

**WORK SHOP MEETING AGENDA
MAYOR AND COUNCIL
March 2, 2017**

MEETING CALLED TO ORDER

Statement of Compliance with Open Public Meetings Act. *This meeting complies with the Open Public Meeting Act by notification on January 2, 2017 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site*

FLAG SALUTE:

INVOCATION:

ROLL CALL:

PAYMENT OF BILLS:

#2017-072 Resolution authorizing the payment of bills.

RESOLUTIONS:

#2017-073 Resolution authorizing budget appropriation transfers

ADMINISTRATOR'S REPORT:

AGENDA ITEMS FOR 3/16/2017

Resolution authorizing redemption of Tax Sale Certificate #16-00013
Resolution authorizing redemption of Tax Sale Certificate #16-00001
Resolution authorizing athletic facility use request
Resolution authorizing Monmouth County Mosquito Commission to conduct spraying
Resolution authorizing Special Events Permit for Maple Place 8th Grade Color Run
Resolution awarding the 2016 Bulkhead Improvements project to Empire Construction
Resolution awarding a contract to Michael Rescinio, CPA as Special Accountant for IRS Appeal
Resolution authorizing submission of the 2016 Recycling Tonnage Grant Application
Resolution awarding a contract for 2017 Fertilization of Borough Parks
Approval of the Workshop Meeting Minutes of February 2, 2017
Approval of the Executive Session Minutes of February 2, 2017
Approval of the Regular Meeting Minutes of February 19, 2017

DISCUSSION ITEMS:

1. Chicken Ordinance
2. Car and Truck Idling
3. Farmers Market
4. Posting of all public contracts to the Borough of Oceanport website
5. Means and Methods for Publication of the Introduced Municipal Budget

MAYOR'S REPORT:

PETITIONS FROM THE PUBLIC:

**WORK SHOP MEETING AGENDA
MAYOR AND COUNCIL
March 2, 2017**

EXECUTIVE SESSION:

#2017-074 Resolution authorizing the Governing Body to enter into Executive Session
Litigation, Negotiations and the Attorney Client Privilege N.J.S.A. 10:4-12(b)(7) and
Social Security Withholding
Personnel Matters – N.J.S.A. 10:4-12(b)(8)
Social Security Withholding
Police Department – Lieutenant Promotions

ADJOURNMENT:

**WORK SHOP MEETING MINUTES
MAYOR AND COUNCIL
BOROUGH OF OCEANPORT
March 2, 2017**

The Workshop Meeting of the Oceanport Mayor and Council was called to order on March 2, 2017 at 7:00 P.M. with the Statement of Compliance with the Open Public Meetings Act given by Mayor Coffey.

"Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 2, 2017, and by the posting of same on the municipal bulletin board and Borough Web Site."

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

INVOCATION: Borough Chaplain Stacy Deerin gave the invocation.

MEMBERS PRESENT: Councilpersons Briskey, Cooper, Gallo, Irace, Kahle Solan and Mayor Coffey

OFFICIALS PRESENT: Borough Clerk, Jeanne Smith, Borough Attorney, Scott Arnette, Borough Administrator Raymond Poerio

PAYMENT OF BILLS:

#2017-072 Resolution authorizing the payment of bills.

Mayor Coffey called for a motion to approve Resolution #2017-072, which was made by Councilman Irace and seconded by Council President Gallo. The Clerk called roll:

AYES: Briskey, Cooper, Gallo, Irace, Kahle and Solan
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

RESOLUTIONS:

#2017-073 Resolution authorizing budget appropriation transfers.

Mayor Coffey called for a motion to approve Resolution #2017-073, which was made by Councilman Irace and seconded by Council President Gallo. The Clerk called roll:

AYES: Briskey, Cooper, Gallo, Irace, Kahle and Solan
NAYES: None
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

ADMINISTRATOR'S REPORT: Mr. Poerio asked for any questions on the 3/16 Agenda Items to which there were none.

AGENDA ITEMS FOR 3/16/2017

Resolution authorizing payment of bills
Resolution authorizing redemption of Tax Sale Certificate #16-00013
Resolution authorizing redemption of Tax Sale Certificate #16-00001

Resolution authorizing athletic facility use request
Resolution authorizing Monmouth County Mosquito Commission to conduct spraying
Resolution authorizing Special Events Permit for Maple Place 8th Grade Color Run
Resolution awarding the 2016 Bulkhead Improvements project to Empire Construction
Resolution awarding a contract to Michael Rescinio, CPA as Special Accountant for IRS Appeal
Resolution authorizing submission of the 2016 Recycling Tonnage Grant Application
Resolution awarding a contract for 2017 Fertilization of Borough Parks
Approval of the Workshop Meeting Minutes of February 2, 2017
Approval of the Executive Session Minutes of February 2, 2017
Approval of the Regular Meeting Minutes of February 16, 2017

Mr. Poerio reported that he had worked on the 2017 budget with Katie LaPorta, CFO, and the auditor. At the next regular meeting, a resolution will be presented to extend the temporary budget and another to cancel some outstanding funding ordinances. He reported that most departments have been trained on the electronic purchase order system. He stated there was initial training on the new construction software. After training is complete, the system will allow residents to file their permits on line. At the request of Councilman Briskey, Mr. Poerio asked OEM Director "Buzz" Baldanza to get the siren at Blackberry Bay repaired. It should be repaired in approximately 2 weeks. Councilwoman Kahle asked for a copy of the RFP for fertilizer of borough parks so she could see what materials would be used and that a copy be sent to the Water Watch and Environmental Committees. Council President Gallo asked about the status of the pool club. Mr. Poerio stated that the pool bid was issued and will be opened on March 8th.

DISCUSSION ITEMS:

1. Chicken Ordinance. Councilwoman Kahle advised that the ordinance was introduced but withdrawn last year and she would like the ordinance introduced again as there are some that want them, some that don't, stating that it would regulate the ownership. She stated the ordinance would include a provision for an advisory committee which would oversee owners and ensure compliance with the regulations, the current trend for sustainability and would like it introduced next meeting and hold the discussion with the public at the April meeting and a vote up or down. Councilman Irace stated that he did not want to move forward with the ordinance, it was looked at last year with a presentation and with everything going on this was not a priority. Councilwoman Kahle responded that there are residents for which it is a priority and she was presenting for those residents. Councilwoman Cooper stated she believed the public needs to be able to speak about it and put it to rest. Councilwoman Kahle continued that this would allow those who want chickens and those who don't to be heard on the issue and there would be a presentation from Rutgers. Councilman Irace opposed having another presentation to which Councilwoman Kahle said ok. Mayor Coffey explained the procedure for introducing the ordinance and the requirements for passing an ordinance. There was discussion on the process and that those present tonight could discuss during petitions from the public. There was also discussion on lot sizes required to have chickens. Councilman Briskey commented that the proposed ordinance prohibited livestock within 100 feet of the B-2 business zone (the racetrack). Mayor Coffey explained that poultry was stricken from that portion in the proposed ordinance.
2. Car and Truck Idling. Councilwoman Kahle stated that as part of the Borough's Sustainable Jersey designation, in 2009 Council passed a resolution supporting an idle free New Jersey. She advised that idling signs were ordered and would now be installed at different locations around town. Councilman Irace questioned the need for more signs in town. Councilwoman Kahle stated that the signs have already been received and paid for. It's an awareness issue. Mr. Poerio explained that this item was on the agenda so that all members of Council would be aware of the new signs and could provide answers to residents.
3. Farmers Market. Councilwoman Kahle mentioned she would be attending a symposium about Farmers Markets. She stated it was different than the First Aid Farmers Market, as it is a much larger market with a greater variety of goods. She explained it wouldn't be competing with the

First Aid Farmers Market and how any revenue could be distributed. She asked for a straw vote to see if there was any interest in establishing this different type of Farmers Market. Councilman Briskey stated that First Aid's was one year old. He'd like to have it grow and perhaps expand it at the new municipal complex. He suggested postponing a decision until the municipal complex is complete. There was additional discussion regarding a municipally sponsored Farmers Market. Mayor Coffey asked what the profit was from last year's Farmers Market. Councilman Briskey replied that it wasn't substantial. Councilwoman Kahle described different methods of managing a larger Farmers Market. Councilwoman Cooper agreed with Councilman Briskey's suggestion of waiting on a larger Farmers Market until there is sufficient room. Discussion ensued deciding that waiting until next year to see where things were at with the Fort. Councilwoman Kahle asked if the Community Garden would be relocated to Ft. Monmouth property or remain at old Borough Hall. Mr. Poerio replied that no action could realistically be taken until the Borough closes on the Fort property. In addition, he stated that the Council has to make a decision on when he will be authorized to request bids for demolition of old Borough Hall. Mayor Coffey said Council will probably go into Executive Session at the next meeting to discuss the purchase. There was further discussion regarding the Community Garden for this season at the current location and whether demo of old borough hall would be an issue. Agreement was that the garden proceed at current location for spring and summer season but the fall season was questionable should the demo project be started.

4. Posting of all public contracts to the Borough of Oceanport website. Councilman Briskey would like a link on the website for all of the Borough's public contracts so the public can access them. There was discussion on who would scan the documents. After which Councilman Briskey offered to scan the documents. The Clerk offered to instruct Councilman Briskey on scanning documents through the copier at Borough Hall.
5. Means and Methods for Publication of the Introduced Municipal Budget. Councilman Briskey reported that during the 1980s, a synopsis of the budget was an insert to the Bulletin. He would like to have a similar document prepared, and he offered the Boy Scouts as volunteers to stuff the bulletins. He wants residents to be able to know how the Borough spends its revenue. Mr. Poerio stated he will prepare a spreadsheet with Councilman Briskey's input. Mr. Poerio also stated that there was an issue of timing, as to when the budget is prepared versus when the Bulletin is issued. There was additional discussion on getting the information to the residents.

MAYOR'S REPORT: Mayor Coffey reported that FMERA closed on the chapel on Ft. Monmouth. While it does not bring any revenue to the Borough, it is the first major closing. Tetherview and the fitness center should have their closings very shortly and will appear before the Planning Board. The Mayor and Clerk discussed the receipt of the applications. Mayor Coffey stated that both Tetherview and the fitness center will be tax ratables. March 31st is the due date for the proposals for the lodging and Allison Hall district. RFPs for Barker Circle will be issued soon also, possibly by the summer. Councilman Irace expressed the long standing concern about the development of Barker Circle. There was discussion regarding the internal and external conditions and the historic nature of the buildings.

PETITIONS FROM THE PUBLIC: Mayor Coffey then opened the meeting to anyone from the public who wished to be heard.

Gary LaBruno, 50 Wyandotte Ave., asked Councilman Briskey what contracts would be posted. Councilman Briskey stated it would be any contract that could be requested under OPRA. Mr. LaBruno also asked if there was anything in the proposed ordinance that prohibits someone from raising chickens and then seeking a farm tax assessment. Mayor Coffey stated the tax laws forbid that. Also regarding the chicken ordinance, he asked what would stop someone from raising other animals, such as doves or cattle. Mayor Coffey stated nothing would stop it. Councilwoman Kahle stated there would have to be sufficient room for a cow.

Eugene Gulovsen, 45 Seneca Pl., stated he had chickens next door to him, and he is opposed to having them. Mayor Coffey asked what the problems were. Mr. Gulovsen stated they stink and they crow.

Councilwoman Kahle stated only the males crow. He asked who would enforce the ordinance. Mayor Coffey asked if Mr. Gulovsen's neighbors had a coop. Mr. Gulovsen said yes. Mayor Coffey reiterated Mr. Gulovsen's concerns that chickens smelled and were noisy.

Joyce Gulovsen, 45 Seneca Pl., stated her neighbors had around five or six chickens, and all they did was crow from 5 a.m. to any time during the day. She stated they smell to the point where you feel sick to your stomach and you can't go in your backyard. She stated the chickens attracted other animals. She is absolutely opposed and disgusted. Councilwoman Cooper asked what type of other animals. Ms. Gulovsen said there were raccoons, muskrats, skunks and hawks.

Steve Marciano, 40 Manitto Pl., agreed with Councilman Irace that the town and Council has more important things to worry about than chickens. He expressed concern about chicken manure running off into the storm drains. He said no one cleans their chicken coops. He also said that chickens, not just the roosters, make noise all day long starting at 5 AM. He asked if Council would have an expert on chickens that could discuss negatives of chickens. Councilwoman Kahle said she could arrange that.

Vince DeJulio, 42 Manitto Pl., stated he opposes the ordinance to allow chickens in Oceanport for reasons including complaints about one coop, concern if this was allowed across Oceanport, this is a dense community, they are loud and smell. He doesn't want to wake up at 5a.m. He stated the coop is 25 to 30 feet from his house. He's sent pictures. It's unpleasant to look at. His house was raised, and he now looks down at the coop.

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

EXECUTIVE SESSION:

Mr. Arnette explained that the Governing Body will enter into Executive Session to discuss matters related to personnel, but would return to the public session as the affected employee had requested the matter be discussed in public, after which the Governing Body would return to Executive Session to discuss litigation and the Social Security issue.

At 8:08 p.m., Mayor Coffey called for a motion on **Resolution #2017-074** to enter into Executive Session, for the purposes of Personnel Matters which was made by Councilman Solan and seconded by Councilwoman Cooper. The Clerk called roll:

AYES: Briskey, Cooper, Gallo, and Kahle
NAYES: Irace, Solan
ABSTAIN: None
ABSENT: None

The Clerk stated that the motion carried.

At 8:24 p.m., Council returned from Executive Session and the regular meeting was reopened on a motion by Councilman Solan and seconded by Councilwoman Cooper and approved by Council.

Mayor Coffey advised the Council would now discuss the promotion of Michael Fagliarone to Lieutenant. He stated the Public Safety Committee, consisting of Councilmen Briskey Solan and Irace, Chief Kelly and Mr. Poerio, conducted interviews and had recommended Michael Fagliarone for the position. Mayor Coffey invited Chief Kelly to explain the Committee's recommendation. Chief Kelly stated that since former Chief Barcus' retirement, Det. Sgt. Fagliarone has been third in charge. He has shown initiative, drive and determination to handle personnel matters and scheduling in addition to his detective duties. Chief Kelly said he has been exemplary. He related Det. Sgt. Fagliarone's progression over his 12 year career. Det. Sgt. Fagliarone has performed all of the tasks assigned, including internal investigations, background checks and interviewing. Councilwoman Kahle asked if the other candidates were given the

same opportunity to perform in a leadership role. Chief Kelly replied that everyone in the department is given tasks, which are reviewed and assist in determining how much more responsibility can be added.

Councilman Briskey stated his concern that there was a candidate with more experience than Det. Sgt. Fagliarone. He stated that over a three year period the Borough lost half of the Police Department between retirements and going to other municipalities. There are 3 officers in the 20 year range; 2 in the range of 12 years and after that, there's 8. Out of the total 14, the remaining officers have 6 years or less of service. He would like a candidate with more patrol experience in the Lieutenant position. He believes there were some lapses in training. He said the Borough's policies and procedures are not up to date, including job descriptions. He provided the history of the establishment of the Lieutenant position through negotiations with the PBA and stated that there is no job description for the Lieutenant position.

Chief Kelly responded by saying he basically made his job description as a Lieutenant. He said when staffing didn't allow, he was on the road for the 2 man minimum. When staffing allowed, he handled administrative functions. As Lieutenant, he handled an array of duties. He's been told that Oceanport is one of the best trained police departments in the County. He explained the Class II officers complete the same field training as a patrolman. Years of service do not necessarily mean an individual excels in a certain position. Going beyond what is asked is noticeable. His decision is based on what he believe will help the town and the police department.

Councilman Irace stated that he was reluctant to be part of the interview process. His decision was going to be based on whomever the Chief recommended. Councilman Solan agreed with Councilman Irace, noting that the Chief worked with the candidates and was more familiar with them and their performance. He supported the Chief's decision. Councilwoman Kahle had no comment. Councilwoman Cooper asked Det. Sgt. Fagliarone to tell the Council why he was the best man for the job. Det. Sgt. Fagliarone replied that since he was hired in Oceanport, he has dedicated his entire career for Oceanport. He stands by the mission and goals of every administrator he has dealt with. He has been involved in the school and community. He runs and oversees the DARE program. He has always been a leader. He's been involved in negotiations. The Borough has a young department. The junior officers follow him and believe in him. He can continue to lead them, educate them and make them the best officers possible. He supports the administration, the town and Council. While he may not be on patrol, he's always driving around town. Council President Gallo had no comment.

Mayor Coffey asked the Chief if he considered the Captain and Lieutenant as his right and left hand, they carry out his directives. Chief Kelly stated that there's staff on call to address something that the younger officers or supervisors need. Chief Kelly stated there has always been self-evaluation and evaluating others. The department works as a team. If one part of the team doesn't function right, the team will not move ahead, not excel or protect the residents. The young nature of the department puts a heavier than normal burden on middle management and the sergeants. Mayor Coffey asked if the Chief had sufficient time to gauge Det. Sgt. Fagliarone's character, work ethic and acumen. Chief Kelly said he's looking at the whole picture, how this person in this position will work with the department and for the department in the future and how it fits in the dynamic. Finally, you look at how the team will respond to the new leader.

Councilwoman Kahle asked Det. Sgt. Fagliarone questions regarding his plans for completing his degree and why he hasn't finished. Det. Sgt. Fagliarone stated when he first got hire, the minimum was 60 credits. He's a hard worker. He stated in his job, 90 percent of it is people skills and common sense. He thought about going back to school, but he is 37 years old and has two children. He stated right now, it's not for him. It's difficult because he's on call every night. Councilwoman Cooper asked if he had an Associate's Degree. He stated he is close enough with credits for a Bachelor's Degree. There was discussion regarding education. Councilman Briskey noted that the other candidate has a degree. He noted that the Borough spent \$15,000 for the previous Chief to earn his Master's degree. In discussions with Mr. Poerio, he noted that Mr. Poerio would support sending the next Chief for his/her Master's. Mayor Coffey asked

if his college degree ever came up in his years of service. Det. Sgt. Fagliarone stated it has not, but his training and experience has.

Councilman Briskey, as Chairman of the Committee, stated he had recommended the other candidate for the Lieutenant position. Councilwoman Kahle suggested that Council take time to think about it. Mayor Coffey outlined the possible actions: discuss the issue over the next two weeks and have a motion for March 16th, with a blank resolution; there is a recommendation from the Committee that has to be voted on at some point; or go into Executive Session to discuss the remaining candidate, but only after voting against the recommendation. There was extensive discussion regarding nomination of candidates for the position and the procedure for the Council. After which the Clerk was directed to prepare a resolution the March 16th agenda to appoint Det. Sgt. Fagliarone as Lieutenant.

At 9:00 p.m., Mayor Coffey called for a motion to return to Executive Session for the purposes of Potential Litigation which was made by Councilman Solan, seconded by Councilwoman Cooper and approved by Council.

At 9:31 p.m., Council returned from Executive Session and the regular meeting was reopened on a motion by Councilman Itrace, seconded by Councilman Solan and approved by the Council.

As there was no further business, the meeting was adjourned at 9:32 p.m. on a motion by Councilman Itrace, seconded by Councilwoman Kahle and approved by Council.

Respectfully submitted,

JEANNE SMITH
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR MARCH 2, 2017**

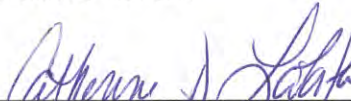
**RESOLUTION #2017-072
03-02-17**

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of March 2, 2017.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list dated March 2, 2017 totaling \$156,076.36.

CERTIFICATION OF FUNDS

I, Catherine D. LaPorta, Chief Financial Officer, of the Borough of Oceanport, do hereby certify that funds are available for the purpose stated herein.



Catherine D. LaPorta, CFO

Motion:

Second:

I certify that the foregoing Resolution #2017-072 was adopted by the Oceanport Governing Body at the Workshop Meeting held March 2, 2017

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Briskey	()	()	()	()
Cooper	()	()	()	()
Gallo	()	()	()	()
Irace	()	()	()	()
Kahle	()	()	()	()
Solan	()	()	()	()
Coffey	()	()	()	()

JEANNE SMITH, RMC
BOROUGH CLERK

**BOROUGH OF OCEANPORT
BILL LIST**

2-Mar-17

PAYEE	AMOUNT
PAYROLL ACCOUNT	98,975.99 4th Pay
2017 EXPENDITURES - MANUAL CHECKS	
US BANK OPERATIIONS 2015 EQUIPMENT LOAN	\$7,709.94
JPMORGAN CHASE 2015 BONDS INTEREST PAYMENT	\$12,093.75
CAPITAL TRUST TOTAL	\$0.00
DOG REGISTRY TOTAL	\$259.20
TRUST OTHER TOTAL	\$500.00
ESCROW TRUST TOTAL	\$240.00
OPEN SPACE TRUST TOTAL	\$0.00
SUI	\$0.00
2016 VOUCHERS PAID THIS MEETING	\$9,035.28
2017 VOUCHERS PAID THIS MEETING	\$27,262.20
TOTAL	\$156,076.36

I CERTIFY THAT THE ABOVE ITEMS ARE TRUE AND CORRECT AS PRESENTED
TO THE MAYOR AND COUNCIL FOR PAYMENT



**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING BUDGET APPROPRIATION TRANSFERS**

**RESOLUTION #2017-073
03-02-17**

WHEREAS, it shall become necessary to expend for some of the purposes specified in the Budget an excess of the respective sums appropriated, and

WHEREAS, there is an excess in one or more appropriations over and above the amount deemed necessary to fulfill the purposes of such appropriations, and

WHEREAS, the transfers about to be authorized do not affect an appropriation to which or from which transfers are prohibited under the statutes.

NOW, THEREFORE BE IT RESOLVED the following transfers between appropriations be authorized pursuant to N.J.S.A. 40A:4-58:
FROM:

FROM:		
1 Dumping Fees	9,000.00	6-01-31-465-201
2 Gasoline/Oil	<u>1,000.00</u>	6-01-31-460-000
	10,000.00	
 TO:		
1 Super Storm Sandy	<u>10,000.00</u>	6-01-27-331-201
	10,000.00	

BE IT FURTHER RESOLVED that a copy of this resolution be filed forthwith with the Borough Chief Financial Officer.

Motion:		Second:		
ROLL CALL	YES	NO	ABSTAIN	ABSENT
Briskey	()	()	()	()
Cooper	()	()	()	()
Gallo	()	()	()	()
Irace	()	()	()	()
Kahle	()	()	()	()
Solan	()	()	()	()
Coffey	()	()	()	()

I certify that the foregoing Resolution #2017-073 was adopted by the Oceanport Governing Body at the Workshop Meeting held March 2, 2017

JEANNE SMITH, RMC
BOROUGH CLERK