said he understands what this gentleman did. They probably filed that plan, did their thing. They said they were contract purchasers and they had a right to do that. He wants council to know as a group.

MR. CONTE: 27 Vreeland Place. Mr. Conte questioned if the resolution that the council wants to pass tonight does that make the lawsuit a mute point because Mt. Laurel obligation will be met and there won't be a lawsuit.

MAYOR GATTA: The mayor responded no. That is a question for the lawyer.

CHRISTOPHER LeBRECK: 27 Branchport Avenue, Mr. LeBreck asked the council if they have any ideas of other areas they want to utilize in lieu of this place at the end of Morris as a code requirement. He understands the resolution is basically stating, that they are going to look into it at this point even though it's been around for a long time or finally getting around to addressing it here. He asked what areas do they have in mind to utilize to satisfy your code of requirement.

MAYOR GATTA: The mayor stated they are looking into other avenues such as 274 E. Main Street that might comply with that. It's a top priority.

COUNCILMAN BRISCIONE: Councilman Briscione through planning board, they've been involved in authorizing through our planner vacant land adjustment. Everyone in

every town is given a Mt. Laurel obligation. They've decided to look at a planner, to go the vacant land route which hopefully will reduce their obligation. There's a possibility that the senior center that was built in 1981 qualifies; if that qualifies that goes toward a large portion of that obligation.

MR. LeBRECK: Mr. LeBreck questioned what percentage that large portion was.

THE CLERK: The clerk responded that their obligation right now is 157 units. With the vacant land adjustment they're going to try to get that number down. It might not come down to zero but based on conversations she's had with the attorney they're confident that that is too large a number and the type of vacant land they have in Oceanport. A lot of the vacant land is wetland so that land can be taken out of the equation. Also they're looking into exploring the possibility of Oceanport garden Senior Building which is not only a senior building but a disable building that they can also live in that building. All 100 units of that building may meet that obligation. There is a six unit apartment house that is owned by the Monmouth County Housing Alliance on Main Street. That also has six units. So it looks very positive that they might meet or exceed their requirements. She can't say that for sure but that's the direction she feels it's moving.

MR. LEBRECK: He asked if they anticipated the borough to be in a position to satisfy our code requirements before this lawsuit goes so far that it could get pushed down their throats.

MAYOR GATTA: Definitely. That's why, she stated, it's as top priority to get documentation in place.

COUNCILMAN BRISCIONE: Councilman Briscione stated this didn't just start. They've been in the planning of this from last year. He took a land use course last year where he asked the question if the borough is substantially developed, is there a problem through which you can reduce that obligation and that's vacant land adjustment. Little Silver did it recently and it's an avenue they looked into and they've had their planner working on it.

MR. LeBRECK: Mr. LeBreck stated his concern is what happened in Rumson and they got it jammed down their throat and they don't want that to happen here because obviously the residents are all up in arms about it. They want to make sure the council is on their side and that the elected officials make sure that they're doing what's right for the borough and everyone here.

COUNCILMAN BRISCIONE: Councilman Briscione said the resolution from the planning board is very strongly worded and it reflected the opinion of the planning board that this type of development wasn't a correct development for that neighborhood for many reasons. The Storm Water issues haven't even been addressed yet. There are other issues relative to that.

MR. LeBRECK: Mr. LeBreck said they've got power, they've got storm, they've got fire, there's a lot of issues.

COUNCILMAN BRISCIONE: Councilman Briscione stated it was a very thorough resolution by the planning board.

MR. LeBRECK: His next questions was why are they addressing code requirements now when they've been around in Oceanport for years.

COUNCILMAN BRISCIONE: Councilman Briscione stated they started to address this last year. They have a letter from their attorney that suggested that they file code plan and they've been working toward that plan.

MR. McGANN: Mr. McGann stated they're in a Mt. Laurel three cases which has changed the requirements for municipalities over the years. The governing body back then made certain decisions based upon composition of the town. He was not around then or on council then but he suspects one of the things that the council always realized was that Monmouth Park owned a significant amount of land in the borough and they felt secure in that respect. He feels the council, as things evolved, the governing body was able to do certain things. For example, when Monmouth Park wanted to sell 90 acres of Wolf Hill, they were successfully getting Monmouth County Park to buy it. So that took substantial chunk of land. During his tenure on the council they looked at also acquiring open space. Not to stop affordable housing but because they were interested in open space acquisitions. The acquisition of open space they were able to succeed by buying soccer fields. So in terms of what historically was available for tract developments issues, the governing body felt pretty secure in that respect. He personally, did not, as a council persons, he did advocate filing a plan because he thought it was the proper thing to do. When he became acting borough attorney last year, one of the first things he did was write a memo to the governing body recommending that they immediately take action to start the process. Because he knew how important these things were to a point that there were websites with towns that didn't have Mt. Laurel plans filed so builders could target them. He stated you have to understand during the process of doing it now, he thinks the process is moving along very good and may well turn out very good for the borough. No one can say that for sure. But they are working on the problem.

MR. LeBRECK: Mr. LeBreck asked the mayor to identify the street address she was talking about. Exactly where that is.

MAYOR GATTA: 274 E. Main Street is the senior building across the street from Cumberland Center.

LELAND WERSINGER: 15 Morris Place. Mr. Wersinger said as he understands it the borough has hired an attorney to fight this developer and asked if he is experienced in this type of litigation.

MAYOR GATTA: Mayor Gatta responded he is the top attorney in his field. He has represented many of the municipalities in Monmouth County.

MR. WERSINGER: Mr. Wersinger aid he hopes the borough fights the developer tooth and nail.

MR. JIM HINES: 3 Shapen Way. Mr. Hines said he thought everyone there appreciates town council, mayor for all the hard work they do and all the time they spend away from their families however, he feels there's been a misstep in the process. If this developer came to them and filed a formal application for a zoning change they would have notified all the people that live in the area.

MAYOR GATTA: Mayor Gatta said they would have been notified.

MR. McGANN: Not necessarily. If the governing body does its own change, outside the purvey of master plan, they must then notify all the property owners within 20 feet. Then the property owners have the ability to petition against that change and if there is such a petition filed, a protest, then the governing body has to do the zone change by super majority vote not just majority vote on a zone change.

MR. HINES: Mr. Hines felt that it appeared to him, by the developer coming to a workshop meeting and formally asking for a zoning change and being informally told no, he was then able to go to the Monmouth County Court System and the people who live in

the area and the only reason they found out about his was that anonymous letter they got. And Monday night everybody here was a little upset that there was an anonymous letter circulating. Just about everything on it everybody said was accurate. So he was more upset about the fact that he had to find out through an anonymous letter.

COUNCILMAN BRISCIONE: Councilman Briscione said he didn't think everything in that letter was accurate and he felt no one was notified because the zone is residential. The process is to come before mayor and council and ask for a zoning change. There is no provision in the ordinances to allow them to do that without it being recommending by the planning so the proper body for it to go through was the planning board. Once again, it wasn't a formal application. It was a request. These developers know what they're doing; they know how to get around; they know where they're heading with these things. So the planning board did what they could do and issued a strong resolution advising mayor and council that they were against this procedure for various reasons. There was no notification process by law that could have taken place.

MR. HINES: Mr. Hines stated that he takes great comfort in the fact that unanimously decided to deny this because it's totally ridiculous. Instead of doing the legwork that they had to do, they are gratified that this lawyer is top notch because they don't need someone who is an amateur in something this important. He just wished as friends and neighbors if they had discussed this with just a few people and they had heard about this from the council it would have spread like wildfire through their entire area.

COUNCILMAN SHARKEY: Councilman Sharkey requested that the mayor explain what she was whispering so that everyone can hear.

MAYOR GATTA: The mayor said that a comment was made that it happened so quickly that the council has yet to sit down with this attorney and even discussed this issue and they will be doing that the same night you'll be meeting with him first. All this transpired and what they had to do was to get every duck in order so they can then fight this to the best of their ability because she doesn't believe there is one person sitting up there that is in favor of this. The council is putting their energy into number one, hiring the individual, and number two, setting up a meeting to meet with him once he gets all his facts and documentation together. She expressed her appreciation for everyone coming while they did receive that anonymous letter, they all did the right thing and came to the meeting. It was not on the workshop agenda; they were not anticipating discussing it. She asked them to trust her as they are all going to be fighting this together. At the August 8th meeting, she anticipates everyone to be there and they will all be receiving letters. A lot of this was done in executive session and in executive session they are bound not to comment on it and those were the kinds of questions that they will ask the attorney when he comes to see what latitude they have in discussing these matters.

ANN HINES, Shapin Way. Ms. Hines said she hopes that before they get to meet this attorney that they decide not to have one of the executive sessions and decide to cut a deal with this builder. She assumes the council had time to meet with this attorney and interview him, discuss his fees and wanted to know when they hired this attorney.

MAYOR GATTA: June 20th.

MRS. HINES: Mrs. Hines questioned if anyone has called him since then.

MAYOR GATTA: The mayor responded yes and stated again it's under litigation.

MRS. HINES: She stated she is more than upset because to be so jovial about something that is going to mean a lot to them, she is not going to lose her home but some

of the people there might. She expressed that she is so disenchanted with all of them and the way this is being run right now. She doesn't understand why it's executive session and expressed concern they would make a deal with the builder.

MAYOR GATTA: The mayor explained that executive session has nothing to do with the builder. Executive session is to find out what they can do because they don't want to jeopardize this case one iota. They don't want one technicality to occur that would then overturn everything that they are working towards together.

MRS. HINES: Mrs. Hines said she felt this lawyer can come in and say they decided it's going to be so much and so expensive to get through litigation and tries to make a deal with the council.

MAYOR GATTA: Mayor Gatta asked her to come to the August 8th meeting.

ANN CRAWFORD: Mrs. Crawford asked what happens if the holding company can afford more attorneys than the borough.

MAYOR GATTA: The mayor stated that will be a commitment the council will make and assured her she will be fighting this. She stated they would take one step at a time. The mayor stated she can't emphasize enough that this was discussed in executive session. The council has not spoken with the attorney who is representing us. They will be speaking to him on August 8th.

MR. LeBRECK: Mr. LeBreck stated it was all kept very quiet. They are elected officials who represent them and they need to know about these things. He wants to know when the council gets requests like this through some format. He has an issue discussing this a month later after the issue. He asked Mr. McGann if the attorney will be able to answer their questions prior to his discussion with him. His question was if they show up on the 8th, will he answer their questions first or will he tell them he has to discuss it with council first.

MR. McGANN: Mr. McGann Mr. Surenian who is very experienced in this will explain the law to them. He will answer questions that they have to the best of his ability within the confines of a lawsuit.

MR. LeBRECK: He questioned if he would be able to answer their questions in advance of meeting with council.

MR. McGANN: Mr. McGann felt he would be able to. However, that would be up to the governing body as to the sequence of events to decide.

MAYOR GATTA: Mayor Gatta stated in the letter they are going to get, one of the things she is asking him to write is to give them an idea of what he can and can't talk about as well.

ROSEANN LETSON: 37 Morris Place. Mrs. Letson had a question regarding the two appearances made by either the developer or their representative. She wanted to know, who appeared the first time at executive session.

MAYOR GATTA: The mayor stated nobody met in executive session. There was not one executive session meeting. They interviewed the attorney, Jeff Surenian, in executive session. It was the developer's attorney and they came to a planning board meeting.

COUNCILMAN BRISCIONE: Councilman Briscione stated the attorney was Carl Biscayne.

MRS. LETSON: Mrs. Letson asked who it was that came before. She stated the letter was written Feb. 11th. The initial lawsuit is filed May 26th. She questioned why it took so long.

MR. McGANN: Mr. McGann stated that complaints get filed and then they have to be served to the parties so sometimes there is a gap in time. It really depends and then the defendant has 35 days to file a responsive plea. He stated her questions were better served to be answered by Mr. Surenian.

MAYOR GATTA: Mayor Gatta once again stressed they want everyone to come on the August 8th.

TOM TATERTIC: 25 Morris Place. Mr. Tarertic asked the date of the planning board meeting.

MAYOR GATTA: The Mayor said she didn't have that information but would get it.

COUNCILMAN SHARKEY: Councilman Sharkey offered to clarify that since he has tried to keep copies of information when it comes to him when he does get any information. On February 11th, he stated they received a letter from Glaster Greenburg signed by Carl Bisiere who represents Oceanport Holdings, February 11th, via overnight mail to Martin McGann. Mr. Sharkey read the letter as follows; I represent Oceanport Holdings, as requested the Borough of Oceanport rezone its property in order to satisfy Oceanport's affordable housing obligation. Enclosed please find a copy of the letter to the borough with regard to that request. A principal of Oceanport Holding is Abe Feldmus. Mr. Feldmus has informed me that another of his entities is currently being represented by you in land use application in the Borough of Red Bank. As this would represent a conflict for you with respect to your representation of the borough in this matter I thought it was important to inform you of this as early as possible. If you have any questions in regard to this matter do not hesitate to give me a call. On March 11th Mr. McGann notified the borough clerk, Patricia Varca, that he had a conflict and had to recuse himself. So from February 11th to his fax which says May 5th but the letter is dated March 11th.

THE MAYOR: The mayor stated that council had referred it to planning board for the zone change.

MR. McGANN: Mr. McGann stated that the lawyer has represented the Township of Middletown and the Borough of Eatontown. He did not know if he represented the Borough of Rumson.

COUNCILMAN SHARKEY: Mr. Sharkey stated that the Clerk had told him or had at least he had a note there that Gary Sheckter is an agent, a broker, a partner or does that name ring a bell.

THE CLERK: The clerk stated that Gary Schercher is a principal in Oceanport Holdings. She stated she doesn't believe he lives in Oceanport, his brother does and advised him that you do not have to live in Oceanport to be an applicant.

PAULINE POYNER: Mrs. Poyner said she would like letters sent out to residents.

COUNCILMAN SHARKEY: Councilman Sharkey said he has a question if anyone on council, since this suit involves the NJ Sports Authority, the complaint alleges the NJ Sports Authority received preferential treatment that seniors do not have affordable housing and the suit names Oceanport and the New Jersey Sports Authority so if anyone has a relationship or any apparent relationship with the Sports Authority is that going to present a problem with these people or anyone on council.

MR. McGANN: Mr. McGann stated that that is a question for Mr. Surenian.

MELISSA BAHRS: 21 Morris Place. Mrs. Bahrs expressed her concern and that of her neighbors that they are frightened that that which they have built their whole lives for is in jeopardy, it's in a major lawsuit now and appears to be a federal situation. She feels they're in a mess and they are frightened and upset and they do not want this to happen so they don't want an empty promise from anyone.

JIM HINES: Mr. Hines asked how did the attorney that the council hired come to be introduced to Oceanport.

MR. McGann: Mr. McGann responded that the governing body requested that an attorney with experience in Mt. Laurel cases be recommended to the council.

MR. HINES: Mr. Hines asked who recommended him.

MR. MCGANN: Mr. McGann said he did. He said he gave the name; he was not at the interview.

MR. HINES: Mr. Hines said Mr. McGann stated he had a conflict of interest and he recommended the attorney who is representing Oceanport.

MR. MCGANN: Mr. McGann said the governing body asked him to give them a name of an attorney who was experienced with Mt. Laurel and it was up to the governing body to hire or not hire him. Mr. McGann stated he knows a lot of lawyers. He's practiced in Monmouth County for 28 years. There are only a handful of attorneys to his knowledge, that have handled Mt. Laurel cases that this gentleman has. The governing body had the opportunity to question him and they chose him. Mr. McGann stated he was not there, he did not say anything for or against him. He just gave them his name.

MR. WAYNE ANSON: Mr. Anson asked when they were made aware of the lawsuit.

THE CLERK: The clerk responded she thought around Memorial Day. She would have to check that date.

MR. ANSON: Mr. Anson questioned that the excuse for not notifying everybody is that this came about so fast.

MAYOR GATTA: The mayor responded that in speaking with the attorney when they talked about his research on the case that they knew exactly what they were facing, they probably would have at that point contacted people. August 8th is when the meeting is set up.

SCOTT POYNER: Mr. Poyner questioned should the town get their own attorney.

MR. MCGANN: Mr. McGann responded that the question was posed the other night as to whether or not individuals should seek their own council. He felt that that is a question for Mr. Surenian on August 8th and get his recommendation. He stated he has never handled a Mt Laurel lawsuit. Mr. Surenian has handled many of them and he felt they ask him since he is hired by the governing body.

COUNCILMAN SHARKEY: Councilman Sharkey stated they did not interview any other attorneys on this situation and he had heard that there was one out of a North Jersey firm that specializes. He had asked to have that attorney called in and it was not done. There were no other interviews. He asked if it would make sense to council members to open it up again for more interviews.

COUNCILMAN BRISCIONE: Councilman Briscione stated Mr. Surenian was the clerk for the judge that wrote the Mt. Laurel decision. He was very persuasive in his interview with the council members and he's involved in all this litigation. It's a very specialized area of the law and he felt he came well recommended.

MAYOR GATTA The mayor stated they have his resume. She reminded Mr. Sharkey that he was not in on the interview with Mr. Surenian.

COUNCILMAN SHARKEY: Councilman stated he was there for a couple of minutes when he had to leave for an emergency.

DEBRAH SHARKEY: Mrs. Sharkey suggested that all the council members come to their street to see what a great neighborhood they have, how this would affect their environment and they should really be part of their wonderful neighborhood and they are going to ruin it.

MAYOR GATTA: The mayor agreed that it a wonderful neighborhood and that she has friends in that neighborhood. The mayor stated they are all in this together. She stated the council is as upset as the residents.

PAT CLAYTON: 38 Morris Place. Mrs. Clayton stated her property abuts the boat yard and stated they have lived there since 1952. She feels she will lose her house and has no place to go.

DAVE GRUSKOS: Mr. Gruskos stated he is sure whoever was recommended as an attorney because the prior administration was very scared to death about Mt. Laurel would have recommended the proper attorney. He expressed concerns about shooting arrows at each other especially Mr. Sharkey coming up with pay to play and felt he prefaces every sentence starts with threatening things. While speaking of Marty McGann, he can walk up to him about Oceanport and get free legal advice any day of the week. He is a bargain, an asset to the town.

COUNCILMAN SHARKEY: Councilman Sharkey said he has a serious problem with pay to play that he believes creates conflict.

MR. GRUSKOS: Mr. Gruskos stated he felt that this was one of the most honest, nicest groups of people there. He asked him not to take pot shots at them.

MR. MCGANN: Mr. McGann stated he realizes a lot of people don't like lawyers. He stated he has been a lawyer for almost thirty years. He's been the brunt of a lot of jokes and he can understand when a lawyer has a conflict that people sometimes feel he is part of the whole thing. When there is a conflict, he has to step aside, recuse himself. You have to do those things. He stated that he has lived in town since 1953. His mother is 90 years old and still lives in the same house. He asked that people not doubt his sincerity when he tells the people that he cares about this town, the future of this town and he knows every council person there does.

MAYOR GATTA The mayor said she is aware people don't like politicians as people dub them to be. And people doubt the concern they have about this issue. But she wanted to tell people that her Dad built her home on Horicon Avenue and he was 60 years old when he did and has passed away. Her father did it at night and every night after he worked he came and did a room and if people don't think for one moment that she doesn't feel for them and their concerns, she understands exactly what they are saying and she understands what everyone is saying but they have to have faith in the governing body and everyone sitting there will walk over coal to try to make sure that this does not happen but they have to have faith in people they have elected in office and she does want them to come and speak to them and if they have been remiss in speaking to them it is a point extremely well taken and trust here, it will not happen again.

RON SICKLER: Mr. Sickler stated that if they communicate with the public they know what's going on, educate them and they will help. They can't have faith in what they don't know.

MAYOR GATTA The mayor stated again that they all need to work together on this. That is the most important thing, to be there together for each other and make this thing go away. Please have faith in them as she has faith in the public.

RON SICKLER: Mr. Sickler asked Mr. McGann if it would benefit the neighborhood to get an attorney,

MR. McGANN: Mr. McGann said they really need to ask Mr. Surenian that. There's the ability for people sometimes to intervene in lawsuits. Leave that to Mr. Surenian.

MAYOR GATTA: The mayor asked if any of the council had any comments.

COUNCILWOMAN CHAUMP: Councilwoman Chaump stated she has been on the other side of the fence. She has been at council meeting years ago about people building on undersized lots so she knows exactly how they feel and how they value their property. She doesn't want to see that herself and that's where she stands and she stated they will do everything possible that it doesn't happen.

COUNCILMAN BRISCIONE: The councilman stated he grew up in Oceanport, has buried his parents in Oceanport and feels exactly the same way they do. His background is in real estate, the planning board has done everything possible that they can do. It's not something that they want. He cannot state it more emphatically.

COUNCILWOMAN JOHNSON: Councilwoman Johnson said she agreed with that. She stated she has been in town all her life. This is something she wouldn't want and something the public wouldn't want. The council as a whole does not want this. So they are doing the best they can to fight this.

COUNCILWOMAN KAHLE: Councilwoman Kahle said she thought for her it came up very quickly. All of a sudden, they get a lawsuit and they can't say anything about it. All of them on council wanted to call all of the people and say, look what's going on in the neighborhood. They were advised by their attorney that they couldn't tell any of them. They also were doing what they had to do; they had to hire an attorney which they did. They're filing a resolution; they're doing everything that they can to stop this because no one wants to see this happen.

COUNCILMAN GALLO: Councilman Gallo said he has the same sentiments. He said he disagrees with building that type of construction. Unfortunately, he fell on the other side of a lawsuit next to him, a fifty foot lot which he tried to fight for three years and he lost the case. They are building a house on a fifty foot lot. He pledged that he will work hard from this happening and he doesn't want to happen to them what has happened to him. He has a lot of friends who live on those streets.

COUNCILMAN SHARKEY: Councilman Sharkey stated he has been fighting to have full disclosure over a year and a half over every item and he believes that is the way to go. He is a full supporter of that. He thinks information to the residents so that they can see what goes on and how the debate and arguments and to have these kinds of heated discussions is what's needed.

MAYOR GATTA: Councilman Briscione.

COUNCILMAN BRISCIONE: Councilman Briscione called for the second reading and public hearing for the Ordinance required per the Municipal Storm Water Regulations and asked the Clerk to read the ordinance by title only as follows: **AN ORDINANCE**

SUPPLEMENTING CHAPTER 42A (LITTERING) OF THE CODE OF THE BOROUGH OF OCEANPORT, AN ORDINANCE CREATING CHAPTER 43B (YARD WASTE COLLECTION PROGRAM) OF THE CODE OF THE BOROUGH OF OCEANPORT, AN ORDINANCE CREATING CHAPTER 43C (PET WASTE) OF THE CODE OF THE BOROUGH OF OCEANPORT, AN ORDINANCE CREATING CHAPTER 43D (WILDLIFE FEEDING) OF THE CODE OF THE BOROUGH OF OCEANPORT, AN ORDINANCE CREATING CHAPTER 43E (ILLICIT CONNECTION) OF THE CODE OF THE BOROUGH OF OCEANPORT, AN ORDINANCE CREATING CHAPTER 43F (IMPROPER DISPOSAL OF WASTE) OF THE CODE OF THE BOROUGH OF OCEANPORT.

Mayor Gatta opened the meeting to the public for any comments or questions on this subject only, but upon hearing none, Councilwoman Chaump moved to close the public hearing on this matter. It was seconded by Councilman Gallo and unanimously approved by Council.

Councilman Briscione moved to adopt this ordinance on 2nd and final reading and to advertise same in accordance with law. It was seconded by Councilwoman Chaump.

The Clerk called the roll:

AYES: Councilpersons Kahle, Gallo, Johnson, Chaump, Sharkey and Briscione.
NAYS: None
ABSENT: None
ABSTAIN: None

Councilman Briscione called for the second reading and public hearing for an ordinance which prohibits the sale or consumption of alcoholic beverages in public places without a permit and asked the Clerk to read the ordinance by title only as follows: **AN ORDINANCE CREATING ARTICLE IV AND ARTICLE V (ALCOHOLIC BEVERAGES) OF CHAPTER 22 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE BOROUGH OF OCEANPORT.**

Mayor Gatta opened the meeting to the public for any comments or questions on this subject only, but upon hearing none, Councilman Chaump moved to close the public hearing. It was seconded by Councilwoman Johnson and unanimously approved by Council.

Councilman Briscione moved to adopt this ordinance on 2nd and final reading and to advertise same in accordance with law. It was seconded by Councilwoman Chaump.

Councilman Briscione called for the second reading and public hearing for an ordinance amending and supplementing vehicle and traffic regulations and asked the Clerk to read the ordinance by title only as follows: **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 64 (VEHICLE AND TRAFFIC REGULATIONS) OF THE CODE OF THE BOROUGH OF OCEANPORT.**

Mayor Gatta opened the meeting to the public for any comments or questions on this subject only, but upon hearing none, Councilwoman Chaump moved to close the public hearing. It was seconded by Councilwoman Johnson and unanimously approved by Council.

Councilman Briscione moved to adopt this ordinance on 2nd and final reading and to advertise same in accordance with law. It was seconded by Councilwoman Chaump.

The Clerk called the roll:

AYES: Councilpersons Kahle, Johnson, Gallo, Chaump, Sharkey and Briscione.
NAYS: None
ABSENT: None
ABSTAIN: None

Councilman Briscione asked the Clerk to read resolution **R-05-79** formalizing the Borough's intent to file a plan with the Council on Affordable Housing after which he moved to approve same. Councilwoman Johnson seconded the motion followed by the Clerk calling the roll and all members voting in the affirmative.

Councilman Briscione made a motion authorizing the Borough Engineer to advertise and receive bids for the installation of the Emergency Siren System. It was seconded by Councilwoman Kahle.

Councilman Briscione reported that the Planning Board Council reviewed the recommended zoning changes set forth in the Master Plan Reexamination Report recently approved by the planning board and they have heard from their engineer that the storm water management planning is compliant with state recommendations.

Councilman Briscione reported on police stating that the Police Report for June indicates that the department answered 1,911 calls and officers responded to 759 calls. There were 189 summonses and 292 motor vehicle stops. Councilman Briscione reported that the chief has expressed a desire to seek accreditation from the NJ Law Enforcement Accreditation Program. The fee for this three year accreditation is \$3,000 and can probably result in a decrease in insurance premiums. The benefits of this program is that it helps law enforcement agencies calculate and improve their overall performances. They are getting closer to the AM alert radio station at Monmouth Park. The antennae cable supports and cabinet have been installed and they are waiting for installation of the phone line and programming of the unit. They continue to appreciate the assistance and cooperation of Monmouth Park .

Councilman Briscione reported that with regard to Cable and Technology, they met on July 14th. The main issue concerned the enhancement of the website to better serve the public. They are looking at other community websites for ideas to incorporate in Oceanport's. Based on the discussions they heard tonight, that may be an area they can inform the public should situations like this occur. They are also looking at providing cable

access to the public works building. Comcast will be providing a site survey to advise them if a line can be run to the site and what the charges would be. He stated the other alternative would be to explore some type of wireless service. Additionally, at the direction of council, the Clerk has contacted Verizon and discussed Oceanport's current phone rates. They have agreed to reduce the rates consistent with the rates offered by their competitors.

MAYOR GATTA: Mayor Gatta acknowledged that this past Sunday, on July 17th, Shore Regional High School, two of their Oceanport students, Michelle Griffin and Grace Lyttle were the recipients of the Congressional Medal of Honor Award given to them by Congressman Holt. The mayor acknowledged that it takes a lot of work to earn that award and expressed pride in their accomplishment.

Mayor Gatta stated they received word on the week of early August which the Board of Freeholders have notified them that they will be paving Eatontown Blvd from Route 71 to Port-Au-Peck Ave and it is four tenths of a mile. She will be receiving further word from the county as work proceeds in that direction.

Mayor Gatta announced that a couple of weeks ago at the BRAC meeting she went to Baltimore, Maryland to represent not only the Borough of Oceanport but also the NJ Delegation that is fighting extremely hard to keep Ft. Monmouth open. She stated that the presentation made to four BRAC commissioners was outstanding. The New Jersey Delegation made very sound points in relation to the brain drain that will occur, they took a Harris poll and said only one out of every five individuals will actually move to Aberdeen, Maryland. They also talked about the cost that will be incurred to move from Fort Monmouth to Aberdene, Maryland and that the number is excessively high, a billion dollars. Everything will have to be constructed to accommodate the services that Fort Monmouth currently provides. In addition to that, they talked of the disruption in the communication with the soldiers in Iraq, Afghanistan and that probably is the most important reason as bad as it would be for Monmouth County, Oceanport, for everyone in the area, the most important person right now is the soldier that is fighting in Afghanistan and Iraq and thee individuals need to be protected. She stated not a day goes by but the soldiers are in touch with the technicians at Fort Monmouth. At time of war, one must question why they would be imposing such a major disruption. It is also the wrong thing to do and she felt the New Jersey Delegation made an excellent presentation. The commissioners asked questions. At this time, Sept. 8 is the date on which the president will receive the list of closures. A few more closures have been added to the list. And on August 8th they will know the fate of Fort Monmouth. She asked everyone to write letters in support of Fort Monmouth. She stated she attended a Save the Fort meeting on Monday where a critique was given to all in relation to the presentation of the BRAC hearing. Everyone seems optimistic but no one knows for sure. It was also pointed out at this meeting on record that there are two commissioners who have stated that they don't want to necessarily hear what the thoughts of the delegations there listening only to the DOD and the military personnel. SO there are nine members, two are already going to make their minds up just on that so there are seven others who they are hoping to get five votes from. Obviously the next couple of months are going to be critical.

Mayor Gatta reminded everyone they are going through a reevaluation. They have received notice from the tax acessor, Helen Ward, and also a pamphlet associated with it. She stressed that if anyone has any questions, to call the tax acessor, Helen Ward. The Oceanport Directory has also gone out to residents and if anyone hasn't received it, please contact borough hall.

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

Paul Brown, 8 Long Branch Ave. Mr. Brown stated he has been a member of the Fire Company for 15 years now. The bottom half of the ramp on Port-Au-Peck Firehouse has gotten worse over the years. It now has decayed and gotten worse and he expressed his concerns that someone is going to get hurt and then there will be lawsuit. He questioned why the borough keeps putting the repair off.

Mayor Gatta asked him to work with Councilwoman Johnson, the council liaison, on this matter.

Councilwoman Kahle stated she put a concrete apron in the capital plan last year but the reason it did not go forward was because there was some discussion about Port-AU-Peck adding on to the firehouse and they asked her to hold it off.

Mr. Brown stated the addition would maybe cover the hole that is getting deeper but the end of the ramp would not be covered.

Mayor Gatta once again asked Mr. Brown to work with Councilwoman Johnson on this matter.

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

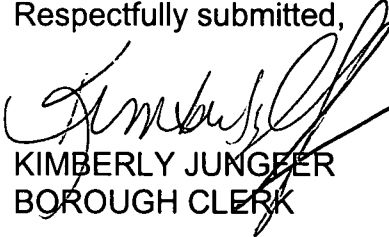
Councilwoman Chaump informed council that there are vouchers sitting in people's mailboxes that need signature so the resolution will be passed pending the two signatures on the vouchers.

Councilwoman Chaump asked the Clerk to read resolution R-05-80 approving the vouchers on the Bill List dated July 21, 2005 after which she moved to approve the resolution pending the two signatures, hopefully by the next day. It was seconded by Councilman Gallo with the Clerk calling the roll and all members voting in the affirmative.

Councilwoman Kahle asked the Clerk to look into a letter from Selective Insurance regarding the Old Wharf Senior House. She asked the Clerk to verify the 180 days the insurance company was giving the borough.

AT 11:50 p.m. Councilwoman Chaump moved to adjourn this meeting until the next regular meeting scheduled to be held on August 11, 2005 at 8:00P.M. It was seconded by Councilman Gallo and approved by Council.

Respectfully submitted,



KIMBERLY JUNGER
BOROUGH CLERK