

REGULAR MEETING MINUTES

Oceanport, New Jersey
June 17, 2010

The Regular Meeting of the Oceanport Mayor and Council was called to order on June 17, 2010 at 8:01 p.m. with Mayor Mahon stating the meeting had been properly advertised in accordance with the law.

MEMBERS PRESENT: Councilpersons Bertekap, Briscione, Gallo, Irace, Kahle, Mayor Mahon

MEMBERS ABSENT: Councilman Johnson

OFFICIALS PRESENT: Borough Clerk, Kimberly A. Jungfer and Borough Attorney, John O. Bennett, III

INVOCATION: Borough Chaplain Robert Mills gave the invocation.

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

CONSENT AGENDA

1. Resolution authorizing the payment of bills. **R-10-91**
2. Resolution authorizing the engineering for the 2010 Road Program. **R-10-92**
3. Resolution authorizing the renewal of the liquor license for Oceanport Spirits. **R-10-93**
4. Resolution authorizing the renewal of the liquor license for Arthur & Alvina, Inc. **R-10-94**
5. Resolution authorizing tax refunds for overpayment. **R-10-95**
6. Approval of the Workshop meeting minutes of June 3, 2010.
7. Approval of the Regular meeting minutes of June 3, 2010.

The Clerk stated there were 7 items on the Consent Agenda and asked for a motion. Councilwoman Kahle made a motion to approve the Consent Agenda which was seconded by Councilman Irace and approved by Council.

CLERK/ADMINISTRATOR REPORT: Ms. Jungfer stated she was in receipt of the Police Report for May 2010, which had been distributed and would be posted.

COMMITTEES:

COUNCILMAN BERTEKAP: No report

COUNCILMAN BRISCIONE: Councilman Briscione reported on Public Safety Committee meeting, grant application has been filed by the Fire Department for turn-out gear and that the Fire Chief thanked Captain Baldanza for assistance with completing the grant application. Councilman Briscione also reported that the Police Department had re-applied for the COPS grant. Councilman Briscione reported that there were no major issues at the Lion's Strawberry Festival or the NJ Marathon, although First Aid had 26 calls during the Marathon. Councilman Briscione also gave details regarding a Police Presentation on June 29th at Maple Place School involving bicycles, skateboards, rollerblading and pedestrian safety.

COUNCILMAN GALLO: Councilman Gallo reported that the Recreation Committee would be holding a ribbon cutting ceremony for Charles Park at 12 noon on June 27th and invited Council and public to attend.

COUNCILMAN IRACE: No report

COUNCILWOMAN KAHLE: No report

MAYOR MAHON: Mayor Mahon reported on several issues including Monmouth Park Task Force advisement and outreach program to continue public support for the current meet which has been successful to date, news media opportunities to promote Monmouth Park, the availability of a box to the

Borough of Oceanport and its residents and how to go about reserving the box. Mayor Mahon also advised about a suggestion that was made on how to honor a special group of residents in the Winner's Circle during the Oceanport Stakes as this summer/year was the 65th Anniversary of VE Day – Victory in Europe and that an appropriate group would be World War II Veterans to recognize at Monmouth Park on that day and that he would be reaching out to various groups for persons so that no one was missed and invite them along with the Council to appear in the Winner's Circle and it would hopefully be apart of the national broadcast being held on that day along with a military fly-over for that day.

Mayor Mahon also commented on discussions regarding the Governor's proposal to cap property tax increases by controlling the growth of spending within local governments and that he had been invited to participate in a meeting by the Governor on June 22nd in Trenton as well as a telephone conference with Senator Jennifer Beck and Congressman Rush Holt in response to a letter that was sent regarding the use of the McAfee Center and that he would have more information for the Council as that goes forward.

Mayor Mahon also advised that the New Jersey Technology Council's program on the closing of Fort Monmouth would take place on July 27th in Eatontown and that he along with the mayors of Eatontown and Tinton Falls had been invited as panelists for the program and that he would be participating.

Mayor Mahon gave details on a Hoe Down event for the Epilepsy Foundation being held by Oceanport residents, the Parent family on Branch Avenue that upcoming weekend and that the Lion's Club was also holding an induction of their officers that weekend and as he was already committed to the Hoe Down, Council President Irace would be representing the Borough at the Lion's Club event and delivering a Proclamation recognizing Joyce Palmer who was being sworn in as their top officer.

The Mayor then opened the meeting for anyone from the public who wished to be heard.

PUBLIC:

Ed Miller, 94 Hiawatha Avenue, asked Mayor Mahon or Councilwoman Kahle to go over the sequence of responsibilities of the "superfund" sites at Fort Monmouth, who would be responsible and the timeline.

Councilwoman Kahle answered that the Army had taken responsibility and that they would be either remediating the sites – as indicated on one of the handouts she had given out that day, or they would "cap" those sites that they find only need the top covered to prevent any health concerns to the residents and that the party that assumes that property would have the responsibility to monitor and that the Army would continue to monitor until the property was assumed and overseen by the DEP as they are the agency that was aware of all the sites and would be continuing their own monitoring.

Councilman Briscione commented that they have everything identified there and depending upon what government program it comes under will determine how the sites get cleaned up and that Fort Monmouth was cleaner than any of the other bases in the fact that there were no munitions on the base but landfills and assorted other things and when the Federal government transfers the base stricter standards come in to play.

Mr. Miller asked who would be responsible for the testing especially the water bodies, streams that about the sites as Water Watch does not test for heavy metals.

Councilman Briscione answered that they could look it up but they are going to be monitored assumedly by State DEP and that uncapped landfills are not uncommon because they didn't start capping them until about 10 years ago or so but if they'd been recapped and they are in a stream bed then whose been monitoring them for the last 10 years when most of the damage has probably already been done if they were leeching and he doesn't know the answer to that.

Councilwoman Kahle stated that they were going to wait and see the results from all the streamlines, stabilization and the water monitoring and the ground field evaluations which were all going to be available next week and then would decide if more testing were needed further out.

Councilwoman Kahle continued that she had heard a rumor that they would be removing all of the docks and the marina which she brought up at the meeting and that the rumor was totally unfounded.

Mayor Mahon commented on the continuing process for the reuse of Fort Monmouth, the role of the current authority, FMERPA for the planning stage which was nearing the end of its role, the role of the next authority for the implementation of the redevelopment, the mandate for cleanup of contaminated sites before transfer of property, the means to transfer early with assignment of responsibility for cleanup of the contaminated property which requires signoff by the Governor of the State, the mandate that the United States was liable for any contamination for which the government was responsible that is discovered *after* the date of transfer.

Mr. Miller asked who was paying for the center aisle on East Main Street.

Mayor Mahon answered that there were 2 islands and both were constructed under a grant with a local match. The first one was done as part of the Jockey Club Estates project which was still under construction and was not yet under the Borough's jurisdiction in terms of maintenance and cleanup. The second phase being completed was funded 75% by grant and a local match and would be completely owned by the Borough once the contractor finished and was accepted by the Borough.

Mr. Miller asked what the dollar amount was for the 2nd part.

Councilman Briscione answered that it was Community Block Grant and he thought that the total cost of the job was... Mayor Mahon stated a quarter of a million dollars. Mr. Miller stated that our part was 25% of that. Councilman Briscione continued that the first part was not a grant but the developers on both sides paid but since the development on the east side did not take place Hovnanian fronted it and will be reimbursed later.

Mr. Miller then asked what their disposition was for the school budgets after they both went down starting with Oceanport which they have direct control over.

Councilman Irace responded that he chaired the committee for Oceanport's budget with Councilman Bertekap and Councilman Gallo, that they met on 2 separate occasions with the Board of Education 3 representatives – Mr. McVitty, their Business Administrator, their Superintendent and also the Borough's Business Administrator, Ms. Jungfer. After 2 meetings that were testy and difficult at times, the Committee recommended a cut of \$90,000 from the school budget which \$40,000 was cut from transportation and the teachers gave back \$50,000 from tuition reimbursements and that was determined after considering a number of areas such as eliminating an administrator position or sharing services.

Mayor Mahon stated that those cuts were on top of a \$540,000 reduction in State aid and that one thing that was different this time was that under Governor Corzine the Sea Bright school district was melded in with the Oceanport Schools and part of the process involved representation by Sea Bright and support of the cuts.

Mr. Miller asked and how about Shore Regional's.

Councilman Briscione answered it was similar committee represented by the sending districts and that the recommended budget cut was \$125,000 and that they could only recommend as they do not have to listen to them.

Mr. Miller asked if anyone knew if they were going to appeal.

Mayor Mahon answered that there were no appeals filed.

Ms. Jungfer stated that both budgets were done and their A4F's had already been filed with the County.

Mayor Mahon answered that the Council had certified the tax levy at a Special Meeting on May 17th.

Councilwoman Kahle commented that Shore Regional's teachers would be contributing to their insurance.

Mr. Miller made statements concerning a letter from Mr. Mazzei via John Gatta and that he was not speaking on behalf of Recreation but for himself and that he felt very strongly about 9/11 because he experienced Pearl Harbor when he was 7 years old, his service in the Marines and that more than 3,000 citizens were lost to terrorists and that a win-win situation would be to hold Summer's End on the Sunday prior to Labor Day and that would take care of any 9/11 situations going forth in the future and that it would also satisfy the parents that were vociferous about changing it from a Sunday to a Saturday.

Councilman Itrace commented that he was in New York City on 9/11 and that he had reached out to the woman in town that lost her husband as well as the President of the New Jersey 9/11 Memorial as he personally had been adamant about not holding it on 9/11 originally but both of them had indicated to him that the terrorists win if we do not continue with everyday lives and that mentioning of the date and holding some sort of ceremony but then going on with life was their strong opinion and he changed his mind.

Mr. Miller stated that it would not be appeasing the terrorists if the date was moved to the Sunday before Labor Day and would take care of any situations going forth in the future where 9/11 would fall on a Saturday or Sunday.

Mayor Mahon added that he had attended a meeting with the Seniors and that his initial reaction to the impact of September 11th was to move the Summer's End date but that his role was to act for others and not himself. He continued that he was moved by those Seniors who lived through December 7th, which is not a day set aside for reflection, and one senior mentioned that the children and Saturday night that Sunday night would not benefit them in the same way and they also suggested that the Borough do something entirely separate in terms of remembering the loss of 9/11 and do it somewhere other than the Summer's End Festival such as in the morning when the attacks occurred at those significant times and separate from the community's celebration. Majority of Council had the same sentiment and they feel that they are moving in an appropriate and respectful direction.

Mr. Miller asked if they would be holding a ceremony in the morning.

Mayor Mahon responded that they were still reviewing and that the Rec Committee thought it would be better to have a remembrance at the festival as more people would be attending but they would be making sure that whatever ceremony would be in a respectful manner and with the community in a significant way.

Councilman Briscione commented that there were many avenues by which to remember and that the candlelight ceremony set up by former Mayor Gemma at Blackberry Bay Park was one of the most touching thing he had ever been involved with in this town.

Sheri Amador, 6 Blue Point Cove, stated she was born on December 7th and she is reminded every year of that date but it doesn't stop her from celebrating her birthday and that they are very aware that there will be opinions on both sides of the fence and she admires the people that feel passionate about it and they are not asking them to change how they feel but to take into consideration for example her friend whose birthday is on 9/11 and the morning of she takes time to grieve for the losses and later in the day celebrates her birthday and that she believed both needs could be satisfied if the time was taken.

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

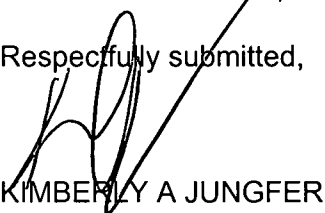
Bill List: Capital Trust \$66,618.45. Dog Registry \$175.80. Escrow Trust \$4,406.25. Off Duty Police Trust \$555.24. Open Space Trust \$2,561.81 P.O.A.A. \$275.00. Recreation Trust \$1,214.96. 2009 Vouchers Paid \$374,890.74. 2009 Vouchers Paid this Meeting \$2,510.00 Total 2009 Vouchers Paid \$377,400.74. 2010 Vouchers Paid \$9,542,35.24. 2010 Vouchers Paid this Meeting \$140,736.24. Total 2010 Vouchers Paid \$9,682,971.48

At 8:37 p.m. the Clerk read a Resolution authorizing the meeting to enter Executive Session for the purposes of purchase, lease or authorization of real property and matters related to the employment relationship on a motion made by Councilwoman Kahle and seconded by Councilman Briscione and approved by Council.

At 9:14 p.m. the Council returned from Executive Session and re-opened the Regular Meeting on a motion by Councilwoman Kahle which was seconded by Councilman Irace and approved by Council.

As there was no further business, the meeting was adjourned at 9:15 p.m. on a motion by Councilwoman Kahle, which was seconded by Councilman Irace and approved by Council.

Respectfully submitted,



KIMBERLY A JUNGFER
BOROUGH CLERK