

REGULAR MEETING

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Oceanport, New Jersey
June 21, 1990

REGULAR MEETING: The regular meeting of the Oceanport Mayor and Council was called to order on June 21, 1990 at 8:10 P.M.

MEMBERS PRESENT: Councilpersons McGee, Terra, Filippone, Miller, Rodman, Wolfe and Mayor Cavanagh.

OFFICIALS PRESENT: Borough Clerk, Patricia L. Varca and Borough Attorney, Francis A. Margalotti.

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

As copies of the minutes from the regular meeting held on June 7, 1990 had been made available for review by the Mayor and Council, Councilman Rodman moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Miller and approved by Council with the exceptions of Councilpersons McGee and Filippone who abstained from voting since they were both absent at this meeting.

CLERK'S REPORTS:

1. Resolutions for the renewals of liquor licenses for the following:

- a] The Clerk read resolution R-90-40 renewing the liquor license R-90-40 of Oceanport Wines & Liquors, Inc., after which Councilman Miller moved to approve same. It was seconded by Councilman Wolfe and unanimously approved by Council.
- b] The Clerk read resolution R-90-41 renewing the liquor license R-90-41 of Arthur & Alvina Inc. t/a Dug Out, after which Councilman Miller moved to approve same. It was seconded by Councilman Wolfe and unanimously approved by Council.
- c] The Clerk read resolution R-90-42 renewing the liquor license R-90-42 of Olde Wharf Chef's Inc t/a Olde Wharf Inne, after which Councilman Miller moved to approve same. It was seconded by Councilman Wolfe and unanimously approved by Council.

COMMITTEES:

COUNCILMAN MCGEE: NO REPORT.

COUNCILMAN TERRA: Councilman Terra asked the Clerk to read resolution R-90-43 R-90-43 regarding the submission of the 1989 tonnage grant application, after which he moved to approve same. It was seconded by Councilwoman Filippone and unanimously approved by Council.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone asked the Clerk to read R-90-44 resolution R-90-44 which endorses a storm water discharge permit for Monmouth Park after which she moved to approve same. It was seconded by Councilman Terra and unanimously approved by Council.

Councilwoman Filippone commented that this past Saturday morning she had observed a massive fish kill something which she only once before saw and that was last year when some gasoline had spilled into the river and she contacted Councilman Miller and they contacted the Marine Police and they verified the fish kill and she lives on the water and last night the water was the filthiest she has ever seen the river. She continued that hopefully we are going in the right direction in trying to find out where the problem is coming from and it is an enormous problem that is not only caused by the race track.

ORD.

#607

Councilwoman Filippone called for the second reading and public hearing of an ordinance regarding the Interlocal Services Agreement and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **ORDINANCE AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES AGREEMENT.**

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

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

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

The clerk called the roll:

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

NAYS: NONE.

ABSENT: NONE.

ABSTAIN: NONE.

Councilwoman Filippone called for the introduction of an ordinance amending the sanitary code ordinance and asked the Clerk to read the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT SANITARY CODE" PASSED AND APPROVED ON JULY 27, 1944.**

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

The Clerk called the roll:

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

NAYS: NONE

ABSENT: NONE.

ABSTAIN: NONE.

Councilwoman Filippone then moved to hold the public hearing on this ordinance at the next regular meeting scheduled to be held on July 19, 1990 and to advertise same in accordance with law. It was seconded by Councilman Miller.

The Clerk called the roll:

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

Councilwoman Filippone commented that there has not been a change in the fee schedule portion of the sanitary code ordinance since 1974 and that is why we are recommending the increase in the fees.

Councilwoman Filippone reported on the Oceanport First Aid Squad and stated that there are 31 active members at this time and 16 Oceanport Firemen took a CPR course which was taught by the Squad. She continued that the Squad is asking for donations of new stuffed animals, which are used to help calm children who are injured or who's parents have been injured and the animals really help in a time of stress to calm the children almost immediately.

Councilwoman Filippone commented that during the month of May there were 38 calls for the Squad and to date there have been 151 calls, 144 ambulance/crash truck calls for a total of 1128 total person hours to date and they are also appealing to the residents for help at the holiday time, which is one of their largest fund raisers and they need volunteers to help make wreaths and sell trees and anyone interested may call her.

Councilwoman Filippone reported that Diane Cook will be conducting a blood drive on October 5, 1990 for the benefit of the people of Oceanport and it will be from 6PM - 9PM at the Oceanport First Aid Squad Building and for further information you may contact Mrs. Cook.

Councilwoman Filippone reported that Joan Campbell, Linda Fujimoto, John Long, Edward Ryan, Kerwin Slattey and Al Weigel have recently completed their EMT refresher courses and Lois "Rusty" Wood was the instructor for this program. She also reminded the residents that the Squad will be conducting their annual fund drive very shortly and urged everyone to give generously to this worthy organization because they are all volunteers and they give a lot to this community.

COUNCILMAN MILLER: Councilman Miller offered his congratulations to all the 8th grade graduates from Oceanport, among which are Councilman Wolfe's son, Brian and also offered congratulations to the Shore Regional graduates who will be graduating on Sunday, among which are Mayor Cavanagh's daughter, Erin and the fact that the number one student in the graduating class is Yoseph Choi is a resident of our Borough and we have Megan Fleischer who is going to the Air Force Academy and Jenny Bhala is going to the Military Academy and they are all to be commended.

Councilman Miller reported under the Recreation Committee, the resurfacing of the tennis courts at the Community Center is underway and should be completed shortly and the rain has held up the contractors some and he hoped that the leagues will not be inconvenienced too much.

Councilman Miller stated the restrooms and storage sheds at Blackberry Bay Park are just about completed with the outside repairs however, he wanted to bring to the attention of the Community that some vandalism problems have occurred and the new door handles have been damaged and some of the light poles have had their lenses broken and he hoped that if anyone observed any damage taking place that they notify the police immediately.

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Councilman Miller reported we have now received information quotes for work to be done on the inside of the buildings and hopefully that work will be completed by the end of next month.

Councilman Miller stated that there is a lighting project that is underway at the basketball courts at Blackberry Bay Park and it is to be expedited by Councilman Wolfe, who is donating the lights for this purpose and there will be coin operated timer put there so that lighting expense will be paid for and the lights will not be on when the courts are not being used.

Councilman Miller reported under Buildings & Grounds, Borough Hall is having its trim painted and the windows caulked and the next step will be to waterproof the outside brick so that the water will not seep in and this work is being done by a young man hired for the summer under a grant.

Councilman Miller also reported under Buildings & Grounds that we had hoped to have a handicap ramp built this summer as an Eagle Scout project, but we are now hoping to have it built in September and if not, we will explore other avenues.

Councilman Miller reported under Shade Tree, we are having one of the trees planted in front of Bridgewater Condominiums replaced by the nursery and one will be planted in front of 15 Doreen Drive, which had to be removed.

Councilman Miller stated that under Waterways Committee, they will be meeting this Saturday morning at Councilman Terra's home and any volunteers who are interested in assisting the Committee, they are more than welcome to attend or contact him directly.

COUNCILMAN RODMAN: Councilman Rodman had an opportunity at the work shop meeting to review some updated revised plans from NJ Transit regarding their plans for the Park & Ride situation at Monmouth Park and they have revised their plans, but at this point he felt it was fair to say that the Borough Council still has significant concerns about traffic patterns. He continued that instead of a parking lot on that small corner at Myrtle & Port-au-Peck Aves. they have proposed a "Kiss & Ride" drop off loop and there is still the absence of any type of traffic control device at that intersection which we feel is important, so he stated that those plans have been sent back to the drawing board and we have asked NJ Transit to go back and address our concerns regarding the traffic that will be generated and the traffic control device is warranted.

Councilman Rodman reported that at 9:30 this morning after over 12 hours of debate, the school funding bill passed its biggest hurdle, which was in the NJ Assembly. He spoke this morning with the Superintendents of Oceanport and Shore Regional and he also corresponded with both our Assemblymen and he spoke with our State Senator Palaia who he was proud to announce was opposed to this legislation and he did not receive any response from our Assemblymen. He stated that in approximately 2 years, this is going to show up in full force in Oceanport and the 2 school districts in 2 years will probably lose in excess of one million dollars per year in State Aid and if this is property tax reform as promised by the Florio era he is very hard pressed to understand how this is going to be accomplished in light of this. He commented that he is very distressed that this Bill has passed, particularly the portion which pushes the cost of pensions and social security expenses which had been

borne by the State and is now going to be borne by the local districts and very little, if any, State Aid is going to be forthcoming to assist in the payment of those substantial bills.

COUNCILMAN WOLFE: Councilman Wolfe wanted to update the community on some drainage work that was proposed on Bridgewaters Drive and the work has been completed with cleaning out the drainage ditch and the water is flowing freely and there is no longer any standing water in that area and the Public Works Department will be repaving a portion of Bridgewaters Drive probably from the pumping station to the railroad crossing.

Councilman Wolfe had a request from one of the members of the Board of Trustees at the Port-au-Peck Chemical Hose Fire Co. to do some striping in their parking lot and he wanted to report that Mike Giordano and the Public Works Department took care of that project this past Tuesday and they did a great job and saved us the money of having this included in the striping project that is going out for bid.

Councilman Wolfe announced that this past Spring, Oceanport had two teams in the Colt League Baseball organization and the two Oceanport teams finished first and second place in that League and the first place team was coached by Nelson Thatcher and the second place team was coached by Paul Roller and he offered his congratulations to both coaches and the teams.

Councilman Wolfe asked the Clerk to read resolution R-90-45 regarding a veteran's tax deduction, after which he moved to approve same. It was seconded by Councilman Terra and unanimously approved by Council.

R-90-45

Councilman Wolfe then asked the Clerk to read resolution R-90-46 regarding a DOT grant application for the reconstruction of Bridgewaters Drive in the amount of \$106,100, after which he moved to approve same. It was seconded by Councilman Miller and unanimously approved by Council.

R-90-46

MAYOR CAVANAGH: Mayor Cavanagh appointed Fred Weiner to fill a vacancy on the Planning Board as an Alternate II member which term expires on December 31, 1991.

Mayor Cavanagh stated that Mr. Weiner is a resident of Oceanport and has a Master's in Environmental Engineering and he has served about 14 years working for the Department of Environmental Protection and those of us involved with Planning and Zoning recognize that the planning phase has almost become secondary to the environmental phase at every turn and felt we will be able to benefit from Mr. Weiner's experience in this area.

Mayor Cavanagh explained that we recently passed a resolution relating to the authorization of the Borough Council to the Mayor and Borough Clerk to enter into an agreement with the two condominium associations concerning providing services to them in return for an agreement from them as to our responsibilities under the State law, which dictates percentages of what we are supposed to do and in essence, we have the mechanics for an agreement understood among us and July 1, 1990 is quickly approaching and the motion offered will be effective July 1, 1990 and then if the paperwork takes longer to complete than July 1, we will use that as a trigger date and will necessitate a second vote by the Council when the document has been drawn up and signed.

Mayor Cavanagh then offered the following motion: The Borough Attorney be authorized to draft an agreement with the Bridgewater Condominium Association and the Kimberly Woods Condominium Association which will provide effective July 1, 1990 a repayment to the Bridgewater Condominium Association for the amount of expenses related to solid waste pick up for the balance of 1990 in the amount of \$1,085.04 and the agreement will also authorize the Borough to put two fire hydrants on the property of Bridgewater Condominiums under the name of the Borough, which will effectuate a savings to the Association and will be deducted from the garbage repayment; Kimberly Woods will receive curbside solid waste collection on the same schedule as the Borough's twice a week without any increased fee in the collection, although there will be a charge for the dumping fees, which will be predicated upon the number of units times the average per capita cost to the homes that are now being serviced and which will cost the Borough approximately \$8,857.20 over the next six months. In return for this, both Associations will waive any rights that they have under the current State law for reimbursement of any additional services related to paving, plowing, street work, lighting, etc. that is contained in the Legislation through 1993.

Councilman McGee moved to approve the motion as stated above. It was seconded by Councilman Wolfe and approved by Council, with the exceptions of Councilmen Terra and Miller who voted no.

Mayor Cavanagh stated that as a follow up to what Councilman Rodman commented on earlier, he met with several representatives of NJ Transit last Thursday regarding the railroad station which probably everyone has been reading about and in the continuing sequence of how we have had our relationship develop with the Sports Authority, when they have a request for a project, they send the interested parties in to see us and some of you may have been present when NJ Transit presented their original plan, which we were not enamored with the plan at that time and informed them that we did not want parking in the residential lot and they were to move all parking spaces over to the western side on Port-au-Peck Avenue and requested a traffic light at the intersection of Port-au-Peck and Myrtle Aves. He continued we also requested a traffic light at Myrtle Ave. and Monmouth Blvd. because it would be necessary with the increased traffic problems this station would cause and it would make it safer for everyone.

Mayor Cavanagh stated that the "Kiss & Ride" loop was never discussed and appears to be a new idea the Council did not find that acceptable due to the fact that the residential area would have the same basic problem that they now have and perhaps even worse and the Borough Council unanimously agreed that they were not pleased with this idea and to redraw the plans and come back when they are finished. He continued that we have been successful in getting all the parking spaces moved off the residential portion and hopefully, we can have them move this loop onto the other side and get our light installed and we will speak with them further. Mayor Cavanagh also commented that he would like to see the corner of Myrtle and Port-au-Peck cut back some to improve the sight triangle coming around the corner.

Mayor Cavanagh commented in regard to Councilman Rodman's statement on the school funding situation, we all share his concern about what this is going to mean to us and he is not sure yet and feels no one can be sure at this time. He stated that as everyone is aware, the NJ Supreme Court about a week ago, announced that the State had to change the method by which it funds public school education in New Jersey and whether you

agree with this or not, it happened. Mayor Cavanagh stated that the Borough of Oceanport is considered to be a "G" town and they run from "A" to "I" with the wealthiest towns being "I" and we only made it to "G", however, Shore Regional made it to "I", so apparently the other towns are wealthier than we are or whatever standard was used, we wind up getting the worst end scenario from Shore Regional and a not so good scenario for the local school district and as he understands it, we are going to have our State Aid from Shore Regional phased out over a four year period and that number would be \$1,700,000 and we are then going to be asked to pick up the pension contribution for the teachers at Shore Regional and on the local school level, we will lose only a portion of our State Aid over the course of the four years and also be asked to pick up the pensions for those teachers. He continued that the State Aid will be limited to a 5% increase per year, so that if teachers raises and pensions were to accrue at a higher percentage than 5%, we are going to have a net loss category very quickly.

Mayor Cavanagh stated as Councilman Rodman commented, in a few years those of us who are sitting up here and those in the audience will have a distinct problem to deal with in terms of economics and it looks to him with the passage in the Assembly, we certainly don't believe the Governor's Office would not sign this legislation and it had to be in place by the 1991/92 school year by order of the Supreme Court so that in essence, he will accept the fact that something had to be done before 1991, but he is totally apprehensive about what this is going to mean to each of us in terms of our particular town and he is not optimistic as to what it is going to mean to us as property tax owners. He asked everyone to remember in two years that no matter who is sitting on this dais, that we had nothing to do with the development of that act.

Mayor Cavanagh opened the meeting to the public for any comments they might care to make.

PETITIONS FROM THE PUBLIC:

Barbara Firkin, 40 Manitto Place asked for a clarification on the rules and regulations concerning the use of skateboards in the Borough as well as the reasons that these rules and regulations exist and when and how they came into affect.

Mayor Cavanagh stated as some background, we were approached in April by a group of parents and children at one of our meetings and talked to us about the fact that they felt the children had no where to skateboard and there were other sports facilities available and why was there no place for skateboarding. He continued that at that time, we did some checking with our insurance company and got around that problem and we indicated to them that it was our intention to provide a spot in the Borough where young people could skateboard. Mayor Cavanagh commented that many towns do not allow skateboarding at all and a few have facilities for this sport and he then asked Councilman Wolfe to explain what we have done so far in this regard.

Councilman Wolfe stated that back at that first meeting we proposed setting up two locations in town, the first being at Trinity Park using the tennis court, which is not used and that was well received by the people that were present that evening. He continued the second location that we are proposing would be at Blackberry Bay Park but there was not an adequate spot available, but the Borough will be going out for bids for the 1990 road program and we have planned to include in the bidding an area to be paved at the park, approximately 50' x 50' in the back

corner of the park, behind the soccer building, out of the main traffic flow of the boats to and from the launching ramp and the traffic to and from the swim club. He stated it has been the Council's feeling from the beginning that this sport should be supported and we wanted to provide a safe place for them to skateboard and our main concern is safety.

Councilman Rodman stated to answer Mrs. Firkin's questions about the legal basis of what has been going on here, we have both the Borough Attorney and the Chief of Police with us this evening and asked if perhaps the Borough Attorney could address the concerns and explain why we do or do not do various things in terms of law enforcement with skateboards.

Mr. Margalotti, Borough Attorney stated that there is no specific ordinance in Oceanport dealing with the operation of skateboards, but operators of skateboards are treated and governed and regulated by the same State laws that govern pedestrians using any public thoroughfare in the State. He continued that the motor vehicle laws regulate motor vehicles and impose on them certain rules and regulations regarding operation, etc. and also extend those same rules and regulations to operators of bicycles, but while bicycles fall under the same category as motor vehicles, operators of skateboards, roller skaters and people using scooters that you push manually, come under the same regulations as for pedestrians and the laws of the State require that where there is a sidewalk abutting a roadway, that the pedestrian must use the sidewalk and where there is no sidewalk, the pedestrian must use the most extreme left side of the road so that they are travelling in an opposite direction to the flow of traffic. He stated that to that extent, the Police Department has an obligation to enforce the traffic laws of the State and also, to enforce the criminal code of the State and there is in the criminal statutes, it constitutes a disorderly person's offence for anyone to be un-necessarily blocking traffic in such a way as to make the flow of traffic impassable without the risk of causing hazard. He gave an example that if you had a pedestrian walking down the middle of the road or walking from side to side that would be a traffic violation by a pedestrian and is also a disorderly person's offence which is a violation of criminal law which the Police are sworn to enforce all of the laws and to the same extent that those laws are applicable to pedestrians, they are also applicable to anybody on a skateboard or roller skating and in those instances where members of the Oceanport Police Department have observed operators of skateboards going down the middle of a road or zig zagging or travelling on the wrong side of the road or on any road where there is a sidewalk adjacent to the roadway, the Police are duty bound to enforce the law and can stop the operator and give proper instruction and proper warning and where there are repeated offenses, if that offender is a juvenile, obviously you cannot fine a juvenile or issue them a summons returnable in Municipal Court, but generally where it is a juvenile violating the traffic ordinances or violating the disorderly person's statute, that makes that individual a potential juvenile offender and the Police would have no alternative other than to refer that to the proper juvenile authorities in Freehold and that is the law. He continued that absent the controlling State law in those two areas, Oceanport does not have an ordinance which bans the use of skateboards throughout the town or bans them from the streets, but the users are obligated to follow the State laws regarding the use of public thoroughfares under Title 39 and the criminal statutes of the State which is Title 2C.

Mr. Nelson Thatcher, 20 Main Street stated that after listening to the Borough Attorney's explanation on this matter, he wanted to comment that we have children in this room that were stopped by the Police and

had their skateboards confiscated while they were along side the road and not in the middle of the roadway and we also have children here that do not know what the law is and he did not know what the law was with regard to having to stay on the left hand side of the road and he felt it might have been a little bit better for the children if the Police had explained this to them and what the laws are for pedestrians and that they must follow them as well. Mr. Thatcher continued that we are talking about 13 and 14 year old kids and sometimes younger that are using their skateboards for not only recreation, but as transportation. He stated these kids are doing nothing different from probably any other kid in the country wants to do or try and as he stated earlier, he was not aware that they came under the statutes regarding pedestrians and instead of bringing these kids into the Police Station, some of them on their first offense of a disorderly conduct charge, would it not have been more proper to have the Police Officer explain the problem and he felt the problem went a lot deeper than what we have discussed.

Mr. Thatcher stated that his son was not warned but was just brought into the Police Station and charged with disorderly conduct and he felt that we have to remember that these are 13 and 14 year old kids and what is the Borough telling these kids by yanking them off the streets and confiscating their skateboards, abusing them verbally and he felt something must be done to stop this and he and the other parents understand and appreciate that the Council is setting aside certain areas in certain parks where these kids can skateboard, but the problem is they want to use their skateboards for transportation purposes and as adults and parents, none of us want to see our children hit by a car, but education in that area is the responsibility of the parents, and none of us are telling our kids to ride down the middle of the road while the traffic is heavy, but we would like our children to be allowed to use their skateboards as any other bicyclist, roller skater, etc. and some of us may have forgotten that we are dealing with children and not young adults 18 or 21 years old and they are going to act as kids no matter what the Council or the Police say because they are children and this cannot be forgotten. Mr. Thatcher felt that the kids have been unfairly treated and this is a problem that must be resolved and resolved soon because the kids are out of school and they have a lot of free time on their hands and the proposal of something being done in 30 to 45 days is not soon enough.

Mr. Alan Schneider, 79 Horseneck Point Road stated he had three items he wanted to discuss all related to NJ Transit and commented that there are three railroad crossings in Oceanport, one on Bridgewater Drive, one on Port-au-Peck Avenue and the other is on Horseneck Point. He continued that the crossing on Horseneck Point is a very dangerous situation at the present time because the triggering of the gates for a train going from New York to Bayhead will stop at Little Silver and there are 32 trains which travel in this direction during the week and stop at the Little Silver Station and when the train is at the Little Silver Train Station, the gates at Horseneck Point are down and the train can sit at the Station for anywhere from 2 - 3 minutes or more and every driver on Horseneck Point has violated those gates and driven around them gates. He has spoken to many people working on the tracks about this matter and realizes that they are not the appropriate party, but something needs to be done and NJ Transit should be contacted perhaps by the Mayor requesting to have the trigger point relocated so it is between Oceanport and Silverside Avenue and if it were just moved 100 yards, that gate would not be down when the train is in the Station and people would not be going around the gates, which at some point is going to cause a serious accident and felt someone is going to get killed.

Mr. Schneider stated this has been going on since the electrification of NJ Transit and that is when they relocated the trigger signals approximately one and one half years ago and the story they gave is that the trains are going 80 mph, but when they are stopping in Little Silver, they are not travelling that fast when they are coming out of the Station.

Mr. Schneider also reported that the railroad crossing itself has deteriorated to the point where someone is going to lose an axle on their car or a spring and he has been informed by the workmen that the crossing is scheduled to be improved, but right now it is in very bad shape.

Mr. Schneider stated the western area of Horseneck Point Road adjacent to the railroad tracks is full of pot holes and they have come about because of the heavy equipment used by NJ Transit and he would hope that when the Borough is doing road repairs, the pot holes can be taken care of.

Mr. Schneider also commented that some two and a half years ago at his last meeting as a Councilman, he urged the Governing Body to set up some type of criteria for the physical conditions of our Police Officers and he again urged the Borough Council to do something because within the last two weeks he happened to see two of our officers in the Borough and he was amazed at the girth of these two Police Officers. Mr. Schneider felt that the Police Force has many similarities to a military organization and there is training and exercise regulations and he felt that this should be brought into the Police Department, since he would hate to have some of them running after a criminal while protecting him, since some of them would not be able to catch anyone.

Mr. Schneider advised that everyone will be or has already received the new telephone books and he asked Councilman Terra what should be done with the old telephone books, to which Councilman Terra replied they are not recyclable and should be thrown away in the garbage.

Mayor Cavanagh stated that Mr. Schneider has picked an opportune time to bring his complaints before the Governing Body regarding NJ Transit because at this time they are very interested in us and last week they sent their Community Relations person in to visit with him and he explained that it was nice to be able to have someone to call when we have a problem and have several items to be addressed. He will also contact her and advise her of Mr. Schneider's comments and request a response.

Mayor Cavanagh stated the Chief brought this matter up with regard to the railroad gates at Port-au-Peck Avenue, at our last meeting with NJ Transit and we received an explanation concerning some formula which they use and did not seem to make sense, but they did that because it appears somewhere.

Chief Joyce commented that within the last week he has spoken with the Engineering Department of NJ Transit in regard to the timing devices and the problem with safety that we have been experiencing because the longer the people sit at the crossing with no train coming, the more of a chance someone is going to go around the gates.

Ms. Luger of Kimberly Woods offered her thanks to the Mayor and Council for taking care of the garbage pick up situation and she is aware that there have been several conversations between different members of the Council and she knows everyone at Kimberly Woods will be quite pleased with this situation.

Mayor Cavanagh asked Ms. Luger to alert their Attorney that Mr. Margalotti will be contacting him and we have to get this all into writing within the next week or so in order to allow everyone to understand where we are.

Councilman Rodman suggested to Ms. Luger that she advise the residents of Kimberly Woods that their garbage collection will now be on Mondays and Fridays effective July 1, 1990.

Robert Hoy, 13 Ithaca Ave., just wanted to clarify the situation for the kids since he is not clear himself, asked if we are being told that as long as the kids behave in an orderly fashion according to the law, that they may ride their skateboards on the left hand side of the street.

Mr. Margalotti stated that if they obey the rules of the road and they don't cause a danger to either an obstruction to traffic, danger to themselves or danger to motorists by improper use of a road, in the same way that a pedestrian should not and may not improperly use a roadway, they have the right to use the roads as any pedestrian does because they fall under the same rules and regulations. He added that they should be admonished that the Police by and large are not out to turn kids off; they are out to be sure that the kids live and that the kids are not causing a danger to themselves without realizing it by improperly using the roadways. Mr. Margalotti commented that he knows what Mr. Thatcher said, in that he has a belief that the Police have admonished youths who in his view, have been properly using the roads and Mr. Margalotti cannot say that this did not happen, but he has been informed by the Police that on many occasions, that many of these youths have been found riding down the center of the road; have been observed zig-zagging back and forth across the road and maybe a particular parent has not observed that, but the Police Officers are out on the roads every day and they have seen it and it is not to impose hardships on the kids and the Police Officers are concerned about kids getting involved in accidents. Mr. Margalotti agreed with Mr. Thatcher's comments about proper education being needed and the parents of the children really ought to know that their children understand what constitutes proper use of the roadway and not just because if they do something wrong they might be breaking the law; it goes beyond that. He continued that we all want our kids to have a tomorrow and that is what it really is all about and requires cooperation of the parents to make sure that if they are going to permit their children to use these devices, it is up to the parent to know that they are being used in a safe and proper manner and that means obeying the laws of the State of New Jersey.

Mrs. Firkin commented that street skating is one sport and ramp skating is another and just as a tennis court is essential for the game of tennis and the basketball court essential to the game of basketball, for ramp riding you need one ramp or two ramps that you put together to form a half pipe and she was wondering if in addition to supplying a 50'x 50' piece of smooth foundation for street skating, have there been any discussions on building a cement ramp or ramps of various sizes and configurations.

Councilman Wolfe stated that we discussed this back in April with our insurance agent who went to the company and they were totally against building of any facilities and if we did build them, they would be excluded from our coverage on our liability policy, which would make the Borough responsible for any damages. He stated we have to take the advice of our agent because we cannot allow ourselves to be uninsured and by leaving the area passive and off the streets and that is as far as we

have been able to go at this point in time. Councilman Wolfe stated it appears that the insurance lawsuits are becoming more predominant and it appears that the insurance industry is becoming more regulated and strict in what they will allow a municipality to do. Councilman Wolfe stated at Trinity Park if the kids bring something over on their own and they built it themselves and as he stated earlier, it is a passive area and it is not being promoted aggressively and they maintain the area at their own risk. He continued that we cannot build anything, only from the aspect of insurance liability.

Mrs. Firkin questioned if it would be perfectly permissible to have a half pipe built out of wood put up in the Trinity Park area?

Councilman Wolfe stated there is some type of a ramp there already and we have limited it to two quarter pipes and the kids got together and decided which two they were going to use, but it was a compromise and it appears to be working out well. He continued that when we are ready at Blackberry Bay Park, we will have to figure out a situation over there with the kids in that area once the blacktopping is finished and want to make sure it does not interfere with parking and so forth, if they use a ramp and then move it off to the side, there is plenty of grassy area to leave the ramp.

Mrs. Firkin advised that the town of Freehold has some excellent cement ramps and they have been in place for a while and she suggested that the Council check with them regarding their insurance coverage and she informed the Council that she will be taking a trip to take a look at the facilities in the near future. She also commended the Principal of Maple Place School who said to Mrs. Firkin this morning, that although he could not abide riding of skateboards within the school building, he could not condemn the riding of skateboards on his sidewalks or on his school property, as he was asked to do so early last Fall by the Police Department of this Borough and he was backed up by the Superintendent of the Schools who would not prohibit skateboarding outside the building because he felt it was in same category as scooter riding and bicycle riding, which understandably, children like to do. She commented that she was surprised to hear this since she had been told that the children had been told that skateboarding on school property is absolutely prohibited by ordinance in this Borough, which if it is not true it should be clarified and that is the clarification she is looking for tonight.

Mrs. Firkin also asked if there are rules and regulations about skateboarding on private property for example, in your own private driveway or elsewhere, on private property.

Mr. Margalotti, Borough Attorney stated the answer to her question is no, but there are rules that fall under the Zoning Ordinance if you attempt to erect structures to facilitate skateboarding, which could involve building laws as well as zoning laws, but if you are merely asking if someone can skateboard in their driveway on private property, the answer is yes, just as you can roller skate or walk, but if you attempt to erect some sort of a facility that is used in connection with the activity, then you are getting into an area that involves the building laws and may involve the zoning regulations.

Mrs. Firkin asked if Mr. Margalotti was speaking specifically about a portable ramp that can be pushed in and out of the garage or onto the grass?

Mr. Margalotti stated that would be up to the Construction Official as to how he defines what constitutes a structure, since structures do not necessarily have to be on a permanent foundation to constitute a structure under either the zoning or building laws and the Construction Official would have to make a decision on a case by case basis as to the manner of construction, its use, its size, etc.

Wesley Firkin, 40 Manitto Place commented that Trinity Place is too small to skateboard and you need a lot of room to jump around and 50' x 50' is way too small to what they want to do and jump around.

Mr. Thatcher agreed with what Wesley Firkin just stated and it is true that Freehold has a skateboarding facility and he has also been in touch with Virginia Beach Chamber of Commerce who also has an excellent facility and he made contact with the American Skateboard Association and they have assured us that they will provide certain assistance in all of these areas of half pipe construction, legal problems and insurance problems. He continued that he understands that the Borough has some insurance problems and what he does not want to do is close the door forever on these kids and just tell them that the best we can do is give you a 50' x 50' area and that's it. He wants the kids to know that it will not be dropped here and now and we have to have some type of a facility to allow them to really enjoy this sport with ramps. He would like the Borough Council to assure the kids that this issue will not be dropped and they will have the same opportunities that the baseball players, tennis players, bocce, etc. if in fact there would be a way to work it out.

Councilman Miller advised Mr. Thatcher that the fact that the Council took a step in the direction of starting with Trinity Park, says that the Borough Council is not against skateboarding and we are not closing the door and the fact is that we understand that these kids should have a chance to express their kind of sport just like any other kid in town, that is why we have started in this direction. He stated the door is not closed and hopefully we will be able to come to an amicable agreement.

Michelle Hoy, Spring Street, Long Branch asked if the question regarding if the children were allowed to ride their skateboards on school property answered?

Mayor Cavanagh stated we have no jurisdiction over school property and they make their own decisions on whatever they want to happen on their property and the Governing Body has absolutely no jurisdiction on school property and it is owned by the Board of Education and that is why he thought the kids had a ramp over at the parking lot on Wolfhill School and they were using that and then the Board made a decision not to allow them to do that any more, but that's their decision. He stated to answer her question, Dr. Morgan and Mr. Baron and the Board members would have the final say in that regard.

Mayor Cavanagh stated we chose to give these kids an opportunity to do something that a lot of towns have said to just forget it, we are not interested. He continued that we must be able to balance the insurance consideration, because the moment the carriers say you are on your own, than the balance of people in this town are going to say we are not going to pay the freight and we have to balance the interest of what is going on in the Borough.

Mayor Cavanagh commented that hopefully we have shown everyone that we are not against this sport, but we are going out of our way to try and provide some type of activity here where the kids can do skateboarding. He stated that Wesley Firkin stated that he did not feel it was a large enough area and there could be a better set up and he is probably right, but what we are not is an amusement park either. He advised that we cannot promise you tonight that we are going to give you the most exciting, entertaining rides around but we are trying to strike a balance that the kids get to skateboard in a safe place and that the tax payers of the Borough are not unfairly burdened and we have to be able to do that and that is what we are trying to accomplish. He hoped that nobody who has ever dealt with him or anyone sitting on this dais would feel that they are anti-kid, but everyone up here is saying we are looking to cooperate.

Mayor Cavanagh also commented that in April, the Chief of Police came to the meeting of the Governing Body and said give these kids a place to skateboard and he was one of the strongest opponents of doing this because he felt it would be safe and he recognized their interest in this sport. He wanted to just balance the record out after everything that has been said this evening and he wanted everyone to know that and the key here is not to prohibit, which would be the easy way out of this just like many of the other towns are doing by passing a blanket ordinance that forbids skateboarding on any street or public place in the town and he has several with him tonight if anyone wants to look at them after the meeting. Mayor Cavanagh stated we are going to have to somehow work out a way that makes it healthy and safe and we do not have a problem in the streets because we can't have that type of dangerous situation in the streets and whether that is accomplished by education, cooperation, a combination of the two or whatever, that is what we are going to have to do. He is going to meet with the Chief and the Police Commissioner and discuss some ideas of how to make this function and work out and we will have to have the cooperation of the kids as well and we cannot have them zig-zagging around the streets and it does happen occasionally, because they are kids, but it is dangerous and it is a problem and it sets us up in a very tough situation.

Mayor Cavanagh stated hopefully we will be able to take a step at a time and give them something to look forward to and he really thinks that since he has been sitting on the dais, we have spent more money on recreational facilities out of the Borough's budget than any other time he can think of, other than federal money. Mayor Cavanagh reiterated that we must have some type of a cooperative relationship between the Police and the kids and how we accomplish this, he does not have the answer tonight, but we will have to do it and he wants the kids to know this and understand that we are trying to do something for them and he asked them to not put us in a position where it is not going to work or we are going to wind up like a lot of other towns where we just take the easy way out and allow no skateboarding.

Chief Joyce wanted to address several of the remarks made this evening and stated that as far as skateboarding on school property, the Board of Education advised the Police Department that anybody using the parking lots, fields, etc. that belongs to the Board of Education to stop them unless they had specific permission to do so with a permit and the only thing allowed there was ball playing with a permit and they specifically asked the Police Department to prevent skateboarders from using the School Property because juveniles were collecting on the property and more than skateboarding was occurring and we enforced their wishes, since they are the property owner.

Chief Joyce also commented that since mid April 150 kids have been picked up on skateboards, bicycles, mopeds, roller skates and all types of other and assorted offenses pertaining to violations in the roadways in the Borough of Oceanport. He stated of that, 20-25 children continued the same offenses after they were warned and of that number, approximately four times each one of those juveniles were warned prior to being picked up and brought into headquarters after being advised of the violation and the parents were also advised of the violations and they were released when their parents came in and signed for them. He stated this is a bit different from what he has heard this evening. He continued that no child was told that ordinances existed and they were in fact told as well as their parents, that laws did exist governing the rules of the road. Chief Joyce explained that the Oceanport Police Department is not down on kids at all and for 15-18 years he has been a member of the Baseball Association and took care of the kids in this town and half of the members of the Police Department belong to those organizations now. He stated that if we erred as a Police Department, than we erred on the side of life and property and safety.

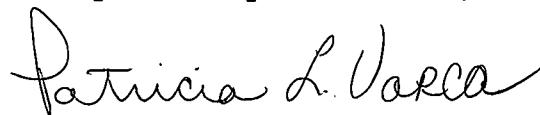
As no one else from the public wished to be heard, Mayor Cavanagh closed the public portion of the meeting.

Councilman Wolfe moved to approve the bills as listed on the Voucher Register dated June 21, 1990. It was seconded by Councilman Miller and unanimously approved by Council. TOTAL 1990 VOUCHERS \$46,823.10. TOTAL 1990 VOUCHERS PAID THIS MEETING \$108,174.66. TOTAL 1990 OPERATING FUND \$154,997.76. TOTAL CAPITAL ACCOUNT \$1,003.85. TOTAL RECREATION TRUST ACCOUNT \$7.50. TOTAL PUBLIC ASSISTANCE TRUST ACCOUNT \$490.00. TOTAL GENERAL LEDGER-OCEANPORT BOARD OF EDUCATION \$602,579.60. TOTAL GENERAL LEDGER-MIDDLE DEPT. INSPECTION AGENCY \$579.00. TOTAL GENERAL LEDGER-FIRE PREVENTION \$353.00. TOTAL GENERAL LEDGER MISC. \$3,811.74. TOTAL GENERAL LEDGER-CLEAN COMMUNITY GRANT \$830.79. TOTAL GENERAL LEDGER-INVESTMENTS \$580,000.00. (See Voucher Register)

Councilman Terra commented that he realized that Councilman Miller did not do this on purpose, but he left out one very important person who graduated from Shore Regional, Dana Terra. Councilman Miller apologized for this omission and offered his congratulations to Dana as well.

At 9:35 P.M. Councilman Rodman moved to adjourn the meeting until the next regularly scheduled meeting to be held on July 19, 1990 at 8:00 p.m. It was seconded by Councilwoman Filippone and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK