

COUNCIL MEETING  
TUESDAY, DECEMBER 4, 2007  
8:00 P.M.

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

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

Council Member Elect William Dikun and Council Member Susan Rogers are 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 editions of the Ocean County Observer and The Ocean Star and communicated to the Asbury Park Press.

A. PRESENTATIONS

1. Letters of Commendation and Certificate of Recognition to various members of the Police Department.

Council President, Shawn McCarthy and Council Member Timothy Ferrie, Chairman of Public Safety joined Mayor Konkus in presenting the following Letters of Commendation and Certificates of Recognition.

Dear Police Officer Voit:

It has been brought to the attention of the Governing Body that you were instrumental in the recovery of a significant amount of money and stolen items from a locker room theft at the Point Pleasant Borough High School. Your intuitiveness, determination and law enforcement expertise were clearly demonstrated in your quick decisive actions to solve this criminal activity in the school. You are a credit to the Point Pleasant Borough Police Department and to our entire community. Congratulations on a job well done on behalf of the entire Governing Body.

Mayor Konkus: Officer Voit works in the school system as a School Resource Officer, Officer Voit has been involved in much more than this and it is a pleasure for us to congratulate him on one of the very many accomplishments he has working with our young people.

Officer Voit thanked Mayor and Council.

Mayor Konkus: We have another letter for a Police Officer Brad McNally.

Dear Officer McNally:

The Mayor and Council of the Borough of Point Pleasant would like to commend you for the exceptional performance of your duties at a recent incident involving attempted life saving measures to an unresponsive male. While the man did not survive, the Point Pleasant First Aid Squad reported to the Chief of Police that your timing and quick decisive action in reviving him gave him a chance for survival. You are a credit to the Point Pleasant Police Department and the Mayor and Council wish to extend to you their appreciation and recognition for your services.

Mayor Konkus: This is a letter from Police Chief Hilling.

I would like to commend the 4 to 12 shift for a job well done on Saturday evening. (This goes back about a month) Headquarters received a call about an intoxicated subject barricaded in the basement on North Road with a weapon. The SWAT Team was activated and before they arrived on the scene Officers were able to talk the subject into surrendering without incident. No one was injured and the incident was completed in a very professional manner. The responding Officers were Sgt. Cooper, Detective Hynes, Police Officer Radsniak, Police Officer Greenan, who is here this evening, and Captain Williams and the Police Chief were also involved. Thank you all for your professional services.

B. ORDINANCE – Introduction

**Appropriating \$1,168,305.00 and Authorizing \$299,540.00 in Bonds or Notes for the Construction and Development of the new Riverfront Park.**

**ORDINANCE NO. 2007-**

**AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION AND DEVELOPMENT OF RIVERFRONT PARK IN AND BY THE BOROUGH OF POINT PLEASANT, APPROPRIATING \$2,365,305 THEREFOR, AND AUTHORIZING \$299,540 IN BONDS OR NOTES OF THE BOROUGH OF POINT PLEASANT TO FINANCE THE SAME**

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

Section 1. The 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 \$2,365,305, including a \$600,000 Green Acres Grant and a \$50,000 Community Development Block Grant (collectively the "Grants"), \$1,400,000 from other funds on hand and the sum of \$15,766 as the down payment required by the Local Bond Law. The amount of the down payment appropriated is 5% of the \$315,305 in costs of improvements that are not to be funded by the above Grants or other funds. 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, the Grants or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$299,540 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 the construction of Riverfront Park, including, but not by way of limitation, site clearing, the construction of a picnic pavilion, bocci and shuffleboard courts, a restroom building, a maintenance garage, walkways with benches, lighting, beach access, playground equipment and the construction of a historic log cabin, 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 15 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 \$299,540 and the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding \$200,000 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. The Grants 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: \_\_\_\_\_

MOTION: Adopt Ordinance

MADE: Mr. Ferrie

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

C. 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: \_\_\_\_\_

Dennis Vitkauskis, Foster Road, questioned Authorization #5 "Payment for Materials to Repair Borough Bus. You said the person was going to do the work for free. What is this dollar amount?"

Mr. McAlindin: About \$1500 and change. I have a breakdown, it needs a new tire, everything is being provided at a wholesale cost. The distributor is making them available at cost and adding \$200 parts for free. The work is donated by Lloyd Well of Lloyd's Automotive in Allaire. It was painted by Tony's Auto Body for free.

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

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

ALL IN FAVOR.

D. RESOLUTIONS

1. (239-2007) Authorizing Cancellation of Capital Appropriation Balances of Completed Projects in the amount of \$315,305.00
2. **WHEREAS, certain General Capital Improvement Appropriation Balances remain dedicated to projects now completed; and**
- 3.
4. **WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled; and**
- 5.
6. **NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, that the following unexpended and dedicated balances of General Capital Appropriations be cancelled:**

<u>ORD. #</u>	<u>PROJECT</u>	<u>AMOUNT</u>
1990-17	Roadway/Drainage Improvements to Mount Place and Howe Street	\$878.00
1994-11	Improvements to Delaware Avenue	\$524.25
1997-10	Riviera Parkway Sidewalks	\$9,153.13
1998-15	Improve Curbing and Drainage on Various Roads	\$40,839.41
1999-16	Improve Curbing and Drainage on Various	\$22,295.92
1999-30	Reconstruction of First Avenue	\$11,395.00
2001-12	Improve Curbing and Drainage on Various	\$51,839.91
2002-18	Road and Storm Drain Improvements North and South Manetta Drives	\$128,046.96
2004-15	Road and Storm Drain and Curbing Improvements to Powhatan Avenue	\$30,804.21
2004-15	Road and Storm Drain and Curbing Improvements to Pocahontas Avenue	\$19,528.51

MOTION: Adopt Resolution

MADE: Mr. Ferrie

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

2. (240-2007) 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 2**

**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 &amp; Notes</u>
Construction and Development of Riverfront Park	\$2,062,048.57	\$15,766.00	\$299,540.00
And any other Labor or Materials Necessary, Therefore.			
		<u>Green Acres Funds</u>	<u>Community Development Block Grant</u>
		\$600,000.00	\$50,000.00
		<u>Current Fund</u>	
		\$1,096,742.57	

**Division** 1. Two certified copies of this Resolution to be sent to the Director of the  
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. McCarthy

SECOND: Mr. O'Rourke

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

Mr. Pyrtko: Yes  
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
Mr. Ferrie: Yes

CARRIES: Yes

3. **Authorizing Execution of Agreement for CDL Random Drug and Alcohol Testing Program with Commerce Risk Control**

MOTION: Authorizing Execution of Agreement for CDL Random Drug and Alcohol Testing Program with Commerce Risk Control

**WHEREAS, the Borough of Point Pleasant is required to perform drug and alcohol testing of employees holding commercial Driver's Licenses (C.D.L.'s) and operating Borough vehicles; and**

**WHEREAS, it is the desire of the Borough Council to enter into an agreement with Commerce National Risk Control Services to provide said drug and alcohol testing services at a cost of sixty-five dollars and two cents (\$65.02) per license holder; and**

**WHEREAS, funds will be certified as available from the 2008 temporary budget by the Chief Financial Officer.**

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

1. **That the Mayor and Borough Safety Committee are hereby authorized to execute an Agreement with Commerce National Risk Control Services to perform drug and alcohol testing for Borough Employees having Commercial Driver's Licenses and operating Borough vehicles at a rate of Sixty Five dollars and two cents (\$65.02) per CDL employee.**
2. **That copies of this Resolution be sent to Commerce National Risk Control Services, Dennis Sears, Borough Auditor, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

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

Mr. Pyrtko: Yes  
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
Mr. Ferrie: Yes

CARRIES: Yes

4. **(242-2007) Authorize Award of Contract for Purchase of One, 5 Cubic Yard Dump Truck with Snow Plow Equipment – Cambria Mack, Butler, N.J. \$101,547.00**

MOTION: Authorize Award of Contract for Purchase of One, 5 Cubic Yard Dump Truck with Snow Plow Equipment – Cambria Mack, Butler, N.J. \$101,547.00

**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 One (1) Five Cubic Yard Dump Truck with Snow Plow Equipment; and**

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

**WHEREAS, two bids were received in response to the bid solicitation, as follows:**

- 1. Cambria Mack, 136 Talmadge Road, Edison, N.J. 08817, Bid Amount \$101,547.00**
- 2. Route 23 Automall LLC, 1301 Route 23, Butler, N.J. 07405, Bid Amount \$101,559.00**
- 3. WHEREAS, the bid documentation submitted by the low bidder, Cambria Mack,**

**has been reviewed by the Superintendent of Public Works who has found the bid documentation to be acceptable as to form and content; and**

**WHEREAS, the Borough Superintendent of Public Works has recommended that the Borough award the contract for the purchase of One (1) Five Cubic Yard Dump Truck with Snow Plow Equipment for and in consideration of \$101,547.00 representing the amount of the bid.**

**NOW, THEREFORE, BE IT RESOLVED, this 20<sup>th</sup> day of November, 2007 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey as follows:**

- 1. The Borough Council accepts the recommendations of the Superintendent of Public Works and awards the contract for the aforementioned purchase to Cambria Mack for and in consideration of \$101,547.00.**
- 2. The Mayor and Borough Clerk are hereby authorized and directed to execute any and all necessary documents in order to implement the intent of this Resolution.**
- 3. A copy of this Resolution shall be forwarded to Cambria Mack, Borough Auditor, 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: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

- 4. (243-2007) Authorize Purchase of Diesel Fuel through Ocean County Cooperative Purchasing System**

MOTION: Authorize Purchase of Diesel Fuel through Ocean County Cooperative Purchasing System

**WHEREAS, the Borough Council of the Borough of Point Pleasant Borough, did enter into a Cooperative Purchasing Agreement with Stafford Township acting as the lead agency for the purchase of certain work, materials and supplies pursuant to Borough Ordinance 90-4; and**

**WHEREAS, the Ocean County Cooperative Purchasing System has solicited bids pursuant to State Law and having done so has awarded its contract for the purchase of diesel fuel to Pedroni Fuel Company, 385 Wheat Road, Vineland, NJ 08360; and**

**WHEREAS, there exists a need within the Borough of Point Pleasant for the purchase of diesel fuel; and**

**WHEREAS, the Superintendent of Public Works has certified that the cost of purchasing said diesel fuel from Pedroni Fuel Company, through the Ocean County Cooperative Purchasing System, would be a substantial savings to the Borough after soliciting independent bids.**

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

- 1. That the Borough of Point Pleasant shall purchase diesel fuel from Pedroni Fuel Company, 385 Wheat Road, Vineland, N.J. 08360.**
- 2. That said purchases shall be through the Ocean County Cooperative Purchasing System with Stafford Township as its lead agency.**
- 3. That copies of this Resolution shall be forwarded by the Borough Administrator to the Chief Financial Officer, Superintendent of Public Works, Stafford Township Purchasing Agent, Pedroni Fuel Company, 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: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

5. (244-2007) Accept Void Check Report

MOTION: Accept Void Check Report

WHEREAS, from time to time it becomes necessary for the Chief Financial Officer to void checks or stop payment on checks; and

WHEREAS, the Mayor and Council is desirous of keeping track of these void checks by separate resolution; and

WHEREAS, the Chief Financial Officer has listed below checks, which have been voided and/or stopped payment; and

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 checks and/or stopped 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>
Stopped Payment				
10656	\$29.41	Current	Seely Equipment	Lost
9183	\$29.71	Water/Sewer	Seely Equipment	Lost
8781	\$244.53	Trust	Seely Equipment	Lost
Reissues:				
11029		Current		
9332		Water/Sewer		
8913		Trust		

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

6. (245-2007) Authorizing and Approving Amendment to Profession Services Contract previously entered into with Faridy Veisz Fraytak, P.C. in Conjunction with the Police Department and Municipal Court Expansion and Renovation

MOTION: Resolution of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, Authorizing and Approving an Amendment to a Professional Services Contract previously entered into with Faridy Veisz Fraytak, P.C. in Conjunction with the Police Department and Municipal Complex Expansion Project.

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 previously adopted a resolution authorizing the execution of a Professional Services Contract with Faridy Veisz Fraytak, O.C. (hereinafter referred to as the "Architect"): and

WHEREAS, the original agreement dated February 22, 2006 by and between the Borough and the Architect (hereinafter referred to as the "Agreement") needs to be modified in order to provide for additional services to be provided by the Architect in conjunction with the project; and

WHEREAS, the Agreement, as amended herein, calls for a new total contract price of \$270,086.00 which the Borough Council believes is reasonable and appropriate; and

WHEREAS, this is an amendment to a Professional Services Agreement which, in accordance with the provisions of N.J.S.A.40A:11-1 et seq., is exempt from the strict bidding requirements of the New Jersey Local Public Contracts Law:

NOW, THEREFORE, BE IT RESOLVED, this 20<sup>th</sup> day of November, 2007 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough hereby authorizes acceptance and execution of the Amendment to the Agreement dated February 22, 2006 by and between the Borough and the Architect, a true copy of which is on file at the office of the Borough Clerk and can be reviewed during normal business hours.
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 Mayor Konkus, Chief of Police, Raymond Hilling, John J. Veisz, AIA, CSBA, Jerry J. Dasti, Borough Attorney, Judith Block, CFO.

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. Ferrie

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

7. (246-2007) Authorize Partial Reduction of Performance Guarantee, Block 172, Lot 5 – Anastasiou

MOTION: Authorize Partial Reduction of Performance Guarantee, Block 172, Lot 5  
Anastasiou

WHEREAS, the Borough of Point Pleasant has required the posting of a Performance Guarantee for certain site improvements in regard to Block 172, Lot 5; and

WHEREAS, a substantial portion of the site improvements have been completed and are in substantial accordance with the major subdivision plans as approved by the Planning Board; and

WHEREAS, the applicant has requested a reduction of the posted Performance Bond; and

WHEREAS, the Borough Engineer is recommending the reduction of the Performance Guarantee to \$27,798.00;

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 proper Borough Officials are hereby authorized to reduce the aforementioned Performance Bond for site work at Block 172, Lot 5.
2. Said reduction is conditioned upon the provision of a replacement Guarantee and the resolution of any outstanding balances attached to the project escrow account.
3. That a certified copy of this Resolution be sent to: the applicant, Construction Official, Chief Financial Officer, Borough Engineer 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: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

8. (247-2007) Authorize Release of Performance Bond, Block 143, Lot 1 – 19 Petroleum Distributors

MOTION: Authorize Release of Performance Bond, Block 143, Lot 1 – 19 Petroleum Distributors

WHEREAS, the Borough of Point Pleasant has required posting of a Performance Guarantee for certain site improvements in regard to Block 143, Lot 1; and

WHEREAS, the Borough and Borough Engineer have inspected the site and have determined that the site is in substantial compliance with Board approvals and is satisfactory; and

WHEREAS, the Borough Engineer has recommended that the release of the balance of the Performance Guarantee posted by F. Bruselovsky for the improvements on Block 143, Lot 1, conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond.

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

1. That the Mayor and Borough Council do hereby authorize the release of Performance Guarantee, posted for the improvements for Block 143, Lot 1 conditioned upon the posting of the required Maintenance Bond.
2. That the Borough Engineer or other Borough Officials holding said Performance Bond are directed not to release said Performance Guarantee until the Chief Financial Officer has certified that all outstanding inspections have been paid and that the Maintenance Bond has been posted.
3. That a certified copy of this Resolution be sent to CFO, Borough Engineer, F. Bruselovsky and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Ferrie

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

9. (248-2007) 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

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 &amp; LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
322-29	Rasp	2811.13	Refund '08 Taxes-paid twice
161-2	Verizon	1.87	Adjust interest of w/s Should not have been taken Due to misapplied check by J. Block
322-50	Venedam	2577.34	Adjust off '07 Tax - 100% Disabled Veteran
322-50	Venedam	7586.67	Adjust off 1 <sup>st</sup> ½ '08 Tax - 100% Disabled Veteran
120-9	Lokerson	1485.80	Refund '08 Tax - paid twice In error
194-8	Laughlin	901.00	Refund '08 Tax - paid twice In error

217-17 Bierbrauer/First American 1666.75 Refund '07 tax – bank paid  
Added assessment twice

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

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

10. (249-2007) Authorize Change Order #1 – Improvements to Rue Avenue Curbs and Sidewalks, Earle Asphalt Company Decrease of \$391.86

MOTION: Authorize Change Order #1 – Improvements to Rue Avenue Curbs and Sidewalks

WHEREAS, the Borough of Point Pleasant previously awarded a contract to Earle, Asphalt Company, P.O. Box 556, Farmingdale, N.J. 07727, for the improvements to Rue Avenue Curbs and Sidewalks; and

WHEREAS, the Borough Engineer has recommended that a Change Order, known as Change Order #1, in the amount of a net decrease of \$391.86, 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 20<sup>th</sup> day of November, 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 decrease of \$391.86 with Earle Asphalt Company, P.O. Box 556, Farmingdale, N.J. 07727 is hereby authorized.
2. That the Mayor is hereby authorized to execute same.
3. Copies of this Resolution to: Earle Asphalt Company, Chief Financial Officer, Contract File, and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Ferrie

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

11. (250-2007) Authorize Change Order #1 – Improvements to Public Works Garage, Cravo Enterprises Inc. – Increase of \$3,752.47

MOTION: Authorize Change Order #1 – Improvements to Public Works Garage, Cravo Enterprises Inc. – Increase of \$3,752.47

WHEREAS, the Borough of Point Pleasant previously awarded a contract to Cravo Enterprises Inc., P.O. Box 534, South River, N.J. 08882, for the improvements to The Public Works Garage; and

WHEREAS, the Borough Engineer has recommended that a Change Order, known as Change Order #1, in the amount of a net increase of \$3,752.4, 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 20<sup>th</sup> day of November, 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 increase of \$3,752.47 with Cravo Enterprises Inc., P.O. Box 534, South River, N.J. 08882 is hereby authorized.
2. That the Mayor is hereby authorized to execute same.
3. Copies of this Resolution to: Cravo Enterprises Inc., Chief Financial Officer, Contract File, and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

12. (251-2007) Confirm Appointment of Anthony Gargani as Acting Construction Official and Paul Weaver as Acting Building Sub-Code Official During the Absence of Michael Gardner

MOTION: Confirm appointment of Anthony Gargani as Acting Construction Official and Paul Weaver as Acting Building Sub-Code Official During the Absence of Michael Gardner

**WHEREAS**, Michael Gardner serves as the Construction Official for the Borough of Point Pleasant and as such serves as the Building Sub-Code Official; and

**WHEREAS**, due to a recent illness, Michael Gardner will be absent from work for an indeterminate amount of time; and

**WHEREAS**, it is necessary to have his duties attended to during his absence,

**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 Anthony Gargani is hereby appointed as Acting Construction Official during the absence of Michael Gardner.
2. That Paul Weaver is hereby appointed as Acting Building Sub-Code Official during the absence of Michael Gardner.
3. That copies of this Resolution be sent to: Anthony Gargani, Paul Weaver, Michael Gardner, Respective Personnel Files, C.F.O., and any other interested Parties.

MOTION: Adopt Resolution

MADE: Mr. Ferrie

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

13. (252-2007) Authorize Partial Reduction of Performance Guarantee, Block 53, Lot 7 – 3009 Route 88 LLC

MOTION: Authorize Partial Reduction of Performance Guarantee, Block 53, Lot 7 – 3009 Route 88 LLC

WHEREAS, the Borough of Point Pleasant has required posting of a Performance Guarantee for certain site improvements in regard to Block 53, Lot 7; and

WHEREAS, the Borough and Borough Engineer have inspected the site and have determined that the site is in substantial compliance with the major subdivision plans as approved by the Planning Board; and

WHEREAS, the applicant has requested a reduction of the posted Performance Bond; and

WHEREAS, the Borough Engineer is recommending the reduction of the Performance Guarantee to \$1,944.00.

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 proper Borough Officials are hereby authorized to reduce the aforementioned Performance Bond for site work at Block 53, Lot 7.
2. Said reduction is conditioned upon the provision of a replacement Guarantee and the resolution of any outstanding balances attached to the project escrow account.
3. That a certified copy of this Resolution be sent to: the applicant, Construction Official, Chief Financial Officer, Borough Engineer 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: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

14. (253-2007) Authorize Execution of License Agreement Affecting a Portion of Block 149, Lot 8 – 1211 Fleming Avenue

MOTION: Resolution of the Borough of Point Pleasant, County of Ocean, State of New Jersey, Authorizing Execution of License Agreement Affecting a Portion of Block 149, Lot 8, 1211 Fleming Avenue, Point Pleasant, N.J.

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 been advised of an encroachment upon the Borough right-of-way from the owner of property located at 1211 Fleming Avenue, Point Pleasant, N.J., also known as Block 149, Lot 8 on the Tax Map of the Borough of Point Pleasant (the "property"); and

WHEREAS, the Borough has been advised that the encroachment is in the form of a retaining wall that infringes upon a right-of-way owned by the Borough to the extent of approximately 8.94 feet from the front property line; and

WHEREAS, the Borough has been requested by the property owner, Mark H. Cohen, to entertain execution of a License Agreement which would allow, from a zoning standpoint, the retaining wall encroachment to remain; and

WHEREAS, the property owner has agreed to reimburse the Borough for all fees incurred with regard to the preparation and execution of the License Agreement, a true copy of which is on file at the office of the Borough Clerk and can be reviewed during normal business hours:

NOW, THEREFORE, BE IT RESOLVED, this 4<sup>th</sup> day of December, 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 and approves the License Agreement, a true copy of which is on file at the office of the Borough Clerk and can be reviewed during normal business hours.
2. The Borough authorizes and direct 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 C. Konkus, Mayor, David A. Maffei, Borough Clerk/Adm., Jerry J. Dasti, Borough Attorney and Mark H. Cohen.

MOTION: Adopt Resolution

Made: Mr. McCarthy

SECOND: Mr. McAlindin

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

Mr. Pyrtko: Yes  
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
Mr. Ferrie: Yes

CARRIES: Yes

16. (254-2007) Authorize Refund of Demolition Bond, Block 126, Lot 8 – Ribeck

Motion: Authorize Refund of Demolition Bond, Block 126, Lot 8 – Ribeck

**WHEREAS, David Ribeck, 913 Leighton Avenue, Point Pleasant, N.J. 08742, 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 Home at 910 Leighton Avenue, Point Pleasant, New Jersey, 08742, Block 127, Lot 8.**

**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 David Ribeck, a Demolition Bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a Single Family Homes at 910 Leighton Avenue, Point Pleasant, N.J. 08742.**
- 2. Copies of this Resolution to: Construction Official, David Ribeck, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

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

Mr. Pyrtko: Yes  
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
Mr. Ferrie: Yes

CARRIES: Yes

17. (255-2007) Authorize Refund of Demolition Bond, Block 239, Lot 20 – Dolphin Homes

MOTION: Authorize Refund of Demolition Bond, Block 239, Lot 20 – Dolphin Homes

**WHEREAS, Dolphin Homes, 426 Herbertsville Road, Brick, N.J. 08723, 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 Home at 2217 Kilkare Parkway, Point Pleasant, New Jersey, 08742, Block 239, Lot 20.**

**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:**

- 2. That the proper Borough Officials are authorized and directed to return Dolphin Homes, a Demolition Bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a Single Family Homes at 2217 Kilkare Parkway, Point Pleasant, N.J. 08742.**
- 3. Copies of this Resolution to: Construction Official, Dolphin Homes, Chief Financial Officer and any other interested parties.**

**MOTION: Adopt Resolution**

**MADE: Mr. Ferrie**

**SECOND: Mr. Pyrtko**

**Mr. McCarthy: Yes**

**Mr. Pyrtko: Yes**

**Mr. McAlindin: Yes**

**Mr. O'Rourke: Absent**

**Mr. Kaklamanis: Yes**

**Mr. Ferrie: Yes**

**CARRIES: Yes**

18. (256-2007) Authorize Refund of Demolition Bond, Block 308, Lot 110 – Harrison Associates

MOTION: Authorize Refund of Demolition Bond, Block 308, Lot 110 – Harrison

**WHEREAS, Harrison Associates, 2413 Mark Place, Point Pleasant, N.J. 08742, did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a Commercial Building at 1521 Beaver Dam Road, Point Pleasant, New Jersey, 08742, Block 308, Lot 110.**

**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:**

- 3. That the proper Borough Officials are authorized and directed to return Dolphin Homes, a Demolition Bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a Commercial Building at 1521 Beaver Dam Road, Point Pleasant, N.J. 08742.**
- 4. Copies of this Resolution to: Construction Official, Harrison Associates, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

19. Authorize Hiring Gymnastic Instructor – Recreation Department

MOTION: Authorize Hiring Gymnastic Instruction – Recreation Department

WHEREAS, a need exists within the Recreation Department for the hiring of an Assistant Gymnastics Instructor; and

WHEREAS, Lori Rotunno has shown an interest in part-time, temporary employment with the Borough of Point Pleasant; and

WHEREAS, the hiring of this individual has been recommended by the Superintendent of Recreation and the Recreation Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Point Pleasant to confirm said recommendation.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Point Pleasant that the following individual be hired to the position of Assistant Gymnastics Instructor at a rate of \$10.50 per hour, to be paid from the Recreation Trust Account effective 9/1/07.

Lori Rotunno                      \$10.50 per hour                      Trust Account

- 1. Copies of this Resolution to Chief Financial Officer, Superintendent of Recreation, Employee, Personnel File and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Ferrie

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

20. (258-2007) Confirm appointment of Elizabeth Hirshel as Open Space Preservation Advisory Committee Secretary

MOTION: Appoint Secretary to Open Space Advisory Committee

WHEREAS, a need exists for a secretary for the Open Space Advisory Committee and:

WHEREAS, it is the desire of the Mayor and Council to appoint Elizabeth Hirshel to said position.

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. Elizabeth Hirshel is hereby appointed Secretary of the Open Space Advisory Committee at an annual salary of \$1200.00.
- 2. Said appointment shall be on a part-time basis.
- 3. Said appointment shall become effective November 26, 2007.
- 4. Copies of this Resolution to Borough Clerk, Chief Financial Officer, Appointee, open Space Advisory Committee and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McCarthy

SECOND: Mr. McAlindin

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

Mr. Pyrtko: Yes  
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
Mr. Ferrie: Yes

CARRIES: Yes

21. (259-2007) Accept Void Check Report

MOTION: Accept Void Check Report

WHEREAS, from time to time it becomes necessary for the Chief Financial Officer to void checks or stop payment on checks; and

WHEREAS, the Mayor and Council is desirous of keeping track of these void checks by separate resolution; and

WHEREAS, the Chief Financial Officer has listed below checks, which have been voided and/or stopped payment; and

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 checks and/or stopped 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>
33348	\$840.11	Payroll	J. Stoddard	Wrong Amount

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. McCarthy

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

Mr. Pyrtko: Yes  
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
Mr. Ferrie: Yes

CARRIES: Yes

22. (260-2007) Accept CFO Report – September, 2007

MOTION: Accept CFO Report - September, 2007

WHEREAS, the Chief Financial Officer has prepared a Cash Management Report for the month of September, 2007; and

WHEREAS, said report has been received by the Borough Clerk; and

WHEREAS, the Borough Clerk has submitted same to Mayor and Council for their perusal and approval.

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

1. The cash management plan submitted by the Chief Financial Officer for the month of September, 2007 attached hereto is hereby approved.
2. Copies of this resolution be sent to Municipal Administrator, Auditor, CFO, and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McCarthy

SECOND: Mr. McAlindin

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

Mr. Pyrtko: Yes  
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
Mr. Ferrie: Yes

CARRIES: Yes

23. (261-2007) Bill 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. O'Rourke: Absent

Mr. Pyrtko: Yes  
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
Mr. Ferrie: Yes

CARRIES: Yes

24. (262-2007) Transfer Resolution

MOTION: Authorize Transfer Resolution

**WHEREAS, the date of this resolution is within the last two months of calendar year 2007 and the first three months of the year 2008; and**

**WHEREAS, N.J.S.A., 40:40-58 and 59 provides for making transfers between budget appropriation accounts during the five month period starting November 1, 2007;**

NOW, THEREFORE, BE IT RESOLVED, (not less than two thirds of the members of the Governing Body confirming) that the following transfers be approved and the same are hereby made between the appropriation accounts in the 2007 budget:

**CURRENT: (FROM)**

Municipal Court S&W	\$11,919.26
Tax Assessor S&W	6,000.00
Construction S&W	14,000.00
Workmans/Comp OE	15,000.00
Construction Code Off OE	2,500.00
Liability Insurance	3,000.00
<b><u>TOTAL</u></b>	<b><u>\$52,419.26</u></b>

**CURRENT: (TO)**

Police S&W	\$31,800.00
Bond Interest OE	59.26
Social Security OE	15,000.00
Zoning Officer S&W	60.00
Police OE	5,500.00
<b><u>TOTAL</u></b>	<b><u>\$52,419.26</u></b>

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

25. (263-2007) Authorizing Execution of Interlocal Government Services Agreement with Point Pleasant Beach, N.J. for Various Roadway Improvements

MOTION: Resolution of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, Authorizing Execution of Interlocal Government Services Agreement with Point Pleasant Beach, New Jersey

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., authorizes the Borough of Point Pleasant Borough to enter into a contract for the provision of certain governmental services with Borough of Point Pleasant Beach; and

WHEREAS, N.J.S.A. 40:8A-4 requires such a contract to be authorized by resolution or ordinance; and

WHEREAS, it is the desire of the Governing Body to authorize the execution of an Interlocal Government Services Agreement with the Borough of Point Pleasant Beach for roadway improvements to roadways common to both municipalities known as Rosewood Drive, Briarcliff Avenue and Ridgefield Avenue.

NOW, THEREFORE, BE IT RESOLVED, this 4<sup>th</sup> day of December, 2007, by the Borough Council of the Borough of Point Pleasant, Borough, County of Ocean, State of New Jersey, as follows:

1. The Mayor and Borough Clerk are hereby authorized to execute an Interlocal Government Services Agreement with the Borough of Point Pleasant Beach for roadway improvements to Rosewood Drive, Briarcliff Avenue and Ridgefield Avenue. A copy of said Agreement is attached hereto and made a part of as Schedule A.
2. A copy of the Agreement referenced herein shall be kept on file and made available for public inspection at the Borough Clerk's Office during normal business hours.
3. 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
4. A certified copy of this resolution shall be forwarded by the Borough Clerk to the following: Honorable Martin Konkus, Mayor, David A. Maffei, Borough Administrator, Dennis Sears, Superintendent of Public Works, Judith Block, CFO, Jerry J. Dasti, Esq., Kevin Starkey, Esq.

MOTION: Adopt Resolution

MADE: Mr. McCarthy

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

26. (265-2007) Authorize Refund of Demolition Bond, Block 312, Lot 11 – BPK Builders, Inc.

MOTION: Authorize Refund of Demolition Bond, Block 312, Lot 11 – BPK Builders, Inc.

**WHEREAS, BPK Builders, Inc. P. O. Box 301, Bay Head, N.J. 08742 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 Home at 2319 Hollywood Road, Point Pleasant, New Jersey, 08742, Block 312, Lot 11.**

**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:**

- 4. That the proper Borough Officials are authorized and directed to return BPK Builders, Inc., P.O. Box 301, Bay Head, N.J. 08742 a Demolition Bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a Single Family Home at 2318 Hollywood Road, Point Pleasant, N.J. 08742.**
- 5. Copies of this Resolution to: Construction Official, BPK Builders, 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: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

27. (266-2007) 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

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 &amp; LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
255 01-63.01	State of NJ	\$15.99	Move '07 w/s credit to Blk 167, Lot 4
317-37.07 T02	Lombardi	\$57.65	Move 5 water service Charges to main house. Outside meter never Installed acct. inactive

1. Certified copies of this Resolution to Tax Collector, Treasurer, Administrator 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: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

28. Authorize Permanent Appointment of Jude O. Walker as Supervisor Streets

MOTION: Authorize Permanent Appointment of Jude O. Walker as Supervisor Streets

**WHEREAS, Jude O. Walker has been serving as the provisional appointment in the position of Supervisor Streets and is now placed on the Certification of Eligibles from the New Jersey Department of Personnel for said position; and**

**WHEREAS, it is the desire of the Mayor and Council to permanently appoint him to this position;**

**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. Jude O. Walker is hereby appointed to the position of Supervisor Streets on a permanent basis.**
- 2. Said appointment does not affect the current salary for said appointee as fixed by contract.**
- 3. Certified copies of this Resolution to Jude O. Walker, Chief Financial Officer, Personnel File, Superintendent of Public Works, and any other interested parties.**

**MOTION: Adopt Resolution**

**MADE: Mr. Ferrie**

**SECOND: McAlindin**

**Mr. McCarthy: Yes**

**Mr. Pyrtko: Yes**

**Mr. McAlindin: Yes**

**Mr. O'Rourke: Absent**

**Mr. Kaklamanis: Yes**

**Mr. Ferrie: Yes**

**CARRIES: Yes**

**29. (268-2007) Authorize Advertisement and Receipt of Bids for Purchase of One (1) Truck Mounted Pothole Patcher**

**MOTION: Authorize Advertisement and Receipt of Bids for Purchase of One (1) Truck Mounted Pothole Patcher**

**WHEREAS, the Borough of Point Pleasant has prepared and reviewed bid specifications for the Purchase of a Truck Mounted Pothole Patcher; 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 Truck Mounted Pothole Patcher.**

**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 Truck Mounted Pothole Patcher.

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, December 18, 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. Ferrie

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

30. (269-2007) Authorize Person to Person Transfer of Liquor License #1524-33-007-004

MOTION: Authorize Person to Person Transfer of Liquor License #1524-33-007-004

WHEREAS, Clarks Landing Caterers, LLC has made application to the Mayor and Council for a Person to Person transfer of the Plenary Retail Consumption License No.

#1524-003-007-004 held by Clarks Liquor Operations, Inc., said license to be used at premises located at 847 Arnold Avenue, Point Pleasant, New Jersey; and

WHEREAS, applicant has submitted proof of publication of filing of the application to the Borough of Point Pleasant, Ocean County, a letter of consent to transfer the license, duly signed by George Truesdale, along with the proper transfer fees; and

WHEREAS, said applicant has complied with all rules, regulations and requirements for the transfer of said license.

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 Person to Person transfer of Plenary Retail Consumption License #1524-33-007-004 to Clarks Landing Caterers, LLC, be and the same is hereby approved effective the date of the transfer on

December 19, 2007.

2. That certified copies of this resolution be forwarded to the Director of the Division of Alcoholic Beverage Control, Clarks Liquor Operations, Inc., Clarks Landing Caterers, LLC., and to any other interested parties.

MOTION: To Table until approval from the State is received

MADE: Mr. McCarthy

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

### 31. (270-2007) 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. McCarthy

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

32. (271-2007) Authorize Legislature to Preserve Regional Contribution Agreements, Not to Raise Costs of RCA's Adopt Reasonable Policies on Inclusionary Zoning and Conduct a Study to Examine Handicapped Accessibility in Handicapped Housing

MOTION: Resolution of the Borough of Point Pleasant (A) urging the Legislature to preserve regional contribution agreements as a Technique Available to Address the need for Affordable Housing (B) Urging COAH to not raise the cost of RCA's; and (C) Urging COAH to Adopt Reasonable Policies on Inclusionary Zoning and (D) Urging COAH To conduct a study to evaluate the extent to which Handicapped Housing should be handicapped accessible

WHEREAS, the Mount Laurel decisions, the New Jersey Fair Housing Act ("FHA") and other applicable law impose a fair share obligation on municipalities; and

WHEREAS, the FHA has authorized a variety of techniques to enable municipalities to meet this obligation including Regional Contribution Agreements ("RCA"); and

WHEREAS, RCAs have proven themselves to be a reliable source of funding for the so-called receiving municipalities and a useful tool for sending communities to satisfy some portions of their fair share responsibilities; and

WHEREAS, over ten thousand low and moderate households reside in decent, affordable units today as a result of the effective use of RCAs; and

WHEREAS, notwithstanding the foregoing, mounting pressure has been applied to the Legislature to eliminate RCAs as a technique available to municipalities to help avoid the overdevelopment created by developers seeking to construct the maximum number of market housing units with a minimal number of affordable units; and

WHEREAS, it is therefore vitally important that our laws provide municipalities a wide variety of techniques to meet their fair share responsibilities, including RCAs; and

WHEREAS, not only does the Legislature face pressure to eliminate RCAs with the introduction of a "12-point Plan to Create More Affordable Housing Opportunities," which includes abolishing RCAs as a municipal housing option, but also COAH apparently is considering increasing the minimum cost of RCAs; and

WHEREAS, raising the minimum is not necessary because, as a precondition to utilizing an RCA, the FHA requires the HMFA to determine that the RCA the municipalities negotiate is economically feasible; and

WHEREAS, the proper evaluation by the HMFA of the economic feasibility of the RCAs will ensure that RCAs are adequately funded without the necessity to establish an increased minimum dollar amount; and

WHEREAS, increasing the cost if RCAs will cause inefficiency and waste under circumstances where the receiving community can achieve the goals of the RCA for less than whatever new minimum COAH is considering; and

WHEREAS, increasing the cost of RCAs could, as a practical matter, prohibit a municipality from utilizing this option as a means to curb overdevelopment, while creating a reasonable opportunity from the provision of affordable housing; and

WHEREAS, in addition to the above, COAH is considering amendments to its regulations concerning inclusionary zoning; and

WHEREAS, it is important that any regulations COAH adopts concerning inclusionary zoning facilitate the production of as much affordable housing as is practicable with as little burden to municipalities as possible; and

WHEREAS, COAH is also considering a requirement that all affordable units be handicapped accessible, regardless of whether there is a need to make all affordable units handicapped-accessible; and

WHEREAS, such a blanket requirement will, in all likelihood, ultimately create unnecessary costs and expenses to a municipality; and

WHEREAS, it is in the best interests of municipalities, developers and low and moderate households that COAH conduct a study to evaluate the extent to which affordable housing needs to be handicapped accessible; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That Senator Andrew Ciesla and Assembly men James W. Holzapfel and David W. Wolfe are hereby urged to preserve Regional Contribution Agreements as a technique available to municipalities to meet their affordable housing obligations and that this Resolution be forwarded to Senator Andrew Ciesla and Assemblymen James W. Holzapfel and David W. Wolfe; and
2. That COAH is urged to not amend its regulations to raise the minimum cost of RCAs and that this Resolution be forwarded to COAH; and
3. That COAH is urged to adopt regulations concerning inclusionary housing that facilitate the production of a much affordable housing as possible with as little additional development as possible; and
4. That COAH is urged to conduct a study to determine the appropriate percentage of affordable units that should be handicapped accessible.

MOTION: Adopt Resolution

MADE: Mr. McCarthy

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

E. RESOLUTION (264-2007) Consent Agenda

MOTION: To approve consent agenda 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. Approve Council Meeting Minutes of October 2, 1007.
2. Approve Council Meeting Minutes of October 16, 2007
3. Application Raffle License, Point Pleasant Borough High School Band Boosters, Gift Auction, to be held December 1, 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

MADE: Mr. Pyrtko

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

F. AUTHORIZATIONS

1. Request for Massage Therapy Permit – A&A Therapy Health Care Center Corp.

MOTION: Approve Request for Massage Therapy Permit

MADE: Mr. McCarthy

SECOND: Mr. McAlindin

Mr. McAlindin suggested that the ordinance in reference to massage be looked into.

Mr. Dasti will look into the ordinance

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

2. Application for Membership, Christopher Barcheski, Fire Company No. 1

MOTION: Application for Membership, Christopher Barcheski, Fire Co. No. 1

MADE: Mr. Ferrie

SECOND: Mr. McCarthy

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

3. Confirm Date and Authorize to Advertise for 2008 Reorganization Meeting – January 6, 2008

MOTION: Authorize to advertise for 2008 Re-organization meeting – January 6, 2008 @ noon

MADE: Mr. McCarthy

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

4. Authorize Payment for Materials to Repair Borough Bus

MOTION: Authorize Payment for Materials to Repair Borough Bus

MADE: Mr. McCarthy

SECOND: Mr. Pyrtko

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

5. Authorize Issuance of Requests for Proposals for Hardenbergh Avenue Water Plant Treatment System

MOTION: To Table until after Executive Session

MADE: Mr. McCarthy

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

G. COMMITTEE REPORTS

Mr. Kaklamanis: The Rec Center is still working on the issue of handicapped parking. Everybody have a nice Holiday Season and be safe.

Mr. Pyrtko: The leaf pickup is on time. Bridge Avenue was milled and they will not be coming back to pave it until December 10<sup>th</sup> because of the weather. On October 30<sup>th</sup> I was going for a walk and had a heart attack and had three stints put in me. I am very fortunate to be alive. Everything is okay.

Mr. McAlindin: I am really glad that Roger is fine. The Bond Ordinance will have the public hearing in two weeks. We have the bids in for the Riverfront Park. It appears that we will be able to do the project within what was projected as the range of costs. You will notice in the bond ordinance that there is a bond component and while I am always hesitant to authorize bonding we did go back and eliminate bonding in an equal amount in previously approved bonds that have not been used and we are cancelling them out. There will be no new debt to the Borough and hopefully we will go through the same ordeal we went through with the Community Park once we award the contract. Everyone is going to ask when is it going to be done. It will be done when it is done and I am sure it will be beautiful when it is done. It will take a lot of pressure off the existing assets that we have. We have been trying to do too many things with Community Park and this will take pressure off the unorganized athletics. I think everyone will enjoy the finished product. Drive safe and sober and Happy and Healthy Holidays.

Mr. Ferrie: I wish Roger well and I am glad you are okay. Public Safety, I have a report from Lt. Colwell. We had a number of resident complaining about the parking on Bert Avenue by the High School. This traffic study on Bert Avenue was conducted after a complaint was brought before Mayor and Council at a recent meeting. Mr. Vincent Palmari of 470 Princeton Avenue in Brick recently finished building a house on Bert Avenue and he is now attempting to sell. He complained about parking and littering problems on Bert Avenue. A short time after Mr. Palmari made his initial complaint to Mayor and Council this Officer met with him on Bert Avenue to hear his complaints and to observe any existing problems on the street. This officer's findings are as follows: Bert Avenue is a dead end street that runs from Beaver Dam Road into the Senior parking lot of Point Pleasant Boro High School. It dead ends at a guard rail. This street is 399 feet and 3 inches in total length and it is 19 feet and 2 inches wide at the intersection with Beaver Dam Road and is 18 feet wide at the dead end near the school parking lot. At mid block Bert Avenue measured 19 feet, 6 inches wide at telephone pole JC412. Bert Avenue is a residential street with nine private homes on the block. Each one of those homes does have their own driveway. The speed limit is 25 mph as all residential streets. Currently, there are signs on the south side

of the street that restrict parking and parking is currently only permitted on the north side of the roadway. All of the residents on the block were contacted by this Officer about the possibility of restricting parking on the north side of the street as was suggested by Mr. Palmari in his original complaint. The results were mixed. As five of the residents agreed that parking should be restricted on both sides of the street and four of the residents were opposed to that idea and wished for the parking to remain on the north side of the road. Some of the residents who were opposed to restricting parking further stated that they did not have enough room in their private driveways for all of their vehicles and the other stated that they parked their vehicles on the north side during the day as they work nights and their family members need access to their driveways during the day when they normally sleep. Mr. Palmari pointed out that most of the vehicles that park on the north side of Bert Avenue during the day are students going to the Point Pleasant Boro High School. He stated some of the young students are disrespectful and rude and some of them litter the area by throwing their garbage all over the street as they walk to and from their cars. He stated the littering problems occur mostly at lunch time when the students are coming back from their respective lunch periods. He has been experiencing a problem with some of the young students using the circular driveway that he installed in the front of the new home that he built. He told this Officer that one male student was continuously using the circular driveway to turn around and in the process was running over the grass on the small front yard area causing a tire mark on the lawn. After he fixed the lawn it happened again and he had one of his employees politely ask the male driver not to use the driveway. He received a disrespectful, rude response from him. While this Officer was on Bert Avenue with Mr. Palmari there was some litter thrown about the street and on the edges of the properties there. The litter seemed to be mostly beverage cans and food wrappers. Mr. Palmari also complained that the dead end on Bert Avenue the student will park two or three across the roadway facing the guard rail. This constitutes double parking and could cause a problem should there ever be an emergency at the end of Bert Avenue. He pointed out that Bert Avenue is a narrow street and he said he did not believe that a fire truck or an ambulance could get down the street in an emergency because of the vehicles that park on the north side of the road. Before making any recommendations as a part of this traffic study this Officer measured the width of an average vehicle, the width of our largest fire truck and the width of our largest ambulance. The results were as follows: An average vehicle is six feet across, ambulance eight feet across, fire truck eight feet four inches across. This officer then conducted a live test involving emergency vehicles during a school day when vehicles were parked all along the north side of Bert Avenue. Volunteers from each fire department and the First Aid Squad brought their largest vehicles to Bert Avenue to determine if access could be gained to all residents in the event of an emergency when cars were parked on one side of the street. All of the vehicles gained complete access all the way up and down Bert Avenue, even with the students cars parked on the North side. The largest vehicle, Fire Co. #1's ladder truck made the turn onto Bert Avenue and went all of the way to the end even with its extra length. Based on the above listed facts and conversations with the residents of Bert Avenue my recommendations would be as follows: The litter problem can be addressed through the school as this Officer made High School Resource Officer, Chris Voit, aware of the problem. He stated that a trash can was placed at the dead end of Bert Avenue near the guard rail so that students had somewhere close to throw their garbage returning from lunch. He stated that periodically reminders could be given to the student body by the Administration should the littering problem get out of hand again. He checks the area near the dead end of Bert Avenue and Mr. Voit will monitor the littering problem. Officer Voit met with this Officer and Mr. Palmari and advised the same. Officer Voit also advised Mr. Palmari if he ever had a problem in reference to the disorderly or disrespectful students he should call the main office of the High School and it would be addressed by him or school Administration. This Officer also advised Mr. Palmari he could call the police department directly and an officer would be dispatched to deal with any problem. My recommendation in light of all of the facts that were found as part of this study would be to allow parking on the north side of Bert Avenue to continue. Emergency vehicles have full access and approximately half of the residents stated they view the on street parking as a benefit to them. I recommend that signs be posted at the dead end section near the guard rail prohibiting double parking. The regular patrols of our police department in conjunction with our current School Resource Officer Voit can monitor compliance with these new signs. Our patrols can also monitor the parking situation on Bert Avenue from time to time to insure that cars parked on the North

side of Bert Avenue are parked legally. I would also recommend that the current signs on the south side of Bert Avenue be replaced. They currently read no parking 7 a.m. to 5 p.m. Monday through Friday from September 1<sup>st</sup> till June 30<sup>th</sup>. Due to the narrow width of Bert Avenue I believe that parking on the south side of the street should be prohibited at all times. This is a determination that was reached after viewing the emergency vehicles as they were assessing the street. Those vehicles would not be able to transverse Bert Avenue in the summer when cars are entitled to be parked on both sides of the street. I believe this is a safety issue and it should be changed. I would also recommend that the no parking here to the corner sign that is currently attached to the dead end sign be mounted on the northeast corner on its own sign post. If a parking problem or any other problem arises on Bert Avenue in the future I am confident through my conversations with the residents that they know they can call the police department and get a quick and efficient response. Thank you all for your time and consideration in this important matter. Lt. Michael Colwell.

Mr. Ferrie: I would ask the Council to adopt Lt. Colwell's recommendations as stated in his report.

MADE: Mr. Pyrtko

SECOND: Mr. Ferrie

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. Kaklamanis: Yes

Mr. O'Rourke: Absent

Mr. Ferrie: Yes

Mr. Ferrie: I would like to thank Chief Hilling and Lt. Michael Colwell for the thorough report.

Mr. McCarthy: Roger, I am glad everything worked out for you and that everything is fine. The Bay Head Interconnect has begun construction. Hopefully, it will be operational by Springtime. I echo Tim's comments about the thoroughness of the report by Lt. Colwell. It was very well done. End of report.

Mayor Konkus: This Friday at 7 p.m. is the Christmas Tree Lighting. At the Community Park. A memo was sent to us from the Commander of the VFW Post 4715. "Our post is once again having our Pearl Harbor Day Services on December 8<sup>th</sup>, Saturday at the VFW Post 4715, St. Louis Avenue, Point Pleasant Beach at 2 p.m. Everyone is invited to attend." We received correspondence from David McKeon who is the Planning Director for the Ocean County Planning Board. The State has been in touch with him and they are interested in helping municipalities discover ways in which dredging can be accomplished easily then we know. The State recognizes that Barnegat Bay is the corner stone of Ocean County's regions character and economy. One of the problems is identifying areas where the dredged materials can be handled for dewatering and processing. They want to help identifying areas where that can be done. I have asked that our Engineer compile a list of requested areas that need dredging. Mr. Forsyth will contact Mr. McKeon.

OPEN PUBLIC SESSION – 5 Minute Limit Per Person

Mr. McCarthy, Council President, read the following Ordinance.

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

MOTION: Open the meeting to the public Mr. McAlindin

SECOND: Mr. Pyrtko

APPROVED: All in Favor.

Robert Varala, 1314 Sleepy Hollow Road, complained about the leaf ordinance not being enforced. He also suggested leaves be placed in paper bags to be picked up.

Mayor Konkus stated the Department of Public Works does leave notices for people who put their leaves out too early for pick up.

Mr. Varala complained about the Code Enforcement Officer for not doing his job unless someone complains. He does not do his job.

Harriet Messamillo, gave Mr. Maffei a petition that was signed by resident of Bel Aire Court East and West. They are petitioning the Council to get the streets paved. She brought photos of the street. They have not been paved in over 30 years.

Mr. Maffei provided Council with the copies of the petitions.

John Plisky, 1112 Old Drift Road, stated across the street from him they are going to build a Modular Home. The question I have is can you help me out about them ripping out the trees. The builder has said to the neighbor was for them to bring the modular pieces in they are going to have to take down the canopies off the trees of the street. He took 53 trees down on the lot and ruined the ladies driveway. He left the stumps on the property until the town got after him. He dug a big hole and never put a fence around it. He ran a crane over the neighbors property and sunk her driveway. He said he will fix it later. They cut down 53 trees. Is there anything you can do to keep this builder from cutting down the trees.

Mr. Dasti will contact the builder.

Joel Williams, 1510 Bel Aire Court East, wished everyone a Merry Christmas and Happy New Year. He explained the bad condition of the street of Bel Aire Court East and West. It has not been paved in 30 years. There are also flooding problems due to the poor condition of the road.

Raymond Baldyga, 1502 Bel Aire Court West, also signed the petition to ask for the repaving of Bel Aire Court. In the past he contacted the Roads Department and he thanked Mr. Walker for making temporary repairs to the road. The road is in very bad condition.

Toni Weisleder, 1512 Bel Aire Court East: Her driveway gets flooded and they need the apron re-done. It is always a sheet of ice during the winter. It is very uneven. We are asking for new black top.

Wade Weisledger, 1512 Bel Aire Court East also stated the condition of the road and stated how much taxes they pay. He asked Council to come and look at it.

Susan Rogers, 2308 River Road, updated the Council on the Open Space Plan project committee. They are meeting again December 11<sup>th</sup>. She invited Mayor and Council, the Administrator and the public to attend.

Kenneth Boorman, 817 Patterson Road, stated the leaf collection in 1B was supposed to be November 1<sup>st</sup> and the leaves were still on the trees. Tomorrow is my last day. I am only getting one leaf collection. I would like Roger to get me another collection.

Mr. Pyrtko: Will check for another pick up.

Lou Massamillo, 1508 Bel Aire Court East, also stated the condition of Bel Air Court East and West. He questioned how the Governing Body prioritizes the paving of roads.

Mr. McAlindin stated the Road Supervisor makes recommendations to us.

Mr. Massamillo: In thirty five years how many road supervisors have you had?

Mr. Maffei: It is the Superintendent and we have had two in thirty five years.

Mr. Pyrtko: Since I have been on Council we try to look at the worse case scenario. Not only what needs to be paved but what needs drainage. We will be doing Bay Isle Drive. That is a swimming pool everytime it rains. It is an ice skating rink when it freezes. They are desperate. That has been on the slate for four years. Bel Aire has been on for three years. I sat and talked with Joel Williams, your neighbor, about getting it done. I heard when the development was made the contractor never came for a final paving which he was obligated to do. Am I right or wrong? This is also what Dennis Sears said to me. I can't guarantee it for 08 but it is one of the top roads. We have terrible drainage problems with this town. If we do come in and pave what are you doing about your existing curbs? We are not obligated to do curbs.

Mr. Massimillo: I think we should be happy to do the curbs.

Mayor Konkus: When we go through the budget process we get recommendations from the Department of Public Works Superintendent. I suggest your call Dennis Sears from Public Works and discuss this with him.

Mr. Massimillo: Thank you and I will call Mr. Sears. Happy Holidays.

Mr. Scott Conklin, 2207 North Road, Happy Holidays. Mr. Conklin asked Mr. Ferrie to go on the web site that he is giving to Mr. Ferrie. He plans to attend all of the budget sessions and give his input. Things on North Road have not changed. He wants more people on Traffic Safety.

Laura Beedon, 2406 Spruce Street, you are not doing anything about the problems with the streets. I know we are understaffed but you really need to look into that. On Beaver Dam and 88 they go right through that red light. In 2004 you robbed Peter to pay Paul when you took \$451,000 to put it into the budget because we had a monetary short fall. So the taxes would not go up. That was money that was going to be used for the park.

Mr. McAlindin: The taxes did go up.

Ms. Beedon: I know they did, but they would have gone up a lot more.

Mr. McAlindin: We could pave every street in town tomorrow and hire 50 more cops if everyone want to pay \$50,000 a year in taxes.

Ms. Beeden: \$451,000 you took and put into the budget, that is fine. What was said was we are going to have to use the money that we have there for the park. Now it seems you are robbing the residents to pay back Peter because you are bonding \$299,000 which was changed from \$319,00 and you seem to think it is okay because you have managed to excuse some so you keep the bonding the same. That is like charging it. Can you guarantee our taxes are not going up next year.

Mr. McAlindin: I can guarantee your taxes are going up next year. I guarantee that.

Ms. Beeden: I think their streets should take precedents over the bonding for the park. That is more of a priority.

Mr. McAlindin: We are not bonding any money for the park. You can go visit the Administrator.

Ms. Beeden: You approved it and you haven't spent it yet. What is the \$319,000?

Mr. McAlindin: I suggest you meet with the Administrator and ask him to explain it to you. We are not bonding new money for the park.

Ms. Beeden: You took \$451,000 and you are trying to place that back in.

Mr. McAlindin: No, we are not. I am telling you we are not borrowing more money. It was previously authorized as borrowed money in prior years and our Administrator

Has done a fantastic job in scouring the nooks and crannies of budgets on years gone by and we are not bonding any more money for the park. Is the park more important than something else? That is a decision that has to be made by the Borough Council when they decide to award the contract and that will be coming up. We can't make an award of the contract if we don't have the money available to do that. Things cost money. Everything costs money.

Ms. Beeden: You have agendas up here.

Mr. McAlindin: I am not done yet. There are people that run around and think that we are not trying to do the best we can to do the best for all of you. I can tell you I have never met six people who have worked harder to try to give you the best that we possibly can. Yes, there are things that we can't afford to do. I have news for you. With a 4% State imposed CAP on next years budget I am not sure we will be able to provide the services that we provide today. If you think it is so easy

Ms. Beeden: I don't think it is easy.

Mr. McAlindin: Put your name on a ballot and come up here.

Ms. Beeden: I don't think it is easy.

Mr. McAlindin: You sound like you do and from the tone of the ads that you take out in the paper I think you do.

Ms. Beeden: You just keep bonding and that is on the backs of the residents. You don't seem to understand that.

Mr. McAlindin: You know better than anybody there is a person that is up here against bonding that is me.

Ms. Beeden: I was really surprised you voted for it.

Mr. McAlindin: I voted yes to introduce it for a public hearing in two weeks. I welcome you to come back and present the case as to why we should not build the park. As to why we should.

Ms. Beeden: I didn't say you should not build the park. You build it with the money that you have.

Mr. McAlindin: Let me explain something to you. If we do not do this. If we do not award this contract we will have to re-bid it. We will have to try to figure out what is going to go in that park. We will have taken about five years of work that a lot of people in town have put into trying to develop something and throw it out the window. I am not a bid time government spender. I loathe government spending. But, there is something good that is going to benefit this community from that park and the money came by way of a windfall. It was a terrible thing that we lost the hospital but almost every cent of that money came to the Borough from non tax dollars. You want to argue with me about government finance. It is not costing you anymore because there is no new money being bonded.

Ms. Beeden: You manage to excuse

Mr. McAlindin: We managed to work hard to do that.

Ms. Beeden: It is still bonding. Instead of decreasing what we bonded you are keeping it the same.

Mr. McAlindin: No. That is not true either. I invite you to sit with Mr. Maffei and go over it.

Ms. Beeden: You have excused \$315,000 and it was \$319,000 and it was changed.

Mr. McAlindin: All of the money in that ordinance will not be bonded. There is about \$100,000 Dave?

Mr. Maffei: Between \$50,000 and the \$315,000. The \$50,000 is the estimate that is needed right now.

Mr. Ferrie: So there could be \$250,000 that would be never borrowed.

Mr. McAlindin: When you do this stuff you come to realize there are change orders, there are add ons. There is stuff that happens.

Ms. Beeden: There is always about a 20% override. When you build a house they always say 20%.

Mr. McAlindin: If it is 20% come back and say shame on me.

Mr. Dasti: Ms. Beeden, there has not been 20%. That is not true. You say those things like they are facts.

Mr. McAlindin: When you built a house you have to borrow it. This is a capital improvement. It is a capital improvement to our community and it is a worthy one. In fact, I think you will be very proud of it when it is done. I think you will spend some time walking some dogs that you get paid to walk.

Ms. Beeden: I don't think so. Thank you.

Mr. Wade Weisleder, 1512 Bel Aire Court East: We expect to pay for our own repairs on our apron. That is our responsibility. But, until the street is repaired our contractors say do not do the work because it will freeze and it will crack.

Dennis Vitkauskis, Foster Road, In regards to the sign at community park, the one you put the letters in. In regards to that sign, somebody puts letter in there, right now it is advertising for Santa. For Thanksgiving they had some kind of sign Gobble Gobble. On Veterans Day, the weekend previous to it the sign was blank and I would think it would have been nice to have a thank you Veterans previous to the holiday. I think that was a slap in the face.

Mayor Konkus: We will make sure that does not happen again.

Mr. Maffei: I saw it on Saturday and I could not call someone in. Next year we will have a schedule.

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.

Mr. Ferrie: A few comments were made by Mr. Conklin earlier and I don't think it is fair for somebody, everyone is entitled to their own opinion, that is what democracy is all about, but having been an Official up here for 9 years and knowing the work that our different agencies do, our Public Works, our Police Department, our Recreation Department, we are so well served by the people who work for this community, whether it be public works or public safety, recreation, David Maffei's office, the people who work in Borough Hall, they do the best they can with what they can and this Council struggles every single January to try to go through the process of making the services work with what we can make it work with. To pave the roads we can pave and spread that around the town to make sure we are taking care of all of the areas in the town in the same year. We cannot focus on one area of the town. What the folks of Bel Air Court did this evening was the right thing. They are here to tell us how many years it has been. That is important for them to convey this to

Public Works. As for Mr. Conklin, I have a real problem. I have a six page report here that I read a month ago and he was not at the meeting. This six page report is very similar to the one that Lt. Colwell submitted for this meeting concerning the assets, time and people that were spent on North Road and Patterson Road. It was well responded to and in a timely fashion. I am going to say that we have other areas of the town that have speeding problems and to take a Public Safety Bureau of road safety of four Police Officers and to think that we brought that down. They did not get put down. We struggled with that with the Chief of Police and those Officers are on the road. The size of each shift in this town has increased. It has more police officers and that is where these police officers have gone. We have not done away with any police officers. We have added to this police department. We are looking to add to it again. We are trying to do with what we can. I just want the public to understand that everybody up here works very hard and Councilman McAlindin, you have done a tremendous job in your many years handling Administration and Finance. Thank you.

Mayor Konkus: I would like to ask Council to authorize Mr. Dikun and Ms. Rogers to attend the executive session.

MADE: Mr. McAlindin                      SECOND: Mr. Pyrkto

ALL IN FAVOR.

EXECUTIVE SESSION.

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:

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. Pyrkto                      SECOND: Mr. McAlindin

Mr. McCarthy: Yes	Mr. Pyrkto: Yes	Mr. McAlindin: Yes
Mr. O'Rourke: Absent	Mr. Kaklamanis: Yes	Mr. Ferrie: Yes

CARRIES: Yes

Mayor and Council returned to Open Session

MOTION: To vote on F-6, to authorize Issuance of Requests for Proposals for Hardenbergh Avenue Water Plant Treatment System

MADE: Mr. McCarthy

SECOND: Mr. McAlindin

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

MOTION: To authorize Mr. Maffei's office to take the necessary steps to extend the PBA certification list.

MADE: Mr. Pyrtko

SECOND: Mr. Ferrie

Mr. McCarthy: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Absent

Mr. Kaklamanis: Yes

Mr. Ferrie: Yes

CARRIES: Yes

MOTION: TO ADJOURN

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

ALL IN FAVOR.