

COUNCIL MEETING
TUESDAY – OCTOBER 2, 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
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 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 in the Ocean County Observer and The Ocean Star and communicated to the Asbury Park Press.

A. ORDINANCE – INTRODUCTION

1. Bond Ordinance Appropriating \$350,000.00 and authorizing the issuance of \$332,500.00 in Bonds or Notes for the Reconstruction and Expansion of the Borough Hall Parking Lots and for the Dredging of the Beaver Dam Creek

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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$350,000 and the sum of \$17,500 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 improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$332,500 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. (a) The improvements hereby authorized and the purposes for the financing of which the bonds are to be issued is for the reconstruction and expansion of the parking lots for the Municipal Building.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

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 determination and 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 or 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 for public inspection.

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance is 10 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 \$332,500 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) The Borough reasonably expects to commence 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 improvements 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 or 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 report 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.

MOTION: Adopt Ordinance

MADE: Mr.

SECOND:

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

Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes
Mr. Ferrie: Yes

CARRIES: Yes

2. Bond Ordinance Appropriating \$21,000.00 and Authorizing \$19,950.00 in Bonds or Notes for the Dredging of a Portion of Beaver Dam Creek

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE DREDGING OF BEAVER DAM CREEK IN AND BY THE BOROUGH OF POINT PLEASANT, APPROPRIATING \$21,000 THEREFOR, AND AUTHORIZING \$19,950 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. 2004-09 on May 4, 2004, (the "Bond Ordinance") providing for the dredging of Beaver Dam Creek; and

WHEREAS, the Borough has determined that additional funds will be required in order to complete the dredging of Beaver Dam Creek.

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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$21,000 and the sum of \$1050 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 improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$19,950 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is maintenance dredging of portions of Beaver Dam Creek including, but not limited to, excavation, de-watering, spoils transport, site costs, site restoration, remediation and development, and including all work and materials necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

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 determination and 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 or 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 for public inspection.

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance is 7 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 \$19,950 and the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding \$1000 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 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 improvements 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 or 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 report 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: _____

Martin Konkus, Mayor

MOTION: Adopt Ordinance

MADE: Mr. Ferrie

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

B. OPEN PUBLIC SESSION (Resolutions and Authorizations Only)

5 Minute Limit Per Person

Mr. 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. McAlindin

APPROVED: ALL IN FAVOR

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

MOTION TO CLOSE PUBLIC PORTION: _____

Joan Speroni, 914 Leighton Avenue, Under item # 10 Bills and Claims, I don't have an issue with paying any bills but my issue relates to the First Aid Squad. I have lived in this town for 16 years and in those 16 years my family has needed the help of the First Aid on four occasions. Of those four occasions only once has the Borough First Aid Squad responded. Most recently, this past Sunday, I made a 911 call because my husband woke up at 2:30 in the morning screaming in pain "Help Me". I made a 911 call and the dispatcher patched me through to the Police Department and I was under the impression that a rig was called and a rig was called. However, after waiting about 45 minutes another rig had to be called and the Beach responded. I understand it is a volunteer organization. I have the most respect for all

volunteers, especially the medical and Fire Department volunteers. But, all I can think of is what if my husband was having a heart attack he would have been dead because we had to wait for another rig to be called 45 minutes later. Something has to be done to recruit more volunteers. Or to make them accountable for not showing up. At least say no one is coming. I feel 45 minutes is a very long time to wait when your loved one is in pain.

Mr. McCarthy: Did the Police respond?

Ms. Speroni: Yes, Officer Fennessy responded within 5 to 10 minutes and he was wonderful. Approximately ten minutes later Sgt. Lokerson also came. There was a bid of uneasiness as we are all standing around the bedroom wondering where the emergency squad was. They tried to keep me calm and my husband was screaming in pain. In 30 years I never heard my husband scream that way. It was very frightening but I remained calm. I tried to convince my husband that it seemed longer than it was because he was the one in pain and the Police tried to do the same. At one point, Sgt. Lokerson called the Dispatcher and asked where the rig was and he was told to call him on his cell phone. He went out and came back and said they had to make a call to the Beach.

Mr. Kaklamanis: Did MONAC respond?

Ms. Speroni: No, it was not a heart condition. It was back pain and it turned out to be a kidney stone. Anyone who has had that knows how terrible it is.

Mr. McAlindin: What time was the call?

Ms. Speroni: It was 2:30 in the morning. He did not make it to the hospital until 4 a.m. Thank you.

Mr. John Wardell, President of the Point Boro First Aid: I will look into this because after seven minutes a second request is supposed to go out. I want to know why it did not go out. The Beach is supposed to be hit out after that too. We would never take 45 minutes to answer a call. I will get an answer back to your Ma'am as soon as I can. When did this happen?

Ms. Speroni: Sunday morning.

Mr. Wardell: This past Sunday? I will get you an answer.

Ms. Speroni: Thank you.

Dennis Vitkauskis, Foster Road: Under authorizations, #2, It is good to see the Westside Tavern is cutting back on some of their outside parties. It doesn't change the fact that their property really is not designed to hold such things and it would be nice if they got approval for it before they started advertising for it. It has been advertised already.

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.

C. RESOLUTIONS

1. (215-2007) Authorize Refund of Demolition Bond, Block 307, Lot 14 – JVH Ventures LLC

MOTION: Authorize Refund of Demolition Bond, Block 307, Lot 14 – JVH Ventures LLC

WHEREAS, JVH Ventures, LLC, 52 Taylor Avenue, Manasquan, New Jersey 08736 did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a single family dwelling at 1646-1648 Beaver Dam Road, Point Pleasant, New Jersey, 08742, Block 307, Lot 14.

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 JVH Ventures a demolition bond in the amount of \$1,000.00 deposited**

as security for the satisfactory demolition of a single family dwelling at 1646-1648 Beaver Dam Road, Point Pleasant, New Jersey 08742.

2. **Copies of this Resolution to: Construction Official, JVH Ventures, LLC, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

2. **(216-2007) Authorize Execution of Contract with Brownfield Redevelopment Solutions Inc. to Develop Canal Walk Evaluation Study, \$15,000.00**

MOTION: Authorize Execution of Contract with Brownfield Redevelopment Solutions Inc., to Develop Canal Walk Evaluation Study, \$15,000.00

WHEREAS, the Borough of Point Pleasant, County of Ocean, State of New Jersey (hereinafter referred to as the "Borough") is in need of obtaining environmental consulting services in conjunction with the development of the Canal Walk Evaluation Study Project (hereinafter referred to as the "Project"); and

WHEREAS, the environmental consulting firm of Brownfield Redevelopment Solutions, Inc., is duly qualified to provide environmental consulting services and has agreed to perform a study for the Borough with regard to this proposed Project; and

WHEREAS, funds are available in the Borough's budget for this purpose; and

WHEREAS, this appointment is a professional appointment and therefore exempt from the bidding requirements set forth in the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*; and

NOW, THEREFORE, BE IT RESOLVED this 2nd day of October, 2007, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The environmental consulting firm of Brownfield Redevelopment Solutions, Inc., is hereby appointed as to perform a study in conjunction with the Borough's development of a Canal Walk Evaluation Study Project.

2. All services to be performed by Brownfield Redevelopment Solutions, Inc., and fees to be paid for these services by the Borough are outlined in the attached Proposal/Statement of Qualifications dated May 3, 2006 and shall not exceed \$15,000.00.

3. This appointment is a professional appointment and therefore exempt from the bidding requirements as set forth in the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*

4. 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.

5. A certified copy of this resolution shall be forwarded by the Borough Clerk to the following:

- (a) Honorable Martin Konkus, Mayor;
- (b) David A. Maffei, Borough Administrator;
- (c) Judith Block, C.F.O.;
- (d) Jerry J. Dasti, Esq.; and
- (e) Brownfield Redevelopment Solutions, Inc.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township Committee of the Township of Barnegat at a regular meeting held on the 2nd day of October, 2007, a quorum being present and voting in the majority.

DAVID A. MAFFEI, Administrator/Clerk

MOTION: Adopt Resolution

MADE: Mr. Mc Carthy

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

3. (217-2007) Authorize Advertisement and Receipt of Bids for the Purchase of One (1) Five Cubic Yard Dump Truck with Snow Plow Equipment

MOTION: Authorize Advertisement and Receipt of Bids for the Purchase of One (1) Five Cubic Yard Dump Truck with Snow Plow Equipment

WHEREAS, the Borough of Point Pleasant has prepared and reviewed bid

specifications for the Purchase of a 5 Cubic Yard Dump Truck with snow plow equipment; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Mayor and Council has approved said specifications and has determined that they will advertise for sealed bids for the purchase of a 5 Cubic Yard Dump Truck with snow plow equipment.

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 advertise the attached Notice to Bidders for the purpose of the receipt of sealed bids for the above named purchase or project.**
- 3. Each bid shall be submitted as a written proposal in the manner**
Designated in the specifications, and shall be signed by the bidder. The bid shall be enclosed in a sealed envelope bearing the name and address of the bidder on the outside and addressed to DAVID A. MAFFEI, MUNICIPAL CLERK/ADMINISTRATOR, P.O. BOX 25, 2233 BRIDGE AVENUE, POINT PLEASANT, NEW JERSEY 08742. Said envelope shall be clearly labeled that it contains a bid for the purchase of a 5 Cubic Yard Dump Truck with Snow Plow Equipment.
- 4. Specifications and form of bids may be inspected or obtained upon proper notice by prospective bidders during regular business hours, 8:30 a.m. to 4:00 p.m., Monday, Tuesday, Wednesday, Thursday, and Friday 9:00 a.m. to 4:00 p.m., from the Municipal Clerk/Administrator, P.O. BOX 25, 2233 BRIDGE AVENUE, POINT PLEASANT, NEW JERSEY 08742.**
- 5. Sealed bids shall be called for and shall be received, opened and read**
In public in the Council Chamber of the Borough Hall, 2233 Bridge Avenue, Point Pleasant, New Jersey 08742, on Tuesday, October 16, 2007 at 10:00 a.m. prevailing time, or as soon thereafter as possible.
- 6. It is the sole responsibility of each bidder to see that bids are**
Submitted on the date and time specified, an IN NO EVENT SHALL ANY BE CONSIDERED AND/OR ACCEPTED AFTER THE DATE AND TIME SPECIFIED FOR RECEIPT OF BIDS. In the event that a bidder does not personally deliver the sealed bid on the date and time specified for receipt of bids, such bidder shall assume all risks of loss or misplacement of the sealed bid by Municipal Officials or any other risk related to the failure of the bidder to personally deliver the bid.
- 7. The bid quote shall be sent to the Borough of Point Pleasant and shall**
Be exclusive of any State or Federal taxes. Each and every deviation from the Specifications shall be clearly listed by the bidder. Failure to comply with this requirement shall be grounds for rejection of the bid.
- 8. Each bid must be accompanied by a bid bond, certified check or**

Cashier's check payable to the Borough of Point Pleasant for not less than ten percent (10%) of the amount bid, but not in excess of \$20,000.00 and shall be delivered at the place and time specified above. This requirement will not be waived.

9. A contract will be awarded to the lowest responsible bidder. The Borough reserves the right to reject any and all bids. The Borough Council reserves the right to waive insubstantial irregularities in any bid.
10. A non-collusive affidavit in the usual form will be supplied with the Specifications and shall be executed by the person or corporate officer submitting the bid. Said affidavit must accompany each bid. These requirements will not be waived.
11. Bidders are required to comply with the requirements of P.L. 1977, Chapter 33, by submitting a list of the names and addresses of all stockholders or owners holding ten percent (10%) or more of the stock or owning a ten percent (10%) or greater interest therein. Failure to submit such a list, either prior to the time for the receipt of bids or with the sealed bid, will be ground for the rejection of the bid.
12. Bidders are required to comply with the requirements of P.L. 1975, Chapter 127 (N.J.S.A. 10:5-31, et seq).
13. Performance date shall commence as stipulated in agreement or as stated in specifications.
14. The second lowest bid shall be retained for a period of thirty (30) days after the award of bid.

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: Yes

CARRIES: Yes

3. (218-2007) Amend Salary Resolution

MOTION: Amend Salary Resolution

WHEREAS, it is necessary for the Mayor and Council of the Borough of Point Pleasant to adopt a Resolution establishing the annual salaries and wages of Borough Employees for the Year 2007 in accordance with the current salary ordinances, and

WHEREAS, it is the desire of the Mayor and Council to amend that schedule with regard to a certain employee for the year 2007,

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 wage according to the following “Schedule A” is hereby approved as the wage to be paid to the employee listed thereon. Said wage to be effective with her actual start date.**
- 2. Schedule A of original Salary Resolution adopted June 19, 2007 is amended to accommodate newly agreed to wage for 2007.**
- 3. Copies of this Resolution to: Chief Financial Officer, Personnel Files and any other interested parties.**

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

Mr. Ferrie: Yes

CARRIES: Yes

- 4. Authorize Public Auction of Certain Surplus Borough Equipment**

MOTION: Authorize Public Auction of Certain Surplus Borough Equipment

WHEREAS, the Mayor and Council find that it is the best interest of the Borough to sell equipment listed in Schedule A at the Municipal Public Auction to be held at the James T. Clayton Public Works Facility on October 20, 2007 at 10:00 a.m.; and

WHEREAS, the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey have determined that the Borough Equipment listed in Schedule A are not needed for public use; and

WHEREAS, it is the desire of the Borough Council to declare the items listed in Schedule A as surplus equipment and authorize their sale at Public Auction or as scrap as noted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey Pursuant to R.S.40:11-36(2) that:

- 1. Said equipment listed in Schedule A are declared surplus and shall be sold at Public Auction or as scrap as noted.**
- 2. In the event that any items on Schedule A are not sold at this Auction, and said items is then authorized to be scrapped.**
- 3. Certified copies of this Resolution be sent to the Chief of Police, Municipal Clerk/Administrator, Superintendent of Public Works and any other interested parties.**

SCHEDULE A

1994 Saturn: Reserve Price Starting at \$500.00

1992 Honda: Reserve Price Starting at \$250.00

1995 Nissan: Reserve Price Starting at \$350.00

Vista Wheel Chair

Skim Board

Razor Scooter

Music CD's in Case

Easton Duffle Bag Containing Bats and Balls

Rawling Baseball Glove/Righty

Youth Aluminum Baseball Bat

Plastic Ornamental Snowman

4 Solar Ground Lights

3 Life Vests

Dakine Backpack

Rawling Baseball Glove/Lefty

Portable Sony CD Player W/CD's

Angelina Ballerina DVD/Game Boy Advanced Game

14K Gold Ring W/Blue Topaz Center Stone

Delphi XM SKYF1 2 Satellite Radio

Sterling Silver Money Clip

Sapphire and Diamond Platinum Ring

Brown Leather Wallet

Nintendo Gameboy Advanced SP

Sony Apple IPOD MP3 Player

Pair of Mens North Face Gloves

Coach Pocketbook Razor Scooter

Approximately 100 Bicycles

1984 Dodge Omni – Minimum Starting Bid \$50.00

1990 Chevrolet Caprice – Minimum Starting Bid \$100.00

JBI Parts Washer

3 Metal, 4 Drawer File Cabinets

Chlorine Leak Kit

2 Pallets of old computers from Borough Hall

Compact monitor

Sony monitor

Sony monitor

Panasonic Dimension XPS P120c

MIS Seagate

MIS Seagate

Epson LQ 1070+

Okidata printer

Xerox typewriter

Stuffer or postage meter

1 IMP Selectric Typewriter #4895

2 Sharpe Electronic audit Machines #38 & #50

1 Sharpe Calculator #EL-2615G

4/8' Formica Top Folding Tables

Word Processor Invoice #0019 (Xerox)

Phone Inter Office Phone system by NEC

Take Further notice that any item over \$100.00 will require a certified check or cash.

DAVID A. MAFFEI, CMFO, RMC

Borough Administrator/Clerk

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: Yes

CARRIES: Yes

5. (220-2007) Accept Void Check Report

MOTION: Accept Void Check Report

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 Chief financial Officer has voided check and/or stop payment on checks listed below and reissued new checks if necessary.

<u>CHECK #</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>VENDOR</u>	<u>REASON</u>
9221	\$35,560.54	Water/Sewer	Payroll	Computer Error
9223	\$35,505.95	Water/Sewer	Payroll	Computer Error
10765	\$ 117.79	Current	Capital	Computer Error

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: Yes

CARRIES: Yes

6. (221-2007) Accept CFO Report – August, 2007

MOTION: Accept CFO Report – August, 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 August, 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
7. (222-2007) Authorize Purchase of One (1) 2007 or New Case 521-D Wheel Loader from Trico Equipment Inc. for \$111,364.00 through the Ocean County Purchasing Contract Extension

MOTION: Authorize Purchase of One (1) 2007 or New Case 521-D Wheel Loader from Trico Equipment Inc. for \$111,364.00 through the Ocean County Purchasing Contract

WHEREAS, the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey (hereinafter referred to as the “Borough”), has solicited bids for the purchase of a 2007 Case 521-D Tier II Vehicle (the “vehicle”); and

WHEREAS, bids have been solicited by the Borough in conformance with the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough intends to purchase this vehicle under “State Contract” pursuant to the Ocean County Purchase Contract (Contract No. B2007-79) from a State approved vendor, Trico Equipment, Inc. for and in consideration of \$111,364.00; and

WHEREAS, the bid documentation submitted by Trico Equipment, Inc. has been reviewed by the Borough’s professional staff and found to be acceptable as to form and content; and

WHEREAS, the bid submitted by Trico Equipment, Inc. is in conformance with the Borough’s budgetary constraints:

NOW, THEREFORE, BE IT RESOLVED, this 2nd day of October, 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 purchase of a 2007 Case 521-D Tier II Vehicle through the Ocean County Purchase Contract from Trico Equipment, Inc. for and in consideration of \$111,364.00.

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 Administrator/Clerk to the following:

- (a) Honorable Martin Konkus, Mayor;
- (b) David Maffei, Administrator;
- (c) Judith Block, CFO;
- (d) Jerry J. Dasti, Esquire; and
- (e) Trico Equipment, Inc.

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 Mr. Ferrie: Yes

CARRIES: Yes

- 8. (223-2007) Authorize Adjustment and/or refund on Certain Tax or Water/Sewer Accounts

MOTION: Authorize Adjustment and/or refund on certain tax or water/sewer account

WHEREAS, the Municipal Tax Collector, from time to time, submits a schedule of adjustments and/or refunds due for various reasons; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments and/or refunds as recommended by the Tax Collector.

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>
223-14	Cestus Realty	\$ 25.00	Refund Misc. Water/Sewer Leak Check Not Done
127-20	Tanglewood East	\$1125.80	Adj. '07 Water/Sewer Billing Error
200-10	Mulvey	\$1675.67	Refund '07 Taxes Paid Twice at Closing

- 2. Certified copies of this Resolution to Tax Collector, Treasurer, Administrator and any other interested parties.

MOTION: Adopt Resolution

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

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

CARRIES: Yes

- 9. (224-2007) 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. Pyrtko

SECOND: Mr. O'Rourke

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

10. (225-2007) Amend Capital Budget

MOTION: Amend Capital Budget

WHEREAS, the Borough of Point Pleasant, New Jersey desires to amend the 2007 General Capital Budget of said Municipality by inserting thereon as shown in such budget for the following reasons: Reconstruction of Borough Hall Parking Lots and completion of Dredging of a portion of Beaver Dam Creek.

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

GENERAL CAPITAL BUDGET OF THE BOROUGH OF POINT PLEASANT, NEW JERSEY
Projects Scheduled for 2007
Method of Financing

<u>Project</u>	<u>Estimated Cost</u>	<u>Capital Improvement Fund</u>	<u>Authorized Bonds & Notes</u>
Reconstruction and Expansion of Borough Hall Parking Lot and Any other labor or Materials necessary Therefore.	\$350,000.00	\$17,500.00	\$332,500.00
Completion of the Dredging of a portion Of the Beaver Dam	\$ 21,000.00	\$ 1,050.00	\$ 19,950.00

Creek and any other
Labor or materials
Necessary therefore.

1. Two certified copies of this Resolution to 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. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

11. (227-2007) Rescinding and Terminating the Proposed Contract with Safeway Contracting Inc. for the Albert Clifton Avenue Ground Storage Tanks Project and Authorizing a Rebid of the Project

MOTION: Rescinding and Terminating the Proposed Contract with Safeway Contracting Inc. for the Albert Clifton Avenue Ground Storage Tanks Project and Authorizing a Rebid of the Project

NOW, THEREFORE, BE IT RESOLVED, THIS 2ND DAY OF October, 2007, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows;

1. Based upon the recommendations from the Borough Engineer the Borough hereby terminated the contract with Safeway Contracting, Inc. for this Project. The termination of contract is a mutual decision reached between the parties and is at no cost to either party.
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 Honorable Martin Konkus, Mayor, Robert D. Forsyth, Engineer, Jerry J. Dasti, Attorney, Dennis Sears, DPW Superintendent.

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: Yes

CARRIES: Yes

D. RESOLUTION (226-2007) Consent Agenda

MOTION: To approve consent items as summarized below

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, Rotary Club of Point Pleasant, on premise 50/50's to be held January 2, 9, 26, 23, 30, February 4, 13, 20, 27, March 5, 12, 19, 26, April 2, 9, 16, 23, 30, May 7, 14, 21, 28 June 4, 11, 18, 25, July 2, 9, 16, 23, 30, August 6, 13, 20, 27, September 3, 10, 17, 24, October 1, 8, 15, 22, 29, November 5, 12, 19, 26, December 3, 10, 17, 24, 31, 2008.
2. Approve minutes of September 18, 2007.

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 Consent Agenda

MADE: Mr. McAlindin

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

E. AUTHORIZATIONS

1. Manual Checks

MOTION: Approve manual checks

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

2. Application to Extend Licensed Premises – Magee's West Side Tavern (October 13, 2007) Rain Date October 14, 2007 - Octoberfest

MOTION: To approve application to extend licensed premises – Magee's Westside Tavern

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: No

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

3. Accept Letter of Resignation – Andrea Clauser, Crossing Guard – Police Department

MOTION: Accept Letter of Resignation – Andrea Clauser, Crossing Guard

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

F. DISCUSSION

1. Park Dedication

Mayor Konkus asked this to be put on the agenda because of the recent motion that was made for the naming of the Riverfront Park being brought up to Council to everyone's surprise and no one knew quite how to handle it since it did not go through the normal process of a committee review and a recommendation to Council and being put on the agenda for Council's education and preparedness. As a result of that, I have a little story to tell. I would like everybody to sit back. I was very troubled over the weekend and in thinking about the right way to go and the right thing to do and how to proceed in an organized way with everything that we are dealing with here. I spend quite a few hours across the street at the Community Park remembering all the years of our citizens battling at least two business organizations to save that property. One was a car dealership and the other was an A&P. The fight I am guessing took close to two decades in all and it took many citizens across this town with finally a referendum vote being cast and the citizens all across the town and I believe the result was about 70% or better that said they did not want that to be a business. When that park was near completion and it was time to give it a name this Council had been faced with many possibilities and many suggestions and it was not an easy time to get through. During that time I had a personal conversation, a one on one with Lee Sharpe, who was sitting up here as a Council woman and we were talking about it. I said certain things to her that I am going to recount in a moment. I wound up giving Lee a call in the hospital yesterday and I asked how she was doing and she told me she is in quite a bit of pain. We talked about the prognosis and she has no illusions about what she is faced with. We talked a bit about that and I reached the point in the conversation where I said Lee, you know I have never called you for any reason other than to find out how you are doing. I never called you about business before. I said today is a little different. I said do you mind if we talk business for a little while. She said no Marty, that would be fine, I don't mind at all. Somehow, because this whole thing the way it was brought out it turned out to be a hot button issue. A wedge has been driven, unnecessarily between many of our residents who are well meaning people and between two good families. Not just two good families, the Birdsall's and the Dwelet's, but other people have other opinions. There are other ways to go about this in addition to that. I said right now it looks like there are some neighbors who are pitted against each other in their opinions and this is unfortunate and it should not be. She expressed her displeasure at that and told me that she was sorry that this was happening and that she wished it did not have to be that way. It shouldn't be that way. That is when I began recounting the story to her. I said Lee, do you remember when it was time to name the park across the street and you and I were in a discussion and I said Lee I know how much you would like to have something named for your Father, Jim in town and I support that but that Community Park I think should be named the Community Park just because of the number of people and the number of years that were involved in becoming what it is. However, I would be in favor of naming one of the fields after your Dad, Jim. I would certainly lobby the rest of the Council for that. Her answer to me was Marty, I appreciate that you would do that and I appreciate your support and I really look forward to that happening. What did happen was September 11, 2001 and when the Twin Towers went down all of that was preempted when the Council voted to approve the naming

of those fields Finest Field and Bravest Field in honor of the New York Police and Firemen who lost their lives in the terrorist attack. I said you know what Lee what is happening with the Riverfront Park is it doesn't even exist yet and we don't have the final approvals and if this Council makes a decision to name that park one way or another it is not going to be binding on any future Council. If this turns into a fiasco and winds up going to a referendum and the whole town votes on it there are no guarantees. I said nothing tangible can happen for a year and possibly two years at any rate until the park is built. It is kind of a mute point at this time to name it anything at all. I think it is probably wiser to let that park wait for its own time and what happens then happens. I said I have an idea that I want to bounce off of you. I said it occurred to me that a Community Park although the two fields one of which we thought we would name after your Dad are not longer available for dedication, it occurs to me that the amphitheater was never dedicated and it is sitting there waiting for a dedication. I said there is no reason in the world that we can't name the amphitheater Birdsall Amphitheater after the family name and then to have engravings not only just for your Dad but for you commemorating the Community service that you both gave to this town. This is something that we do not have to wait a year or two years this can happen right now. I believe I have support for that and there is no waiting. It is a guarantee and there is no waiting. It can happen right now. She was receptive to that. She said she liked the idea and it sounds very good so far. I said if we push hard enough and with a little help from heaven we could probably have the name Birdsall up on the amphitheater for the Christmas Tree Lighting. She said that really sounds like a good thing to me and she agreed that it would be a dream come true for her. To see something tangible to finally occur and then I asked if I had her permission to move forward with this. She said yes Marty you have my permission. I want to thank you not only for the attention you have given to this but for being brave enough to stick your neck out and do this for me. I really appreciate it. We had a little bit more chit chat about the same subject and finally said good night. I was prepared to come into this meeting with that. Overnight something happened and I am not sure what happened. My friend Pat Gottschalk gave me a call this morning and said she had spoken to Lee last night and Lee gave an indication that she had changed her mind. I called Lee's husband Bob and he said the same thing. Marty, I don't know what happened. I thought you had a real sensible plan and it was a good compromise but I don't know. I said I know Lee has a busy day today with dialysis and what not if you hear anything will you get back to me. Bob, thank you for getting back to me. Bob said that he spoke with Lee and because of the medication she is on she sometimes goes in and out and it affects her memory. Drugs do effect your memory. He said I asked her if she recalls her conversation with you last night and she said to him that she was somewhat confused and she did not recall anything but she remembered that she thought it was about the Riverfront Park. That we were talking about the Riverfront Park. I spent most of the day today heartbroken, totally confused and not knowing what to do. I finally said God Help Me on this one. I need some clear vision and I simply don't know where to go. I am under such conflict here. About an hour later or so it began to dawn on me that I had met a crossroads in the direction that I needed to go. On the one hand there was a road of non achievement and on the other hand there was a road of instant achievement and a road of peace that would bring unity back to the community that is divided over this. I thought about it more and I thought what about what I am being told about Lee and then it occurred to me well if there is a question as to the validity of the statements that Lee is making than there is a questions about the validity of the statements that I am hearing from third person witnesses. The only thing I have to go on here ultimately is my own assessment of the conversation that I had with Lee last night. She sounded like Lee Birdsall Sharpe that everybody loves and knows and she was in my estimation she was lucid considering the trauma and the drugs that she was on she was amazingly lucid in my estimation. I thought more could she have been mistaken as to whether we were talking about the Riverfront Park or not. Then I remembered when we were talking about the probability that this could be in place by the next Christmas Tree lighting. At that point in my mind it became unmistakable since Lee participated in these Christmas ceremonies that when we talked about that she was perfectly clear on where that location was. That the Christmas Tree Lighting take

place across the street at the Amphitheater at the Community Park. When I asked her permission to move forward and she said Marty yes you have my permission. I believe at that time she was clear thinking and that she made a clear decision in giving me direction in which way to go. I do believe overall that is the best thing for Lee and for the community and to bring peace back to the community. I think my recommendation is for Council to strongly consider honoring the Birdsall family across the street at the Community Park.

Mr. McCarthy: Since you brought that issue up and since it was my motion that brought this issue to the floor I just want to let the public know. I received telephone communication on Friday before the Council meeting that came up. This was before she was in the hospital, before she had surgery, before she was under medication. When she contacted me she was adamant that she would like to have the park named after her and be named Birdsall Community Park in respect for her and her family's efforts. That is the conversation I had with Lee and that is the conversation that let me to bring this motion before the Council and that is my position at this point of time. I suggest we hear from some of the members of the public that are here tonight that want to be heard on this issue.

Mr. Ferrie: I would just like to add to what you said Marty. I obviously worked with Lee from the inception of the committee to put the park across the street. This was before I was on the Council. She was the liaison to that committee and after being elected to Council I served with her in the building of that park. I would also like to add that besides Bravest and Finest Fields which represent the backstops to that complex this Council also agreed to honor Christy Pearce by naming the soccer field portion of that open field to be name the Christy Pearce Field for her accomplishments to this town. In fact, after my reappointment to the Council Lee's sister came down to my store and asked me if I would please follow through on that which was near and dear to Lee. I said I would. My agenda for the remainder of the year is to make sure the plaques are put in place to represent those fine areas. I agree with you totally and I think naming that Amphitheater for the Birdsall's will not only let everyone in this town see the name but they will understand what Jim Birdsall was to this town and the wonderful things he did. Also, to recognize Lee's many years of service to this town. That Bandshell is used by children year round. We have movie night there, we hold the Memorial Day ceremony, we have children singing there. What a better way to pay tribute to an Educator. Lee always said from this very chair that I sit in anytime anyone came forward to be recognized she would always say she taught them or their mother or taught somebody. That is a wonderful thing. She touched many people in this town. As did her Father. I think she is in fine company with a field named after Christy Pearce and with two backstops that are named for first responders. We have not even accepted a bid yet to build a Riverfront Park. This is something that is tangible and there is a name to be put there and it is something everyone can appreciate and it is something that she can appreciate. I think that is the way.

Mr. McAlindin: I joined so many people and I am sad that this has become controversial. One would think that the type of thing we would have a discussion about it in advance and try to reach a consensus and I will say while I hardly agree that Lee should be recognized for her teaching and her 18 years on Council. I was very surprised when Councilman McCarthy made the motion without any prior discussion with anyone at the last meeting, I will say despite of any controversy that they have within our community these two people are fine people and we should never create a competition between two excellent civic contributors such as Dr. Dwulet and Lee Sharpe. It is a shame this has come down this path. I have had many residents say to me that if we were to name the park after an individual that Dr. Dwulet would be a fitting individual and I could not agree with that more. I know most of you know the Dr. Dwulet story and my comments are not meant in any suggest a competition between two fine people. I thought it was premature that it was brought to a motion and I am glad that we tabled it for further discussion. I do want to share with you something a resident gave to me at the last meeting and it was the program that was held on May 4, 1984 honoring Dr. Dwulet. " The epitome

of caring compassionate healer, Dr. Leon J. Dwulet has dedicated his life to the service of others. Born on a two hundred acre farm in Grenville, just outside of Lakewood Dr. Dwulet went to Lakewood High School and was a catcher on the baseball team. He went to Rutgers University for his premed studies where his baseball skills caught the eyes of the Brooklyn Dodgers Scout and they signed him in 1941 when he graduated. He spent a year with the Dodgers with a .300 batting average and a good chance for a major league career. However, his desire for a medical career had a stronger pull than baseball he enrolled at New York Medical College graduating in 1944. Dr. Dwulet then served a year internship at Monmouth Memorial Hospital, Long Branch, now Monmouth Medical Center and two years there as a resident surgeon before joining the Navy and serving for two years with the medical corps as a Lt. aboard the USS Portsmouth. Dr. Dwulet joined the medical staff of Point Pleasant Hospital in 1948 shortly after opening his offices on Arnold Avenue in Point Pleasant. At that time the hospital was just a tiny 40 bed institution with eight physicians and surgeons. With his assistance it has become one of the leading health care systems in the State. He served twice as the Chief of the Medical Staff and two years as the Chief of Surgery. He was elected to the hospital Board of Trustee in 1978 after heading a successful 1978 building fund that raised over \$1.5 million for the construction of the Thomas Wing. He is also the Director of the Ocean County National Bank. Dr. Dwulet is married to the former Helene Big and they have six children. An avid golfer, Dr. Dwulet is a member of the Manasquan Golf Club, Brielle with a handicap of six. His vacations are usually golf vacations in North Carolina. He is a member of the Country Club in North Carolina. He delivered nearly 3000 babies. Including the hospitals only set of triplets 24 years ago. About six years ago he gave up obstetrics because it was too demanding. However, delivering babies is only part of his family practice. He begins his routine at 7 a.m. and he makes rounds at the hospital with patient from youngsters to elderly patients in intensive care. The man is always ready to serve his fellow men and community and it is timely appropriate that he is being honored for giving so much to so many for so long." We all know that Dr. Dwulet has since passed but he is not forgotten. For the years ahead I am not so sure that people will know or understand what he was all about or what Point Pleasant Hospital was to this community. The fact that we are going to have a park over there is a story of making lemonade out of lemons. I think every person in this room would rather see us still have a Community Hospital like Point Pleasant Hospital. We lost and they closed the hospital. I think as an act of contrition they gave us back what Dr. Dwulet and people of this community build in a low market deal so we could have that land and generate some cash to make something meaningful to the community. Riverfront Park will certainly be that and I think everyone on Council and everyone in the community shares the excitement that something positive will be there. Hopefully, within the next two years. When that time comes I hope you revisit the naming issue and I hope that Dr. Dwulet's name is at the top of that list. I am sorry that this discussion had to take that course but if I had sat here silently and not mentioned how Dr. Dwulet's name is I would have been ashamed of myself. When I made my remarks two weeks ago no disrespect at all to Ms. Sharpe. Ms. Sharpe is a tremendous public servant, a tremendous public school teacher, as was her Dad, Jim Birdsall and I agree with the Mayor that if we were to name the Bandshell as Birdsall Amphitheater I think it is well deserved and I think it is a proper way of acknowledging her fine public service.

Mr. O'Rourke: There were some comments being premature and they are a little inaccurate. A member of the public got up and requested and made a comment that they would like to see that facility named after the Birdsall's. It was sometime during the summer. I do know it was placed on the minutes for discussion and then removed. The first time it was able to come up was when it did come up. Now we are having it as a discussion. It is not about naming it after Dwulet or Birdsall. We are naming something after Birdsall. I don't feel it is necessary to bring any other personalities into this discussion. This is talking about something for the Birdsall Family. That is a subject we brought up.

Mr. Kaklamanis: After knowing Mr. Jim Birdsall and my wife teaching with Lee Birdsall Sharpe and I was delivered by Dr. Dwulet and I am a firm believer in getting input and discussion from the town people because that is who I represent. They were all fine outstanding leaders, volunteers, helpers to form and make this a great town to live in. They even helped form the town after 1920. They helped make Point Pleasant the fine community that it is today. There were a lot of fine people that helped develop this fine community. Dr. Hendrickson, Dr. Stolte, the volunteers, other Mayors and Council Members, Emergency Services, so there are a lot of people that have formed this town that it is today. Like Mr. Ferrie said the hospital is sold and it is a shame they could not have restored it and maintained it. I am sure somewhere along the line Dr. Dwulet and Jim Birdsall are looking down at us today and saying what went astray and what happened. It is a sad day to see two people that put a lot into this community wedged between their names. Mr. Birdsall helped form the High School and did form the Town as Dr. Dwulet did also volunteer making house calls, delivering babies, coming out all hours of the night in all weather. They both belong with other people that have helped in this town and get it where it is today. I am a firm believer and I am sure if we decide at some point in time to discuss this with the people or put it on a referendum and get input from everyone. There are a lot of other families in town that would have a say also. Some of my thoughts, and my input, other names like Point Pleasant Riverfront Park, Point Pleasant Hospital Park, Birdsall Dwulet Riverfront Park, Birdsall Riverfront Park, Dwulet Riverfront Park, and dedicate certain areas to certain people in the Park. Volunteers, American Soldiers Park. I do talk to people and they were some suggestions. They are my feelings and we will discuss it tonight.

Mr. Pyrtko: I just want to say you have to be one of the best Mayors to come down in this town. I know Lee and I know every word of your conversation came from Lee.

Mayor Konkus closed the discussion.

G. COMMITTEE REPORTS

Mr. Kaklamanis: I had several meetings with Ms. Haycook, Mr. McAlindin and Mr. O'Rourke and we are in the process of developing regulations for all of the parks. Times have changed. This will also help the Police Department. We have made suggestions about the Shade Tree Ordinance. End of report.

Mr. McAlindin: Administration and Finance had a meeting with Comcast and we do get revenue from Cable receipts. Their ten year agreement has expired and we are in the process of renewing it. We had a meeting with their representative and there are two proposals that we have been presented with one will result in a \$40,000.00 grant to the Borough on a 12 year agreement or a slightly greater grant of \$50,000. If it were for 15 years. We talked about it briefly but no decision has been reached. We are getting more information. In addition to that the Borough also received 2% of all of the revenues of basic cable service. While that is the current state of the law there is some talk of upping that to 4%. It would go to the State of New Jersey first. We will have a follow up. There is also an elimination of certain channels. That goes through the Board of Public Utilities. It appears we are going to a full time Construction Official. A lot of contractors have suggested we are understaffed. There was a COAH lawsuit and we have reached a decision for a multi family location and this is the lot next to the OB Diner. This will allow four units that will be affordable housing. I sit on the Open Space Committee and we will be having a meeting on November 27th and there will be an Open Public Session. You are all invited. We want to have a study done on certain areas for walking and jogging. It would be along the Canal.

Mr. O'Rourke: There is money in the budget for revising the Code Enforcement Book. The book has not been redone in about 15 years. I would like to have this started.

MOTION: To authorize Jerry Dasti's Office to begin the process.

MADE: Mr. O'Rourke

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

Mr. Pyrtko: Under public works, Bridge Avenue the milling and repaving will commence on or about October 15th and they will be doing it at night. They will start at 9 p.m. They will work around the Halloween Parade.

Mr. Ferrie: I would like to read a letter of commendation that was sent to Officer Woit, the School Resource Officer at the High School. From Linda Rocco, the Principal at the High School. "Dear Mr. Woit: I would like to thank you for your professional manner in which you conducted a recent investigation involving a locker room theft at Point Pleasant High School. Your thoroughness as a Police Officer and adherence to district policy and procedures facilitated recovery of a significant amount of money and stolen items. Additionally your swift reaction sent an important message about the districts zero tolerance policy towards this type of behavior. I appreciate your commitment to maintaining a safe and orderly environment for our students and our student athletes. Keep up the good work and thanks again for a job well done." These police officers in the school system are truly needed. I congratulate Mr. Woit and I ask Council that we properly honor him at the next meeting.

MOTION: To honor Police Officer Woit at the next meeting.

MADE: Mr. Ferrie

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

Mr. Ferrie: Mr. Woit is in attendance, I had the opportunity of being at the High School two years ago and you took me around and gave me a tour. You pointed out some students and some of your students that you spend more time with. The importance of these Resource Officers is they understand the problems of what is going on in the school system. Even when things happen outside the school system they can put two and two together. Det. Sgt. Wells you also do a terrific job. Hats off to you. Chief Hilling has sent a report for service calls I requested from September, 2006 to September, 2007. It is just a comparison. Burglaries went down. There were 7 in 2006 and 4 in 2007. Domestic Violence went down a little 17 vs. 14 this year. First Aid up, 134 calls vs 101. Motor Vehicle complaints, there were 160 in 2006 and 334 in 2007. Total CAD tickets, call to police department in 2006 was 1260, this year 1912. Summonses issued, two weeks ago we had a Gentleman here and speeding is an issue in the whole town. Summonses issued in 2006 was 49 and in 2007, 252. I don't want anyone to think the Police Department is not out there doing their job. They are doing the best they can. I want to compliment Lt. Colwell who is head of the traffic safety department, I asked the Police Department to put together a comprehensive report concerning the problems on North Road and Patterson Road. Some residents think there is not attention being given to that area of town. This report is well done and the Police do respond. Mr. Ferrie read the report into the record.

Mr. Ferrie thanked Lt. Colwell for this excellent report. He commended Lt. Colwell and the Police Department for the excellent work they do.

Mr. McCarthy: Water and Sewer is running fine. Tomorrow is Walk to School Day and Mr. McCarthy will be walking with his children and encourages all parent who can to Walk to School with their children. Lt. Colwell runs this program and it is very well done. They give out prizes. Mr. McCarthy and his family participated in a walk-a-thon on Sunday in Point Pleasant Beach. This was sponsored by Autism Speaks. Mr. McCarthy was surprised at the number of people that participated in the program. He stated there were at least 1000 people. It was a wonderful event and there was a lot of information given out about Autism. Mr. McCarthy is the parent of an autistic child. This was a beautiful event and I thank Point Pleasant Beach and the program "Autism Speaks." Wednesday, October 10th is the Fire Safety Fair from 6:30 to 9:30 p.m. at Ocean Road School. It is a well done event and He commends the Fire Company. Especially Jude Walker and all that run the program. The Police are also involved in it. Please attend.

Mayor Konkus asked Cheryl Burke and Lois Jacobson to choose people to appoint to the Climate Advisory Committee. You need someone from Borough Hall, someone from the schools and someone from the Business Community has to be replaced and the rest of the people selected were Michael Sheehan, Michael Kern, Mary Gutzloff, Lois Jacobson, Chris Constantino, Jim Digney, Susan Rogers and Cheryl Burke. Please go to the Borough Clerk's Office to be sworn in.

H. 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 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

APPROVED: ALL IN FAVOR

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

MOTION TO CLOSE PUBLIC PORTION: _____

Dave Johnson, 1607 Bayberry Lane, I represent the Point Pleasant Foundation and I was the race director and organizer for the Triathlon which took place on the 22nd and 23rd of September. I am here to say thank you to the Mayor and Council for the support. We netted about \$14,000 for the Foundation. We have given over a quarter of a million dollars to the school district with projects, grants and scholarships. I also thank Dave Maffei for all of his involvement with the event. Also, Chief Hilling, Lt. Colwell and all the Police Officers and all of the Explorers. Public Works was great. The Fire Departments, their Dive Teams, their Fire Boat and the First Aid, Marine Police and Coast Guard. Thank you.

John Plisky, 1112 Old Drift Road, across the street is an open lot where they are going to build a single family house and they cleared the land. There were 53 trees on that property that were cut down. They

left the cuttings sitting in the front of the property. Is there any ordinance, do you have to have a permit to take down trees on your property.

Mayor Konkus: There is an ordinance but it only applies to properties that are one acre or larger. In residential zones there is no regulation controlling the cutting of trees on one acre or less.

Mr. Plisky: Maybe we should get it down to less than that. I am not against people putting a pool on their property but they had trees all over this property. If you look at our town most properties have oak trees and to do something like this I think we should have some kind of ordinance. Make them explain why they are taking down 53 trees.

Mr. Kaklamanis: I did some research and I did some writing to update the ordinance and Mr. Dasti is researching it and he will be updating the Ordinance.

Mr. Plisky: Thank you.

Sal Marino: Howe Street, I would like to address the naming of the Riverfront Park. I hope this would not become a political football. I knew Jim Birdsall and I knew Dr. Dwelet and I don't want to put any negativity on any names. I am a historian and I look back to 1920. The hospital grew and all of my three children were born in Point Pleasant Hospital. It was a great hospital but they left us. I feel this park should be named after the Birdsall Family. The "Birdsall Family Waterfront Park". That is my opinion. Thank you.

John Wardell, 2126 Frances Drive, asked the status of the reval?

Mr. Maffei: The State approved the tax map and the estimated time should be 2008 going into effect in 2009.

Mr. Wardell: Mr. McAlindin, Back in February or March you had a bus sent out that you didn't think our Mechanic knew what they were talking about. What is the status of that.

Mr. McAlindin: I have not received the report but I never said our mechanics don't know what they are talking about.

Mr. Wardell: I never said you said that.

Mr. McAlindin: We decided to get a second opinion because the estimate that was given to us by our DPW Mechanics was high and it would seem silly to put a \$16,000 lift into a \$1.00 bus. I think it can be refurbished and save. I know the Pop Warner Cheerleaders inquired about the bus. It is not expensive we can get it done.

Mr. Wardell: Isn't it a long time to wait for an estimate (six months)?

Mr. McAlindin: I can give you the Mechanics name and number and you can call him and ask him what I asked him.

Mr. Wardell: You are paying for this and I am not going to do your work. Demand it.

Cheryl Burke, Environmental Commission, discussed the Shade Tree Ordinance and is happy Mr. Kaklamanis is looking into updating this ordinance.

Fred Bryant, River Road, discussed the Open Space Committee and the renovations to the Osborn Cemetery. They had the Ocean County work crew come in to clear out the cemetery and they did a fantastic job. They cleaned out four dump loads of trash and vine branches. They have taken down trees. We will have the County back once more. We will get a list of who is buried there. Mr. Bryant is not in favor of naming the park after individuals. He thinks Point Pleasant Riverfront Park is appropriate. Mr. Bryant agrees with Mayor Konkus with his idea to name the amphitheater after the Birdsall family.

Marion Latendorf, Point Pleasant Beach, Sister of Lee Sharpe, appreciates the honor to her family. Whatever you do to honor my family will be greatly appreciated.

John Mogal, 1600 Center Street, asked about the ordinance for handicapped parking spaces.

Mr. McAlindin explained that the woman who requested this, Mrs. Donahue, passed away last week therefore, the Ordinance is not in effect.

Michael Viletti, 1163 Bradford Drive, I have known Lee Sharpe since my children were small and I knew her Father for a long time. Her Father ran against me in an election and the first time I was elected I was about 30 years old and the next day I got a call from Mr. Birdsall. He said to me I don't know you and I didn't vote for you but if you do good for the town I will support you and if you don't do good for the town I will be against you. I said that is fair, I will go along with that. I can go back in time back to the 70's and this is the first time I have been in this room in 26 years. I never attend Council meetings. I would like to talk about Lee and Jim Birdsall. Let me take her Father first. Jim Birdsall started the Rotary Club, he started the First Aid, he started Fire Company #2, and he was on the Board of Education for approximately 20 years. He was the President of the Board of Education. In my Administration, what I liked about Jim Birdsall every time a school was built he would say let me be the super of the job and I will charge the town \$1.00. He did that with every school that was built. He did it with the High School and the Middle School and he did a great job. When we put in the sewer system in the 70's he came to me and said Mike, can I help? I said fine, you know a hellava lot more than I do. We paid him a dollar and he saved us hundreds of thousands of dollars. The Birdsall family goes back a long way and they should be honored. The week before Lee went into the hospital I sat down and spoke with Lee. Lee was very coherent and like you said Mayor, she has to be honored and the family has to be honored. What is the best way I think is up to the family. If she wants the Riverside Park named for her I will do anything, I will send out petitions and do everything to try to convince you to vote that way. As far as it being two years down what difference does it make. If this Council makes a motion and it is passed I am sure future Council would honor it. I heard another comment that it should be put to a referendum. I would like to ask what a referendum would cost. I would imagine it would cost the town about \$40,000. That would be a waste of money. I think you Gentlemen are elected to represent the town and it is your decision and I know it is not an easy decision. This is the way I feel about it and I respect you and I know you have a tough job and it is not easy. I would like to see what the Birdsall family wants and what Lee wants. From what I understand, Lee told me personally, that she would like to see the Riverside Park named after her family and her Father. If she still feels that way I will pursue it, if not a compromise is fine. Whatever you think is best. That Gentlemen, you have to decide. One other comment. You talked about the Canal and the walkway. Now, I am an old time. I am a little bit of a historian. Back in the 70's the Army Corp of Engineers, during the Nixon Administration, put out a project to beautify both sides of the Canal. The Plans were made and they came to the Mayor and Council and I asked what was our obligation. Our obligation was to pick up the garbage along the Canal and they wanted us to buy a motorcycle to Police it. I like a fool went out and bought the motorcycle. We still have the motorcycle. Then Nixon pulled the funds. I think you Gentlemen could get detailed plans from the Army Corp of Engineers. I know it was in the late 70's. Thank you Gentlemen.

Dennis Vitkauskis, Foster Road, In reference to the Cable Franchise, could we request that if they take anymore channels off the basic cable that they give boxes to the public.

Mr. McAlindin: The digital box is \$1.00. They say you have to pay the \$1.00.

Mr. Vitkauskis: Why can't they pay it?

Mr. McAlindin: We had a lot of dialog and he gave us information and we got telephone numbers and there are things we have to follow up on. I feel there was not a lot of leverage that we have. Everybody would be upset if we did not have the cable service. They can never take away what people got from their aerial antennas. We are trying to verify everything he told us. We asked for digital phone service for all public buildings and he said that is not provided. He gave us some technical reason for that. We asked for free internet connections to all public schools. He said Comcast will only provide 10 per building. We are asking for a lot but we will see what we will get. They are mandated by the Board of Public Utilities.

Arthur Birdsall, 723 Howe Street, Lee is my sister and I just want to say thank you for your support for Lee and my Father and my family name. If you look at the record they did a lot for the town.

Laurence Darcy, 719 Howe Street, can you explain the Comcast Grant?

Mr. McAlindin: The grant is \$40,000 if you give them 12 year Franchise and \$50,000 if you give them a 15 year Franchise. They want to sell you as much as they can. Once you get the digital box you can also buy premium packages. We argued with them about the 2% of basic. We are giving them a monopoly in effect. We should get 2% of everything they sell. They just don't do that. We told them what we want and let's see where it goes from there.

Mr. Darcy: Do you Gentlemen know what the Point Pleasant Borough Baseball Field is called?

Mr. Ferrie; The Varsity Baseball Field in this town is named after Dr. Dwulet.

Pat Gottschalk: Good Evening Mayor and Council, this is my first time in twelve years approaching the microphone. I am Lee Birdsall's Best Friend. I speak with her daily and if there is anyone that knows how Lee Birdsall thinks and her inner feelings it is me. I want to address each one of you and I know each one of you and I know how you feel about your family and your daughters and your sons. If one of you followed the footsteps of Jim Birdsall and Lee Sharpe as a Father as Brian and his daughter, as Roger and his daughters, Tim and his daughters and John and his daughter, it would be a great honor to you to know that you were able to lead and guide your daughters to follow your footsteps. Lee is a special lady. Not just to me as a Best Friend, but to the whole town. She taught for 18 years on Council. Not taught, she was a member. The longest Member in the history of Point Pleasant. I asked Lee Sharpe, right now she is in the hospital and when she is on her heavy duty meds she can speak rational but in 15 minutes her husband will vouch along beside me, she won't remember a word you said. She sounds well, she sounds good but she doesn't remember. I asked Lee Birdsall Sharpe at 3 p.m. this afternoon when her mind was clear because today was dialysis, what do you want Lee? Just like I stood beside each one of you and volunteered as your campaign manager and said I am here for you to work unconditionally to get you elected. This afternoon I asked Lee Sharpe what does she want and she said on July 17th candidate Susan Rogers touched her heart with passion and with Honor to she and her Father. Susan stood up here and said such touching words about Lee and in the letters to the editor. That remained in Lee Birdsall Sharpe Massey's heart. She said this afternoon at 3 p.m. I am sorry Mayor she does not remember a word she said to you and her words to me were "Please call the Mayor and let him know I want the Riverfront Park named after the Birdsall family. She did not remember the conversation at all with you. That is how it is when you are on super heavy duty drugs. Her passion became the day Susan Rogers introduced to the Council and to the letter to the editor on the kind words and the tribute and the honor she gave Lee Birdsall Sharpe Massey. Lee's husband is here tonight and we shake our heads from day to day, hour to hour, minute to minute that Lee has a problem with remembering. Knowing each one of you that have daughters and each one I see brighten up and shine when you talk about your family. There is nothing more than you would love than to have your daughter follow your footsteps in the leadership and this is what Lee said this afternoon. I want the Riverfront Park named the Birdsall Park. I worked unconditionally for each one of you sitting up here not ever asking anything from you. Not a penny, not a favor. I am going to look at each one of you and I am going to ask you to reconsider in naming what Lee wants. She never asked for a thing in 18 years, all she did was give and give and give from her heart. Now I am going to ask each one of you would you please put in your heart and in your mind the passion Lee has in her heart and what she wants named after her. It was the Riverfront Park. Not the park across the street. She is very appreciative but this is what she wants and you know, each one of you, I don't have to tell you, when somebody tells me what they want I don't stop. I will go 100 days walking door to door, I will get out there and I will work for Lee Birdsall Sharpe to make that dream come true. Just like I made Brian's dream come true, Roger's, Tim's and I will even say down the other end. I am proud of all of you and I am asking you a favor that I have never asked from any of you. Please consider giving Lee what she deserves and what she wants and not what you feel you want. Thank you.

Domonic Pace, 1840 Northwest Drive, Will Comcast close us out from getting Verizon services.

Mr. McAlindin: No, Comcast is very nervous about Verizon. That was clear in the course of the conversation. Them getting the Franchise does not preclude Verizon or any other competition from trying to be the provider of your cable needs.

Mr. Pace: Thank you.

Alex Viccelli, 2320 Oriole Way, I just want to comment on the Riverfront Park. I know Ms. Sharpe and what Councilman Ferrie said, Dr. Dwulet already has a field named after him. I feel also, that it should be named after the Birdsall family. Lee has done a lot, a real lot. She

is down and out and she is sick and I can't think of anything better to lift her spirits but to have her know that there is a ribbon for her to cut down at the Riverfront Park. Thank you.

Seeing no further hands Mr. McCarthy asked for a motion to close the public portion of the meeting.

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

ALL IN FAVOR.

I. 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: Mr. Ferrie

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

