

COUNCIL MEETING

TUESDAY – SEPTEMBER 4, 2007

8:00 P.M.

Mayor:	Martin Konkus
Council President:	Shawn McCarthy
Council Member:	Roger Pyrtko
Council Member:	Brian McAlindin
Council Member:	Shaun O'Rourke
Council Member:	John Kaklamanis
Council Member:	Timothy Ferrie (absent)
Borough Attorney:	Jerry J. Dasti

David A. Maffei, Municipal Clerk/Administrator 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 Meeting 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.

Mayor Konkus introduced Tom Szymanski who is going for his Eagle Scout Award.

Mr. Szymanski explained the project he would like to do which is a viewing platform for the osprey on Northwest Drive. He showed pictures to the Council.

Council will vote on this project at the next meeting.

- A. ORDINANCES – Final Reading, Public Hearing
 - 1. Ordinance Establishing Specific On-Street Spaces for Handicapped Parking Restrictions

AN ORDINANCE AMENDING CHAPTER SEVEN OF THE CODIFIED ORDINANCES OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY ESTABLISHING NEW SECTION 14A.-5 SCHEDULE XXI HANDICAPPED PARKING SPACES.

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

Section 1. Chapter VII, Section 14A.5 of the Code of the Borough of Point Pleasant be and hereby is created as follows:

Section 7-14A5. Schedule XXI: Handicapped Parking Spaces.

Pursuant to the provision of Section 7-14, Handicapped Parking Spaces are hereby established upon the following described streets or parts thereof:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Willow Street	South	2404 Willow Street From a point 101 feet of the Intersection of willow Street With School Street

Section 2. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. The within ordinance shall take effect immediately upon final passage and publication in accordance with the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed upon first reading at a regular meeting of the Borough Council of the Borough of Point Pleasant in the County of Ocean on August 21, 2007 and will be considered for final passage at a regular meeting of said Governing Body to be held at the Borough Council Chambers, Borough Hall, Point Pleasant, N.J. on September 4, 2007 at 8:00 p.m. at which time and place any persons desiring to be heard will be given an opportunity to be heard.

DAVID A. MAFFEI
MUNICIPAL CLERK/ADM.

First Reading: August 21, 2007

Final Reading: September 4, 2007

Mayor Konkus opened the meeting to the public. Seeing no hands Mayor Konkus closed the public portion of the meeting.

MOTION: Adopt Ordinance

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. O'Rourke: The Police denied the application based on the fact that the lady does not have a drivers license and therefore doesn't have a car and does not have handicapped plates and apparently the State Law does not cover the situation where we can allow a handicapped parking space on the street in that situation. This person needs help and we cannot help them. The State Law needs to be changed to cover things like this.

Mayor Konkus: This is obviously where the law breaks down because we have a person who medically does qualify as a handicapped person and does have a need for a handicapped spot but we need to find a way to tweak that law but we need to accommodate this person in any way we can.

Mr. O'Rourke: Jerry, is there anything we can do?

Mr. Dasti: As I understand it the person does not have a driveway.

Mr. Maffei: Correct.

Mr. Dasti: If there was a need for an ambulance you could not get on her property. If you adopt this ordinance it is not in compliance with the statute. The Police would have difficulty enforcing it at the municipal court level.

Mr. Kaklamanis: Can we develop an ordinance

Mr. Dasti: You can consider no parking situations.

Mr. McCarthy: I understand that she needs to be able to get to the van that she uses to get to her Doctors appointments.

Mr. Dasti: We cannot adopt the ordinance as proposed. Handicapped spots on streets are there to reserve that spot for handicapped drivers. You don't have that situation here. This is someone who wants a spot so the cab can pick her up. We want a spot in front of her house so she can get picked up. Perhaps think about no parking 8 a.m. to 6 p.m.

Mr. Pyrtko: How about a curb cut.

Mr. Dasti: There are a million alternatives.

Mr. McAlindin: There is a handicapped sign there now. We have a resident that needs relief.

Mr. Kaklamanis: Just table it.

Mayor Konkus: There are all sorts of categories.

Mr. Dasti: We will deny this ordinance and let the sign stay there.

Mayor Konkus: We will notify the legislatures and see what they come up with.

Mayor Konkus opened the meeting to the public.

Dennis Vitkauskis suggested parking for that address only. He has seen that in Seaside but he does not know if it is legal.

Frank Labravico asked about no parking between signs.

Mr. Dasti will look into that.

Mr. Meyerle, 2101 Glenwood Drive, is there a sign there for handicapped parking now which satisfies the need at the moment.

Mr. McAlindin: Yes

Mr. Meyerle, why are we doing anything? Just leave it there.

Mr. McAlindin: That was put there in anticipation of us passing the ordinance.

Mr. Dasti: It is not enforceable.

Mayor Konkus closed the public portion of the meeting.

MOTION: To Approve the Ordinance

MADE: Mr. McCarthy

SECOND: Mr. McAlindin

Mr. McCarthy: No

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: No

Mr. Kaklamanis: No

Mr. Ferrie: Absent

FAILS: Yes

2. Ordinance Amending chapter VII "Traffic" – Stop Intersections

ORDINANCE NO.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII, "TRAFFIC" OF THE CODE OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY

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

SECTION 1. Schedule X, "Stop Intersections of Chapter VII "Traffic" of the Code of the Borough of Point Pleasant, is hereby amended to add the following:

<u>NAME OF STREET</u>	<u>LOCATION</u>
Heid Court and North Road	Stop Sign shall be installed on Heid Court
Harrington Court and North Road	Stop Sign shall be installed on Harrington Court

SECTION 2. All Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced and passed upon first reading at a regular meeting of the Mayor and Council, of the Borough of Point Pleasant, in the County of Ocean held on the 21st day of August, 2007 and that same shall be considered for final passage at a regular meeting of said Governing Body to be held on the 4th day of September, 2007, at the Borough Hall Council Chambers, 2233 Bridge Avenue, Point Pleasant, New Jersey, at 8:00 p.m., at which time and place any person desiring to be so heard upon the same, will be given the opportunity to be so heard.

DAVID A. MAFFEI, MUNICIPAL CLK/ADM.

ATTEST:

APPROVED:

DAVID A. MAFFEI,
MUNICIPAL CLERK/ADM.

MARTIN C. KONKUS, MAYOR

Mayor Konkus opened the meeting to the public. Seeing no hands Mayor Konkus closed the public portion of the meeting.

MOTION: Adopt Ordinance

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Absent

CARRIES: Yes

B. ORDINANCES – Introduction

- 1. Ordinance Amending Chapter VII “Building and Housing” with Regard to Certain Permit Fees

ORDINANCE NO. 2007-

ORDINANCE OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER VIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF POINT PLEASANT ENTITLED “BUILDING AND HOUSING” SO AS TO REVISE VARIOUS CONSTRUCTION PERMIT AND SUBCODE FEES

Be it ordained, by the Governing Body of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

SECTION 1. Section 8-1.2 of Chapter VIII of the Revised General Ordinances of the Borough of Point Pleasant entitled “Fees” is hereby amended and supplemented as follows:

- A. Section 8-1.2(a) 1 (a)(1) is hereby amended to read: New Construction, of all use groups except as provided in (2) (i) below:

Per cubic foot volume	\$00.024
Minimum Fee	\$50.00
Prototype	
Certificate of Occupancy	\$50.00

- B. Section 8-1.2(a)1(c) is hereby amend to read:

Open Decks
 Fee based on the estimated cost of work \$24.00 per \$1000.00
 Minimum Fee \$50.00

- C. Section 8-1.2 (a)1(J) is hereby amended to the extent that it shall read for “All other Structures:

Demolition:

Structures less that 5,000 square feet and 30 feet high or less	\$150.00
One or two family dwelling	\$ 50.00
Together with cash bond	\$1000.00
All other structures \$150.00 together with \$1000.00 cash bond posted with the Borough To ensure removal of debris and to protect Against damage.	

- D. Section 8-1.2 (a) 1 (q) is hereby amended to read:

Fire Permits:

When fire review or inspection required	\$25.00
All other permits required by the Uniform Construction Code in which specific provision Is not otherwise provide herein	\$50.00

- E. Section 8-1.2(a)2(3) shall be amended to the Extent that it shall reflect that the minimum

Plumbing subcode shall be \$50.00

F. Section 8-1.2(a)2(d) shall be amended to add Section 8-1.2(a)2(d)
Variations \$100.00

SECTION 2. All ordinances or part of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdictions, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on the first reading by the Borough Council of Point Pleasant Borough, New Jersey on September 4, 2007. The Ordinance will be considered for second and final reading at a meeting of the Borough Council on September 18, 2007 at 8:00 p.m., or as soon thereafter as the matter may be reached and considered at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this ordinance at that time.

DAVID A. MAFFEI, RMC, CMFO
Borough Clerk/Administrator
Borough of Point Pleasant

ATTEST:

APPROVED:

DAVID A. MAFFEI
MUNICIPAL CLERK/ADM.

MARTIN C. KONKUS, MAYOR

MOTION: Adopt Ordinance

MADE: Mr. McAlindin

SECOND: Mr. McCarthy

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

Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes
Mr. Ferrie: Absent

C. OPEN PUBLIC SESSION (Resolutions and Authorization only)

OPEN PUBLIC SESSION (Resolutions and Authorizations Only)

5 Minute Limit Per Person

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. McAlindin

APPROVED: All in favor.

Council President or Mayor then opened the meeting to the public.

MOTION TO CLOSE PUBLIC PORTION: _____

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

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

ALL IN FAVOR.

- D. 1. (198-2007) Authorize to Donate the Salary of Councilman Timothy J. Ferrie to The Paul Keating Memorial Scholarship Fund

MOTION: Authorized to Donate the Salary of Councilman Timothy J. Ferrie to The Paul Keating Memorial Scholarship Fund

WHEREAS, Timothy J. Ferrie was duly elected and sworn in as a Council Member for the Borough of Point Pleasant; and

WHEREAS, the salary resolution adopted by the Borough Council calls for Council Members to receive an annual salary of \$3,200.00 for services rendered and Timothy J. Ferrie will receive a pro-rated amount based on his August 2007 appointment to the Council; and

WHEREAS, Timothy J. Ferrie has indicated that he intends to forego his respective salary as a Council Member for the Borough of Point Pleasant Borough, upon condition that the salary, is to be donated directly to the Paul Keating Memorial Scholarship Fund through the Point Pleasant Foundation for Excellence in Education; and

WHEREAS, a Resolution is necessary in order to authorize the modification to the standard salary process.

NOW, THEREFORE, BE IT RESOLVED, this 4th day of September, 2007 by the Mayor and Borough Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

1. The Borough Council hereby accepts the request of Council Member Timothy J. Ferrie, to forego his respective pro-rated salary and accept his request to donate same to the Paul Keating Memorial Scholarship Fund through the Point Pleasant Foundation for Excellence in Education.

2. The Borough Council hereby authorizes and directs the Municipal Clerk/ Administrator and Chief Financial Officer to execute any and all necessary Documents in order to implement the intent of this Resolution.

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

Mr. Ferrie: Absent

CARRIES: Yes

2. (199-2007) Confirm Appointment of Special Police Officer Class II – Andrew Welsh

MOTION: Confirm Appointment of Special Police Officer Class II – Andrew Welsh

WHEREAS, the need exists for a Special Law Enforcement Officer within the Borough of Point Pleasant; and

WHEREAS, the Chief of Police has recommended that the appointment of the individual listed below to the position of Special Law Enforcement Officer II; and

WHEREAS, the below listed individual has met the necessary criteria for same; and

WHEREAS, the Borough Council did approve the appointment of Andrew Welsh at the meeting of August 21, 2007 and now wish to confirm said appointment.

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. Andrew Welsh is hereby appointed as Special Law Enforcement Officer Class II for the Borough of Point Pleasant for a period commencing August 21, 2007 and ending December 31, 2007, at an hourly rate of \$14.36, pending the completion of the Police Academy.**
- 2. Copies of this Resolution to the Chief of Police, Chief Financial Officer, Appointee and any other interested parties.**

MOTION: Adopt Ordinance

MADE: Mr. McAlindin

SECOND: Mr. Pyrko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Absent

CARRIES: Yes

3. (200-2007) Confirm Appointment of Jesse Waterson as Substitute Public Safety Telecommunications Operator Trainee – Police Department

MOTION: Confirm Appointment of Jesse Waterson as Substitute Public Safety Telecommunications Operator Trainee – Police Department

WHEREAS, a need exists within the Police Department for a Substitute Public Safety Telecommunications Operator Trainee; and

WHEREAS, the Police Chief has recommended the appointment of Jesse Waterson, Point Pleasant, New Jersey to fill said position; and

WHEREAS, BY POLL OF THE Borough Council, the Governing Body did approve the appointment of Jesse Waterson and now wants to confirm said appointment.

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. Jesse Waterson, Point Pleasant, New Jersey, is hereby confirmed as appointed to the position of Substitute Public Safety Telecommunications Operator Trainee in the Police Department, effective immediately, at an hourly rate of \$12.5596.
2. Said appointment is on a part-time provisional basis, pending successful completion of a ninety-day probationary period and approval by the New Jersey Department of Personnel.
3. Certified copies of this Resolution to Municipal Administrator, Police Chief, Chief Financial Officer, Appointee, Personnel File, and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

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

**Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes**

**Mr. McAlindin: Yes
Mr. Ferrie: Absent**

CARRIES: Yes

4. (201-2007) Authorize Execution of Interlocal Governmental Agreement with the County of Ocean (Schedule C)

MOTION: Authorize Execution of Interlocal Governmental Agreement with the County of Ocean (Schedule C)

WHEREAS, the County of Ocean has created and established a program to assist municipalities and governmental agencies in the repair and

maintenance of municipal streets and property in addition to providing certain

materials and supplies in connection therewith; and,

WHEREAS, the Governing Body of the Borough of Point Pleasant has requested the County to provide certain road maintenance and repair services on certain streets of the Municipality, not to exceed the sum of \$153,153.48; and,

WHEREAS, the Borough of Point Pleasant wishes to enter into an agreement with the County for the provision of these services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Point Pleasant, in the County of Ocean, State of New Jersey as follows:

- 1. The Mayor and Municipal Clerk/Administrator of the Borough of Point Pleasant are hereby authorized and directed to enter into and execute an intergovernmental agreement with the County of Ocean for the provision of certain road repair and maintenance services in an amount not to exceed \$153,153.48 with \$148,403.48 established for Road Department Services and \$2000.00 for engineering department services and \$2,750.00 for street sweeping material testing, screening and disposal.**

- 2. A copy of this Agreement shall be kept on file and available for public inspection at the office of the Municipal Clerk.**

- 3. This Agreement shall take effect upon full execution by the parties and shall remain in full force and effect through December 31, 2007. Sufficient funds will be appropriated and is available for this purpose in the 2007 municipal budget.**

- 4. A certified copy of this Resolution shall be forwarded to: Clerk of the Ocean County Board of Chosen Freeholders, Ocean County Road Department, Ocean County Engineer, Ocean County Department of Finance, Chief Financial Officer, Superintendent of Public Works 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

Mr. Ferrie: Absent

CARRIES: Yes

5. (202-2007) Requesting Chapter 159 Insertion in 2007 Budget – Drunk Driver, Over the Limit, Under Arrest Grant

MOTION: Requesting chapter 159 Insertion in 2007 Budget, Drunk Driver, Over the Limit, Under Arrest Grant

WHEREAS, N.J.S.A.40A4-67 provides that the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Point Pleasant has received \$5,000.00 from the New Jersey Department of Law and Public Safety Drunk Drive – Over the Limit, Under Arrest Program, and wish to amend its 2007 budget to include this amount as a revenue.

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 \$5,000.00 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 programs offset by Drunk Driver – Over the Limit, Under Arrest

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 other interested parties.

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

Mr. Ferrie: Absent

CARRIES: Yes

6. (203-2007) Accept C.F.O. Report – July, 2007

MOTION: Accept CFO Report – July, 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 July, 2007 attached hereto is hereby approved.
2. Copies of this resolution be sent to the Municipal Administrator, Auditor, Chief Financial Officer 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

Mr. Ferrie: Absent

CARRIES: Yes

7. (204-2007) Authorize Adjustment and/or Refund on Certain Tax or Water/Sewer Accounts

MOTION: Authorize Adjustment and/or Refund on Certain Tax or Water/Sewer Accounts

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. Formal authorization is hereby given to adjust as necessary the accounts listed herein.

<u>BLOCK & LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
363-107	Safar	\$ 564.89	Move credit from 07-4 To 08-1 Taxes
279-278	Marzulli	\$5969.34	Refund Overpayment '07 Taxes paid twice at Closing
318-43	Obsuth	\$2447.77	Adjust '07 Sewer only Broken pipes
306-14	DeStefano	\$ 209.56	“ “
362-90	McLaughlin	\$1198.80	“ “
288-6	McGeehan	\$ 248.64	“ “

2. Certified copies of this Resolution to Tax Collector, Treasurer, Administrator 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

Mr. Ferrie: Absent

8. (205-2007) Authorize Change Order No. 1 – Point Pleasant Skate Park, F&P Contractors Inc. – Reduction of \$2,748.75

MOTION: Authorize Change Order No. 1 – Point Pleasant Skate Park, F&P Contractors Inc. – Reduction of 42,748.75

WHEREAS, the Borough of Point Pleasant previously awarded a contract to F & P

Contractors, Inc., 659 Washington Ave. South Amboy, New Jersey, 08879, for the Point Pleasant Borough Skate Park; and

WHEREAS, the Borough Engineer has recommended that a Change Order, known as Change Order #1, in the amount of a net reduction of \$2,748.75, which defines adjustments to contract quantities and amount for such projects be authorized; and

WHEREAS, the total amount of the Change Order authorized by this Resolution is within permitted limits.

NOW, THEREFORE, BE IT RESOLVED, this 4th day of September, 2007 by the Mayor and Borough Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

1. Change Order #1 in the amount of a net reduction of \$2,748.75 with F & P Contractors is hereby authorized.

2. That the Mayor is hereby authorized to execute same.

3. Copies of this Resolution to: F & P Contractors, Chief Financial Officer, Borough Engineer, Contract File, 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

Mr. Ferrie: Absent

CARRIES: Yes

9. Bills and Claims

MOTION: Adopt Resolution Bills and Claims

WHEREAS, the Mayor and Council of the Borough of Point Pleasant have received claims which must be paid from specified funds where and when appropriate as listed on the attached schedules; and

WHEREAS, the responsible Department Head has certified that such claims represent good and/or service which have been received by the Borough; and

WHEREAS, the Municipal Administrator has certified that said claims are appropriate under the Local Public Contracts Law 40A:11-1 et seq. and are authorized budgetary expenditures; and

WHEREAS, the Chief Financial Officer has certified that all payments listed on the attached schedules have received the signature of the Municipal Administrator signifying his review and approval; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay said bills, and has certified by signature on each page of the attached schedules that each item accurately reflects the vendor's name, corresponding check number and appropriate amount as actually appears on the respective check; and

WHEREAS, as means of internal control a designated Borough Employee has cross checked each schedule and has certified by signature on each page that each item accurately reflects the appropriate vendor's name, corresponding check number and appropriate amount as actually appears on the respective check; and

WHEREAS, the Chief Financial Officer shall list on said schedule all void checks created as a result of the computer bill list run and that any other variations are appropriately noted in said schedules.

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

Mr. Ferrie: Absent

CARRIES: Yes

E. RESOLUTION (207-2007) Consent Agenda

MOTION: Approve Consent Agenda Items

WHEREAS, general consent items have been submitted to the Borough Clerk that require Municipal approval from the Governing Body; and

WHEREAS, said consent items are hereby summarized as follows:

1. Application Raffle License, Men's Club at Lake Ridge, on premise gift auction to be held October 17, 2007.
2. Application Raffle License, Woman's Club of Brick Township, on premise Basket of Cheer Raffle, to be held October 17, 2007.
3. Approve Council Meeting Minutes of August 21, 2007.
4. Application Membership, Fire Co. #2 – Travis Popiel.

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 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. McCarthy

SECOND: Mr. O'Rourke

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

**Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes**

**Mr. McAlindin: Yes
Mr. Ferrie: Absent**

CARRIES: Yes

F. AUTHORIZATIONS

1. Manual Checks

MOTION: Approve Manual Checks

MADE: Mr. O'Rourke

SECOND: Mr. McCarthy

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

**Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes**

**Mr. McAlindin: Yes
Mr. Ferrie: Absent**

CARRIES: Yes

2. Accept Letter of Resignation – V. John Wardell – Special Police Officer

MOTION: Accept Letter of Resignation – V. John Wardell – Special Police Officer, effective September 1, 2007

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

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

**Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes**

**Mr. McAlindin: Yes
Mr. Ferrie: Absent**

CARRIES: Yes

G. COMMITTEE REPORTS

Mr. Kaklamanis: The Rec Committee has been working together and we will continue to meet about the parks and revising the rules and regulations. The Riverfront Park is in the works.

Mr. Pyrtko: Under Public Works we go back to once a week trash collection next week. I spoke to Jude and he applied for a mini grant for a roll off and he got the grant for a shrink wrap.

Mr. O'Rourke: It is hurricane season and make sure you have a plan. Don't rely on everyone else. School opens please drive carefully. Our Zoning Officer sent a letter to the State about the weeds on the Bridge on Bridge Avenue. They did not do anything so he sent them a letter of violation. They cleaned it up.

Mr. McAlindin: No report. It has been a great summer. Please drive safely.

Mr. McCarthy: I echo the drive safely plea. On water and sewer I commend Dave Kinsley for noticing a problem with Well #5. Thanks to his quick thinking we got Schultes out there and they found that when the well shuts off at 5 p.m. there was a problem with some screws being broken. If he hadn't caught it when he did there would have been a lot of damage. I commend Dave Kinsley and Dennis Sears. We received communications from Jerry Dasti and Bob Forsyth about the Bay Head Interconnect and all of the paper work is being ironed out. We should have it completed by the end of September or early October. End of report.

H. REPORT OF MAYOR

Mayor Konkus: I was at Borough Hall today and Bob Haugh came by representing BPOE Elks 1698 in Point Pleasant Beach and he presented a check to Lt. Colwell for \$1000 for the DARE Program. I thank the Elks. Please drive safely. We received correspondence about Breast Cancer month. They are asking to tie pink ribbons around trees. The cost per ribbon is \$5.00 and they will put them up and take them down. I would like to purchase \$100 worth of ribbons for around the Borough Hall.

MOTION: To approve the purchase of \$100 worth of pink ribbons

MADE: Mr. McAlindin

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Absent

CARRIES: Yes

Mr. Kaklamanis asked that parents make sure their children wear helmets when they leave the house.

I. OPEN PUBLIC SESSION – 5 Minute Limit Per Person

OPEN PUBLIC SESSION – 5 Minute Limit Per Person

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. Pyrtko

SECOND: Mr. McAlindin

APPROVED: ALL IN FAVOR.

Council President or Mayor then opened meeting to the public.

MOTION TO CLOSE PUBLIC PORTION: _____

John Meyerle, 2101 Glenwood Drive: Back in July there was a meeting about sharing Police Departments. The report was it was difficult to accomplish that because some of the town are Civil Service and others are not. The Governor has signed legislation about how one can do that. I will get a copy to each of you and I would like to have a discussion about it at the next meeting.

Mr. McCarthy: Thank you.

Eli Milewski, 2401 River Road: asked if they would make sure that at the triathlon they do not use spray paint on the road and only the chalk.

Mayor Konkus assured Ms. Milewski that this was already discussed and it will be handled.

Julia Budrick, 1102 Old Drift Road, there was a lot cleared on our street and they took down every tree. How can you change the shade tree law to make sure they do not take all of the trees down. How can we save trees? Ms. Budrick also asked about the drainage on Old Drift Road.

Mr. O'Rourke will make Mr. Burke aware of the drainage problem.

Mr. Dasti will look into other towns ordinances.

Allison Ingenito, 1101 Gowdy Avenue, resubmitted her application to use the park for yoga lessons. She is a non-profit organization. She received her permit and she paid \$75.00 to teach three free yoga classes to the community. She is asking for a waiver of the fee.

Mr. McAlindin stated she needs documentation that she is recognized as a non-profit organization. Submit the proof to Mr. Maffei and it can go on the next council agenda.

Ms. Ingenito collects nonperishable foods and coordinates with St. Gregory's Pantry. She also works with the Cancer Concern People. She has a committee of 20 people.

Mayor Konkus is looking for a type of volunteer that could drive people to Doctors appointments.

Ms. Ingenito will coordinate with Mayor Konkus on different volunteer programs.

Mr. O'Rourke explained to Ms. Ingenito that the park is booked through March. We will follow the existing rules and we will work on a new set of rules. We want the least impact and the best use of the parks.

Susan Rogers, 2308 River Road: There is an ongoing problem that seems to be getting worse on Maxson Beach, the corner of Maxson and River. There are numerous problems. There is a lot of vandalism, there is graffiti, drug dealing, there are children that are out at 2 and 3 o'clock in the morning. They play the game ding dong ditch with peoples door bells. My house has been the recipient of eggs thrown at my door and windows. My ornament statues have been turned upside down and broken. I have spoken to the Chief and several other officers. These kids are from anywhere from 14 years old and up. I have no idea where the parents are but this is a serious problem. It is at the Rec Center, it is at the Community Park as well. Ms. Rogers suggest a curfew.

Ms. Rogers on a positive note the Committee for the Open Space for the Natural Resource Inventory the kick off is next Thursday night at 7 p.m. It is not open to the public.

Laura Beeden, 2406 Spruce Street, how many years have I been coming up here and mentioning vandalism. It is getting worse. Where is the curfew. We need a town wide curfew.

Mr. McAlindin does not agree that a curfew will solve these problems.

Mayor Konkus suggested the committee meet concerning discussing a curfew.

Mr. McCarthy asked if Mr. Dasti could look into other municipalities and their hours for a curfew and if it has helped with the vandalism.

Dennis Vitkauskis, Foster Road, asked the status of the time clocks.

Mr. Maffei stated they have been ordered.

Mr. McCarthy entertained a motion to close the public portion of the meeting.

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

ALL IN FAVOR.

J. EXECUTIVE SESSION

RESOLUTION

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 N.J. Open Public Meetings 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 matters to be discussed will be 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:

SECOND:

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Absent

CARRIES: Yes

