

REGULAR MEETING MINUTES

Oceanport, New Jersey
May 21, 2009

The Regular Meeting of the Oceanport Mayor and Council was called to order on May 21, 2009 at 8:23 P.M. with Mayor Mahon stating the meeting had been properly advertised in accordance with the law.

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

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

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-09-73**
2. Resolution Authorizing a Tax Refund **R-09-74**
3. Resolution Authorizing Veteran Tax Deductions. **R-09-75**
4. Resolution Authorizing Field Usage. **R-09-76**
5. Approval of the Workshop minutes of May 7, 2009
6. Approval of the Regular minutes of May 7, 2009
7. Approval, Raffle Application, Middlesex County Bar Fd. On Premise Merchandise 7/24/09.
8. Approval, Raffle Application, Middlesex County Bar Fd. On Premises 50/50 7/24/09.
9. Approval Authorizing an Environmental Assessment for Charles Park

The Clerk stated there were 9 items listed on the Consent Agenda and described the 9th one which had been added and asked for a motion. Councilman Johnson asked that Items 5, 6 and 9 be removed.

Councilman Ibex made a motion to approve the remaining items on the Consent Agenda, which was seconded by Councilman Irace and approved by the Council with the exception of Councilman Johnson who abstained.

The Clerk asked for a motion on Item #5. Councilman Gallo moved to approve Item #5, which was seconded by Councilman Ibex and approved by Council with the exception of Councilman Johnson who abstained.

The Clerk asked for a motion on Item #6. Councilwoman Kahle moved to approve Item #6, which was seconded by Councilman Ibex and approved by Council with the exception of Councilman Johnson who abstained.

The Clerk asked for a motion on Item #9. Councilman Gallo moved to approve Item #9, which was seconded by Councilman Ibex and approved by Council with the exception of Councilman Johnson and Councilwoman Kahle whom voted no.

CLERK'S REPORT: The Clerk stated she was in receipt of the Police Report for April 2009, which had been distributed and would be posted.

COMMITTEES:

COUNCILMAN BRISCIONE: Councilman Briscione thanked Pastor Bob for the strawberry shortcake and then reported on Engineering and the Borough's application to the Department of Transportation for Phase II sidewalk projects for Maple Place School along Shrewsbury and Branchport Avenues and Phase III sidewalks for the East Main Street streetscape and thanked the Borough Engineer for making timely applications for both.

COUNCILMAN GALLO: Councilman Gallo advised everyone of the Memorial Day Services and gave the details. Councilman Gallo also reported that the soil replacement and seeding work at Community Center was completed.

COUNCILMAN IBEX: No report

COUNCILMAN JOHNSON: Councilman Johnson called for the 2nd reading and public hearing of **AN ORDINANCE SETTING FORTH AND ADOPTING AN AMENDMENT TO CHAPTER 64, SECTION 52, VEHICLES AND TRAFFIC OF THE CODE OF THE BOROUGH OF OCEANPORT REDUCING THE SPEED LIMIT ON EAST MAIN STREET FROM 30 MPH TO 25 MPH** and then asked the Clerk to read the affidavit of publication.

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 of the hearing on a motion for Councilman Gallo which was seconded by Councilman Ibex.

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: Briscione, Gallo, Ibex, Johnson, Irace, Kahle
NAYES: None
ABSTAIN: None
ABSENT: None

COUNCILMAN IRACE: Councilman Irace gave a presentation of the municipal budget using a PowerPoint presentation with items discussed including the 2008 Tax Levy Breakdown, the proposed Municipal Tax Rate, the largest appropriation increases in 2009, how the taxpayer is affected, various cost saving measures that were taken, operating expenses and shared services. Councilman Irace also made a statement regarding the reductions in State aid and its affects on the Borough and the quality of life that is threatened.

Councilman Irace then opened the public hearing on the budget.

PUBLIC:

Valerie Mayro, 91 Paddock Court, commented on the budget, specifically the police and that they are 30% of the budget. She asked the Council to freeze wages and gave the reasons behind her request and asked questions about alternatives that could be done to save. Ms. Mayro also asked questions about the type of assignments the police perform, such as traffic control for Monmouth Park, and who pays for that work.

Councilman Irace answered some of her questions but also stated that he could not discuss some items due to ongoing negotiations with the police.

There was additional discussion about the possibility of shared services between towns and grant monies that might be available that could assist in keeping costs down.

As no one else from the public wished to be heard, Mayor Mahon closed the public hearing on the budget on a motion by Councilman Irace which was seconded by Councilman Johnson.

As the budget had not yet been approved by the State, the Council was not able to vote on the budget.

Councilman Briscione asked Mr. Oliwa questions about the pension deferral, the school tax payment deferral and payment options which Mr. Oliwa gave explanations.

Councilman Ibex asked Mr. Oliwa if he was aware of any school tax deferral ever being paid which Mr. Oliwa gave an explanation.

COUNCILWOMAN KAHLE: Councilwoman Kahle announced that the banner campaign was underway and that banner choices were available on the Borough's website and gave additional details.

Councilwoman Kahle also reported that the new Welcome signs should be done and that they would be having a ribbon cutting to thank the sponsors.

Councilwoman Kahle also reported on the Environmental Commission's activities including review of the environmental report on Fort Monmouth, the issues going on with Monmouth Park and a project regarding Sustainable New Jersey and who was involved.

Councilwoman Kahle lastly thanked Pastor Bob for the strawberry shortcake and encouraged everyone to attend the ongoing Strawberry Lion's Fair this week.

MAYOR MAHON: Mayor Mahon began his report by nominating Jeanne Smith for the position of Deputy Borough Clerk which was moved by Councilman Johnson and seconded by Councilman Ibex which was approved by the Council with the following comments:

Councilman Johnson commented that he worked hand in hand with Ms. Smith on the Planning Board and that there was nobody more deserving of the promotion.

Councilwoman Kahle commented that she has seen how the responsibilities of Ms. Smith's job has grown in the last couple of years that she has been here and it has been a pleasure to have her even though she is concerned about the arbitrary figure and that she would rather see a more comprehensive report on how much and why and job responsibilities but had no problem with promoting her.

As the motion passed, Mr. Bennett administered the Oath Of Office to Ms. Smith.

Mayor Mahon asked for a motion for the appointment of Kimberly Jungfer to the position of Clerk/Administrator which was moved by Councilman Ibex and seconded by Councilman Irace and was approved by the Council with the following comments:

Councilman Briscione voted yes and commented that it was an economically sensible solution that fits the recommendations of the Blue Ribbon Panel that previously looked into the need for an Administrator and that Ms. Jungfer currently handles many of the functions of an Administrator without the title or remuneration.

Councilman Gallo commented that he was for a Borough Administrator but thought that they would opportunity to advertise for the position and see what was out there and that when it came up a couple of years ago with the previous Administration a number of council members wanted to look into and make recommendations but it was knocked down and what was created was the Blue Ribbon Panel which consisted of Borough residents. He continued that they looked into the running of Oceanport and make their recommendations which they did and the present Council adopted some of their ideas but one of them was that the Administrator should have experience and possibly share with another community as a shared service which he agreed with. Councilman Gallo stated that another possibility which is before them now was a retiring Tax Collector, a possible position of Tax Collector/Administrator could work for this community. These areas need to be explored and to look for an experienced Administrator. Councilman Gallo finished by stating that the appointment does not follow or look into any other candidate and that he could not support it and voted no.

Councilman Ibex stated that he wholeheartedly mirrored the comments of Councilman Briscione and with great pleasure and honor that he voted yes and that it was a long time coming and well-deserved.

Councilman Johnson commented that he was also 100% in favor for having a Borough Administrator but unfortunately he believed the position required a different skill set as it is the most important position in the Borough, and no knock on Ms. Jungfer, but he had to vote no.

Councilman Irace voted yes.

Councilwoman Kahle stated that her concern with the appointment is that it was coming at a time when the Borough is deferring the school tax, \$350,000.00 because they can't afford to pay it, they are deferring the Borough's pension payments as they can't afford not to and they've asked the Borough's employees to take the 2% salary increase and contribute to their insurance plan for the first time as they cannot afford to continue to pay the 100% that the Borough was paying. She continued that the Borough is actively looking to outsource its dispatch service to cut spending, actively looking to shared services of the Borough's Public Works department to cut spending, shared services with their courts and in the current economic climate she doesn't believe it appropriate to create a new position with \$15,000.00. She stated she thinks it's a bad direction for the Borough to take and as a taxpayer she believes it to be a frivolous expense and voted no.

The Clerk stated there was a tie and asked Mayor Mahon for his vote. Mayor Mahon voted yes. The Clerk stated that the motion carried.

Mayor Mahon thanked everyone and that he understood it was a difficult decision. For him personally in the relatively short time that he has been Mayor that Ms. Jungfer has certainly been responsible to the needs and obligations that he has imposed on her and that it is difficult to put a handle on what each of them desires which is a full time Administrator in this difficult economic time. However there is a long list of things that they can do, must do and are doing and as volunteer members of the Governing Body he can say that they rely on their own skill and ability to make contact with the departments and employees that they are responsible for as Committee heads or Mayors in the course of the day. And this effort is aided on a daily basis by their contact with and through Ms. Jungfer and that he thinks she has stepped up and done an extraordinary job in a capacity which she did not legitimately have until this appointment. Mayor Mahon continued that he understood the Council's reluctance to fully support the appointment but he believes this was the best answer at this time and that Ms. Jungfer has shown the ability through his experience with her in the last 18 months and she has shown the ability to be that Administrator that was desperately needed and down the road gain the experience to make those decisions that they need her to make. Mayor Mahon thanked the Council again for contributing the way that they had to making the decision and respects the way that it was handled. He continued that this was the first time as a Mayor that he had voted and it was not along political lines but along lines that they believe in in terms of ideals and philosophy and that in due time Ms. Jungfer will be the example of the Administrator that they hoped for and the Borough needs.

Mayor Mahon announced that as of June 7th, the Captain of the First Aid Squad, a civilian employee at Fort Monmouth will be deployed to Iraq and that she has everyone's hopes and prayers for her safe return and asked everyone to give her a good word and pray for her.

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

PUBLIC:

Gordon Dietz, 21 Hiawatha Avenue, stated he was unaware that as of a couple of weeks ago that he needed a boat permit and though it is not a huge amount he asked if he was being discriminated against and what is he getting for the \$15 and where is it going as there have been no improvements to the boat ramp which has holes and rusty bolts. Mr. Dietz also commented on the parking area where there was supposed to be parking for trailers only and one can't turn a boat around and that the police do nothing.

Mayor Mahon explained how the fee was implemented and why it conforms with Green Acres and that all of the money that is collected goes into Open Space and can only be used for purchases or acquisitions expenses that are associated with the park itself. Mayor Mahon also explained that Oceanport was one of the few facilities that did not have a charge and as a result the activity level was much higher

and that in order to relieve some of the traffic having a charge balanced the Borough out with other communities.

Mr. Dietz also commented about the parking that takes place where the hockey rink is located and asked if that was being enforced.

Mayor Mahon assured Mr. Dietz that he would pass the information along to the Police Chief. Councilman Gallo also commented that there have been tickets given recently for parking in that area.

Mr. Dietz also commented about the construction of the hockey rink in the area that was supposed to be for trailer parking.

Councilman Ibez stated that he would follow up with the Police Chief to be sure that the rules were followed and adhered to.

Councilman Briscione commented that there was a proposal to upgrade the boat ramp a few years ago and didn't get through Recreation and that his comments should be referred to them.

Rob Donohoe, 21 Elizabeth Drive, stated that he had concerns about a group home that had been established in his neighborhood and asked about how the Borough was addressing the matter as there has been increased traffic and asked if they were aware of the issue.

Mr. Bennett responded that the matter had come up in executive session and that Mayor and Council have heard from several of the neighbors in that area and have asked the Zoning Code Enforcement Officer as well as himself to become involved in the matter. Mr. Bennett explained where they were at in addressing the matter and some of the items that they have to evaluate and consider and when he anticipated a recommendation or action to be taken.

Valerie Mayro asked what constituted a group home which Mr. Bennett gave a general description of the definition of group home.

Mr. Donohoe stated for clarification that his complaint was not about the people that lived there but the other activities going on outside of it and the other people taking care of the people that live there.

Helen Pfeaff, Pocohontas Avenue, member of the Oceanport Garden Club, commented that she attends to the Trinity Park butterfly garden and one day she observed caution signs that stated pesticides had been applied and that she had concerns with the Borough's use of toxic materials especially in a town that is surrounded by water where those toxins can wash into the waterways. She stated that she has observed other towns that aren't voted #1 who have stopped using pesticides in their parks. She made additional comments about the use of chemicals such as in Vietnam which the Government finally admitted was bad and gave other examples of similar events.

Councilman Briscione responded that she made a very good point and that there has been an issue about spending a lot of money on the parks and keep them up and playable for the Borough's athletic leagues but at the same time a number of them participated in the water meeting with regard to Monmouth Park and seeing the commitment they are making to clean the water and at the same time the Borough has parks along the water and are using pesticides to control weeds. He continued that Rutgers had come in and gave the Borough a plan for maintaining the parks and the Borough was trying to implement that but he plans to go to them and find if there is a way to do it pesticide and chemical free and hopefully in conjunction with Councilwoman Kahle who is involved with Sustainable Communities and with the Environmental Commission that they can come up with something that transitions to a non-toxic program.

Ms. Pfeaff asked about the bridge that goes over Branchport Creek and that there are no signs stating that the water is contaminated and she has seen people fishing there. Councilman Briscione stated that there have been signs on the Branchport Bridge and that the Monmouth County Board of Health had installed signs.

Councilwoman Kahle also commented that the Environmental Commission shares her concerns about the use of the pesticides and they are formulating a letter to the Council regarding that and they are looking to implement next year as 2009 had already been contracted and that she was right – when you live in a waterfront community they shouldn't be using anything that might go into the waterways.

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

Bill List: Escrow Trust \$1,430.00. Off Duty Police Trust \$37.43. Open Space Trust \$17,596.25. Recreation Trust \$1,995.00. Trust Other \$1,262.50. 2008 Vouchers Paid \$164,348.66. 2008 Vouchers Paid this Meeting \$937.97. Total 2008 Vouchers Paid \$165,286.63 2009 Vouchers Paid \$8,558,754.31. 2009 Vouchers Paid this Meeting \$141,500.67. Total 2009 Vouchers Paid \$8,700,254.98.

At 9:29 p.m. the Clerk read a Resolution authorizing the meeting to enter Executive Session on a motion made by Councilman Irace and seconded by Councilman Gallo and approved by Council.

At 10:55 p.m. the Council returned from Executive Session and re-opened the Regular Meeting on a motion by Councilman Ibex and seconded by Councilman Johnson and approved by Council.

As there was no further business, the meeting was adjourned at 10:56 p.m. on a motion by Councilman Johnson, which was seconded by Councilman Irace and approved by Council.

Respectfully submitted,

KIMBERLY A JUNGFER
BOROUGH CLERK