

REGULAR MEEETING MINUTES

Oceanport, New Jersey
June 20, 2005

REGULAR MEETING: The Regular Meeting of the Oceanport May and Council was called to order on June 20, 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, Sharkey, Chaump, Briscione and Mayor Gatta.

OFFICIALS PRESENT: Borough Clerk, Kimberly 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 May 19, 2005 and the workshop meetings held on May 5, 2005 and May 16, 2005 had been made available to the members of the governing, Councilwoman Chaump moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilwoman Johnson with the Clerk calling the roll and all members in attendance voting in the affirmative.

Mayor Gatta opened the public hearing to solicit ideas for the project to be submitted to the Monmouth County Community Development Program.

COUNCILWOMAN KAHLE: Councilwoman Kahle said she had a report on that. Councilman Briscione and she met with Sharon Rafter in Freehold and they went in with three ideas and came out with four. Some of the ideas that they had were to put some handicap bathrooms over in the Community Center and then actually add on because whenever you make anything handicapped accessible you have to start at the front door so the front entrance would have to be changed. So the entrance would be changed and then they would have to find a spot for the handicapped bathrooms and make the two existing bathrooms accessible to the outside so that would alleviate the need for the port a johns in the summertime. The other idea was to even out the floors in the Old Wharf Center. The floors are at different levels and they thought they could use that money to even out the floors and benefit the seniors because the community development block grant is really used for senior citizens and moderate to low-income citizens so would meet those criteria. We would not receive the money until probably next year and it would hold up the project another year. We didn't think that it was a good idea to hold that rebuilding up another year. The third thing was to put in a floating dock at Blackberry Bay. This was a concern of some of the citizens. They've come here a few times wanting an ADA compliant floating dock with a slope so it would be easier to moor their boats and to put in their boats at that area. The only thing about that was Sharon Rafter said even though you put the ADA compliance it would meet the

criteria with the handicap citizens you would not probably meet the criteria with moderate to low income citizens. So it would be a stretch to use it for a floating dock. The fourth thing that we thought of was with all the new construction over by Cumberland Farms we're going to have the senior housing on the one side, a little village center to the other side, there's talk about some other development around the corner by the Old Wharf Senior Center and the different developers are going to be developing parts there but they're not going to be developing the part that's right in front of the senior housing, the high rise building that has the moderate to low income and handicapped citizens there. So that would meet the criteria and provide for them a walkway to go across without them getting injured so that would help them cross over to Cumberland Farms. So after looking at all the ideas we were thinking that we would like to recommend number four.

Councilwoman Chaump asked if the application was asking to develop a park in front of it plus the walkway?

Councilwoman Kahle explained, no, the park is really where the Old Wharf Senior Center is. The roadway would be where the high rise is, where the seniors live, right in front of that. Right now, there wouldn't be anything in front of there.

Councilman Briscione thought the application was not just the walkway, but the entire streetscape that the Borough has approved for the Old Wharf Park and East Main Street where the new development is going to be. Developers won't do the whole thing.

As no one else which to be heard on the matter Mayor Gatta closed the public hearing on the proposals for projects for Community Development. Councilwoman Chaump moved to approve the motion. It was seconded by Councilwoman Johnson with the Clerk calling the roll and all members voting in the affirmative.

CLERK'S REPORTS:

1. Police report for the month of April, 2005 and a copy will be posted on the Bulletin Board. She has not received the May, 2005 police report to date.

2. Raffle license applications made by the following:

A} VNA of Central Jersey, on premise 50/50 cash raffle to be held August 27th, 2005 at the Monmouth Park Race Track. All paperwork is in order. The clerk advised that the appropriate fees had been paid and the applications found to be in order after which Councilwoman Chaump moved to approve the same. It was seconded by Councilwoman Kahle followed by the Clerk calling the roll and all members voting in the affirmative.

B} Monmouth Park Charity Fund, the first is an on premise 50/50 held on August 26, 2005 at the Monmouth Park Race Track. The clerk advised that the appropriate fees had been paid and the applications found to be in order after which Councilwoman Kahle 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. The Clerk stated that she had application for membership to the Oceanport Fire Department for Lenny Santos .He has filed the proper application and had his background check done by the Oceanport police department which has come back satisfactory. A motion was made by Councilwoman Johnson to approve Mr. Santos

for membership, which was seconded by Councilwoman Kahle followed by a roll call vote with all Council members voting in the affirmative.

4. The Clerk read resolution **R-05-66** appointing Helen Ward Tax Assessor noting that with this appointment Ms. Ward would attain tenure after which Councilwoman Johnson moved to approve same. Councilwoman Chaump seconded the motion with the Clerk calling the roll and all Council members voting in the affirmative.
5. The clerk asked for a motion to return \$900 of a bond for Block 50, Lot 1 more commonly known as 117 Smith Street per a letter from Tom Rospos on May 18, 2005. The mayor asked if someone would move the motion. Motion was moved by Councilwoman Kahle and seconded by Councilwoman Chaump. . The Clerk called the roll and all Council members voted in the affirmative.
6. The Clerk read resolution **R-05-67** approving the liquor license for Oceanport Spirits after which Councilwoman Chaump moved to approve same. Councilwoman Johnson seconded the motion with the Clerk calling the roll and all Council members voting in the affirmative.
7. The Clerk read resolution **R-05-68** approved the liquor license for BOWI, Inc. t/a Olde Wharf Inne after which Councilwoman Chaump to approve same. Councilwoman Johnson seconded the motion with the Clerk calling the roll and all Council members voting the in the affirmative.

Mayor Gatta announced before going into Committee reports that this public meeting has been published and posted by required by the Open Public Act.

COMMITTEES:

COUNCILWOMAN KAHLE: Councilwoman Kahle started with the Environmental Commission stating they participated in the Lions Club Fair over the Memorial Day weekend with an interactive display and a handout on storm water prevention which meets the requirements for our new storm water management regulations and they will also have a hand out in the bulletin. She thanked Pete Deller and the Lions Club for that opportunity.

Councilwoman Kahle reported that she also attended the trainer workshop at Wall Municipal Conference sponsored by the Environmental JIF regarding storm water regulations and how to comply with the new regulations. This was a seminar that was sponsored by the Environmental JIF, which we are not in but we were able to go free of charge. It was very informative and she got a booklet with all the training manuals and check offs and who to train and when to train them and spoke to Tom Rospos about this because right at this moment we are behind with some of our compliance issues and missed the April 1st deadline with a number of things. So we're going to have to get on board with that and move forward. The storm management regulations are very involved and they will take a lot of time and effort by someone and will be discussing this at our workshop meeting.

Councilwoman Kahle reported that the other thing is that she also attended a Clean Communities Conference at the Oyster Point and they were also talking about Storm Water Management and how expensive it's going to be for the local municipalities to sweep streets and clean drains, etc. So we formed a joint shared services committee with Councilwoman Johnson and myself and we're going to be meeting. She stated she already met with Michael

Behle of Little Silver and also contacted West Long Branch and Monmouth Beach about shared services so instead of incurring all the costs ourselves we'll be able to share the cost and hopefully some of the manpower in order to comply with these new regulations because of course there's not a lot of money coming from the State.

Councilwoman Kahle continued that the other thing would be the Environmental JIF and she would be handing all of this over information to Hugh Sharkey for they will come in and actually evaluate our town and see where we're falling. She said Little Silver went in 1991 and when they went in they saved approximately \$50,000 by switching over to this JIF. They give you a percentage on how you are fairing and said Little Silver is 98% complaint. If the JIF came to Oceanport, she wouldn't think we would be that high right at the moment and stated she would like the Borough look into it as we're looking into more insurances with our other part of our insurance.

Councilwoman Kahle stated that with regard to insurance, it is always difficult and hopefully, this isn't going to be as contentious as the last venture into it was. Even though it caused a lot of discussion, she personally learned a lot about insurance that she didn't know and many different insurance plans come in; which we really didn't know anything about. She found it very informative and because of that the Borough was able to save 7% as it went from 12 to 7 percent and she thanked Councilman Sharkey for that.

Councilwoman Kahle gave an update on the Municipal Building. She did get in touch with Eric Wagner, the architect, who will be in charge of the study of what they are going to be doing with this building. She will be meeting with him at the end of the week to bring her up to speed. Then she will be calling the Committee back in to go forth from there.

Councilwoman Kahle reported on the Old Wharf building, stating she did meet with the seniors. Most of the seniors are very excited about a new look for the Old Wharf Senior Center. Some were concerned about the length of time, some also said they didn't care how long it took just as long as it was done right and they were able to get full use out of the building. She will be working with Al DeSantis so any comments about it will come to her. She added that Walter Joyce has a set of site plans and she spoke with Jim Monteforte who will be picking them up and looking at those. Mr. Monteforte said that he would like to work with the Borough and he volunteered his services regarding the architectural costs. He has a plan already in place so we'll talk more about that in workshop.

Mayor Gatta asked with regard to the meeting with Eric Wagner, she though last year both Councilwoman Kahle and Mike Mahon were involved as Buildings and Grounds and requested that when she sat down with Eric Wagner she would ask Buildings and Grounds to also sit down to which Councilwoman Kahle stated she was Buildings and Grounds. The Mayor added she meant Public Works to which Councilwoman Kahle stated she never met with Eric Wagner last year and Mayor Gatta requested two Councilpersons to be involved and felt Public Works should be included.

Mayor Gatta wanted to state for the record a point regarding the 12 percent insurance increase as that number keeps coming up. Twelve percent in insurance was purely a number that was given to us for budgetary purposes. It wasn't passed in anything. We needed it when we were doing the budget. It was never set in stone. We talked about this 12% on numerous

occasions the last meeting and you made reference to it this evening but the reality is it was just a number to plug in so we can move forward with the budget as we do every single year. because it would have been too early to determine exactly what that number would have been. We needed something for budgetary purposes.

Councilwoman Kahle asked if the Mayor didn't think that because of competition our number is less to which Mayor Gatta responded that the 12% number was just in there as it is every year and every year it fluctuates whatever number we put in we need a starting point. But if you remember, last year's budget when it was all said and done, we had 9%.

Councilman Briscione asked what the Environmental JIF was to which Councilwoman Kahle replied that it is a joint insurance fund and when she first came on the Council, she and Patty Cooper were both insurance and they had a JIF come and they looked at all insurances but they wouldn't even quote us because we weren't ready to renew.

Councilman Briscione questioned if it was just for environmental insurance to which Councilwoman Kahle said no, but their focus is on environmental but I think that's an avenue to look at.

Councilman Briscione asked about the Borough's current policies relative to environmental issues to which Councilwoman Kahle stated she didn't really think they are covering environmental issues. She doesn't really know much about it but it is an Environmental JIF and they are extending their insurance, which might be in the Monmouth County JIF>.

Councilman Briscione commented that it's just a competitive insurance to which Councilman Kahle stated this one would just go a step farther in helping municipalities with their environmental needs.

COUNCILWOMAN JOHNSON: Councilwoman Johnson reported the Port-AU-Peck Fire Department had a meeting on May 21st and Oceanport Hook and Ladder had a meeting on June 14th. Total number of calls for the month of May were ten. They had three fire alarms, two smoke alarms, one electrical, one motor vehicle accident, two drills and one vehicle fire. Also, at the last meeting of the Hook & Ladder, they did discuss this new class which is coming up. It's the ICS700 class which will be mandatory for all fire fighters to take. They are looking into setting up classes in the future.

Councilwoman Johnson continued that the Fire Department did hold fire truck rides at the Lions Club Fair and had a good turnout, are having a drill on their hose testing this evening and on June 20th and 28th there will be a search and rescue drill which will be held at the Wolfhill School. Also, she congratulated the Port-Au-Peck Fire House as their bowling team came in first place this year.

Councilwoman Johnson reported that the Fire Department received a thank you from Eatontown Borough for a job well done at the PETCO incident. She reminded everyone that the Hook & Ladder will be having a circus and the dates will be August 17, 18th and 19th. As soon as she gets more information she will share it. Everything is moving along very well and this should be very successful.

Councilwoman Johnson stated that the firemen did bring up about the Borough buildings having fire alarms installed. She did bring it up at workshop and we will be looking into that.

Councilwoman Johnson state that the Board of Health did have a walk through of the Monmouth Park Stable area and Councilman Briscione attended as she was unable to

COUNCILMAN GALLO: Councilman Gallo reported that the First Aid responded to 43 emergencies, nine were MVA's and they responded to four fire calls this past month. The First Aid will be receiving a citation from the Eatontown for their response and help to the PETCO fire for our squad transported three out of the four victims.

Councilwoman Gallo stated that the Squad also met with the Finance Committee and requested the Borough co-sign a loan for the new addition and which has a price tag of around \$325,000. He said he would be taking that back to workshop and discuss it there with the whole Council.

Councilman Gallo thanked Councilman Sharkey for his work on insurance and the process of going out for competitive bids and different carriers. It shows that competition works. He also congratulated Demetrio on his position and also Marc moving up to foreman.

COUNCILWOMAN CHAUMP: Councilwoman Chaump gave a little background for the process of selecting a new Superintendent of Public Works stating there was a committee that was the Borough Clerk, the previous superintendent, Tom Crochet, and Council liaisons which was Councilman Gallo and herself. She stated six applications were received one was for a superintendent that was only grand fathered for Wall Township which we didn't interview and another applicant who had no license or supervisory experience. So we interviewed four applicants on June 6th and again on June 8th. The committee recommended appointing Demetrio Zarate.

Councilwoman Chaump asked the Clerk to read resolution **R-05-69** appointing Demetrio Zarate Superinennndet of Public Works after which she moved to approved same. Councilman Briscione seconded the motion, the Clerk call the roll with all Council members voting in the affirmative.

Councilwoman Chaump asked the Clerk to read resolution **R-05-70** appointing Marc Hunter Foreman of Public Works after which she moved to approved same. Councilman Briscione seconded the motion, the Clerk call the roll with all Council members voting in the affirmative.

Councilwoman Chaump asked the Clerk to read resolution **R-05-71** regarding the 2004 Audit after which she moved to approve same. Councilwoman Johnson seconded the motion with the Clerk calling the roll and all Council members voting in the affirmative with the exception of Councilman Sharkey. Councilman Sharkey stated that he voted no on that resolution because the Council did not have a chance to meet with the auditor for this resolution and he had some questions on the recommendations in his report.

Councilwoman Chaump asked the Clerk to read resolution **R-05-72** inserting various items of revenue after which she moved to approve same. Councilwoman Kahle seconded the motion, the Clerk call the roll with all Council members voting in the affirmative.

Councilwoman Chaump reported she went to the seniors meeting and they had a speaker about the importance of health screening.

Councilwoman Chaump reported with regard to Public Works that Blackberry Bay Park grass is now going to be cut two times a week because it growing very fast. Also the inlet cover on Algonquin Avenue was replaced and added that just a reminder that branches are to be tied and bundled not longer than five feet long and three feet in diameter for garbage and anything else you put out on the street you have to get it removed yourself. The homeowner is responsible. Letters are going out warning there will be a seven-day grace period to have it removed and after that a summons will be issued. Also Public Works is going out for three quotes for the water fountains for Recreation.

Councilwoman Chaump reported that under finance, the council liaisons, which are herself and Councilman Sharkey, and the liaison from First Aid, Councilman Gallo, met with First Aid on Wednesday, June 15th with a discussion about their building and we'll be discussing it at our next workshop meeting. Also she will be calling another meeting in July with the Finance Committee and the Finance Department to discuss the findings and corrections. Also at the workshop on June 13th, Joe Irace was there to explain bans and bonds and he gave a handout to review and we thank him for his time.

Councilwoman Chaump stated that with regard to the Coastal Alliance, the Monmouth County Division of Alcohol and Drug Abuse Services is going to be doing a training plan for the 2006 grant year. It's going to be covering for the Alliance members, information about science based prevention programs, helpful alternate activities, risk and protective factors, fund raisers as well as program evaluation. We're in the process of doing a survey and then we are going to be looking at these programs.

COUNCILMAN SHARKEY: Councilman Sharkey stated he also attended the First Aid meeting and he would like to add a comment to it. The key issue was the First Aid is looking for, as Councilman Gallo said, \$325,000 and they would like the Borough to co sign for that loan. That would be to put an addition on the First Aid building, and stated the question is what the addition will be used for and what is the need.

Councilman Sharkey reported on Parks and Recreation and stated the key item is the work on the Capital Plan which they will present on June 23rd when the Capital Committee meets and there was some pretty good discussion on ideas. The other important item with the Parks & Recreation is we interviewed, myself Councilwoman Chaump and Lee Poole, two candidates for a new recreation coordinator's position to replace Christine Smith who resigned. The committee agreed to offer the job to a James Foligno who is the Assistant Superintendent of Recreation at the Monmouth County Park System.

Councilman Sharkey moved to appoint Mr. Foligno as the Recreation Coordinator at the same salary as Christine Smith. Councilwoman Kahle seconded the motion with the Clerk calling the roll and all Council members voting in the affirmative with the exception of Councilwoman Chaump, who abstained because Mr. Foligno is a friend of her family.

Councilman Sharkey stated that the other item on Parks & Recreation that's important is Blackberry Bay Park. He received an email from one of the residents and he's very concerned about the results to date and was asking who is responsible for this fiasco. The situation with Blackberry Bay is that we extended almost two months now to allow the contractor to do repairs. We still have broken sprinkler heads, sink holes, and there are ruts out in the field. There is serious concern with some of the people I've walked the park with about what's going to be done to get us out of this hole and he didn't know who was responsible.

Mayor Gatta asked if he has spoken to Tom Rospos for an update to which Councilman Sharkey stated he did that day.

Councilwoman Kahle stated that the contractor wasn't there laying out the dirt because he had to fix the sprinkler heads but he was there today and he's going to be there a couple of days and again tomorrow. He walked the field today with Mike Tober, the head of Recreation and Demetrio was there and we walked the fields again just to take a look at everything that was going on there. Tom feels that the contractor is going to be able to fill in those ruts and then he thinks there might be a problem with the grass growing because with the heat of the summer now, using the sprinklers he's hoping for good results and if not, then the fields will be rolled and if they're rolled, he's going to ask for the contractor to do the aeration so it's not compacted for next year. Then he's recommending to us that we should be aerating those fields twice a year because now that we have a sprinkler system take care of that we should be doing that twice a year. That's a piece of equipment that you can buy and keep and have it and use it.

Mayor Gatta felt it was important to note that when she spoke to Mr. Rospos this morning he had said that until the sprinkler people came to do the repairs, the contractor could not be on site. He was hoping that they were going to complete it either today or tomorrow because there was a lot of repair that needed to be completed on the sprinklers. Then the contractor will be in to then continue the work that he has to do and while no one is happy that the time has elapsed, we've been getting a lot of work out of our contractor and our goal is to get this job done and not to have it stalled in court with the legal system. This Council is going to make a decision on the recommendation of the engineer at the workshop meeting because we will know at that point how much has been done and the plan to move forward.

Councilwoman Kahle commented that when they were going through the fields there are a lot of divets as before so there was concern.

Mayor Gatta said that this project will not be considered complete until the Borough Council, the engineer and the Recreation Committee are perfectly satisfied with it That was the commitment from the beginning and we certainly are going to adhere to that.

Councilman Sharkey said he did speak to a resident who is a landscaper and wanted to share his comments. He has a completely different opinion. The ball fields should be reshaped again and probably about thirty tandems of fill dirt, or screen dirt put in and graded. It's going to be very tough to fill in the ruts with the grass and his estimate on the cost to do something like this would be over a hundred thousand dollars adding he was shocked that that would have been his recommendation and there seems to be a difference of opinion on how to resolve this and he didn't know the right answer.

Councilman Briscione stated that we accepted a low bid and under the direction of our engineer we are holding fifty or sixty thousand dollars and felt we're doing what's appropriate to try to get this done in the quickest time under watchful eyes. Going to litigation is just going to stop the project dead and tie us up for who knows how long. He thought in the last three weeks there was a lot of progress made on the fields and we couldn't do anything without the sprinklers so it's a week-by-week process that must be watched closely.

Councilman Sharkey stated that the rest of the items are various recommendations on smaller items with the key items the Memorial Day Parade this year. The Recreation Committee feels it hasn't been involved in the Memorial Day Parade with the after parade events and feel that they're going to try and get involved in having a baseball game or other events to keep the residents around. A lot of people left right after the ceremony and they would like to do a little bit more entertaining to keep people around. The feeling was to go back to the Community Center instead of the firehouse and keep the firehouse as a backup in case of bad weather

Mayor Gatta asked for an update on summer camp and also the shed for roller hockey.

Councilman Sharkey replied that the shed for Roller Hockey was approved by the Construction Office. It's a little bit off the food service hut. With regard to the summer camp, it is down. One hundred eighty people registered for summer camp and it's normally around 210 so it was down. They had two sections for the youth camp and the first session had only three people registered for it and they're going to cancel the first session and let those people attend the second session. One of the comments that was made with regard there's probably a lot more choices for residents to make in terms of using other camps or the beach. Some comments were passed that maybe pricing is getting a little high but again, we don't know what's driving the registration from that angle.

Councilman Sharkey reported with regard to the insurance stating we did go out to bid in January. We had the meeting on Monday with regard to concerns about the process; the communication of the process and the bottom line is the competition did drive down our health insurance estimated renewal. There are double digit increases in health insurance this year which is standard in the market place. So twelve percent was actually an underestimate from the feedback I've received and what's going on in the world of health insurance. We brought in another quote besides Horizon. It was Oxford. It was approximately \$30,000 less, a little less than seven percent. It would have required us to switch, have our employees switch to a different network of providers. Some of the providers being used with Horizon would not have been available with Oxford. And that's a concern that you have good health insurance for your employees and that you have a quality network. The other issue of concern was whether Oxford was low-balling us for the first year into the program. The competition, he felt, probably saw how lucrative our health program is with our employees. We have a young healthy group and Horizon is making some good money on it and that might have been one of the reasons Oxford was interested in the program. The other issues with health insurance as another side comment on it is that our health insurance renews on July 1st and our contract with our police which is the biggest bargaining unit in the Borough is January 1st. and goes over multiple years so it's not on the anniversary date. This always creates an awkward position that you're negotiating your contract and your insurance will be coming in the middle of the year at a completely different figure then you estimated so he would be making an attempt this year to line up the January 1st date so we so it will help out in budgeting purposes and we'll see if it makes sense. With regard to the property casualty insurance which comes up January 1st, again that's a huge issue as well. It's over a hundred thousand dollars in insurance and again, the competitive bid situation on that we're going to invite a number of brokers in. One of the problems with why brokers don't respond and also with health insurance, is that we get a lot of brokers that want to bid on our insurance but it's given to people who participate and brokers that donate to different campaigns. In general, this is a

feeling it's given to people who participate in pay to play and brokers that donate to different campaigns so other brokers shy away from that and they feel that they don't have a shot and they don't even want to waste their time. I'm hoping to break that kind of thought process with the brokers and conduct a fair and above board presentation and bid process with these brokers because the more competition the better ideas you get and other opportunities and save money in the long run.

Councilman Sharkey continued that this Joint Insurance Fund is a huge opportunity and it gives major dividends, hundreds of thousands of dividends back to Boroughs that have good loss experience and Oceanport has experienced on the property casualty side, a very good loss ratio as well over the last number of years which he has taken a look at. He believes the Borough has lost out on opportunities for sharing in those savings because we've been with what's been called a standard carrier. In the long term, instead of being in this joint insurance fund which the majority of municipalities are in. He did speak to one of the heads of the joint insurance fund that we would participate in, the Monmouth Oceanport Fund and they feel that we are one of the desirable towns to be put into that program. There are other towns who are not in it that they don't want in it because their loss ratios are not that good. That's something that's going to be pursued over the next couple of months and again, that will start with preparing the bid specifications and then conducting a fair open competition for it.

Councilman Sharkey then went back to the health insurance, we did not make a decision, or we did make a recommendation, and he made a motion that the Borough stay with Horizon and asked the Clerk to read that motion although it's not on the agenda and he thought that was going to be here.

The Borough Clerk stated that a motion was not necessary to stay with the present carrier, the policy would simply renew.

Councilman Sharkey stated that there was one other issue going back to the health insurance, the brokerage issue and he was going to make a couple of comments about the incumbent broker which to him was an important issue. Our broker sent me an email late on Monday before I had a chance to see this information and basically one of the issues the broker had told us that if we had left Horizon and went with Oxford we could not get back into Horizon. A subsequent email from Horizon indicated that was inaccurate information and that if we left Horizon we could get back into it the reason being because we are a municipality and it's a little quirk in the process but it was a fear that was presented to us that he thought affected a lot of people's thought process and it was unfounded. It was bad information, bottom line. The other item that our current broker did was he indicated that he was going to go out to a another carrier, it's called a HIP, Health Insurance Plan, which is just for municipalities. He indicated he was going to approach that market for us and get us a quote. By doing that, getting a quote, he would not earn any commission. This HIP does not compensate brokers, typically. He indicated he was going to go to that marketplace for us and he did not get a quote from them. Councilman Sharkey felt that was not in the best interest of the Borough and that this HIP has an opportunity to eliminate the fluctuation in the marketplace so it would be a more stable possibility for us and it should have been explored and we should have gotten a quote.

Councilman Sharkey stated that the other item is he has not received the dental quotes. Mr. Wardell had indicated he was approaching a number of markets on that and Councilman Sharkey did not receive that from him as well.

Councilman Sharkey also believed that during the process, that there were allegations made that there were sneaky, underhanded items going on in the way the process was conducted and he felt that way as well. He believed the way Mr. Wardell conducted his own actions by going out to the marketplace before Councilman Sharkey actually authorized it and that some letters were written to different carriers was sneaky and underhanded and Councilman Sharkey believed that was a disservice to the Borough as well.

Councilman Sharkey continued that he also had asked early on in the process to find out what his compensation was. There are issues in the marketplace about hidden fees and brokers not telling their clients. Mr. Wardell's response to him was he's making about four percent on the health insurance commissions, which is close to \$20,000. Councilman Sharkey has gotten other feedback that the commission is probably close to six percent and when he asked for copies of Mr. Wardell's contract he did not get the commission page. He gave Councilman Sharkey a couple of the pages but he didn't give him the commission. Again, it's information that's important in this whole process. Councilman Sharkey also believed we asked Mr. Wardell about eligibility for part timers and faxed us over eligibility that was for the State health plan which is a program that we have been out of for years and wasn't even relevant. Councilman Sharkey felt that was a deceit and at worse an attempt to deceive us or give us bad information on eligibility and what's required or not. He didn't believe that was fair or above board and it cost us money. The bottom line is these types of activities from our incumbent broker were unprofessional and Councilman Sharkey said he has been in the arena for a long time and it's not the way he expected to deal with one of our professionals. He wanted to make the recommendation that we do not reappoint the current broker, Ted Wardell of Grinspec as the broker and that we appoint the competing and only broker who participated, Dave Potter, from First Jersey Agency.

Mayor Gatta stated that this was not on the agenda and Council would then have to amend the agenda to put this on the agenda. She continued that the concerns obviously need to be addressed and it would be incumbent upon all of us to ask Mr. Wardell to come in and speak to this Council on the concerns you are addressing. Mr. Wardell is not here to defend himself and both sides of the story have to be heard and Mayor Gatta thought you obviously need clarification and answers to some of the questions that you are discussing to which Councilman Sharkey stated he thought Council discussed it enough.

Mayor Gatta responded yes, but not with Mr. Wardell. You're bringing this out in a public forum and the gentleman's not here to defend himself or to respond to some of the questions and again, it goes back to some of the things which we talked about at the last meeting that he did, the underhandedness that you are talking about, he did get written consent from the Borough to do this. He just didn't go out on his own. There are others sides to this that perhaps, might not be coming forth right now, and it might be incumbent on all of us to ask to listen to some of the responses that the incumbent broker has.

Councilwoman Kahle asked if Councilman Sharkey had supporting documentation because the Council has not seen any to which Councilman Sharkey responded that he supporting documentation on all these issues. He continued Mr. Wardell got authorization

from the Borough; again, he didn't receive that authorization until a couple months after the fact, which he believed, was wrong. Councilman Sharkey should have been, as the lead the Insurance Committee, he should have seen any correspondence appointing him as broker and he believed it undermined what he was specifically directed to do which was to allow it to be a fair and above board process. What we're specifically talking about is that brokers, health insurance brokers, can approach two or three different carriers. Broker A can go to Oxford and Horizon and then you can have Broker B go to Oxford and Horizon and Oxford and Horizon have to give the same exact quote to both brokers. So now you have to make a decision as an employer who has the cheaper insurance, Horizon or Oxford and the second issue is who I want as my representative; Broker A or Broker B. And that's what we're talking about. The current broker knows that and what he did is, he convinced our Borough Clerk to give him a letter of what's called, exclusivity, which basically says, Oxford don't deal with anyone else. Mayor Gatta interrupted and stated he did not convince the Borough Clerk what he did was what he has done any other time the insurance was up and the Borough Clerk confirmed this. Mayor Gatta said it wasn't a persuasion. It was something he has been doing time after time, anytime the insurance is up and again the Borough Clerk stated that was correct.

Councilman Sharkey stated he asked them straight out, not to do that because we were going to conduct a fair process and allow other brokers to bid.

Mayor Gatta stated she didn't know what that time frame was but thought that is why it might be a better idea to bring Mr. Wardell in and talk to him about it before the Council makes any decisions if this is a concern. Councilman Sharkey said if Council wants to vote on that, let's vote that way.

Mayor Gatta polled the Council and Councilwoman Chaump said she would like to see this documentation that you have which none of us have ever received

Councilman Sharkey said that the Mayor was the one that actually generated the email back on June 6th. Mr. Wardell is indicating that he had a conversation with Mayor Gatta of Oceanport about Horizon underwriting policies and Councilman Sharkey said he would make a copy of this after the meeting but this is what was generated and his response, bottom line, was a small employer means any person, firm or corporation, partnership or political subdivision which includes municipalities and boards of ed actively engaged in business. Councilwoman Johnson said this was documentation that Council hasn't received or discussed it at workshop yet.

Mayor Gatta suggested this might be an item you want to bring to workshop as opposed to bringing it out right here because the Council does not have this information

Councilman Briscione felt it's was totally inappropriate to hammer a Borough professional and not give him the opportunity to defend what he's done for ten years. It's classless, basically and he felt every professional deserves that right.

Councilman Sharkey responded Councilman Briscione was saying, classless, and basically that's an accusation at him and he is classless for doing it and that's not really too prudent from a guy in a group of people that accepts pay to play donations and that might be the reason why we're being influenced with this one way or another.

Councilman Briscione said he didn't think he had ever taken a pay to play donation from Mr. Wardell and he believed that Councilman Sharkey had taken pay to play donations with Mr. Mahon during the campaign two years ago. So everyone has done that. He reminded Councilman Sharkey that we have a pay to play ordinance so it shouldn't have been too much of a problem to get more than one broker that's never written a municipal policy. He thought all they have to do is read the fact that we have a pay to play ordinance unless of course they don't believe that we abide by our pay to play ordinance and if Councilman Sharkey had any proof of that, he would like to see it.

Councilman Sharkey stated that if we talk about professionals, The Blackberry Bay contractor donated \$500 to Councilman Briscione's campaign to which Councilman Briscione asked if he was aware that that money was sent back to which he said he was not aware of that and Councilman Briscione said maybe he should have looked a little deeper on the elect reports and see that that money was sent back to him.

Mayor Gatta stated that she believed this belongs to workshop and should bring in Mr. Wardell.

Councilwoman Johnson wanted everyone to know that Dave Potter is Councilman Gallo's personal insurance man it's a conflict of interest, or whatever you want to call it and before Councilman Sharkey goes into accusing other people of pay to play, she thought he better look around.

Mayor Gatta said she would like this to be brought out at next workshop meeting and Councilman Briscione suggested to open the League of Municipality booklet where you can find five to seven companies that write municipal policies instead of going searching for one that's never written a municipal policy before.

Mayor Gatta said we went out for requests for proposals and got two back. So we did the process. We have a pay to play ordinance in place. Every professional has abided by that pay to play ordinance so she didn't know where Councilman Sharkey was trying to go with this. Councilman Sharkey responded that the Borough has to make clear to professionals that we do have an ordinance now. The reason it's an issue is that people, brokers, and professionals feel that we continue to have pay to play. They don't know this, that we don't. and that's why they don't participate. So until that gets out in the public we were jammed up with this.

Councilwoman Chaump commented that working on the pay to play ordinance, and Councilwoman Kahle worked with me, we went to a seminar and none of those donations violated the elected laws. Because if you had two candidates, you're allowed to give \$400 per candidates. So that's a total of \$800. So if there's three candidates, that \$1200. And by putting down every single donation over \$400, they did not violate, in fact, you didn't even have to list it because they were allowed to give up to \$800 if it was two or \$1200 if three and with our new pay to play ordinance, they are still under the elect laws, they are still allowed to give \$300 per candidate without violating anything. So I don't think anyone has violated the elect laws or pay to play ordinance and the professionals all signed something saying they did not give to the campaigns effective 2005 as required in our ordinance.

Councilman Sharkey said no one made any accusations that it was violated. I'm just saying with Mayor Gatta interrupting and saying he keeps bringing it up and you made reference to pay to play to which Councilman Sharkey said he was saying that pay to play in the past has influenced.

Mayor Gatta said we're not in the past. we are going forward. And we have now, a pay to play ordinance and we are moving forward with the pay to play ordinance. Thank you.

Councilwoman Kahle asked to get the documentation before the workshop meeting and Councilman Sharkey stated he would distribute it.

COUNCILMAN BRISCIONE: Councilman Briscione asked the Clerk to read resolution **R-73-05** appointing Jeffrey Surenian as Special Counsel after which he moved to approve the same. Councilwoman Chaump seconded the motion, which was approved by the Council members except for Councilman Sharkey who abstained, as he was not present for the interview.

Councilman Briscione asked the Clerk to read an introduction of a set of ordinances regarding storm water management regulations as follows: **AN ORDINANCE SUPPLEMENTING CHAPTER 42A (LITTERING) OF THE CODE OF THE BOROUGH OF OCEANPORT. AN ORDINANCE CREATING CHAPTER 43B (YEARD 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 CONNECTIONS OF THE CODE OF THE BOROUGH OF OCEANPORT. AN ORDINANCE CREATING CHAPTER 43F (IMPROPER DISPOSAL OF WAST) OF THE CODE OF THE BOROUGH OF OCEANPORT.**

Councilman Briscione moved to approve these ordinances on first reading. It was seconded by Councilwoman Kahle.

The Clerk called the roll:

AYES: Councilperson Kahle, Johnson Gallo, Chaump, Sharkey and Briscione

NAYS: None

ABSENT: None

ABSTAIN: None

Councilman Briscione moved to hold the public hearing on the proposed ordinance at the meeting scheduled to be held on July 21, 2005 and to advertise same in accordance with the law. It was seconded by Councilwoman Chaump.

The Clerk called the roll:

AYES: Councilperson Kahle, Johnson Gallo, Chaump, Sharkey and Briscione

NAYS: None

ABSENT: None

ABSTAIN: None

Councilman Briscione asked the Clerk to read an introduction of an ordinance prohibiting the sale or consumption of alcoholic beverages in public places 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.**

Councilman Briscione moved to approve the ordinance on first reading. It was seconded by Councilwoman Kahle.

The Clerk called the roll:

AYES: Councilperson Kahle, Johnson Gallo, Chaump, Sharkey and Briscione

NAYS: None

ABSENT: None

ABSTAIN: None

Councilman Briscione moved to hold the public hearing on the proposed ordinance at the meeting scheduled to be held on July 21, 2005 and to advertise same in accordance with the law. It was seconded by Councilwoman Chaump.

The Clerk called the roll:

AYES: Councilperson Kahle, Johnson Gallo, Chaump, Sharkey and Briscione

NAYS: None

ABSENT: None

ABSTAIN: None

Councilman Briscione asked the Clerk to read an introduction of an ordinance addressing certain traffic conditions including cross walks, U-turns, stops at intersections and parking during snow storms as follows: **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 64 (VEHICLE AND TRAFFIC REGULATIONS) OF THE CODE OF THE BOROUGH OF OCEANPORT.**

Councilman Briscione moved to approve the ordinance on first reading. It was seconded by Councilwoman Kahle.

The Clerk called the roll:

AYES: Councilperson Kahle, Johnson Gallo, Chaump, Sharkey and Briscione

NAYS: None

ABSENT: None

ABSTAIN: None

Councilman Briscione moved to hold the public hearing on the proposed ordinance at the meeting scheduled to be held on July 21, 2005 and to advertise same in accordance with the law. It was seconded by Councilwoman Kahle.

The Clerk called the roll:

AYES: Councilperson Kahle, Johnson Gallo, Chaump, Sharkey and Briscione

NAYS: None

ABSENT: None

ABSTAIN: None

Councilman Briscione reported with respect to the Planning Board stating the Council continues to review the changes to the Master Plan recommendation by the Planning Board and the Master Plan Reexamination. Council is also in the process of reviewing the recommendations of the Planning Board in the matter of Oceanport Holding lot 18, block 16 relative to a request of zone change. Formal action on the recommendation will mostly occur at the July Council meeting.

Councilman Briscione said he didn't have time to incorporate the police report into his report but will be included it in next month's report.

Councilman Briscione said the Borough is getting closer to the installation of the AM alert radio station at Monmouth Park. The antenna cables support cabinet rack have been installed and electronics and antenna are in. We're just waiting on a shipment of cabinets which took place this week. We appreciate the assistance and cooperation of officials at Monmouth Park.

Councilman Briscione reported that All Con has repaired the First Aid pagers and it seems that the incorrect frequency were previously keyed in and all the pagers are working.

Councilman Briscione reported with regard to the racetrack, he accompanied Bob Juliani from Monmouth Park, Connie Savarese from the Board of Health and Dr. Kaloff from the Water Watch Committee on the annual tour of the Monmouth Park back stretch and the consensus was that the conditions relative to waste water runoff and manure containment were improved over last year. New storm water regulations did not affect the operations at the racetrack.

MAYOR GATTA: Mayor Gatta congratulated both Demetrio Zarate as our new Superintendent of Public Works and Marc Hunter as foreman and she looked forward to working with them in all our endeavors here in Oceanport.

Mayor Gatta thanked Councilman Gallo for his work on the Memorial Day ceremony that occurred. Many of you were here and we appreciated his efforts and that of our Borough Clerk in helping make the day a success.

Mayor Gatta continued stating that last Thursday our elementary school students at Maple Place graduated, this week our students from Shore Regional will be graduating and there were many college graduations and also there are parochial and high tech schools and to all our graduates she wished them sincerest congratulations and good luck in their future endeavors.

Mayor Gatta stated that as everyone knows we are actively involved in the BRAC process and will be asking the Borough Clerk to read a resolution shortly in reference to our governing body's position and the Mayors of the town have jointly asked their individual Councils to pass this resolution obviously hoping that Ft. Monmouth be taken off the BRAC list. The BRAC situation, as we know it, you attended the rally a couple of weeks ago where we had two of the commissioners Chairman Principi and also BRAC Commissioner Newton at Ft. Monmouth. We understand that perhaps Commissioner Coyle will be coming the end of June, which will bring three commissioners to Ft. Monmouth. On July 8th. there will be having the regional meetings which the case to keep Ft. Monmouth will be open. The BRAC commissioners who will be holding the meetings will be the three that have come to visit Ft. Monmouth and it will be held in Baltimore. New Jersey, Pennsylvania, Delaware and Maryland are the states covered in that regional hearing. The breakdown of time as opposed to previous BRAC situations where you had unlimited time in which you can present your case, this time it's different. New Jersey and Pennsylvania will have two hours to make their case. Maryland will have an hour and Delaware will have a half hour. Obviously, everyone is working hard to gather all the information and make an effective case on the military value and the loss of the brain drain if Ft. Monmouth does close. So I would encourage everyone in to support the Fort staying open. Obviously, it's essential for not only for Oceanport, but Monmouth County, the State of New Jersey but it is extremely important to the fighter who is fighting the war in Iraq. Because there is not a day that goes by that the fighter in Iraq is not in contact with either a scientist, engineer, or technician in Ft. Monmouth helping him to be safe

Mayor Gatta continued that we need to do our part. We are at war and we need to keep soldiers safe and if, for nothing else, the Fort should remain open for that one reason. So she would ask you all to do your part. She is very proud of many of our citizens who have come forth and lent their expertise and knowledge, which is then going to help in preparing a case to the BRAC commissioners.

Mayor Gatta asked the Clerk to read resolution **R-05-74** after which Councilwoman Chaump moved to approve same. Councilwoman Kahle seconded the motion with the Clerk calling the roll and all Council members voting in the affirmative.

Mayor Gatta said that just for everyone's information, this whole process will continue until the President of the United States gets the total BRAC closure list some time in September. So if anyone wants to write any letters or do anything proactively you certainly could do it and she would encourage you to do so and she will keep everyone informed as we move along this process. George Moffet, 20 Pemberton Ave, Oceanport. I think I goofed because I thought this meeting tonight was going to be a brainstorming session of ideas of where the town should go forth but since I'm old I forgot the date. I had five items I wanted to bring before the council at that brainstorming session. You had an announcement in the HUB about a week ago.

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

George Moffet, Pemberton Avenue Mr. Moffet said he had two items, both of them safety issues. The first thing is he lives on Pemberton Avenue, which as you may know, comes to a T on Main Street just opposite the Old Wharf Community Center. Now, the problem with the street is that Main Street curves so where Pemberton Ave dead ends, you've got this curve, so when you're looking to your left, you can't see many cars coming your way especially if there are any cars parked there. I spoke to the former chief of police, Chief Bebout, about three years ago and he told me he would take care of it. He would look into this. I've almost gotten creamed three times. Every time I go out I think is my insurance paid up. As you come around the bend, if there's any cars parked there, you can't see who is coming to cream you. These SUV's and monsters that destroy buildings, you can't see who is coming. So I mentioned, to the Chief the problem who said he would do something about it after we rebuild the bridge. Now why he waited until the bridge was reopened. Anyway nothing happened. Now, who is the chairman of the traffic? Did you hear anything about this Pemberton thing and Councilman Briscione replied he heard about it only this year and the Chief is here this evening.

Mr. Moffet said he was not roasting him tonight and he did stop in one day and he wasn't there. He spoke to an Officer Chenoweth and brought it to his attention and he said he would look into it. This may be about three or four weeks ago. But the reason that he was here tonight was just to reinforce the fact that he was getting tired of the fact that he almost gets killed every time he leaves Pemberton onto Main Street because of that curve and whenever there's anything at the Old Wharf, an event, you couldn't see who's coming at you. So he's asking the Council, and the Chief, would you consider possibly having a ban on parking on Main west to the first driveway of the two family complex because if you have no parking here, from the driveway to the intersection of Pemberton Ave and Main Street, you'll be able to see who's going to kill you when you leave Pemberton Ave. Prior to that, you can get run over by any stranger. This is my request to you. It's been falling through the cracks. It is a serious issue because three times as he was pulling out he heard screeching tires and here it goes with my insurance. So that was his first request. It is a serious issue and Mayor Gatta said it would be referred to traffic.

Councilman Briscione stated the new required streetscape in a way it will slow down traffic on Main Street.

Mr. Moffet said it was not a question of speed, it's really visibility. He can't see who is coming at him and by the time you're out there, they've only got ten feet to stop or he has five feet to stop. My second suggestion and this goes back a number of years ago when there was a woman on the Council, Mrs. Silkworth and we always have these signs that say roads flooded but we never saw signs for bridge flooded. We always say road flooded because what happens, whatever way roads in this community are designed, we're talking about road, we have a bridge like this, is that so water will go through storm drains and then go out to the river. The problem is whenever we have a flood, the water comes up through those storm sewers and the bridge never floods but the approaches to the bridge do, every time. Now, on Main Street, by the old Shell Station, it floods all the time. I don't know whether it still floods out here because they redid the road. I don't know how high they raised it. But if you go up Seven Bridges Road you see a number of roads and then all of a sudden you see water because the water is coming up through the storm sewers. He would like to suggest the possibility as an emergency and safety measure, that Oceanport has a real problem getting

people out if we had a really serious hurricane. We have a safety problem because you cannot move people to hospitals during a major storm because first of all, Long Branch has the same problem we do. You can't get to Riverview because you can't go up Oceanport Ave., you can't go up Seven Bridges Road because it floods out. His suggestion was this, that since we have this bridge that goes like this, and then the roads come down and the water drains, why not simply raise the approach to each bridge. Maybe back twenty-five feet so you have this gradual ramp going up to the maximum height of the bridge so you don't have to worry about the road flooding. This means of course you're going to have to raise your storm sewers a foot or two or three but at least you won't have to worry about the water coming up through the storm drains and this means during hurricane season roads are open for emergency vehicles to go to Riverview or Monmouth Medical Center. He would like to suggest that the Council look into the possibility as a safe emergency thing to try to find funding to raise the approaches to the bridges and Mayor Gatta said that was a good suggestion and since most roads to bridges are county roads and we need to take it up with the county.

Mr. Moffet said he would be glad to write a letter, as some of the bridges do not meet the coast guard standards. There are some bridges that have never been flooded but he thought the bridges are high enough up that we can raise up the approaches. Otherwise, we have the only way to go north is 35 or 36 through Sea Bright. They still have the river on the other side. The roads are impassable. We do have a problem here. We can't access any kind of medical attention during a serious hurricane.

Councilman Briscione said we also have the OEM director in the back who said there are action plans in place for those situations Also one of the reason First Aid wants that addition is because they've been designated as a shelter and community area where they could bring anyone that needed medical attention during a storm instead of taking them elsewhere.

Joe Lombardo, Oceanport First Aid remarked so it ties in with one of my requests to turn that lot across the street from the First Aid building into a parking lot. We could park about thirty or forty cars and the other thing; if the Council wanted to know what the building is used for he would be glad to come to a meeting. .

Councilman Briscione asked about the parking lot and Mr. Lombardo said a paved parking lot so somebody doesn't slip in the mud or the goose droppings that property is filled with that. It gets a little slick in winter and if it was paved it would be a little bit easier to walk on.

Mike Tober, Horicon Avenue. wanted to make a comment and ask Mr. McGann a couple of questions. On the Blackberry Bay Park, they walked the park today and he spent the afternoon in the park and has been doing a lot of walking in the park because it's going to come to a head with this thing and you know how much it means to him that the park comes out right they've been working with the contractor and He thinks the Borough should continue to work with the contractor until it gets to the point where it's right. Mr. Tober said he's been working with Tom Rospos and Mr. Rospos is doing everything in his ability to get the park to come out right. One of the things is grading. The rough grade was done, then the seeding, now the grass is up, and now doing the grading again. He didn't know how well it's going to come out and far as he understands now, we're going to try to finish the fine grading. Many of

you have walked through it with me. It's a very difficult process to find every one of those holes and fill every one up. The other alternative is we roll it. Rolling it undoes a lot of what we did. It's going to take several years of plug pulling. Mr. Tober thought we should buy a steam machine. The soccer field has been a parking lot for how many years. His question to Mr. McGann was, let's say we get through this whole process, in his opinion it's no better than before we started but thinks the infields are better. One of the biggest complaints is the fine grading and hopes that we can work this out. In the event that it doesn't work out, it's been said it's going to hold us up for years in court and not an attorney. He really doesn't know that. How long of a process is it to boot the guy out? And then start over again? Is that going to hold us up in court? He just doing worse case scenario. We're coming to the end Let's say the contractor works this week and he gets the stuff done next week and he's all done. He would like to know the worse case scenario.

Mr. McGann said it could very well be a year or two and it's always better to resolve disputes then go to Court because you have control of the dispute, when it goes into litigation, you're going to lose that control.

KERIN SLATTERY: Assistant Chief of the Fire Department stated he had a couple of issues that members of the department brought to his attention that came up at a Fire Committee meeting and it's reference to the Public Safety Committee and Mayor Gatta asked if he had spoken to the Fire Chief about the concerns to which he said yes, he was at the Fire Committee meeting when it came up. One of the issues that were brought up was that when we originally organized this committee, it was not supposed to be a decision-making committee and since it's been in place, it's made several decisions.

Mayor Gatta stated it was an advisory committee, which advises the Council. Council makes the decision.

Mr. Slattery said there were some issues that were raised about the decision making that comes from there. Some of the other issues that they brought up were trying to add an additional first aid member or an additional fire member that would be maybe more of a constant on the committee as our Fire Chief and Captain constantly changing every year. Someone there for a little more continuity involved. The other issue that was raised, one of the issues they have is in the ordinance they don't want to be held responsible for the decisions that are made and asked if the committee or any member thereof is not liable for the death or injury of any person or injury to any property.

Mr. McGann stated that the ordinance addresses a lot of these concerns. So you don't have to worry about personal lawsuits as long as you're acting in the scope of authority.

Mr. Slattery said the Department had asked me to just raise the concern. They're not worried about their liability, they're worried about someone making a decision that impacts us directly and they're not liable for the decisions that they make, and this is the issue that was raised. That the committee decides on a safety issue and they're wrong, and it ends up injuring or killing one of our guys, who is liable. It falls back on the Fire Chief who can only say I don't know, the Public Safety Committee made that decision.

Mr. McGann said decisions are made by municipal workers every day, the street department makes decisions every day, the police department makes decisions every day. Sometimes people do get hurt. It's unfortunate. But decisions still have to be made. To which

Mr. Slattery said but if you're the decision maker, you should be responsible for the decision you're making that was the point that they were making.

Mr. McGann said not everyone is responsible for the decision-making that is why we have elected officials who are responsible. Sometimes people aren't reappointed to committees if they are not responsible.

Mr. Slattery said you may not be reelected but if you make a mistake in your decision on something that the First Aid and Fire Department do and it ends up injuring or killing people, their family doesn't want to hear that well, he didn't get reelected so okay I feel better. They don't want to hear that they're not responsible to which Mr. McGann responded that what he was saying was the Governing Body has the responsibility to act in good faith, to do their job.

Councilman Briscione asked if there were decisions that you think are made that are affecting what you just said to which Mr. Slattery responded, the main problem is when a decision is made, not to do or not to purchase something that would be a safety issue, should that decision come back to bite us? Who is responsible for that decision? Right now, the Fire Chief is. If the Fire Chief allows certain things to go on, based on the decision of the public safety committee, he is held responsible. He has only one vote on this committee who votes not to do something when they come back to somebody; they're going to come back to the fire chief.

Councilman Briscione said last year he asked the question, are we complaint with whatever equipment, you made a point that certain equipment wasn't running and Councilman Briscione said what about the point that you made that equipment wasn't running and it came back to me that we're fully compliant by whatever standards that we were supposed to have. You said that we were fully compliant and that wasn't an issue, Now, if that's different, I would like to know that.

Mr. Slattery said some of the issues that were raised were when we had asked about the rescue truck. One of the issues about the rescue truck was that it didn't have seatbelts. The truck we have now currently does not have seat belts and FPA requires that it have seatbelts. The committee met and decided not to buy the rescue truck. They made a recommendation that the Council not buy the rescue truck. They didn't buy the rescue truck. Currently the rescue truck is in service without seat belts. Should an incident occur, with the rescue truck that results in an injury to one of the guys, the Fire Chief is responsible for letting him ride in the truck so at this point, we're almost to the point, we're not letting anybody ride in the truck so that was one of the issues that has come up. Some of the other issues I'm actually going to let the Fire Chief bring up. He wanted to bring them up. He had another meeting tonight so I told him I'd come here. COUNCILMAN BRISCIONE: And then your other point added.

Mr. Slattery said the other item was just that a person from fire and I assume the first aid would also like to have an additional person on Public Safety that would be a steady member of the committee. Councilman Briscione questioned it would be two fire, two first aid and Mr. Slattery said yes you would have your fire chief, either the assistant chief, the first assistant, the first lieutenant from the first aid or either that or selecting someone who would be always there year after year.

Councilman Briscione said that's double your representation on that Committee and Mr. Slattery responded because again, that was an issue that was raised, the representation. Obviously, it's police strong, also borough employee strong, and then fire chief and first aid captain are really two votes.

Councilman Briscione questioned what the second fire person was going to add and Mr. Slattery said the additional person is when the new fire chief came in this year, everything had to be explained to him because he wasn't at any of the meetings last year.

Mayor Gatta stated that was brought up and what the suggestion was because of that, is that at the last meeting to bring in the new chief so there is a better transition. Don't forget everyone is learning through this process but the most important thing is that you have to go back and you have to communicate. That means the fire chief has to go back and communicate to both houses what has been going on and we know it's not happening. Get input bring it back to Public Safety and it's meeting on a more regular basis for that one reason so you can get that input all the time so it's incumbent upon the chief and the captain to go back and make sure that which is discussed also be discussed with you. It's not in a vacuum we all work together.

Councilwoman Chaump asked if there was way we could put seatbelts in rescue truck and Mr. Slattery stated they looked into refurbishing this truck and add seatbelts. Unfortunately, you might as well buy another truck. It's two or three hundred thousand dollars. You could add seatbelts to the truck. When we went to different companies and asked them about adding seatbelts, no one wants the liability because that truck wasn't designed for seatbelts. The only way they can actually add them is to screw them into what's there. There's weight ratio.

Mayor Gatta said then when it was done to the school busses, it was a retro fit so with today's technology, she would imagine that they could retro fit them. Mr. Slattery said they can retro fit them; we just can't afford to do it. It can be done. It's not cost effective. It's better to buy a new truck at some point but that was one of the main safety issues that were brought up.

Councilwoman Kahle asked with the constant person, would it be acceptable if let's say, Public Safety said you couldn't have two and two; would it be acceptable instead of having the two and two just having a person that was appointed. Would that be something that you would want or do you like having it the chief? Mr. Slattery responded the chief has to be there and though the first aid would agree that the captain has to be there. They were asking for an additional person that would be more of a constant, someone could either always be there. Like the police chief is permanent on the committee, and the fire chief changes every year. The Borough Clerk would be a steady, year after year she is going to be there. I

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

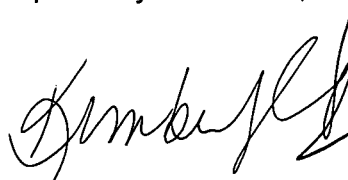
Councilwoman Chaump asked the Clerk to read resolution **R-05-75** approving the vouchers on the Bill List dated June 20, 2005 after which she moved to approve same. It was seconded by Councilwoman Johnson with the Clerk calling the roll and all members voting in the affirmative.

Bill listed dated June 20, 2005. CAPITAL TRUST TOTAL \$2,214.34, ESCROW TRUST TOTAL \$15,037.93, OPEN SPACE TRUST \$235.00, RECREATION TRUST \$135.00, 2004 VOUCHER PAID \$196,779.26, 2004 VOUCHER PAID THIS MEETING \$196,779.26, 2005 VOUCHER PAID \$8,218,620.63, 2005 VOUCHERS PAID THIS MEETING \$101,879.01, TOTAL 2005 VOUCHER \$8,320,499.64. (SEE BILL LIST).

As no one else wished to be heard Mayor Gatta moved to close the public portion of the meeting to go into closed session and it was seconded by Councilman Briscione and unanimously approved by the Council. .

At 10:30 p.m. the Council adjourned from Executive Session and returned to the regular meeting. Councilwoman Chaump moved to adjourn this meeting until the next regular meeting scheduled to be held on July 21, 2005 at 8:00 P.M. It was seconded by Councilman Briscione and approved by Council.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Kimberly A. Jungfer', with a long, sweeping horizontal line extending to the right.

KIMBERLY A. JUNGFER, RMC
BOROUGH CLERK