REGULAR MEETING MINUTES

Oceanport, New Jersey
June 20, 2002

REGULAR MEETING: The Regular Meeting of the Oceanport Mayor and Council was called to order on June 20, 2002 at 8:02 P.M. with Mayor Gemma stating the meeting had been property advertised in accordance with law.

MEMBERS PRESENT: Councilpersons Mahon, Apruzzi, Gatta, Wolfe and Mayor Gemma.

MEMBERS ABSENT: Councilpersons McGann and Silkworth.

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

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

As copies of the minutes from the regular meeting held on June 6, 2002 had been made available to the members of the Governing Body, Councilwoman Gatta moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Wolfe and approved by Council with the exception of Councilman Mahon who abstained from voting on the minutes because he was absent at that meeting.

CLERK'S REPORTS:

1. Police report for the month of MAY, 2002 and a copy will be posted on the bulletin board.
2. Resolutions renewing liquor licenses for the 2002/03 licensing period:

R-02-40 The Clerk read resolution **R-02-40** renewing the license of BOWI, Inc. t/a the Olde Wharf Inne after which Councilman Wolfe moved to approve same. It was seconded by Councilman Apruzzi and approved by Council.

R-02-41 The Clerk read resolution **R-02-41** renewing the license of Oceanport Spirits, Inc., after which Councilman Wolfe moved to approve same. It was seconded by Councilwoman Gatta and approved by Council.

R-02-42 The Clerk read resolution **R-02-42** renewing the pocket license of Arthur and Alvina, Inc. after which Councilman Wolfe moved to approve same. It was seconded by Councilman Apruzzi and approved by Council.

COMMITTEES:

COUNCILMAN MAHON: Councilman Mahon reported that the Water Watch Committee members are working hard over the past several weeks on the water shed area that surrounds Oceanport and in particular he wanted to highlight the efforts of our new member, Bob Hasfelt who attended a training seminar at Monmouth University and also participated along with the rest of the Water Watch Committee in a water shed clean up of Parker's Creek, which was featured in the May 24th issued of the Hub newspaper.

COUNCILMAN APRUZZI: Councilman Apruzzi commented that the Police Report for May shows that our Dispatchers received 1,183 calls and our Officers responded to 568 of those calls, which is an average monthly number over the year.

Councilman Apruzzi reported that we are working on an application to Green Acres for a loan and wanted to advise where we are on this application for Blackberry Bay and Sommers Parks. He continued the Recreation Committee members are working on the paperwork which will be submitted by the middle of August, which is the next round of funding from Green Acres and this Council is in a position to approve the required resolution at our July meeting to show our support of this application. He explained that the major amount of work will be at Blackberry Bay which will include major field renovation, well and sprinkler system, new tennis courts and new lighting, which will be more environmentally friendly then what we presently have.

Councilman Apruzzi advised that we are presently working on a new tot park at Charles Park and if you have been there recently you will notice that it has been excavated by our Public Works Department and a firm will be in shortly to install the new playground equipment and it will look similar to what we have already done at Blackberry Bay and the Community Center. He went on to comment that following the completion of this project, we have two more parks to do and that will complete all of our tot lot parks in the Borough. He also noted that this evening there were four artists painting at Charles Park taking advantage of the view.

Councilman Apruzzi wished everyone a very happy 4th of July.

COUNCILWOMAN GATTA: Councilwoman Gatta reported under First Aid that there was a meeting last night in which a new member was voted in and that was Chris Petrillo, who was recently elevated to the rank of Eagle Scout and he is one of our youngest First Aid members and he will be going off to college this coming fall, but he is currently completing his First Responder course and will soon be responding to calls.

Councilwoman Gatta advised that in the month of May, the Squad received 67 calls and expended 1,105 man/woman hours in just one month and many of those hours were at the Lions Fair with both vehicles.

Councilwoman Gatta commented that after last night's First Aid meeting which ran until almost 11 p.m., as they were walking out there was a first aid call and one hour later there was another call and there were two calls early this morning and one early this evening, which is a large amount of calls in one 24 hour period.

Councilwoman Gatta reported that last October, the 4th graders at Wolfhill School asked the Mayor and Council to consider burying a time capsule and the request was forwarded to the Recreation Committee, who worked with school officials, have arranged to have the capsule buried tomorrow at the Wolfhill School and it will be dug up and opened when they are seniors in high school.

Councilwoman Gatta wanted to again alert the residents about the West Nile virus, which she has done at previous meetings. She continued that Monmouth County has experienced a large number of dead crows that have tested positive for the virus and again urged residents to watch for standing water and change their birdbaths on a regular basis.

Councilwoman Gatta announced that the next meeting with the residents of Wardell Circle will be held on July 17th at 7:00 p.m. in the Borough Hall to discuss the plans for the reconstruction of Wardell Circle and our Borough Engineer will be there with a copy of the proposed plan and letters will be going out to the residents of that street.

Councilwoman Gatta reported that this past Monday at 9:30 a.m. she and representatives of the Board of Health, Environmental Commission and Waterways Committee went over for our annual walk through of the back stretch area of the race track and we were accompanied by Rich VanWagner and found everything to be very clean and everyone was very satisfied with what they saw.

R-02-43 **COUNCILMAN WOLFE:** Councilman Wolfe asked the Clerk to read resolution **R-02-43** authorizing the submission of a DOT grant application for the reconstruction of Burnt Mill Circle, after which he moved to approve same. It was seconded by Councilwoman Gatta and approved by Council.

R-02-44 Councilman Wolfe asked the Clerk to read resolution **R-02-44** authorizing the submission of a DOT grant application for the reconstruction of Lake Drive and Riverview Road, after which he moved to approve same. It was seconded by Councilman Apruzzi and approved by Council.

R-02-45 Councilman Wolfe asked the Clerk to read resolution **R-02-45** authorizing the submission of a DOT grant application for the reconstruction of Port-au-Peck Avenue from Pocahontas to Shrewsbury Avenue, after which he moved to approve same. It was seconded by Councilwoman Gatta and approved by Council.

Councilman Wolfe moved to return a $1,000 cash bond to Mr. Brian Hayes for Block 34, Lot 17 upon the recommendation of the Borough Engineer. It was seconded by Councilman Apruzzi and approved by Council.

Councilman Wolfe moved to appoint Sal Massaro, Jr., as the Borough's Building Inspector retroactive to June 1, 2002. It was seconded by Councilwoman Gatta and approved by Council.

Councilman Wolfe moved to forward a copy of a draft zoning ordinance amendment regarding a requirement for an Environmental Impact Statement to the Planning Board for their comment and review for consistency with the Borough's Master Plan. It was seconded by Councilman Mahon and approved by Council.

Councilman Wolfe extended congratulations to all the graduates of Maple Place and Shore Regional and urged everyone to drive safely with all the children out of school and out and about.

COUNCILMAN MCGANN: Absent.

COUNCILWOMAN SILKWORTH: Absent.

MAYOR GEMMA: Mayor Gemma commented that hopefully we will be receiving the draft ordinance back from the Planning Board quickly in order to get this ordinance into our zoning requirements, which will take into effect ground water and environmental matters on larger developments.

Mayor Gemma wished John Tavis, the Superintendent of Oceanport Schools the best of luck in his retirement.

Mayor Gemma advised that he will be attending the Change of Command ceremonies for Lt. Col. Steven Wood, Garrison Commander at Fort Monmouth and stated he would be missed and has been a very good friend to the Borough during the road closings after September 11th and he wished him well in his new command.

Mayor Gemma also offered his congratulations to all the graduates in the Borough and wished everyone a happy and safe July 4th holiday.

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

PETITIONS FROM THE PUBLIC:

Jean Hayek, 26 Ausable Avenue presented a petition signed by area residents regarding their request for support to have the silt dredged from the areas surrounding the Bridge Creek in an effort to prevent the breeding of mosquitoes. Mrs. Hayek commented that there is $12 million available for the Shrewsbury River and she asked if perhaps the Mayor could send a letter to Sen. Bennett to see if we can earmark some of this money for dredging purposes, since the mosquitoes are terrible and it is not possible to sit outside after sunset.

Councilman Wolfe explained that the dredging of the creeks is performed by the Monmouth County Mosquito Commission, which Mrs. Hayek was aware of, and he advised that they are presently working in the Borough and hopefully they will continue over to her side and he will find out what they are planning to do for this time frame.

Mayor Gemma asked Mrs. Hayek to find out exactly what funding this $12 million is, State, Federal, etc. so that when he writes to Sen. Bennett, he can give him a little more detail regarding the available funding, to which Mrs. Hayek stated she would be pleased to do so and would give him that information as soon as she got it.

Stu Briskey, 46 Werah Place asked Councilman Wolfe what the status was of the insurance money received for the siren replacement, to which Councilman Wolfe advised that of the approximately $10,000, there is $7,500 unspent in a special capital account earmarked for siren related items and $2,500 was spent from the $10,000 for the repairs to the siren at the Hook & Ladder Fire Com.

Mr. Briskey also raised a question about the Fire Chiefs tampering with Borough property and commented that he thought some Borough curbing had been removed and also that some locks were changed and asked what actions or policies are instituted in order to protect the taxpayers property, to which Councilman Wolfe commented that this is a personnel matter that was discussed recently by the Council and is still under review.

Mr. Ed Briskey, Manitto Place complained about the puddling that still remains in front of his home even after the contractor came in and made repairs. He commented that he thought the roadwork was an abomination and that the Council should consider firing the Engineer and felt strongly that this work needs to be reviewed by the Council. He felt that the road condition in front of his home was worse now after the contractor had been there, then it was before and this has been going on for approximately one year. He also asked who is accountable for this matter.

Mayor Gemma stated that ultimately the Council is accountable and he advised Mr. Briskey that the road was re-done and a lot of money was spent in that reconstruction project and if it is not

done to the standards, then Mr. Briskey is right but if it is done to the standards as contained in the specifications, than the roadway was done correctly.

Mr. Briskey asked for a letter from the Mayor advising him that the project was built according to the specs and Mayor Gemma stated that what will be done is when the contract makes his request for the final release of his bond, the issue will be is the road built to the specifications or not and if not, the bond will not be released.

Mr. Tony Sempkowski, 74 Cayuga Ave. stated he was here on behalf of the Cayuga residents to ask where the drainage project is for Cayuga and Gooseneck Point.

Mayor Gemma explained that we have adopted a bond ordinance approximately a month ago to raise the money necessary for the engineering required and that will in turn trigger the process on the Federal level to begin releasing the funding for these projects. Mayor Gemma stated according to Congressman Holt's office, receiving the funding in the fall and most likely the work would not begin before some time in 2003.

Mr. Sempkowski stated that it was his understanding that raises were given out across the board to Borough employees, to which Mayor Gemma stated that was basically correct. Mr. Smenkowski asked how is it determined which employees get raises and which don't and if there is an evaluation system in place.

Mayor Gemma responded that the majority of the raises are contractual raises from the Police Department, which is the largest number of employees.

Mr. Sempkowski stated he was questioning more like the Public Works Department, Fire Marshal, Building Inspector.

Mayor Gemma stated that the Building Department employees are unique in that the Department of Community Affairs review the amount of money taken in by that Department and wants to see that the same amount is spent for the running of that Department. Mayor Gemma continued that here in the Borough Offices, we try to index the raises with what the police are getting and we are not a large enough employer to have the standard type of job evaluation that he might be referencing, but we do review each of our employees work during the year and speak with their Department Heads. Mayor Gemma advised that there have been years when someone was not performing their duties that raises were not given to certain individuals.

Councilman Wolfe pointed out that there are only five full time employees running the Borough Front Offices and five full time employees in the Public Works Department and everyone else is part time and part time employees receive a lesser percentage increase in their raises then do full time employees.

Mr. Sempkowski asked who manages the part time employees, to which Mayor Gemma advised that ultimately, the Mayor and Council are in charge of all the employees.

Mr. Sempkowski commented that he has done some research on the issue of the Fire Marshal and found that back in March of 2001 the State was out here to conduct an inspection and there was a less than favorable report generated as a result of that and he assumed that would fall under Councilman Wolfe, as the Fire Commissioner. Mr. Sempkowski stated that many of those issues were important ones and he was appalled to find out how business was being conducted by the Fire

Marshal in this Borough and he asked if the Governing Body had seen a copy of this report, to which Mayor Gemma stated that we are aware of the report.

Mr. Sempkowski commented that according to that report, as it stands now, we are in compliance to a certain degree but not totally and one of the items falls on the Council and that would be the adoption of a new ordinance for fire prevention which was stated in that report. He asked if Mr. Slattery, the Fire Marshal, has responded back to the State, since he has to do so within 3 months time as to what he has done to rectify the problem.

Mayor Gemma advised that he believes that Mr. Slattery did respond to the report, but he does not have a copy of his letter to which Mr. Sempkowski stated that Mr. Slattery did not respond in writing to the State.

Mr. Sempkowski asked Councilman Wolfe if he communicates with Mr. Slattery, to which Councilman Wolfe responded that he has had communication with him as well as having him come in and speak with the Governing Body to review these issues after the first notification was received by the State and we have received nothing further on this matter from the State.

Mr. Sempkowski advised that the State was down here in March of this year, to which Councilman Wolfe asked if the Clerk was aware of representatives of the State coming down, to which she had no knowledge. Mr. Sempkowski commented that he spoke with the representative directly and stated that since Mr. Slattery's records were not being stored in the Borough Hall, they would have no reason to come here, since the records were stored at Mr. Slattery's place of business and as public records, should be kept on Borough property. Mr. Sempkowski stated another issue was that the money was somehow being diverted to the town and that money is dedicated specifically to fire prevention and any money generated as a result of that, cannot be spent anywhere else but for fire prevention, which is mandated by State Statute.

Mr. Sempkowski pointed out that the Governing Body is in violation right now by not having amended the fire prevention ordinance, which would reflect the new fee schedules, and Mayor Gemma asked if that included the matter of tenure for the Fire Marshal's position, to which he stated that it is contained in that amendment. Mayor Gemma stated that was one of the reasons we are still kicking this ordinance around, since it does contain the tenure issue, but Mr. Sempkowski stated he was speaking more of the adjustments to the fees and exactly what the job of the Fire Marshal is and continued there are life hazard and non life hazard inspections and asked Councilman Wolfe the number of inspections the Fire Marshal does, to which Councilman Wolfe stated although we get an annual report from Mr. Slattery, he did not have the numbers in front of him.

Mr. Sempkowski also pointed out that any amendments to the present ordinance now have to be reviewed before adoption by the State.

Councilman Wolfe asked the Borough Attorney if this is the ordinance he had prepared a while back, to which Mr. Margalotti responded that he did prepare a draft revision of the existing fire prevention ordinance, which was submitted to the Council for review and he believed it is still under study.

Mayor Gemma stated that at the time the State was coming out with additional statutes with regard to the tenure issue after a number of years and that was one of the concerns the Governing Body had with these revisions to the ordinance.

Councilman Wolfe asked the Borough Attorney to review this matter dealing with the proposed ordinance revisions to the Fire Prevention ordinance and report back to the Council.

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

Councilman Wolfe moved to approve the vouchers on the Bill List dated June 20, 2002. It was seconded by Councilman Apruzzi and unanimously approved by Council. TOTAL CAPITAL TRUST $26,611.86. TOTAL ESCROW TRUST $11,534.75. TOTAL 2001 VOUCHERS $4,715.37. 2002 VOUCHERS PAID $106,986.50. 2002 VOUCHERS PAID THIS MEETING $694,179.09. TOTAL 2002 VOUCHERS $801,165.59. (SEE BILL LIST)

At 8:48 p.m. Councilwoman Gatta moved to adjourn this meeting until the next regular meeting scheduled to be held on July 18, 2002 at 8:00 P.M. It was seconded by Councilman Apruzzi and unanimously approved by Council.

Respectfully submitted,

Patricia L. Varca

PATRICIA L. VARCA
BOROUGH CLERK