

REGULAR MEETING

Oceanport, New Jersey
June 17, 1993

REGULAR MEETING: The regular meeting of the Oceanport Mayor and Council was held on June 17, 1993 at 8:00 P.M.

MEMBERS PRESENT: Councilpersons Clark, Terra, Filippone, Miller, Taylor, Wolfe and Mayor Cavanagh.

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

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

As copies of the minutes from the regular meeting held on June 3, 1993 had been made available for review by the Governing Body, Councilman Terra moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Clark and unanimously approved by Council.

CLERK'S REPORTS:

1. Resolutions renewing liquor licenses for the 1993/94 licensing period:

R-93-35 The Clerk read resolution R-93-35 renewing the liquor license of OLD WHARF CHEF'S INC. t/a Old Wharf Pub, after which Councilman Miller moved to approve same. It was seconded by Councilman Taylor and unanimously approved by Council.

R-93-36 The Clerk read resolution R-93-36 renewing the liquor license of ARTHUR & ALVINA, INC. t/a Dug Out Tavern, after which Councilman Taylor moved to approve same. It was seconded by Councilman Clark and unanimously approved by Council.

R-93-37 The Clerk read resolution R-93-37 renewing the liquor license of OCEANPORT WINES & LIQUORS, INC. t/a OWL, after which Councilman Taylor moved to approve same. It was seconded by Councilwoman Filippone and unanimously approved by Council.

COMMITTEES:

COUNCILMAN CLARK: NO REPORT.

ORD. #635 COUNCILMAN TERRA: Councilman Terra called for the second reading and public hearing of an amendment to the soil removal ordinance and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE SOIL REMOVAL ORDINANCE" OF THE BOROUGH OF OCEANPORT PASSED AND APPROVED ON APRIL 15, 1982.

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

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

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

The Clerk called the roll:

AYES: Councilpersons Clark, Terra, Filippone, Miller,
Taylor and Wolfe.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: NONE.

Councilman Terra then called for the introduction of an ordinance regarding political signs and asked the Clerk to read the proposed ordinance by title only as follows: AN ORDINANCE REGULATING THE PLACEMENT OF POLITICAL SIGNS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

The Clerk called the roll:

AYES: Councilpersons Clark, Terra, Filippone, Miller and Taylor.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: Councilman Wolfe.

Councilman Terra then moved to hold the public hearing on this ordinance at the meeting scheduled to be held on July 15, 1993 at 8:00 P.M. and to advertise same in accordance with law. It was seconded by Councilwoman Filippone.

The Clerk called the roll:

AYES: Councilpersons Clark, Terra, Filippone, Miller and Taylor.
NAYS: NONE.
ABSENT: NONE.
ABSTAIN: Councilman Wolfe.

R-93-38

Councilman Terra asked the Clerk to read resolution R-93-38 regarding the 1993 Fire Grant application in the amount of \$3,120, after which he moved to approve same. It was seconded by Councilman Taylor and unanimously approved by Council.

R-93-39

Councilman Terra then asked the Clerk to read resolution R-93-39 regarding the 1993 SSNP Grant application in the amount of \$11,394, after which he moved to approve same. It was seconded by Councilman Wolfe and unanimously approved by Council.

COUNCILWOMAN FILIPPONE: Councilwoman Filippone stated she wanted to give the Captain's Report for the Oceanport First Aid Squad for the month of May and advised that there were a total of 36 calls, 321 miles traveled and spent 570 man and woman hours for the month. She explained that one

of the reasons they had so many hours was the result of stand bys and they were on stand by for the Port-au-Peck Chemical Hose Company Flea Market, the Mental Health Association Polo Match, the Monmouth County Kennel Club Dog Show and a First Aid call to West Long Branch, as well as mutual aid calls to West Long Branch, Long Branch and Eatontown. She stated this shows how busy and active the volunteer members of our Squad are.

Councilwoman Filippone advised that the First Aid Squad needs new members and commented that they will be losing another member shortly, who is getting married and leaving the area and she has been a vital member of the Squad. She stated that anyone interested in giving of their time and the inclination to join the Squad, to contact John Connor, Captain of the Oceanport First Aid Squad.

COUNCILMAN MILLER: Councilman Miller commented that our Librarian for many years, Joan Schrama, recently passed away and he wanted to advise that the Library Association will be placing a plaque in her honor and purchasing \$100 in books in her memory, to be placed in the Library.

Councilman Miller reminded everyone that the Lions Club Strawberry Festival will be held on Monday, June 21 at the Maple Place School from 6-9 P.M. and tickets are available from him and also asked if Councilman Terra would put up a notice on the Community Events Sign.

Councilman Miller reported on May 26, the Monmouth County Board of Health Water Technician, Sue Williams, took her monthly set of approximately 8 water samples starting on the other side of Monmouth Park and Turtle Mews Creek going through Monmouth Park to just this side of the Casa Comida Bridge and as he has done for the past four years, he checked the results and found they had jumped dramatically from April and obviously, the reason is because the horses are back. He wanted to point out that the numbers, although quite high, are not nearly as high as they were in 1991. Councilman Miller explained that this is because of the role of many environmental groups in Monmouth County, along with the Borough's Waterways and Water Watch Committees, we brought this matter to the attention of the race track and they put a stop gap operation, which went from piling manure on open concrete slabs to a roll off type of system, where they have 30 yard dumpsters that are being filled with the manure and hay, which is picked up periodically during the day and placed into a barn.

Councilman Miller advised that the race track has spent approximately three quarters of a million dollars to put this system in operation and, they knew as well as everyone else, that this was a stop gap operation and we continued to monitor the effect. He stated that it did have a subtle effect as far as the rest of Branchport Creek, but did not really knock the numbers down and as an example he explained that he had data that shows that in August, which was right after a rainy period, from Casa Comida Bridge right down to the end, the numbers were in excess of 1600 and with our present samples taken in the Creek, they could have been way higher than 1600 since they do not do dilutions.

Councilman Miller commented that in the track last summer there were numbers way in excess of the numbers that we have this summer and because of that, there were efforts by this Council and by different environmental groups, and met with the track and told them that something had to be

done. He continued that the track came to us in the early fall with a plan at a cost of approximately \$1.8 million to put a self contained operation inside the track, that would take care of 99% of the problem. He reported that as of right now, the hold up is with the DEPE and the approval of the required permit. He explained that what must be done, as was pointed out by the Mayor, the Environmental Prosecutor, various environmentalists, Representatives of the DEPE, etc. who met in November and pointed out to the DEPE that this must be done and for some reason, the permit process has dragged and the reason we must have the permit is that if the track violates the conditions set forth in the permit, then the Monmouth County Board of Health can step in and can fine them.

Councilman Miller stated as soon as we received the latest information, he contacted the Monmouth County Board of Health and asked if Bill Simmons and Sue Williams would do a walk through and check to see how the best management practices were continuing and they will be doing that either today or in the very near future and will provide a report to the Council, since they are all quite concerned about what is going on and we also want to bring subtle pressure on the track and DEPE to get off the dime and issue the required permit.

Councilman Miller advised that we will continue to monitor this situation and reported that he has signs which state "Danger, Polluted Water, No Bathing" and these signs will be posted, as they have been in the past, with the help of himself and Councilmen Wolfe and Terra and they have been posted everywhere they can beginning at Casa Comida Bridge all the way down to the Pleasure Bay Bridge, Mr. Seeley's Marina, Mr. Remaley's Marina, Itaska Place and any other places he can find near the water and they will be posted as they have been in the past.

Councilman Miller commented that our Waterways Committee, which has been a Borough Committee since about 1974, took on the activity of monitoring seven sites starting at Casa Comida to the end of Port-au-Peck to check and see what the extended point source pollution problems as far as the track is concerned and that will start this coming Tuesday and this will be manned by basically four volunteers of the Committee with a volunteer boat, Chris Widdis, Steve Briskey, Jamie Weiss and Bart Boyle will be going out taking samples at the seven sites and the samples then taken over to the Monmouth County Board of Health and those results will be communicated to the Press at every Council meeting and posted on the entrance door of Borough Hall for the public, just as they were last summer and he has a folder of the results of the testing from last year, which communicated to the Atlanticville, the Asbury Park Press and the Two River Times and they were posted as well for the public to see.

Mayor Cavanagh stated that just so that the record is clear, he wanted to provide some dates to supplement what Councilman Miller just reported on and commented that the meeting that he referred to that the Mayor attended, did occur in November and was attended by a variety of environmental groups from Clean Ocean Action, Cindy Zip was present, Andy Wilner, the Littoral Society Baykeeper was present, Lester Jargowsky from the Monmouth County Board of Health was present, the Environmental Prosecutor was present and we were presented with, essentially more than the permit, because what we were actually presented with was a plan which is known as a New Jersey Pollutant Discharge Elimination System/ Discharge to Surface Water and the concept here, is that it is a closed

system and the outfalls that are causing the problems will be cut off from the river, so there will be no access to the river and we remain convinced that this is the only way to eliminate this problem despite the fact that we have attempted the best management practices, Monmouth Park has attempted, Councilman Miller and the rest of us on the dais are also convinced that the only solution is a long term solution.

Mayor Cavanagh continued that the application has been made to DEPE and the draft permit has been issued and they extended the comment period past May 29 and he believes that it is now closed and hopefully we are on a day to day for the permit to be issued. He stated when he saw the numbers Councilman Miller spoke of earlier, within a day he contacted Richard VanWagner, General Manager of Property and Government Affairs for the Sports Authority and requested he come down and speak with him about this situation. Mayor Cavanagh advised that Mr. VanWagner came to see him this morning and met for approximately one and one half hours discussing a variety of items, and Mr. VanWagner indicated to him that the Authority is ready to enter the stage of "request for proposals" where they put together the material to ask for proposals and as soon as they get the permit and Mr. VanWagner and everyone involved hopes that the DEPE will act soon to authorize this system since this is the best method available to combat the problem, which is of concern to everyone.

Mayor Cavanagh ended by stating that hopefully over the summer, this will take care of itself and by Fall, the closed system will be under construction.

Councilman Miller added that the Borough Water Watch Committee has been conducting all through the winter time, ambient testing of the six sites that begin west of the bridge out here and go all around to Troutman's Creek. He stated that on May 14, 1993 the water quality index was good at all the sites and the coliform count, which samples are all analyzed by the Northeast Monmouth County Sewerage Authority in Monmouth Beach by a qualified technician, were 20 at Oceanport Creek; 14 at the end of Port-au-Peck; 10 at Blackberry Bay; 12 off of Sommer's Park; 74 off of Wardell Circle which is now Branchport Creek and 72 in the confluence of Troutman's Creek. He stated the year before the numbers at those same sites were quite higher and we had reported that and he really believes that the numbers are down because of the work that Long Branch did in rebuilding their infrastructure.

Councilman Miller stated that what the Water Watch and Waterways Committees are trying to do is to pinpoint source points and non point source pollution. He stated they also test for nitrates, phosphates, etc. and we are looking at what we can do as a community to knock the level of nutrients that we put into the water down, so that we prevent algae blooms, fish kills, etc. He went on to state that it is like the saying, we have met the enemy and they are us in this particular case because we are responsible for non point source pollution and he stated that if the residents read the last Bulletin, there was an article by one of the members of our Water Watch Committee that pointed out things each of us could do to contribute to a knock down of these nutrients, such as fertilizer use, the cut it and leave it mowing program, etc. Councilman Miller also pointed out that this is all being done by volunteers.

Mayor Cavanagh stated just to make sure that the record is clear again, he thinks the only way to solve the problem as Councilman Miller has said, is to close the outfalls that are problematic and will be self contained and taken care of and all of the engineers seem to be convinced that this is going to work. He continued that it will also eliminate the usage of approximately 100,000 gallons per day by the track, because they will be able to recycle their own water so that the residents will get the benefit of recycled water and that will mean less water being utilized by the track, which will become a benefit to the rest of us in water pressure. He stated that hopefully the result of all this hard work will be the beginning of construction and as Councilman Miller points out, with the Long Branch Sewer Authority pipes now repaired and this system in place, he really thinks there will be a major difference in the river when both are operational and we have an opportunity to stand back and take a look, which is our long term goal and all of the people that have done all of the work for the thousands of hours, since we have been talking about this since 1986 will be rewarded, although we sit here this evening unhappy about the current situation, we are hoping that it will be resolved in the near future.

COUNCILMAN TAYLOR: Councilman Taylor advised that he attended a Recycling Program in Freehold last week which dealt with the mandatory recycling items they are adding in 1993 and he started off with advising the public that he has placed several dozen mixed starter kit bags and left them in the foyer of the Borough Hall which list various items that we are collecting. He continued that new telephone books will be delivered shortly to the Borough residents and we will be setting up a trailer for about one month in the Borough Hall parking lot and will be set up after the initial delivery of the phone books. Councilman Taylor stated there are four items in 1993 which are becoming mandatory to recycle and one is grass clippings; effective July, 1993 are batteries; July, 1993 all white goods, i.e. washers, dryer, etc. and September, 1993 are asphalt shingles. He reported that a notice will be in the next Bulletin advising the residents of the shingles, since we have been recycling the other items.

Councilman Taylor advised that residents who have used propane tanks, which are used on barbeque grills, may take them to Red Bank Recycling or Neptune Iron & Metal and there is no fee for this service.

Councilman Taylor reported under Drug Alliance, the funding has been restored for 1994 and they met last night and the grant for 1994 is due July 16, so we were discussing the programs for next year, which will include the return of the BABES Program, Center State, Project Youths and we are looking for a project for the senior citizens as well as thinking about conducting a Drug Fair and tying it in with the Sophomore Carnival, setting up some booths.

R-93-40

COUNCILMAN WOLFE: Councilman Wolfe asked the Clerk to read resolution R-93-40 regarding the DOT Trust Grant application for Pocano Avenue, after which he moved to approve same. It was seconded by Councilman Taylor and unanimously approved by Council.

R-93-41

Councilman Wolfe asked the Clerk to read resolution R-93-41 regarding the DOT Trust Grant application for Seneca Place, after which he moved to approve same. It was seconded by Councilman Taylor and unanimously approved by Council.

R-93-42

Councilman Wolfe then asked the Clerk to read resolution R-93-42 regarding the DOT Trust Grant application for Hiawatha Avenue, after which he moved to approve same. It was seconded by Councilman Taylor and unanimously approved by Council.

Councilman Wolfe moved to award a contract to Mazza & Sons, for the removal of storm debris located at Blackberry Bay Park in the amount of \$7,000. It was seconded by Councilman Taylor and unanimously approved by Council.

MAYOR CAVANAGH: Mayor Cavanagh appointed Gordon N. Gemma to fill a vacancy on the Planning Board as an Alternate #2, Class IV member, which term expires on December 31, 1993. Mayor Cavanagh stated that Mr. Gemma is an Attorney and a licensed professional planner and a member of the American Institute of Certified Planners. He also asked the Clerk to send Mr. Gemma a letter advising him of the dates and times of the Planning Board meetings.

Mayor Cavanagh noted that since the last public meeting, we have also lost Meg Caffyn, who was our Zoning Board of Adjustment Secretary for many years and he wanted to publicly recognize her contribution to the Borough and extend the condolences of the entire Borough Council to Mr. Caffyn and his family.

Mayor Cavanagh wanted to note that the Shore Regional Baseball Team won the State Group II Baseball Title a week ago Saturday and they are the number 1 Baseball Team in Group II for the entire State of New Jersey and he was lucky enough to watch the game and it was an excellent performance and thanked the Fire Chief for helping coordinate the return of the team with the fire engines with the other towns. He offered his congratulations to Coach Freddy Kemp and to members of the team as well.

Councilwoman Filippone offered her congratulations to Brian Cavanagh on the awards he received at the Awards Recognition Ceremony at Shore Regional last week and also congratulated his parents as well.

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

PETITIONS FROM THE PUBLIC:

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

Councilman Clark moved to approve the bills as listed on the Voucher Register dated June 17, 1993. It was seconded by Councilman Terra and approved by Council with the exception of Councilman Wolfe who abstained from voting on the bills due Clayton Block Co. TOTAL 1992 VOUCHERS \$25.00 TOTAL 1992 VOUCHERS PAID THIS MEETING \$3,940.80. TOTAL 1992 OPERATING FUND \$3,965.80. TOTAL 1993 VOUCHERS \$55,262.76. TOTAL 1993 VOUCHERS PAID THIS MEETING \$95,871.95. TOTAL 1993 OPERATING FUND \$151,134.71. TOTAL TRUST ACCOUNT \$2,151.08. TOTAL PUBLIC ASSISTANCE II ACCOUNT \$245.00. TOTAL MONEY MARKET ACCOUNT \$200,000.00. TOTAL GENERAL LEDGER-OCEANPORT BOARD OF EDUCATION \$359,752.60. TOTAL GENERAL LEDGER-REDEMPTION \$74.43. (SEE VOUCHER REGISTER)

At 8:35 P.M. Councilwoman Filippone moved to adjourn this meeting until the next regular meeting scheduled to be held on July 15, 1993 at 8:00 P.M. It was seconded by Councilman Terra and unanimously approved by Council.

Respectfully submitted,

Patricia L. Varca

PATRICIA L. VARCA
BOROUGH CLERK