

## SPECIAL MEETING MINUTES

Oceanport, New Jersey  
December 23, 2009

The Special Meeting was called pursuant to the provisions of the Open Public Meetings Law at 7:04 p.m. Notices of this meeting were published in the Asbury Park Press and the LINK News on December 17, 2009. In addition, a copy of the notice was posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk on aforementioned date. Notice on the bulletin board has remained continuously posted.

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

**MEMBERS ABSENT:** Councilpersons Ibex, Kahle

**OFFICIALS PRESENT:** Borough Clerk/Administrator, 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

**COUNCILMAN JOHNSON:**

1. 2<sup>nd</sup> reading and public hearing regarding an amendment to the Towing and Storage Ordinance. **#876**
2. 2<sup>nd</sup> reading and public hearing regarding an amendment to the Court Ordinance. **#877**

Councilman Johnson called for the 2<sup>nd</sup> reading and public hearing of the **AN ORDINANCE SETTING FORTH AND ADOPTING AMENDMENTS TO CHAPTER 361 ENTITLED TOWING AND STORAGE, SECTION 3B APPLICATION FEE AND SECTION 4 FILING DATE;ISSUANCE OF LICENSE OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH STATE OF NEW JERSEY** 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 of the hearing on a motion for Councilman Johnson which was seconded by Councilman Irace.

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

Councilman Johnson called for the 2<sup>nd</sup> reading and public hearing of the **AN ORDINANCE AMENDING CHAPTER 41 OF THE OCEANPORT MUNICIAPL CODE ADDING A NEW ARTICLE IV SHARED MUNICIPAL COURT SERVICES** 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 of the hearing on a motion for Councilman Johnson which was seconded by Councilman Irace.

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

3. Resolution transferring funds. **R-09-182**

Ms. Jungfer stated that the Borough's CFO had requested the attached resolution for transfer of Funds. Mayor Mahon asked if there was still a snow reserve maintained. Ms. Jungfer answered that the reserve had been depleted over time and that those monies could only be used for sand and salt and that the transfer was for payment of overtime salary.

Councilman Johnson made a motion to approve the resolution authorizing the transfer of funds which was seconded by Councilman Briscione.

The Clerk called roll:

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

At 7:11 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 Johnson and approved by Council.

At 8:01 p.m. the Council returned from Executive Session and re-opened the Special Meeting at 8:02 p.m. on a motion by Councilman Johnson and seconded by Councilman Irace and approved by Council.

Mr. Bennett stated that based on discussions during the Executive Session the Mayor and Council would be taking formal action on items concerning the solid waste management contract and the collective bargaining agreement with the Oceanport PBA Local #364.

4. Resolution rescinding contract award for Solid Waste removal **R-09-183**

Mr. Bennett read a resolution rescinding the award of the contract for solid waste removal after which Councilman Gallo made a motion to approve the resolution which was seconded by Councilman Johnson.

The Clerk called roll:

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

5. Resolution authorizing Maser Consulting to re-advertise the amended Bid Specifications for the solid waste contract **R-09-184**

Mr. Bennett read the resolution authorizing Maser Consulting to re-advertise the amended Bid Specifications for the solid waste contract after which Councilman Gallo made a motion to approve the resolution which was seconded by Councilman Johnson.

The Clerk called roll:

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

6. Resolution declaring an emergency for collection and disposal of Solid Waste **R-09-185**

Mr. Bennett read the resolution declaring an emergency for collection and disposal of Solid Waste after which Councilman Gallo made a motion to approve the resolution which was seconded by Councilman Irace.

The Clerk called roll:

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

Mr. Bennett further stated that the name of the service provider was not mentioned as it would be determined by the Borough Administrator which one would be in the best interest of the Borough.

7. Resolution authorizing a Memorandum of Agreement with the Oceanport PBA **R-09-186**

Ms. Jungfer read the resolution authorizing a Memorandum of Agreement with the Oceanport PBA after which Councilman Gallo made a motion to approve the resolution which was seconded by Councilman Irace.

The Clerk called roll:

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

There was additional discussion amongst the Council regarding costs, rules on arbitration and Mr. Bennett's recommendation to revisit the issues in January.

**PUBLIC COMMENTS:**

Mayor Mahon opened the meeting to the public for comment and as there was no one from the public to be heard closed that portion of the meeting.

As there was no further business, the meeting was adjourned at 8:11 p.m. on a motion by Councilman Irace, which was seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

KIMBERLY A JUNGFER  
BOROUGH CLERK