

COUNCIL MEETING
TUESDAY – JULY 17, 2007
8:00 P.M.

Mayor: Martin C. Konkus
Council President: Shawn McCarthy
Council Member: Lee Sharpe (Absent)
Council Member: Roger Pyrtko
Council Member: Brian McAlindin
Council Member: Shaun O'Rourke
Council Member: John Kaklamanis
Borough Attorney: Jerry J. Dasti

Municipal Clerk/Administrator, David A. Maffei is also in attendance.

THE PLEDGE OF ALLEGIANCE TO THE FLAG WAS LED BY MAYOR KONKUS.

STATEMENT BY MAYOR KONKUS: Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. Notice of this meeting of the Governing Body has been posted in the corridor of the Municipal Building, published in January, 2007 edition of the Ocean County Observer and The Ocean Star and communicated to the Asbury Park Press.

A. LETTER OF RESIGNATION

1. Accept Letter of Resignation – Lee Birdsall Sharpe, Council Member

MOTION: To accept letter of resignation – Lee Birdsall Sharpe

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Lee Birdsall Sharpe is a pillar of this community both as a long time teacher in this town and as a member of this Council for 18 years. I can't tell you how many times I have been up here in my three years on Council where members of the community have come up and we have all acknowledged that Ms. Sharpe has taught these children. That does not even go to say what she has done as a member of this Council. It has always been my desire from the day I accepted the Council Presidency that Lee would get better and return to serve as Council President. I would have gladly stepped down at any moment. I think we owe it to Ms. Sharpe to allow her to finish her term and therefore I vote no on accepting her letter of resignation.

Mr. Pyrtko: If it wasn't for Lee making the nomination for me to be appointed to this position I would not be here. Lee and I were running mates and I learned a lot from her. I understand her position with her illness and regretfully I vote yes.

Mr. McAlindin: It is not a good indication that Lee has submitted this letter. I know that more than anything else she wanted to return. I often heard her say that her dedication to this community has been keeping her going in her pursuit of regaining her health. Unfortunately, this letter suggest to me that she is not making the progress that she would like and that we would like to see her make. I will certainly honor her wish and accept her resignation and vote yes.

Mr. O'Rourke: I echo the comments of the other three Council Members including Roger and she was the most longest term and hard working, honorable and decent person that has ever been on this council and she is dedicated to the Borough. Although, we didn't always agree on things she was always thinking to make things better. I am going to vote no. I cannot accept her resignation.

Mr. Kaklamanis: I have known Lee a long time and I know she has not been physically well. Although things do change and her health could possibly get better and I will also vote no to accept her resignation.

Mayor Konkus: Jerry, I am going to ask you for a legal opinion. I would like to read Lee's letter into the record. "Dated July 16, 2007. From, Lee Birdsall Sharpe. Dear Mayor and Council. As you are aware over the past several years I have faced a number of serious health issues. Unfortunately the time required to attend to my concerns has increased significantly in recent months. I have thoroughly enjoyed my time on the Council it is not fair to the people of Point Pleasant for me to be a member of the Borough Council when I cannot fully dedicate my energies to this. Therefore, it is with deep regret that I must resign my seat from the Point Pleasant Borough Council as of July 17, 2007. During my time on Council I have made many friendships and I will miss the many wonderful people with whom I have had the pleasure of working with over the last 18 years. While I will no longer be an official member of the Council I remain committed to serving the people of Point Pleasant in any way I can and I urge the Mayor, Council and citizens to call on me if I can ever be of assistance. It has been an honor to serve the people of this community and I thank the residents of Point Pleasant for this tremendous opportunity. Sincerely, Lee Birdsall Sharpe." Mr. Dasti, I would like to ask for an opinion on what the protocols are dealing with a letter of resignation.

Mr. Dasti: I didn't expect this to come up. I think all of us here wish Lee was still on the Council but I have to tell you that although just a moment ago I suggested that you vote to accept her letter of resignation I will read the statute to you. It seems based on her letter the office is vacant. It may not be formally approved by us. The statute is 40A16-3, the Office of the Mayor or a member of the Governing Body of a municipality shall be deemed vacant in the sub paragraph f says upon the filing of a written resignation with the Borough Clerk by the Mayor or a Member of the Governing Body accepted, the point is the filing does have to be accepted. Lee does not need our approval. She has resigned and the seat is vacant and has to be filled.

Mr. McCarthy: I would then ask Mr. Maffei's office to prepare a resolution honoring Lee's service to this town and I think she deserves all of the accolades and that she be acknowledged. I make that in the form of a motion.

Mr. McAlindin: Why don't you start by honoring her and giving her the common decency of accepting the resignation of a sick woman instead of stooping to a new low. I am disgusted that you three would turn this into a political circus and try to stop the vacancy process from going forward. I am ashamed of all of you.

Mr. McCarthy: I take a personal exception to that remark.

Mr. McAlindin: The people here have just heard everything they needed to hear. They understand exactly what is going on.

Mr. McCarthy: Brian, I think that our comments speak for themselves. We recognize Council Woman Sharpe and we don't want to see her leave this Council and we want her to finish out her term and that is our opinion. I speak for myself and you want to make it into some type of political issue I think you are wrong and by doing that I think you are dishonoring Lee's decision. The law says we have to accept it but we don't have to like it. If you want to make it a political issue Brian you can do that. Our comments speak for themselves and we honor her and we don't want to see her resign. We want to see her finish her term with dignity and I understand her health situation and I spoke to her last night and she sounds fine. This is our opinion and if you want to make it some kind of political issue you go ahead and do that. We have a motion and a second can we have a vote?

MADE: Mr. McCarthy

SECOND: Mr. O'Rourke

MOTION: To prepare a resolution honoring Lee for her service to the community

Mr. Kaklamanis: I would like to have my input now. I didn't find out about this until several minutes before the meeting tonight and I know Lee a long time although I was not involved in politics, I know her from the schools and education. I know she has means of bouncing

back and I hate to see her go and she could get better and return and I do believe some time ago Brian that you threw Lee under the bus looking for some research on keeping her off the dais and trying to get a replacement for her.

Mr. McAlindin: John, that is absolutely false.

Mr. Kaklamanis: I don't think so, we were all up here.

Mr. Dasti: Let me talk about being Lee's friend for 45 years. The woman is not dead and we sound like we are at a eulogy here. I would request you all stop and get on with the public business. We can all call Lee and say we hope to see you soon. Neither side need to go further with this because it is going in the wrong direction. That is my suggestion.

Mayor Konkus: The misfortune here is that Lee has resigned and even though she has been a mentor to all of us up here we will miss her dearly and we have to move on. I appreciate Mr. Dasti's opinion that we should focus on the fact that we need to honor Lee and leave everything else alone.

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

B. ORDINANCES – Introduction

1. Ordinance Providing for Various General Capital Improvements Appropriating \$6,163,406.00 and Authorizing \$5,585,236.00 in Bonds or Notes

MOTION: An Ordinance of the Borough of Point Pleasant, in the County of Ocean, New Jersey, providing for various capital improvements in and for the Borough of Point Pleasant and appropriating \$6,163,406 therefore, and providing for the issuance of \$5,585,236 in General Improvement Bonds or Notes of the Borough of Point Pleasant to Finance the same

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Point Pleasant, in the county of Ocean, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$6,163,406. Including the sum of \$308,170. As the down payment required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$5,855,236. Pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) (1) Purpose: Acquisition of police equipment, including, without limitation A ID500 Live Scan fingerprinting system, one (1) 2007 4x4 sport utility vehicle with emergency lights radio and various equipment, and computers as more fully described on a list on

file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$60,000
Amount of Bond or Notes: \$57,000
Period or Average Period of Usefulness: 7 years
Amount of Down Payment: \$ 3,000

(2) Purpose: Acquisition of various equipment for the Fire Department (Fire Co. No. 1 and No. 2), including, without limitation, 2 Scott Airpack 50 SCBA or equivalent, 12 Scott 45 minute SCBA cylinders or equivalent, 3 Scott AV3000SCBA masks, 7 sets of Globe GX-7 Turnout Coats/Pants or equivalent, 5 Paul Conoway Helmets or equivalent, 5 Warrington Pro Boots, 10 pair fire resistant gloves, 10 Nomex Hoods, 5 Motorola Mintor VI pagers or equivalent, (1) Motorola XT S2500 portable radio, (1) Motorola XTL5000 mobile radio, 80 gallons of Class A Calss B Foam, attack hose replacement, 500 foot of Snaplite Supply Hose, (1) nozzle/hose appliance replacement, misc. tool replacement, replacement headlights, misc. safety/rescue equipment refurbishment and modifications of Fire Safety Trailer, vulcanized rubber suits, buoyancy compensators, 38 turnout coats, five (5) Scott Air Bottles, 38 turnout pants, sic (6) fire helmets, quartz lights, electric positive pressure fans, lightbar replacement, handlight replacement, replacement hard suction hose, fire hose nozzles, and, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$1,133,328
Amount of Bond or Notes: \$1,076,662
Period or Avenue Period of Usefulness: 30 years
Amount of down payment: \$ 56,666

(4) Purpose: Acquisition of various equipment for the Department of Public Works, including, but not limited to, telephone system, ½ Hot Box installed on cab chassis, one (1) loader, one (1) dump truck, flow and spreader, portable handicapped access ramp (Bay Head Shores) as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$258,066
Amount of Bond or Notes: \$245,676
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$ 12,930

(5) Purpose: Acquisition of office equipment, including, but not limited to, one (1) Dell Latitude laptop computer or equivalent, and telephone system, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$ 6,200
Amount of Bond or Notes: \$ 5,890
Period or Average Period of usefulness: 10 years
Amount of Down Payment: \$ 310

(6) Purpose: Acquisition of various equipment for the First Aid Squad, including, but not limited to, Bullard structural helmets, Ringers extrication gloves, waterproof bag, Mid-Atlantic Rescue systems, as more fully described on a list on file in the Borough Clerk's Office, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$10,348
Amount of Bond or Notes:	\$ 9,831
Period or Average Period of usefulness:	10 years
Amount of Down Payment:	\$ 517

(7) Purpose: Acquisition of various recreation equipment and parks improvements, including, but not limited to, gymnasium wall mats, maintenance equipment, skate park equipment and Recreational Center surveillance equipment.

Appropriation and Estimated Cost:	\$26,725
Amount of Bonds or Notes:	\$25,389
Period or Average Period of Usefulness:	10 years
Amount of down Payment:	\$ 1,336

(8) Purpose: Acquisition of emergency management equipment including, a radio, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$ 5,000
Amount of Bonds or Notes:	\$ 4,750
Period or Average Period of Usefulness:	10 years
Amount of Down Payment	\$ 250

(9) Purpose: Renovation and expansion of the Police Department wing and Municipal Courtroom in the Municipal Building, as more fully described on a list on file in the Borough Clerk's office, including all work materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$4,506,223
Amount of Bonds or Notes:	\$4,280,912
Period or Average Period of Usefulness:	40 years
Amount of Down Payment:	\$ 225,311

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief financial Officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Governing Body at the meeting succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specifically assessed on property specially benefited thereby.
- (b) The average period of usefulness of the several improvements or purposes, within the limitation of the Local Bond Law, computed on the basis of the respective amounts of obligation authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 25 years.
- (c) The supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a completed executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$5,855.236 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$975,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.
- (e) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonable expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issues pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary to refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, a amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing ordinance is hereby approved.

Martin C. Konkus, Mayor

MOTION: Adopt Ordinance – Introduction

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

2. Ordinance Providing for Various Water/Sewer Utility Capital Improvements \$466,900.00 and Authorizing \$466,900.00 in Bonds or Notes

ORDINANCE NO. 2007-

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS WATER AND SEWER IMPROVEMENTS IN AND FOR THE BOROUGH OF POINT PLEASANT AND APPROPRIATING \$466,900 THEREFOR. AND PROVIDING FOR THE ISSUANCE OF \$466,900 IN BONDS OR NOTES OF THE BOROUGH OF POINT PLEASANT TO FINANCE THE SAME.

BE IT ORDAINED BY THE BOROUGH OF COUNCIL OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$466,900. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$466,900 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) (1) Purpose: Acquisition of water distribution materials, including, but not limited to water main, fire hydrants, castings and fittings, ½ Hot box installed on cab and chassis; paint elevated Tower #3, various improvements and inspections for Well #5, various improvements and inspections for Well #8, various improvements for Well #9, as more fully described on a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$466,900
<u>Amount of Bond or Notes:</u>	\$466,900
<u>Period or Average Period of Usefulness:</u>	20 years

(b) The maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made thereof.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A.

40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specifically assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of

the bonds and notes provided in this bond ordinance by \$466,900, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$88,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorized obligations of the Borough solely for a purpose described in N.J.S.A. 40:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary to refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing ordinance is hereby approved.

Date: August 7, 2007

Martin C. Konkus, Mayor

MOTION: Adopt Ordinance

MADE: Mr. McCarthy

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

3. Ordinance Providing for Additional Water/Sewer Utility Capital Funding for the Construction of Well #10 Appropriating \$360,000.00 and Authorizing \$360,000.00 in Bonds or Notes

ORDINANCE NO. 2007-_____

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS WATER AND SEWER IMPROVEMENTS IN AND FOR THE BOROUGH OF POINT PLEASANT AND APPROPRIATING \$360,000 THEREFOR. AND PROVIDING FOR THE ISSUANCE OF \$360,000 IN BONDS OR NOTES OF THE BOROUGH OF POINT PLEASANT TO FINANCE THE SAME.

WHEREAS, the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough") finally adopted a Bond Ordinance No. 2005-22 on September 6, 2005, (the "Bond Ordinance") providing for the various water and sewer improvements, including the replacement of Well # 3; and

WHEREAS, the Borough has determined that additional funding is required for the construction of Well #10 which replaces Well #3.

BE IT ORDAINED BY THE BOROUGH OF COUNCIL OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$360,000. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$360,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) (1) Purpose: Construction of Well #10 (which replaces Well #3; acquisition of various equipment and materials, as more fully described on a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$360,000
<u>Amount of Bond or Notes:</u>	\$360,000
<u>Period or Average Period of Usefulness:</u>	40 years

(b) The maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made thereof.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may

lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specifically assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$360,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorized obligations of the Borough solely for a purpose described in N.J.S.A. 40:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary to refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing ordinance is hereby approved.

Date: August __, 2007

Martin C. Konkus, Mayor

MOTION: Adopt Ordinance

MADE: Mr. Pyrtko

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes
Mr. O'Rourke: Yes

Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes

CARRIES: Yes

C. OPEN PUBLIC SESSION (Resolutions and Authorizations only)

5 minute Limit Per Person

Council President McCarthy read the following Ordinance

Ordinance No. 530. An Ordinance to establish by-laws to govern the organization and procedures of the Borough Council for meetings and deliberations. Section 5. Public Participation. Each member of the public shall keep his or her remarks brief, pertinent to the issues being discussed and shall not exceed a time period of five (5) minutes in order to adequately provide all members of the public with the opportunity to address the Governing Body consistent with good order and efficiency.

MOTION: Open the meeting to the public – Mr. Pyrtko

SECOND: Mr. O'Rourke

ALL IN FAVOR.

Mr. Peter Harrigan, President of Bay Head Historical Society discussed the request to close Bay Avenue for a Block Party on August 4, 2007. This discussion took place at the last meeting of June 19, 2007 and was tabled for further information. Council at that time asked Mr. Harrigan to contact the Condo Association and Johnson Brothers Boat Works for their permission to close Bay Avenue on that date. He was also asked to contact Police Chief Grace of Bay Head and Police Chief Hilling of Point Pleasant. Chief Grace and Chief Hilling stated their objections at the last meeting.

Council asked for a letter from Johnson Brothers and the condo association. A letter from Chief Hilling and Chief Grace is also requested.

MOTION: To approve request subject to letter from Johnson Brothers and the condo association and to schedule a meeting with the two chiefs and to get their permission.

MADE: Mr. McAlindin

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

Seeing no hands Mr. McCarthy entertained a motion to close the public portion of the meeting.

MADE: Mr. McAlindin

SECOND: Mr. O'Rourke

ALL IN FAVOR.

D. RESOLUTIONS

- 1. (162-2007) Amend 2007 Water/Sewer Utility Capital Budget

MOTION: Approve amending 2007 Water/Sewer Utility Capital Budget

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

AMENDMENT NUMBER 1

WATER/SEWER UTILITY CAPITAL BUDGET OF THE BOROUGH OF POINT PLEASANT, NEW JERSEY PROJECTS SCHEDULE FOR 2007 METHOD OF FINANCING

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>AUTHORIZED BONDS & NOTES</u>
Construction of Well #10 And any other Labor or Material Necessary Therefore	\$360,000.00	\$360,000.00

1. Two certified copies of this Resolution be sent to the Director of the Division of Local Government Services.
2. Certified copies also be sent to: Borough Auditor, Borough Engineer, Chief Financial Officer and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

3. (163-2007) Approve Renewal of Liquor License for the 2007-2008 License Term – Clark's Landing at Delran, Inc.

MOTION: Approve renewal of Liquor License for the 2007-2008 License Term – Clark's Landing at Delran Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey that the Borough Clerk/Administrator is hereby authorized to execute the aforesaid applicant's application for the appropriate Liquor License as applied for to expire on June 30, 2008.

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to the Director of Alcoholic Beverage Control, the aforesaid applicant and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McCarthy

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

4. (164-2007) Approve Application and Authorize Submission for 2008 Municipal Alliance Grant

MOTION: Approve Applicant and Authorize Submission for 2008 Municipal Alliance Grant

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

1. That the Borough Council hereby authorizes and directs the Mayor and Borough Clerk to execute any and all necessary documentation in order to implement the intent of this Resolution, including approving the application plan and authorizing its submission.
2. That the Borough of Point Pleasant shall provide room and necessary assistance to the County Alliance Planner during programmatic and fiscal evaluations.
3. That the terms of the agreement shall be from January 1, 2008 to December 31, 2008 and that all funds awarded shall be expended during that period.
4. Copies of this Resolution to: Borough Clerk, Ocean County Health Department, Office of Drug and Alcohol Abuse Prevention, Municipal Alliance Chairperson and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McCarthy

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

5. (165-2007) Authorize Re-advertisement for Receipt of Bids for Purchase of Corrosion Inhibitor

MOTION: Authorize Re-advertisement for Receipt of Bids for Purchase of Corrosion Inhibitor

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of new Jersey as follows:

1. Specifications, including drawings, plans, forms, etc., are hereby approved and incorporated herein by reference.
2. The Municipal Clerk/Administrator shall re-advertise the attached Notice to Bidders for the purpose of the receipt of sealed bids for the above named purchase or project.

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

6. (166-2007) Authorize Release of Maintenance Guarantee, Block 33, Lot 1 - Jantusch

MOTION: Authorize Release of Maintenance Guarantee, Block 33, Lot 1 – Jantusch

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

1. That the Mayor and Borough Council do hereby authorize the release of the balance of the Maintenance Guarantee, for the improvements for Block 33, Lot 1 conditioned upon the payment of all outstanding inspection fee.
2. That the Chief Financial Officer or the Borough Official holding said Maintenance Guarantee is directed not to release said Maintenance Guarantee until the Chief Financial Officer has certified that all outstanding inspection costs have been paid.
3. That a certified copy of this Resolution be sent to: Chief Financial Officer, Borough Engineer, R. Grasso, Construction Official and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

7. (167-2007) Authorize Release of Maintenance Guarantee, Block 269, Lot 8.01 – Williams

MOTION: Authorize Release of Maintenance Guarantee, Block 269, Lot 8.01 – Williams

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

1. That the Mayor and Borough Council do hereby authorize the release of the balance of the Maintenance Guarantee, for the improvements for Block 260, Lot 8.01 conditioned upon the payment of all outstanding inspection fees.
2. That the Chief financial Officer or the Borough Official holding said Maintenance Guarantee is directed not to release said Maintenance Guarantee until the Chief Financial Officer has certified that all outstanding inspection costs have been paid.
3. That a certified copy of this Resolution be sent to: Chief Financial Officer, Borough Engineer, W. Williams, Construction

MOTION: Adopt resolution

MADE: Mr. O'Rourke

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

8. (168-2007) Request Chapter 159 Insertion in 2007 Budget of Private Donation for Police Equipment

MOTION: Request Chapter 159 Insertion in 2007 Budget of Private Donation for Police Equipment

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the Borough of Point Pleasant hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$5,000.00 which is not available as revenue from:

Miscellaneous Revenue
Special Items of General Revenue Anticipated with prior written consent of the Director of Local Government Services
Public and Private Revenues Off-Set with Appropriation
Private donation for Police Equipment

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$5,000.00 be and the same is hereby appropriated under the caption of :

General Appropriations
Operations excluded from CAPS
Private and Public Programs off-set by revenues:
Private Donation for Police Equipment
Other Expenses

BE IT FURTHER RESOLVED, THAT THE BOROUGH CLERK forward two copies of this resolution to the Director of Local Government Services, Auditor, Chief Financial officer, Chief of Police and any other interested parties.

MADE: Mr. McCarthy

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

9. (169-2007) Authorize Acceptance of all Closeout Documents and a Release of the Performance Guarantee for the Borden Avenue Roadway Improvements Project

MOTION: Resolution of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, Authorizing Acceptance of all Closeout Documents and a Release of the Performance Guarantee for the Borden Avenue Roadway Improvements Project

NOW, THEREFORE, BE IT RESOLVED, this 17th day of July, 2007, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough accepts the recommendations of its professional staff and accepts all Project closeout documents including a two (2) year Maintenance Bond in the amount of \$30,528.82 issued by American Contractors Indemnity Company (Bond No. 278055), and therefore formally accepts the Project.
2. The Borough furthermore authorizes a release of any retainage and all performance guarantee for the project.
3. The Borough hereby authorizes and directs the Mayor, Borough Clerk and Borough Clerk to execute any and all necessary documents in order to implement the intent of this Resolution.
4. A certified copy of this Resolution shall be forwarded by the Borough Administrator/Clerk to the following:
Honorable Martin Konkus, Mayor, David A. Maffei, Borough Administrator, John R. LeCompte, PE, Jerry Dasti, Esquire and Sea View Contracting General Contracting Co., Inc.

MOTION: Adopt Resolution

MADE: Mr. McAlindin SECOND: Mr. McCarthy

Mr. McCarthy: Yes Mr. Pyrtko: Yes Mr. McAlindin: Yes
Mr. O'Rourke: Yes Mr. Kaklamanis: Yes

CARRIES: Yes

10. (170-2007) Authorize Refund of Demolition Bond, Block 120, Lot 14 – TFM Builders

MOTION: Authorize Refund of Demolition Bond, Block120, Lot 14 – TFM Builders

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, and State of New Jersey as follows:

1. That the proper Borough Officials are authorized and directed to return to TFM Builders, LLC demotion bond in the amount of \$1000.00 deposited as security for the satisfactory demolition of a single family dwelling at 1103 Borden Avenue, Point Pleasant, N.J. 08742.
2. Copies of this Resolution to: Construction Official, TFM Builders, LLC, Chief Financial Officer and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McCarthy SECOND: Mr. O'Rourke

Mr. McCarthy: Yes Mr. Pyrtko: Yes Mr. McAlindin: Yes
Mr. O'Rourke: Yes Mr. Kaklamanis: Yes

CARRIES: Yes

11. (171-2007) Authorize Hiring Additional Seasonal Personnel – Recreation Department

MOTION: Hire Additional Summer Help – Rec Department

NOT, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, and State of New Jersey that the following individuals be hired.

NAME	POSITION	RATE & ACCOUNT
Jessica Steele	Site Supervisor	\$12.50 Hour/Trust
Heather McCabe	Jr. Counselor	\$ 6.00 Hour/Trust

1. Said Resolution be effective June 14, 2007.
2. Copies of this Resolution to Chief Financial Officer, Superintendent of Recreation, Employee, Personal File and any other interested parties.

MADE: Mr. McCarthy SECOND: Mr. O'Rourke

Mr. McCarthy: Yes Mr. Pyrtko: Yes Mr. McAlindin
Mr. O'Rourke: Yes Mr. Kaklamanis: Yes

CARRIES: Yes

12. (172-2007) Authorize Membership Renewal in the Ocean County Municipal Joint Insurance Fund

MOTION: Resolution for Renewal of Membership in the Ocean County Municipal Joint Insurance Fund

NOW, THEREFORE, be it resolved as follows:

1. The Borough of Point Pleasant agrees to renew its membership in the Ocean Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Ocean Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

13. (173-2007) Accept CFO Report – May, 2007

Motion: Accept CFO Report – May, 2007

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, THAT:

1. The cash management plan submitted by the Chief Financial Officer for the month of May, 2007 attached hereto is hereby approved.
2. Copies of this resolution be sent to the following:
 1. Municipal Administrator
 2. Auditor
 3. Chief Financial Officer
 4. All other interested parties

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

14. (174-2007) Approve Extension of Grace Period for 2007 Third Quarter Tax Payments

MOTION: Approve Extension of Grace Period for 2007 Third Quarter Tax Payments

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

1. The time period during which Borough taxpayers may pay their 2007 third quarter property taxes without penalty of interest, is extended to September 4, 2007.
2. 2007 Third quarter tax payment received in the Tax Collector's Office after September 4, 2007 shall have interest calculated and charged at the legal rate, retro-active from August 1, 2007.
3. Fourth quarter tax bills remain due on November 1, 2007, with the normal ten (10) day grace period.
4. Certified copies of this resolution sent to: Tax Collector, Municipal Administrator, Auditor and any other interested parties.

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

15. (175-2007) Authorize Award of Contract for Improvements to Public Works Garage – Cravo Enterprises Inc., \$55,590.00

MOTION: Authorize Award of Contract for Improvements to Public Works Garage – Cravo Enterprises, Inc. - \$55,590.00

NOW, THEREFORE, BE IT RESOLVED, this 17th day of July, 2007, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough accepts the recommendations of its professional staff and awards the bid for the improvements to the Point Pleasant Public Works Garage to Cravo Enterprise, Inc., for and in consideration of \$55,590.00.
2. The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this resolution.
3. A certified copy of this resolution shall be forwarded by the Borough Clerk to the following: Honorable Martin Konkus, Mayor, David Maffei, Administrator, Judith Block, CFO, Jerry J. Dasti, Esq. and Cravo Enterprise, Inc.

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

16. (176-2007) Authorize Award of Contract for Improvements to Hollywood Road – Earle Asphalt Corp., \$123,113.13

MOTION: Authorize Award of Contract for Improvements to Hollywood Road – Earle Asphalt Corp.

NOW, THEREFORE, BE IT RESOLVED, THIS 17th day of July, 2007, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough accepts the recommendations of it professional staff and awards the bid for the roadway improvements to Hollywood Road project to Earle Asphalt Co. for and in consideration of \$123,113.13.
2. The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this resolution
3. A certified copy of this resolution shall be forwarded by the Borough Clerk to the following: Honorable Martin Konkus, Mayor, David A. Maffei, Borough Administrator, Judith Block, CFO, Jerry J. Dasti, Esq., Earle Asphalt Co.

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

16. (177-2007) Bills and Claims

MOTION: Adopt Resolution Bills and Claims

MADE: Mr. McCarthy

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

17. (179-2007) Authorize Award of Contract for Purchase of Police Uniforms – Safety League Inc. d.b.a. Atlantic Tactical of NJ - \$3,847.17

MOTION: Resolution of the Borough Council of the Borough of Point Pleasant, Borough, County of Ocean, State of New Jersey, Awarding the contract for the supply of Uniforms and Accessories for Police Officers and School Traffic Guards to Safety League Inc. t/a Atlantic Tactical of NJ

NOW, THEREFORE, BE IT RESOLVED, this 17th day of July, 2007 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough accepts the recommendations of it professional staff and awards the bid for the supply of uniforms and accessories for the police officers and school traffic guards to Safety League Inc. d/b/a/ Atlantic Tactical of NJ for and in consideration of \$3,847.17.
2. The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this resolution.
3. A certified copy of this resolution shall be forwarded by the Borough Administrator/Clerk to the following: Honorable Martin Konkus, Mayor, David Maffei, Administrator, Judith Block, CFO, Raymond Hilling, Chief of Police, Jerry J. Dasti, Esquire and Safety League Inc. d/b/a/ Atlantic Tactical of NJ.

MOTION: Adopt Resolution

MADE: Mr. McCarthy

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

18. (180-2007) Authorize Execution of Interlocal Services Agreement with County of Ocean for Delinquency Prevention and Awareness Grant

MOTION: Authorize Execution of Interlocal Services Agreement with County of Ocean for Delinquency Prevention and Awareness Grant

NOW, THEREFORE, BE IT RESOLVED, THIS 17TH DAY OF JULY, 2007 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. In accordance with the provisions of N.J.S.A.40:9A-1 et seq., the Borough hereby accepts the provision of the proposed Interlocal Services Agreement, and authorizes the execution of same.
2. The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this Resolution.
3. A copy of the Interlocal Services Agreement is on file with the Borough Clerk and can be reviewed during normal business hours.
4. A copy of this resolution shall be forwarded by the Borough Clerk to Honorable Martinc Konkus, Mayor, Chief Raymond Hilling and Ocean County Freeholders, CFO, Auditor and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

19. (181-2007) Request Chapter 159 Insertion in 2007 Budget for Ocean County Delinquency Prevention and Awareness Grant

MOTION: Request Budget Insertion – Delinquency Prevention and Awareness Grant

NOW, THEREFORE, BE IT RESOLVED, THAT THE Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of any item of revenue in the budget of the year 2007 in the sum of \$4,000.00 that is now available as revenue from:

Miscellaneous Revenues

Special items of General Revenue Anticipated with prior written consent of the Director of Local Government Services

Public and private revenues offset with appropriations

Ocean County Delinquency Prevention and Awareness Program

BE IT FURTHER RESOLVED, that a sum of \$4,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations

Salary and Wages excluded from the cap

Public and private programs offset by Ocean County Delinquency Prevention and Awareness Program.

BE IT FURTHER RESOLVED, that the Municipal Clerk/Administrator forward two copies of this Resolution to the Director of Local Government Services and certified copies be sent to: The Borough Auditor, Chief Hilling, Chief Financial Officer and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McCarthy

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

E. RESOLUTION (178-2007) Consent Agenda

MOTION: To approve consent items as summarized below

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY AS FOLLOWS:

1. Application Raffle License, Rotary Club of Point Pleasant, on premise 50/50 to be held August 15, 2007.
2. Approve Council Meeting minutes of June 19, 2007.
3. Application Raffle License, Loyal Order of Moose, Lodge #1549, annual pull tab raffle, to be held 8/1/07 to 7/30/08.

1. That the above general consent items as summarized hereto be and the same are hereby approved.
2. That a certified copy of this resolution be filed with the Borough Clerk and copies forwarded to any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

F. AUTHORIZATIONS

1. Request to conduct "Carnival Kickoff Party" in the community Park - Pop Warner Golden Elks, August 4, 2007 and Request to pay for Public Works Department Costs (Tabled 6/19/07)

MOTION: To approve the request to conduct "Carnival Kickoff Party" in the community Park for Pop Warner Golden Elks, August 4, 2007 and to deny request to pay for Public Works Costs

MADE: Mr. McCarthy

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

MOTION: To amend resolution #179-2007

MADE: Mr. McCarthy

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

G. COMMITTEE REPORTS

Mr. McAlindin: Last night Mayor Konkus, Councilman Kaklamanis, Councilman Pyrtko and myself attended a meeting in Point Pleasant Beach which was hosted by Mayor Vogel and it was attended by Members of the Governing Body of Mantoloking, Bay Head, Point Pleasant Beach and Point Pleasant as well as Police Chief from each municipality. The topic being Shared Services. There was a presentation from Mayor Pringle of Belmar and Police Chief Hill of Belmar regarding what the efforts are in Southern Monmouth County to try to move toward the roll of shared services for law enforcement throughout as many as eight communities. They have not come to a resolution or a place to do that but they are involved with the many issues that come up in that respect and it was a very valuable presentation. I think we all learned a lot and they have reinforced many of the same issues we have considered. The one of the difficulties that jumped off the page was when a Civil Service and a non Civil Service community try to ban together and provide a service such as Law Enforcement. We asked that question and that solution must come from the legislature. They indicated the first step would be a consultant that would be an outsider. I was glad we attended. There is a fair amount of grant money to pay for a consultant. Have a Happy and Safe Summer.

Mr. Kaklamanis stated he attended the same meeting with Mr. McAlindin. Mr. Kaklamanis sends his condolences to the family of Tyler Fox who at age 4 passed away. I congratulate Joe Hynes for coming back to work after his illness. Mr. Kaklamanis would like to make a motion to have the town develop a sick leave bank. Mr. Dasti will find out all of the different ways to go about this and come back to Council with a menu of ideas.

MOTION: To authorize Mr. Dasti to explore various options on how to develop a sick leave bank for Borough Employees

MADE: Mr. Kaklamanis

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

CARRIES: Yes

Mr. Kaklamanis is happy to see the grass in the Community Park coming along. He is happy to see the police department moving along with some issues. Mr. Sears has asked Mr. Kaklamanis where the yellow school bus is.

Mr. McAlindin stated it is in Lloyd's in Wall for evaluation. On the Allaire Circle.

Mr. O'Rourke stated maybe they could combine the scuba teams in the local towns. There are special units we could combine without any trouble. We got a letter from the DEP involving Bay Point Harbor Condo Assoc. having a change in their master deed. In the early 80's a lot of things were done and one of them was public access. In the last month the public access was cut in half. They are not very happy and they feel like they are being picked on. The curbs are painted yellow and I hope the police are not enforcing yellow curbs unless we have an ordinance. The Borough did not paint those curbs. We will look into who painted this and have public works remove the paint. Have public works keep track of the time they spend removing it and who ever did it will pay for the removal. We will have the police look into this.

MOTION: To have public works remove the yellow paint on the curbs on Bay Avenue and have the police try to find out who painted them.

MADE: Mr. O'Rourke

SECOND: Mr. McCarthy

Mr. McCarthy: Yes
Mr. O'Rourke: Yes

Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes

CARRIES: Yes

Mr. O'Rourke: Someone complained that the boat ramp had sand piled up so you cannot turn around down there. The sand pile is about 16' across and 7' high. I spoke to Jude and Dennis today and they will take care of the sand pile. I think the Environmental Commission deserves an accommodation. Over the last year or so between the Earth Day and the Seminars they have had, the Osprey Project they have always found donations to complete these projects and I think they deserve an accommodation. They do hard work.

MOTION: To draw up accommodation for the Environmental Commission

MADE: Mr. O'Rourke

SECOND: Mr. McCarthy

Mr. McCarthy: Yes
Mr. O'Rourke: Yes

Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes

CARRIES: Yes

Mr. O'Rourke: James Clayton resigned from the Zoning Board so we have an opening. Do you want to move up an alternate. Theresa Casper is the next alternate I believe.

Mr. McAlindin: Please look into that for the August meeting.

Mr. O'Rourke: The Environmental Commission did discuss the Bay Point Harbor Condo Assoc. problem and they want a copy of the deed.

Mr. Pyrtko: Under Public Works, the Point Pleasant Boro Chamber of Commerce presented Chuck Mohr with an appreciation plaque for his help with the Street Fair. They also catered lunch for the Public Works Employees. Under Public Safety I was informed that the Ocean Star ran pictures of the skateboarders not wearing helmets. The police sent them warning letters. Thank you Ocean Star. Fred Vaughn works at the Recycling Center and he was helping a citizen remove recyclables from his car and got bit by a dog. I have a report from Mike Colwell about North Road requesting stop signs. I would like to make a motion to have an Ordinance for that.

MOTION: To have Ordinance drawn up to have stop sign at North Road

MADE: Mr. Pyrtko

SECOND: Mr. McCarthy

Scott Conklin, 2207 North Road, the traffic has gotten a little crazy on North Road. On July 4th weekend there was an accident involving my property. It all stems from Patterson to North Road and from Hollywood. Mr. Conklin supports the idea of stop signs. He also requests a handicapped child sign.

MOTION: To amend motion to include a handicapped child sign with the Ordinance to have a stop sign on North Road

MADE: Mr. Pyrtko

SECOND: Mr. McCarthy

Mr. McCarthy: Yes
Mr. O'Rourke: Yes

Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes

CARRIES: Yes

Mr. McCarthy stated water restrictions are in place and please abide by them. We are still working on the interconnect with Bay Head and Well #8 we are also working on. Open Space Committee will meet on July 23rd. We are moving forward with Brownfield. End of report.

Mayor Konkus stated Fred Bryant is working with a group of people at the Boro Cemetery. He is looking for a survey and is asking for \$100 from the Open Space for the survey.

MOTION: To authorize \$100 from the Open Space fund for a survey of the Borough Cemetery

MADE: Mr. McAlindin

SECOND: Mr. Pyrko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mayor asked the Police Department to get a recommendation from the Public safety Committee to see if a light is recommended on Riviera Parkway and Beaverdam Road for a left turn.

Mayor Konkus attended a lecture on Global Warming and found it to be very interesting. There will be a lecture on July 26th in Bay Head at the Borough Hall about Save Barnegat Bay at 7:30 p.m. till 9 p.m.

I. OPEN PUBLIC SESSION – 5 Minute Limit Per Person

Mr. McCarthy, Council President read the following Ordinance.

ORDINANCE NO. 530. An Ordinance to establish by-laws to govern the organization and procedures of the Borough Council for meetings and deliberation. Section 5. Public Participation. Each member of the public shall keep his or her remarks brief, pertinent to the issues being discussed and shall not exceed a time period of five (5) minutes in order to adequately provide all members of the public with the opportunity to address the Governing Body consistent with good order and efficiency.

MOTION: Open the meeting to the public: Mr. McAlindin

SECOND: Mr. Pyrtko

APPROVED: All in favor.

Fred Bryant, 3503 River Road, thanked Council for the approval for a survey of the Borough Cemetery. Mr. Zyr and Mr. Morris and myself have taken out brush and trees and are making headway. He thanked Public Works for removing the brush from the property. He would like to write a letter to the adjacent homeowners and notify them that the town now owns the property and they are to stop dumping on the property or they will be fined. I request that a letter be sent. One of the problems is the poison ivy. We would like to spray it and kill it. We were informed we cannot spray public property. We need a license. We cannot work in there with all the poison plants.

Mr. McAlindin: Can we have public works go over there and give us a recommendation as to what to do.

Mr. Bryant has already spoken to them and there is nothing they can do without a license. They said you have to hire a person to do this.

Mr. Clericuzio, 1505 Hyacinth Place; there is an over the counter product sold over the counter called Round Up that you can buy by the gallon. There is no license required for that.

Mr. Bryant: Thank you.

Susan Rogers, 2308 River Road, We will discuss a landscaper at the next open space meeting to be paid out of the grant.

Susan Rogers, I would like to take a moment and talk about the person Lee Birdsall Sharpe, the person I have had the privilege to know over the past several years. Not just the public servant and the teacher that taught our children but a person to me who has an enormous amount of strength. Not just physical strength but mental and spiritual strength. Lee endured a kidney transplant to where she is today. The last year and one half of her life she has undergone multiple surgeries and endured a tremendous amount of pain. Hopefully, neither you nor I will ever experience in our life time. I know this because I have shared that time with her in the last year and a half. From home to a hospital bed and we had a chance to talk about our commitments to our families and she shared her vision of what it truly means to appreciate life on a daily basis. What it meant to her to serve Point Pleasant not just as a teacher but as a Councilwoman. Councilman McCarthy when you said that Lee Sharpe is a pillar of this community that is undeniable and your respect for her as a person and as a colleague working up here on Council you obviously value her opinion. Mr. O'Rourke you echo that and she is hard working, honorable and respectful. John you have shared with Lee outside of the public forum and have known her outside of that. What I say to you is not that we are just running for a council seat this year and John is running for Assembly, we need to throw away the politic side of this and go back to a human factor and that human factor is honoring a decent human being who was giving to Point Pleasant. I would like to propose to you that honoring Lee Sharpe not just of her past accomplishments but wishing her well for her presence today and honoring her long into the future and that our upcoming Riverfront Park be named the Lee Birdsall Sharpe Community Park and we could honor her by doing that. A ground breaking ceremony is hopefully this Fall. I want to get back to a human factor here and not get into politics.

Mr. McCarthy: I had no intention in the world when I made my comments and I voted against accepting Ms. Sharpe's resignation from this Council. I was not making it politics. Unfortunately, that was interjected into the comments that were made and I am going to leave it at that.

Ms. Rogers: I appreciate that Shawn and I know you respect her. I know you value your relationship that you have developed up here with her. She is a great person.

Mr. McCarthy: She is a wonderful woman.

Ms. Rogers: I think at this point if we could just move forward and if we are talking about a way to honor her, we have one park left in the Borough of Point Pleasant and she shared with us in teaching the kids, and giving 18 years to service here and I think that is a wonderful way to say thank you Lee. That is my proposal. It is coming in the Fall.

Mr. O'Rourke: That is a great idea. There is nothing that this town can do for Lee that is good enough.

Ms. Rogers: People will get to know the Lee before, the Lee now and what we want to be in the future. If you can give that commitment to the town you live in what a better way to say thank you.

Al Clericuzio, Hyacinth Place, there are two things I would like to share with you, the memo you received from the lawyer from the Bay Point Harbor Condo Assoc., everyone of these concerns I can vouch for. Except for one, this place has been here for 36 years. The one problem is the restriction of the hours of fishing. The ramp is full of litter.

Mr. Clericuzio asked Mr. Pyrtko to look into no parking on one side of the street on Hyacinth Place.

Mr. Zyry, River Road, stated there were three accident on River Road in the past month with people crashing into peoples property. One on Chatham and River. 3100 they crashed into the big pillars. Two house down a car around a tree. The speed is crazy.

Mr. Pyrtko will contact the County about the speed limit once again. They already requested a speed limit of 30 mph.

Mr. Zyry asked Mayor and Council to stop at the cemetery and view the work so far.

Dennis Vitkauskis, Foster Road, asked about the status of the yellow bus.

Mr. McAlindin told Mr. Vitkauskis this was discussed prior to him arriving tonight.

Mr. Vitkauskis asked that the skateboard rules be enforced before someone gets hurt.

Seeing no hands Mr. McCarthy entertained a motion to close the public portion of the meeting.

MADE: Mr. McAlindin SECOND: Mr. Pyrtko

ALL IN FAVOR.

J. EXECUTIVE SESSION

MOTION: Adopt Resolution authorizing Mayor and Council to retire into Executive Session

WHEREAS, Mayor and Council are desirous of retiring into Executive Session to discuss applicable exceptions to the New Jersey Open Public Meeting Act; and

WHEREAS, those matters relate to the following:

1. Personnel matters
2. Litigation matters
3. Contractual Matters
4. Potential Litigation Matters

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough Of Point Pleasant, County of ocean, State of New Jersey, as follows:

1. That the Mayor and Council shall retire into Executive Session to discuss the aforesaid matters; and
2. That minutes shall be taken; and
3. That the matter to be discussed will in all likelihood be known to the Public when and if the necessity for confidentiality no longer exists; and
4. That at the conclusion thereof, the meeting shall again be opened to the public.

MADE: Mr. McAlindin SECOND: Mr. Pyrtko

Mr. McCarthy: Yes Mr. Pyrtko: Yes Mr. McAlindin: Yes
Mr. O'Rourke: Yes Mr. Kaklamanis: Yes

CARRIES: Yes

Mayor and Council returned to open session.

MOTION: TO ADJOURN

MADE: Mr. McAlindin SECOND: Mr. Pyrtko

ALL IN FAVOR.

