REGULAR MEETING MINUTES

Oceanport, New Jersey
June 7, 2012

The Regular Meeting of the Oceanport Mayor and Council was called to order on June 7, 2012 at 9:38 P.M. with Mayor Mahon announcing that the meeting had been properly advertised in accordance with the law.

MEMBERS PRESENT: Councilpersons Gallo, Ibex, Irace, Bertekap, Johnson, Kahle, Mayor Mahon

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

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

Mayor Mahon advised that the next items on the Agenda – recognition of Anna Gallagher and commendation for Patrolman Gregory Lauretta had taken place earlier during the Workshop Meeting.

CLERK/ADMINISTRATOR REPORT: Ms. Jungfer stated there were 12 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 Ibex. Councilman Irace asked if there were any items from the Workshop Meeting being added to the Consent Agenda. Ms. Jungfer advised that those items would be presented by Councilman Ibex and Councilman Johnson during their reports. Mayor Mahon questioned if there was an amendment to Item 12. Councilwoman Kahle said yes she had provided them to Ms. Jungfer. As other members had amendments, Item 12 was removed and tabled for the next meeting. Ms. Jungfer stated that the motion on the floor from Councilwoman Kahle and second from Councilman Ibex for Items 1-11 with Item 12 tabled. Councilman Johnson asked about the approvals for the liquor licenses to which Ms. Jungfer explained that the Arthur and Alvina Inc. license was a pocket license that had received special approval from the Division of Alcoholic Beverage Control Commission through next year. Ms. Jungfer called the roll and Items 1-11 were approved by Council.

CONSENT AGENDA

1. Resolution authorizing the payment of bills. **R-12-87**
2. Resolution authorizing Lien Redemption. **R-12-88**
3. Resolution authorizing Lien Redemption **R-12-89**
4. Resolution authorizing Disabled Veteran's tax exemption. **R-12-90**
5. Resolution accepting the OEM Exercise Grant **R-12-91**
6. Resolution amending the 2012 Budget to add an item of revenue; OEM Exercise Grant **R-12-92**
7. Resolution authorizing maintenance by the Borough of Block 84, Lot 10, 13 Belmar Ave **R-12-93**
8. Resolution renewing the liquor license of Oceanport Spirits. **R-12-94**
9. Resolution renewing the liquor license of Arthur and Alvina Inc. (Pocket License) **R-12-95**
10. Approval of the Workshop meeting minutes of May 17, 2012.
11. Approval of the Regular meeting minutes of May 17, 2012.
12. ~~Approval of the Executive Session minutes of May 17, 2012.~~

Ms. Jungfer also advised that she was in receipt of the Police Report for May 2012, which had been distributed and would be posted.

COMMITTEES:

COUNCILMAN GALLO: No report

COUNCILMAN IBEX:

1. Resolution authorizing the purchase of the digital video equipment by the Police Dept. **R-12-96**

Councilman Ibex made a motion to approve a resolution authorizing the purchase of the digital video equipment for the Police fleet as outlined in the quote based on the State contract which was seconded by Councilwoman Kahle. Mayor Mahon added that the Police Chief had advised between the Workshop and Regular meetings that those items were in fact the current State contract pricing for that as the company was now on State contracting and they weren't previously.

The Clerk called roll:

AYES: Gallo, Ibex, Bertekap, Kahle
NAYES: Irace, Johnson
ABSTAIN: None
ABSENT: None

Councilman Johnson explained that he thought the money would be better spent on license plate readers and that he did not know enough about the technology other than it was outdated.

The Clerk stated that the motion carried.

COUNCILMAN IRACE: Councilman Irace advised that the Borough's librarian Michele was being transferred to Ocean Township and wanted to thank her for the 19 years of service that she gave the Borough. Even though the library was a County branch, she was like family, one of our own and that they would miss her.

Councilman Johnson asked if a resolution could be done for Michele which everyone agreed was a good idea.

COUNCILMAN BERTEKAP: Councilman Bertekap announced that the Recreation Committee would be holding "movies in the park" starting July 29 showing "The Incredibles" and invited everyone out.

Councilman Bertekap also moved to appoint Greg Lockwood to the Parks and Recreation Committee which was seconded by Councilman Johnson and approved by Council.

Mayor Mahon asked about the remaining 2 vacancies and if anyone from the sports organizations had responded. Councilman Bertekap answered no, but there had been a few people that expressed interest at first but had not attended the required number of meetings.

COUNCILMAN JOHNSON:

1. 2ND reading and public hearing of an amendment to the Salary Ordinance. **#905**
2. Introduction of an amendment to Chapter 64 of the code: Vehicle and Traffic.
3. Introduction of an amendment to Chapter 267 of the code: Noise
4. Introduction of an amendment to

Councilman Johnson called for the 2nd reading and public hearing of "**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED MARCH 16, 1939"** and then asked the Clerk to read the affidavit of publication by title only.

Mayor Mahon then opened the meeting to the public for anyone who wished to be heard. As no one from the public wished to be heard Mayor Mahon closed the public portion.

Councilman Johnson then made a motion to adopt the Ordinance on second and final reading and advertise same in accordance with the law, which was seconded by Councilman Irace.

The Clerk called roll:

AYES: Gallo, Ibex, Irace, Bertekap, Johnson, Kahle

NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

Councilman Johnson called for the introduction of "**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 64 SECTION 34 SCHEDULE II 'NO STOPPING, STANDING OR PARKING CERTAIN HOURS" OF AN ORDINANCE ENTITLED VEHICLE AND TRAFFIC OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY"** and then asked the Clerk to read the proposed Ordinance by title only, after which Councilman Johnson moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of June 21, 2012 and to advertise same in accordance with the law and was seconded by Councilman Irace.

The Clerk called roll:

AYES: Ibex, Irace, Gallo, Bertekap, Johnson, Kahle
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

Councilman Johnson called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 267 OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED "NOISE" TO AMEND AND SUPPLEMENT SECTION 267-1.E"** and then asked the Clerk to read the proposed Ordinance by title only. Ms. Jungfer asked the Council if they wished to amend the time from 6pm to 7pm on Saturdays as discussed with the resident during workshop because this would be the time to do it as if it were changed after introduction and publication the amendment of the ordinance would have to begin all over again. Mayor Mahon asked if there were any objections to amending the time as suggested by the resident advancing it from Saturday and Sunday 6pm to 8pm. Councilwoman Kahle expressed concern for those that are entertaining on weekends for dinner outside while a neighbor was weed whacking could be problematic. Councilman Johnson said he was good with the 7pm time on Saturday and Sundays. Councilman Gallo said that was a good compromise. Councilwoman Kahle said she wanted 6pm and Councilman Irace agreed with same. Mayor Mahon asked if there were any objections then to the 9am – 6pm time on Saturdays and Sundays with Councilman Johnson objecting. Councilman Ibex said he was fine with 7pm. Mayor Mahon stated there were 2 for 7pm – and asked all in favor? There were ayes and nayes and it was determined that there would be no change to the Saturday and Sunday stop time. Councilman Johnson moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of June 21, 2012 and to advertise same in accordance with the law and was seconded by Councilman Irace.

The Clerk called roll:

AYES: Ibex, Irace, Gallo, Bertekap, Johnson, Kahle
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

Councilman Johnson called for the introduction of "**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 78-6(A) "POSITIONS AND APPOINTMENTS" OF CHAPTER 78 ENTITLED "POLICE DEPARMENT" OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF**

NEW JERSEY" and then asked the Clerk to read the proposed Ordinance by title only, after which Councilman Johnson moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of June 21, 2012 and to advertise same in accordance with the law and was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES: Ibex, Irace, Gallo, Bertekap, Johnson, Kahle
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

Councilman Johnson announced that the Strawberry Festival was being held the next evening at the Maple Place School.

COUNCILWOMAN KAHLE: No report

MAYOR MAHON: Mayor Mahon reported on items including the Hook & Ladder's invitation to the Governing Body to attend their annual picnic at the firehouse on June 23 which this year would be celebrating more than 100 years of service to the community, the Coastal Communities program, an invitation to attend the Maple Place graduation on a night that he had a prior commitment and asked Council President to attend on his behalf, and an invitation to the Shore Regional graduation ceremonies at Monmouth University on June 20th. Mayor Mahon also advised that there had been another meeting involving the Borough's COAH obligation and ongoing litigation which would be discussed further in executive session.

Mayor Mahon also reported on Monmouth Park's opening, hosting the parking for Bamboozled and related issues such as traffic and that the Bamboozled sponsors had discussed and would be making a community benefit, the NJ Marathon and the frozen zones created by this year's route and strong criticism by residents and a request by the Borough to create a new route for the next year that would eliminate those frozen zones and that they would be working on it. Mayor Mahon also reported that since Monmouth Park's opening day there has been increased attendance including 23,000 attendees on Memorial Day weekend and in comparison the opening in 1946 was 18,000 so that was good news and that there would be an Oceanport stakes prior to the running of the Haskell on July 29. Mayor Mahon spoke about the traffic issues on Route 36 and had received assistance from Assemblyman Declan O'Scanlon with the D.O.T. Mayor Mahon said that the Borough had had meetings with the DCA with Ms. Jungfer taking the lead and that an agreement had been reached that would allow the Borough to perform inspections of permits for festivals, events and for construction at the facility in conjunction with the DCA which would do the plan review on the larger projects and there would be an 80/20 split on the permit fees so the Borough would be compensated for those inspections as they worked towards a transition from State operation to private leaseholder operation.

Mayor Mahon also reported on his attendance at a welcome reception for the new CEO/President of Barnabas Health, Barry H. Ostrowski – operator of Monmouth Medical Center in Long Branch which has been a great sponsor within the community and fostering health care initiatives within the Borough – sponsoring the Breast Cancer Awareness month in October as well as the Borough's Summer's End Festival.

Mayor Mahon discussed an ongoing topic on how best to get information out to the Borough's residents – an issue that came to the forefront after Hurricane Irene, the options available through the Borough's CodeRed system, the application of the Open Public Records Act on private email addresses and whether or not OPRA applies to information retained by a third party. Mayor Mahon gave an example such as a training exercise – something that had happened earlier in the week – information that went out that Oceanport hadn't posted anything on the website or do a CodeRed and that the information made

available to the Borough hadn't given them any elevated concern that the residents experienced the last 3 nights. And that was why they would be working on another means by which to notify the Borough's residents.

Mayor Mahon also commented that he and Councilman Irace had attended a father/son whiffle ball tournament at Wolf Hill School which was a great time.

Mayor Mahon lastly mentioned that the operators of Monmouth Park were preparing proposals to submit for hosting the Breeder's Cup as early as 2013 which was a great event in 2007 despite the rain. There was also discussion about the Governor's support for sports wagering and where it would and that the voters had passed a referendum approving it.

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

PUBLIC:

Police Captain Dan Barcus commented that West Long Branch had a system called Nixle which was another option for getting information out to the public and gave some details on how it worked but that it would depend on residents signing up.

Councilman Irace asked if the Police Department was looking into a neighborhood watch program like the one West Long Branch implemented. Captain Barcus commented that their issues were differently than Oceanport's but that they wanted to see how it responded in other towns before looking into it.

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

Bill List: Ad Hoc Trust $158.41 Capital Trust $22,078.98 Dog Registry $125.00 Fireworks Trust $60.00 Open Space Trust $.00 Water Watch Trust $264.05 2011 Vouchers Paid $304,955.86 2011 Vouchers Paid this Meeting $15,063.33 Total 2011 Vouchers Paid $320,019.19 2012 Vouchers Paid $10,236,272.23 2012 Vouchers Paid this Meeting $75,151.26. Total 2012 Vouchers Paid $10,311,423.49

At 10:04 p.m. the Clerk read a Resolution authorizing the meeting to enter Executive Session for the purposes of property acquisition and personnel matters on a motion made by Councilwoman Kahle and seconded by Councilman Ibex and approved by Council.

At 10:40 p.m. the Council returned from Executive Session and re-opened the Regular Meeting on a motion by Councilman Ibex which was seconded by Councilwoman Kahle and approved by Council.

Mayor Mahon commented that it's been noticed that other communities that use Class I or II's that don't have listed as a requirement in the job advertisement that they have already gone through the academy and they seem to get more applicants. Mayor Mahon said they want to have more applicants and questioned what would be the costs involved. Chief Sutton answered that the cost for Class I he believed was $100 but that they were done for this year and would not be available until next year and Class I's could not fill in for regular duty shifts. Mayor Mahon said then using them with the limitations what would it be for Class II. Captain Barcus answered $250 for the academy fee, purchase of uniforms, weapon, ammunition, etc. for their use in the academy and Federal law requires that they be paid a salary while attending the academy. Mayor Mahon asked how long was the academy. Captain Barcus answered depending on which one – day class up to 3 months or night class – 3 nights per week for 9 months. Mayor Mahon asked then going with the shorter one what would be the cost – approximately $15,000? Councilwoman Kahle requested that they put in writing. Mayor Mahon agreed and asked the Chief and Captain to provide them with the costs in writing in the event the Council wished to advertise the position based on the Borough sending to the Academy. Captain Barcus added that there would be additional costs for the background checks, interviews, etc. as the number of applicants would increase tenfold. Mayor Mahon responded that it was the general feeling of the Council that they would like to create opportunities for local people to be better positioned to get into the local police force how would they accomplish that.

Captain Barcus answered that it should be advertised that it was open without certifications required but place a residency requirement first and see what that would bring. Mayor Mahon said their not looking to open it up that night but want the information so the Council had what they needed for future decisions.

Mayor Mahon said the next item for consideration was the recommendation by the Public Safety Committee on the appointment of two Class II specials.

Councilman Ibex made a motion to approve a Resolution appointing the two Class II Specials to the Police Department as recommended by the Public Safety Committee which was seconded by Councilwoman Kahle. **R-12-97**

The Clerk called roll:

AYES:	Gallo, Ibex, Bertekap, Kahle
NAYES:	Irace, Johnson
ABSTAIN:	None
ABSENT:	None

The Clerk stated that the motion carried.

There was discussion on what was needed to get the two persons appointed and Mayor Mahon stated that the appointments were for Class II extending up to and ends on December 31, 2012 and were subject to reappointment on January 1st and that the Council was specific that there was no entitlement to advancement to a Class A position and that the application process reopens in the event of an opening for a Class A officer.

As there was no further business, the meeting was adjourned at 10:48 p.m. on a motion by Councilman Ibex, which was seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

KIMBERLY A JUNGFER
BOROUGH CLERK