

COUNCIL MEETING

TUESDAY – MARCH 18, 2008

8:00 p.m.

Mayor:	Martin Konkus
Council President:	Roger Pyrtko
Council Member:	Brian McAlindin
Council Member:	Shaun O'Rourke
Council Member:	John Kaklamanis
Council Member:	William Dikun
Council Member:	Susan Rogers
Borough Attorney:	Jerry J. Dasti

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

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

STATEMENT BY MAYOR KONKUS: Pursuant to the applicable portions of the New Jersey Open Public Meeting Act, adequate notice of this meeting has been given. Notice of this meeting of the Governing Body, has been posted in the corridor of the Municipal Building, published in January, 2008 edition of the Ocean Star and communicated to the Asbury Park Press.

1. PRESENTATION TO ALL STAR BASKETBALL TEAM

Council President Pyrtko joined the Mayor and the Mayor called up the All Star Basketball Team To come forward.

Mayor congratulated them for winning 44 to 33. The Borough won 16 out of 21 years playing the Beach.

Each member was presented a Certificate of Recognition by Mayor Konkus and Council President Pyrtko.

B. PROCLAMATION

1. National Library Week

**PROCLAMATION  
NATIONAL LIBRARY WEEK 2008**

***WHEREAS, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever;***

***WHEREAS, library staff help people of all ages and backgrounds find and interpret the information they need to live, learn and work in the 21<sup>st</sup> century;***

***WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning;***

***WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend;***

***WHEREAS, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it;***

**WHEREAS, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the “digital divide;” and**

**WHEREAS, libraries, library staff and supporters across America are celebrating National Library Week.**

**NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Martin C. Konkus, do hereby proclaim National Library Week to be held April 13-19, 2008. I encourage all residents to visit the Ocean County Library this week to take advantage of the wonderful library resources available and thank the library staff for making information accessible to all who walk through the library’s doors.**

*Witness my hand and the Official Seal of the*

*Borough of Point Pleasant this 18<sup>th</sup> day of*

*March 2008*

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**MARTIN C. KONKUS, MAYOR**

**Mayor Konkus and Council President presented this Proclamation to Kathy Finn, Branch Manager of the Ocean County Library.**

**B. ORDINANCE – Final Reading, Public Hearing**

**1. Municipal Budget CAP Ordinance to Increase the Appropriations CAP from 2.5% to 3.5%**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Point Pleasant in the County of Ocean find it advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Borough Council hereby determine that a 1.0% increase in the budget for said year, amounting to \$119,186.42 in excess of the increase in final appropriations otherwise permitted by the Local Government CAP Law, is advisable and necessary; and

WHEREAS, the Mayor and Borough Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Point Pleasant, in the County of Ocean, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Borough of Point Pleasant shall, in accordance with this ordinance and N.J.S.A. 40A:4-14, be increased by 3.5%, amounting to \$417,152.45, and that the CY 2008 municipal budget for the Borough of Point Pleasant be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

foregoing ordinance is hereby approved.

Date: March 20, 2008

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Martin C. Konkus, Mayor

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David A. Maffei

Municipal Clerk/Administrator

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

MOTION: Adopt Ordinance

MADE: Mr. McAlindin

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kalamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. Ordinance Authorizing and Emergency Appropriation for the Preparation and Execution of a Complete Real Property Revaluation Program

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT

BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY,

AUTHORIZING AN EMERGENCY APPROPRIATION IN ACCORDANCE WITH N.J.S.A. 40A:4-53 FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE LOCAL TAX ASSESSOR

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

SECTION 1. Pursuant to N.J.S.A. 40A-53 (Ch. 48, P.L. 1969) the sum of \$468,900.00 is hereby appropriated for the preparation and execution of a complete program of revaluation of real property for the use of the local Tax Assessor and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

SECTION 2. The authorization to finance the aforementioned appropriation shall be provided for in succeeding annual budgets by inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 5. This ordinance shall take effect immediately upon publication in accordance with the law.

ATTEST:

APPROVED:

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David A. Maffei

Martin C. Konkus

Municipal Clerk/Administrator

Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of the Borough of Point Pleasant on first reading at a meeting held on the 4th day of March, 2008. The Ordinance will be considered for second reading and final reading at a meeting of the Borough Council which is scheduled for the 18<sup>th</sup> day of March, 2008, at 8:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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David A. Maffei

Municipal Clerk/Administrator

FIRST READING: March 4, 2008

FINAL READING: March 18, 2008

Mayor Konkus opened the meeting to the public.

Scott Conklin, North Road, I am aware that Brick is filing an appeal so they do not have to do a reval based on the market and I believe Toms River has been granted an approval from the County not to do it because of the down turn in the market. I feel the Council is trying to ram this through very quickly to take advantage of some over inflated prices on homes and if they would wait another year the home prices would be where they should be so the homes would not be over taxed.

Fred Bryant, River Road, it says \$468,000 plus, is that total or every year for the next five year.

Mr. McAlindin: That is the total.

Mr. Bryant: So each year our taxes will go up another or your budget will go up \$88,000 dollars.

Mr. Dasti: Each year we would have to have enough money to pay a fifth of that bill plus interest.

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

MOTION: Adopt Ordinance

MADE: Mr. McAlindin

SECOND: Mr. O'Rourke

Mr. Pyrko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: No

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

#### D. ORDINANCE – INTRODUCTION

1. Authorizing the Abolishment of the Recreation Commission

**AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING THE ORDINANCE THAT CREATED THE BOARD OF RECREATION COMMISSIONERS IN THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY AND ABOLISHING THE RECREATION COMMISSION OF THE BOROUGH OF POINT PLEASANT**

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

**SECTION 1: Repeal of Ordinance and Abolishment of Board of Recreation Commissioners.**

Sections 2-12.1 through 2-12.6, inclusive, Chapter II entitled "Administration" of the Code of the Borough of Point Pleasant, establishing the Board of Recreation Commissioners, are hereby repealed and the Board of Recreation Commissioners of the Borough of Point Pleasant is therefore and hereby abolished.

**SECTION 2: Discharge of Commissioners.**

All commissioners of the Board of Recreation Commissioners as of the effective date of this Ordinance shall be discharged from their positions.

**SECTION 3:           Transfer of Employees.**

*All existing employees of the Board of Recreation Commissioners shall be transferred to the Borough of Point Pleasant without any loss in title, pay or benefits subject to the provisions of XIV, Personnel, of the Code of Ordinances of the Borough of Point Pleasant.*

**SECTION 4:           Continuation of Recreation Trust Fund.**

The Recreation Trust Fund created and funded by the Board of Recreation Commissioners shall continue pursuant to P.L. 1999, Chapter 292,(N.J.S.A. 40:48-2.56).

**SECTION 5:           Repealer.**

All ordinances inconsistent or in conflict with the provisions set forth herein are hereby repealed, but only, however, to the extent of such conflict or inconsistency, it being legislative intent that all Ordinances or parts of Ordinances now existing or in effect, unless same be in conflict or inconsistent with any provisions of this Ordinance, shall remain in effect.

**SECTION 6:           Severability.**

The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, or phrase thereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sub-sections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 7:           Effective Date.**

This ordinance shall take effect immediately upon final passage and publication in accordance with law.

**ATTESTED TO BY:**

**APPROVED:**

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DAVID A. MAFFEI, Clerk/Administrator MARTIN KONKUS , Mayor

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Borough Council of the Borough of Point Pleasant on first reading at a meeting held on the 18th day of March, 2008. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the 1st day of April, 2008, at 8:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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DAVID A. MAFFEI, Clerk/Administrator

MOTION: To Table and send to the Recreation Committee to discuss.

MADE: Mr. O'Rourke

SECOND:

No second.

Mr. O'Rourke: I believe Ms. Rogers may have a conflict with the Recreation Commission and I don't know whether we need to go into Executive Session to discuss that or discuss it here.

Mr. Dasti: It does seem it is not fair to discuss it in executive session. I think it is up to Council Member Rogers to make that determination and if you feel she has made the wrong determination in that regard you have an appeal through the courts of ethics. I would suggest you should not go into closed session. My suggestion just go forward and let the chips fall if there is one then you have the right to pursue.

MOTION: To adopt Ordinance

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: No

Mr. Kaklamanis: No

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. Establishing the Recreation Advisory Board of the Borough of Point Pleasant

***AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING  
THE RECREATION ADVISORY BOARD OF THE BOROUGH OF  
POINT PLEASANT***

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

**SECTION 1:           Establishment and Composition; Terms**

- A. There is hereby established a Recreation Advisory Board in the Borough of Point Pleasant, which shall consist of up to seven regular members. Each regular Board Member shall be a resident of the Borough and be appointed by the Borough Council for three-year terms on a staggered basis, except that of the members initially appointed, three of the regular members shall be appointed to serve for a term of three years, two regular members shall be appointed to serve for a term of two years, and the remaining two regular members shall be appointed to serve for a term of one year. Thereafter, all appointments shall be made for a term of three years. Appointments to fill vacancies shall be made in the same manner as original appointments, and all such appointments shall be for the unexpired term only. The members shall serve until their respective successors are appointed and qualified. The members shall receive no compensation for their services. The legal size of the Board shall be that number of regular members actually appointed and continuing to serve up to the maximum of seven.
  
- B. The Borough Council may appoint alternate members in the same manner as specified for regular members: one alternate shall be designated at the time of appointment as Alternate No. 1 and the second alternate as Alternate No. 2. Said alternates shall serve three-year terms. A vacancy occurring in the alternate's position shall be filled by the Borough Council for the unexpired term only. Alternate members may participate in the discussion of the proceedings, but may not vote except in the absence or disqualification of a regular member of the Recreation Advisory Board. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate is to vote, Alternate No. 1 shall vote.

**SECTION 2:           Organization and officers.**

The Board shall reorganize at its first regular meeting. The first regular meeting of the Board shall be heard in the month of January of each calendar year. At the reorganization meeting, the voting members shall elect one of the voting members to serve as Chairperson of the Board for the calendar year in question. The Chairperson shall serve for the calendar year in question, or until a successor shall be elected and qualified.

**SECTION 3:           Duties; responsibilities**

- A. The Recreation Advisory Board shall, from time to time, report and/or make recommendations to the Mayor and Borough Council as to any matter involving all lands, playgrounds and recreation places acquired or leased by the Borough. The Board shall, when necessary, consult with the Police Department of the Borough and/or the Borough Engineer as to such matters.

The Board shall, in addition, investigate and report on any questions involving public recreation as may be from time to time requested by the Mayor and Committee.

- B. The Recreation Advisory Board shall, from time to time, report and/or make recommendations to the Mayor and Borough Council as to any matter involving recreation programming and activities, including any fees to be charged for sponsorship of or participation in any recreation programs and events.
- C. The Recreation Advisory Board shall, from time to time, report and/or make recommendations to the Mayor and Borough Council as to the proper staffing of recreation programs and events, including the duties and qualifications of the individuals to be employed in these programs.

**SECTION 4: Records and annual reports.**

The Recreation Advisory Board shall keep records of its meetings and activities and shall make an annual report to the Borough Council in December of each year.

**SECTION 5: Recreation Trust Fund.**

Pursuant to N.J.S.A. 40:48-2.56 there is established a Recreation Trust Fund to be used to collect fees and pay the expenses of recreation programs and activities.

**SECTION 6: Repealer.**

All ordinances inconsistent or in conflict with the provisions set forth herein are hereby repealed, but only, however, to the extent of such conflict or inconsistency, it being legislative intent that all Ordinances or parts of Ordinances now existing or in effect, unless same be in conflict or inconsistent with any provisions of this Ordinance, shall remain in effect.

**SECTION 7: Severability.**

The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, or phrase thereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sub-sections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 8:                    Effective Date.**

This ordinance shall take effect immediately upon final passage and publication in accordance with law.

***ATTESTED TO BY:***

***APPROVED:***

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***DAVID A. MAFFEI, Clerk/Administrator    MARTIN KONKUS ,  
Mayor***

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Borough Council of the Borough of Point Pleasant on first reading at a meeting held on the 18th day of March, 2008. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the 1st day of April, 2008, at 8:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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**DAVID A. MAFFEI, Clerk/Administrator**

**MOTION: Adopt Resolution**

**MADE: Ms. Rogers**

**SECOND: Mr. Dikun**

**Mayor Konkus: I would like to recommend that we pay some attention to the methods and the duration of the appointed terms of office. I think it should be simplified rather than having rotating appointments. I think we should simplify it like we have with the Open Space Committee where all the appointments are up at the same time. It will make it easier to administer. If we are going to simplify things let's take it as far as we can.**

**MOTION: To amend the motion to include the appointments are for one year.**

**MADE: Ms. Rogers**

**SECOND: Mr. Dikun**

**Mr. Pyrtko: Yes**

**Mr. McAlindin: Yes**

**Mr. O'Rourke: No**

**Mr. Kaklamanis: Yes**

**Mr. Dikun: Yes**

**Ms. Rogers: Yes**

**CARRIES: Yes**

**E. 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 Ms. Rogers

SECOND: Mr. O'Rourke

APPROVED: All in Favor

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

MOTION TO CLOSE PUBLIC PORTION: \_\_\_\_\_

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

MADE: Mr. O'Rourke

SECOND: Mr. McAlindin

ALL IN FAVOR.

**F. RESOLUTIONS**

1. (073-2008) Authorize Submission of Recycling Tonnage Grant Application

MOTION: Authorize Recycling Tonnage Grant Applications

**WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and**

**WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and**

**WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and**

**WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and**

**WHEREAS, a Resolution authorizing this municipality to apply for such tonnage grants (for calendar year 2007) will memorialize the commitment of this municipality to recycling and to indicate the assent of the Point Pleasant Borough Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling**

**Act and recycling regulations; and**

**WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.**

**NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey, hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jude Walker to ensure that the application is properly filed; and**

**BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.**

**MOTION: Adopt Resolution**

**MADE: Ms. Rogers**

**SECOND: Mr. Pyrtko**

**Mr. Pyrtko: Yes**

**Mr. McAlindin: Yes**

**Mr. O'Rourke: Yes**

**Mr. Kaklamanis: Yes**

**Mr. Dikun: Yes**

**Ms. Rogers: Yes**

**CARRIES: Yes**

**2. (074-2008) Authorize Refund of Demolition Bond, Block 172, Lot 4.01 – Anastasiou**

**MOTION: Authorize Refund of Demolition Bond, Block 172, Lot 4.01 – Anastasiou**

WHEREAS, Ann Anastasiou, 2305 Pulaski Drive, Point Pleasant, New Jersey, 08742 did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a structure at 2309 Pulaski Drive, Point Pleasant, New Jersey 08742,

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

1. That the proper Borough Officials are authorized and directed to return to Ann Anastasiou, a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a structure at 2309 Pulaski Drive, Point Pleasant, N.J. 08742.
2. Copies of this Resolution to: Construction Official, Ann Anastasiou, Chief Financial Officer and any other interested parties.

**MOTION: Adopt Resolution**

**MADE: Mr. Dikun**

**SECOND: Mr. McAlindin**

**Mr. Pyrtko: Yes**

**Mr. McAlindin: Yes**

**Mr. O'Rourke: Yes**

**Mr. Kaklamanis: Yes**

**Mr. Dikun: Yes**

**Ms. Rogers: Yes**

CARRIES: Yes

3. (075-2008) Confirm Promotional Appointment of Maryann Clear as Municipal Tax Assessor

MOTION: CONFIRM APPOINTMENT OF MARYANN CLEAR AS TAX ASSESSOR

**WHEREAS, with the recent resignation of John Butow, there existed a vacancy in the position of Tax Assessor; and**

**WHEREAS, the unexpired term of office for the prior Tax Assessor, John Butow, who was untenured, ends on June 30, 2011; and**

**WHEREAS, in accordance with N.J.S.A. 40A9-148, Maryann Clear will complete the unexpired term of the previous untenured Tax Assessor until June 30, 2011, after which, if so desired by the Borough Council, Maryann Clear will need to be appointed to her own four year term effective July 1, 2011.**

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

1. The Borough Council confirms that it accepts the recommendation of the Administrator and the Administration and Finance Committee and appoint Maryann Clear as full-time Tax Assessor for Point Pleasant Borough effective immediately at an annual salary of \$75,971.00 as provided in the agreement with the Transport Workers Union of America, Local 225, Branch 4, AFL-CIO Contract.
2. That said appointment is for the unexpired term of the previous ten-tenured Tax Assessor which ends June 30, 2011.
3. That copies of this Resolution shall be sent to Maryann Clear, the Ocean County Tax Board, N.J. Division of Taxation, Borough Attorney, Personnel File, Chief Financial Officer and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

4. (076-2008) Appoint Tax Assessor as Agent in Tax Appeals

MOTION: Appoint Tax Assessor as Agent in Tax Appeals

**WHEREAS, from time to time the Tax Assessor discovers an error in calculation, transposition, measurement or typographical errors in the tax assessments on the tax list after the time the County Board of Taxation has certified the tax rates for the tax year; and**

**WHEREAS, the Mayor and Council of the Taxing District of Point Pleasant is desirous that every taxpayer pays his fair share of taxes; and**

**WHEREAS, if the above discovered errors are not corrected, the taxpayers affected would not be paying their fair share of taxes; and**

**WHEREAS, the method for correcting such errors is to file a Petition of Appeal for the current tax year with the Ocean County Board of Taxation.**

**NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Point Pleasant that Maryann Clear, Tax Assessor, is hereby authorized to act as the Agent for the Taxing District and file a Petition of Appeal or Appeals for the year 2008 with the Ocean County Board of Taxation, to correct such assessments to the proper value and that a copy of any Petition of Appeal with the Ocean County Board of Taxation under this Resolution is to be filed with the Borough Clerk.**

**BE IT FURTHER RESOLVED, that Maryann Clear, Tax Assessor, is hereby authorized to execute stipulation of settlement of any tax appeal filed by the Taxing District or by a taxpayer for the tax year 2008; and**

**BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Ocean County Board of Taxation with such Petition of Appeal.**

**MOTION: Adopt Resolution**

**MADE: Mr. McAlindin**

**SECOND: Mr. Dikun**

**Mr. Pyrtko: Yes**

**Mr. McAlindin: Yes**

**Mr. O'Rourke: Yes**

**Mr. Kalamanis: Yes**

**Mr. Dikun: Yes**

**Ms. Rogers: Yes**

**CARRIES: Yes**

**5. (077-2008) Transfer Resolution**

**MOTION: 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)**

Tax Assessor O/E	\$ 5,900.00
Hospitalization O/E	100,000.00
Cultural Arts Adv. Comm. O/E	700.00
Aid to Community	2,275.00

TOTAL \$108,875.00

CURRENT: (TO)

General Administration O/E	88,875.00
Police S & W	20,000.00

TOTAL \$108,875.00

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

6. (078-2008) Authorize Amendment to Professional Services Contract with FSD Enterprises, LLC for Cellular Communications Purposes

MOTION: RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING PROFESSIONAL SERVICES CONTRACT WITH FSD ENTERPRISES, LLC FOR CELLULAR COMMUNICATION PURPOSES

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 awarded a contract for wireless telecommunication consulting services (the "contract") to FSC Enterprises, LLC ("FDS"); and

WHEREAS, the aforementioned agreement was awarded by the Borough to FSD in accordance with the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40a:11-1 ET SEQ., and is deemed a professional service contract and therefore one that does not need to comply with the normal bidding requirements; and

WHEREAS, FSD has provided a proposal dated January 21, 2008 as a supplement to the aforementioned agreement which calls for additional compensation to be paid to FSD for the services as specified therein; and

WHEREAS, the Borough believes that the amendment to the agreement is fair and reasonable, and in the long-term best interests of the Borough and taxpayers.

NOW, THEREFORE, BE IT RESOLVED, this 4<sup>th</sup> day of March, 2008 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough approves and accepts the letter addendum dated January 21, 2008 to the agreement. A copy of the letter addendum is on file at the office of the Borough Clerk and can be reviewed during normal business hours.
2. This resolution approve an amendment to the previously approved and awarded professional services contract, and is therefore being awarded without need of compliance with the bidding requirements set forth in the New Jersey Local Public Contract Law, N.J.S.A. 40A:11-1 et seq.

3. The Borough authorizes and directs the Mayor, Borough Clerk and 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 Maffei, Borough Administrator/Clerk, Declan O'Scanlon, FSD Enterprises, LLC, Judith Block, CFO and Jerry J. Dasti, Borough Solicitor.

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

7. (079-2008) Appoint Part-Time Seasonal Employees – Recreation Department

MOTION: Hire Part-Time Seasonal Personnel

**WHEREAS, a need exists within the Recreation Department for additional personnel on a seasonal basis; and**

**WHEREAS, the following individual has been recommended by the Superintendent of Recreation, Recreation Personnel Committee and confirmed by the Board of Recreation Commissioners, as indicated by a duly authorized Resolution adopted on March 13, 2008; and,**

**WHEREAS, it is the desire of Mayor and Council to confirm said recommendation.**

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

1. **The following individual is hereby appointed on a part-time seasonal basis to the position with the salary and account listed:**

<u>NAME</u>	<u>POSITION</u>	<u>RATE/ACCOUNT</u>
Melanie Woods	Instructor – Adventure Climbing	\$10.00/Hr.Rec. Trust
Melanie Woods	Instructor – Music & Me	\$10.00/Hr.Rec. Trust
Melanie Woods	Instructor – Movement Mania	\$10.00/Hr.Rec. Trust

2. **Hiring to be effective March 13, 2008.**

3. **Copies of this Resolution to employees, Treasurer, Municipal Administrator, Superintendent of Recreation and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes  
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
Mr. Dikun: Yes

Mr. O'Rourke: Yes  
Ms. Rogers: Yes

**CARRIES: Yes**

**8. (080-2008) 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. O'Rourke**

**SECOND: Mr. Pyrtko**

Mr. Pyrtko: Yes  
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
Mr. Dikun: Yes

Mr. O'Rourke: Yes  
Ms. Rogers: Yes

**CARRIES: Yes**

9. (082-2008) Awarding Contract for Real Property Revaluation to Certified Evaluations, Inc. \$468,900.00

MOTION: RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AND AWARDED A CONTRACT FOR REVALUATION SERVICES TO CERTIFIED VALUATIONS, INC.

**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 mandated by the Ocean County Board of Taxation to undertake a Borough-wide revaluation of all real property located within the Borough; and

**WHEREAS**, the Borough has solicited bids from certified revaluation companies on a competitive contract basis pursuant to the provisions of N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Borough has obtained the approval from the New Jersey Department of Community Affairs (“NJDCA”) to solicit bids on a competitive contracting basis; and

**WHEREAS**, three (3) proposals have been received by the Borough in response to the bid solicitation, as follows:

- |     |                                  |              |
|-----|----------------------------------|--------------|
| (a) | Professional Property Appraisers | \$599,700.00 |
| (b) | Appraisal Systems, Inc.          | \$602,000.00 |
| (c) | Certified Evaluations, Inc.      | \$468,900.00 |

**WHEREAS**, the bids submitted by the three (3) companies have been carefully reviewed by the Tax Assessor and Borough Solicitor; and

**WHEREAS**, the joint recommendation of the Tax Assessor and Borough Solicitor is to award the contract for this project to the company which has submitted the bid with the lowest price, as well as having complied with all of the bid specifications, Certified Evaluations, Inc.; and

**WHEREAS**, the award of this project to Certified Evaluations, Inc. for \$468,900.00 is in conformance with the Borough's budgetary constraints:

**NOW, THEREFORE, BE IT RESOLVED**, this 19<sup>th</sup> day of February, 2008 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

**1.** The Borough accepts the recommendation of its Tax Assessor and Borough Solicitor and awards the contract for revaluation services to Certified Evaluations, Inc. for and in consideration of \$468,900.00.

**2.** The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

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

- (a) Honorable Martin Konkus, Mayor;
- (b) David Maffei, Borough Administrator/Clerk;
- (c) Jerry J. Dasti, Esq., Borough Solicitor;
- (d) John E. Butow, Tax Assessor;
- (e) Judith Block, CFO; and
- (f) Ocean County Board of Taxation

Motion: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: No

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

RESOLUTION (081-2008) Consent Agenda

MOTION: To approve consent items as summarized below

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

**WHEREAS**, said consent items are hereby summarized as follows:

1. Application Raffle License, Point Pleasant Boro Rotary Foundation, On premise gift auction to be held May 30, 2008.
2. Application Raffle License, Point Pleasant Borough Rotary Foundation, on premise 50/50 to be held May 30, 2008.
3. Application Raffle License, Point Pleasant Boro Rotary Foundation, Off Premise Gift – Gold Bars – to be held May 30, 2008.
4. Application Raffle License, Save the Summer Flounder Fishery Fund, Inc., on premise Chinese Auction, to be held April 11, 2008.
5. Application Raffle License, 4-H Association of Ocean County, On premise gift auction, to be held April 19, 2008.

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. Dikun**

**SECOND: Mr. Pyrtko**

**Mr. Pyrtko: Yes**

**Mr. McAlindin: Yes**

**Mr. O'Rourke: Yes**

**Mr. Kaklamanis: Yes**

**Mr. Dikun: Yes**

**Ms. Rogers: Yes**

**CARRIES: Yes**

**D. AUTHORIZATIONS**

1. Manual Checks

**MOTION: Approve Manual Checks**

**Mr. Pyrtko: Yes**

**Mr. McAlindin: Yes**

**Mr. O'Rourke: Yes**

**Mr. Kaklamanis: Yes**

**Mr. Dikun: Yes**

**Ms. Rogers: Yes**

**CARRIES: Yes**

2. Request Regarding use of Elm Place

**MOTION: Request Regarding use of Elm Place**

**MADE: Mr. Pyrtko**

**SECOND: Mr. O'Rourke**

**Mr. Pyrtko: Yes**

**Mr. McAlindin: Yes**

**Mr. O'Rourke: Yes**

**Mr. Kaklamanis: Yes**

**Mr. Dikun: Yes**

**Ms. Rogers: Yes**

**CARRIES: Yes**

3. Request for Boy Scout Eagle Project – Bayberry Lane

**MOTION: Request for Boy Scout Eagle Project – Bayberry Lane**

Tom Saminski is the Eagle Scout is requesting the town remove some of the vegetation and the Scout Troop will maintain the site. He showed pictures of what he plans to do. This will be a platform for watching the osprey.

MADE: Mr. Pyrtko

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

#### G. COMMITTEE REPORTS

Mr. Kaklamanis: This past Saturday we had the groundbreaking ceremony at the Riverfront Park. There was attendance by the Environmental Commission, citizens, myself, Mayor and Council, media, Press, and it is moving along. We saved another tree this past week that didn't need to come down. Maybe an oak tree about 75 years old. It is moving along and maybe by October or November it should be completed. The tree ordinance, I got input back from the Environmental Commission with their input. I talked to Mr. Giordano from the Planning Board and he will review some of the updates and meet with the Planning Board for some input. That is moving forward. As far as the Rec Commission the ADA and the handicapped parking, that is on the front burner to take care of. End of report.

Mr. O'Rourke: Welcome to my 30<sup>th</sup> wedding anniversary. The Recreation situation has been mishandled. Sue Rogers has caused a tremendous amount of discourse in this community. I thought we were handling this in a nice quiet manner when I went away last week. Instead I see we are in the process of eliminating the Recreation Commission and creating a Recreation Advisory Board and stuffing it with members of the community that will go along with whatever Councilwoman Rogers wants done. I don't feel that is appropriate. Everything that I got from Recreation Commission members and recreation people have always been that they will work with us to make sure things are whatever. Right now, the Recreation Commission has a surplus. A surplus that is large. They are the only agency that has been operating consistently in the black for years. I can't believe we are chastising them for doing that. I believe this situation could have been rectified much simpler by getting at the correct information, spending down the money if necessary and putting it where it belongs. We have been talking about budgets and trying to get by with the budget this year and this year it is really, really bad. The Recreation Commission can help and I believe and they were going to help as long as they could do it legally to help us get by this very, very tough budget this year. More information has come out and this information and a lot of the things we thought we could do with the \$65,000 coming out of that trust fund is not going to happen. Frankly, I don't feel we have a complete answer on that yet although our Auditor has indicated that there are a number of things we cannot do with the funds and there are a number of things we can do with the funds. I believe the Recreation Commission or the Advisory Committee will work with us no matter what. I believe everyone is here to do that same thing and that is make this town run in the most efficient manner and give the best services we can. End of report.

Mr. Dikun: I just want to remind the residents that day time hydrant flushing is beginning on March 24<sup>th</sup>. There might be some lines disturbed. As you are aware we are moving forward with the Well project on Memorial Drive and Burnt Tavern Road and I want to again ask the indulgence of the neighbors there as you are aware the project is an around the clock operation up to a specific point while the drilling is in progress. If we stop it impedes what we have done during the time span. It is around the clock project and I as the indulgences of the neighbors over there while this is going on. End of report.

Ms. Rogers: I would like to take a minute to explain my position. I disagree with Councilman O'Rourke. There is certainly no joy or glee of the Governing Body this evening to move to disband the Recreation Commission. The public relies on its elected officials, its commissioners to properly, legally and in full compliance to the law manage the business of this town. Tonight this ordinance to disband the commission is being presented because the Commission's management, their respective duties of the Commissioner's under the trust requirements were not in compliance with trust provisions nor did the Commissioner's follow the operating by-laws, failing to establish Finance and Personnel Committees year after year. Nor did they establish budgets to present their fees, implement the proper control and procedures to monitor their recreation programs. As well as failing to disclose to this public and the Governing Body a surplus in the Recreation Trust Account has exceed \$225,000.00.

I began my term on the Rec Commission in January, 2007 and completed it in December, 2007. From the inception of my appointment to that Commission I requested month after month the financial reporting or lack thereof from the Commission and was stonewalled by certain commissioners and the Commission Secretary stating to me that they don't have to provide that information. I was deeply troubled by their responses and I then sought OPRA requests to obtain financial reporting and documentation. During my term I spent eight months auditing three years of the Recreation trust account. I reviewed the minutes of every meeting. I spoke with the auditors and discovered the significant surplus which did not conform to the trust provisions. I then brought that information back to the Commissioners in late Fall. I expressed my concerns and I told them the balance is very high. I questioned if we over charged fees to the residents of this community. I was returned with further stonewalling and to no avail. I also brought this and expressed my concerns to the Governing Body in late January. At the end of January and early February I brought to the Council's attention that within a four and a half week period the sum of \$44,000 was encumbered against the trust without a vote of the Commissioners. Members resolving the purchases and I was concerned that there was a run on the funds. I brought this to Council and I asked for immediate action and they chose to do so with a unanimous vote to freeze the trust funds. Additionally, they charged me with going to implement which has been implemented a new accounting system to track the income of programs and expense of those programs to insure that from this point forward that the trust program did not realize profits. The trust provisions provide you cannot profit from the programs. For over ten years this has been happening and the public was not aware of the overcharging. As an elected official I take my judiciary responsibilities seriously. I have and I will continue to uphold by duty to the residents, to be prudent in management and financial responsibilities to the taxpayers of this town. It is appropriate to disclose to the public our findings and take all of the necessary steps to provide for 100% compliance of law and to work with the regulatory agencies to assist in the proper resolution of the surplus. I propose we do that. I believe it is proper to move forward with the disbanding of the commission. I believe it is equally important to have the voices of the public heard in the forming of this new advisory commissioner and that those appointments are diversified to represent all the residents of the Borough and continue to implement programs and guide us to further direct recreation in this town. On a positive note Mr. Mayor I would like to report two separate items. The Public Safety Committee met yesterday and had an opportunity to go over the police department renovations. We met with the Architect and the two corresponding engineers and we will begin doing soil borings hopefully in the next two weeks. In order to ensure safe zones for the digging. Upon completion of the soil borings we are very close to going out to bid. Our intention is to award the bid sometime in July and being construction on the police department by early Fall. Probably the most pleasant part of my evening is I am able to present to you tonight some of the fruits of the labor of the grant we were awarded by the Barnegat Bay Estuary Grant which we will be teaching the children of the fourth and fifth grade children of Ocean Road and Nellie Bennett beginning next Tuesday, March 25<sup>th</sup>. I would like to pass out to the Council and the Mayor a copy of the brochure that we will be going to print in conjunction with the Environmental Commission and we will do a hands on assembly with the kids next Tuesday and we will be talking to them about what it means to "Being Green to Keep It Clean". This was funded through a grant and we have a pending sister grant that we are hoping to this we hope to hear good news to further the program. There will be five members of the Environmental Team along with the Mayor actually teaching five separate components of the program and there will be an interaction with the children during the course of the assembly. That is all I have Mr. Mayor.

Mr. McAlindin: Just to follow up with this Recreation Trust Fund. The good news is we have about \$225,000 and I guess the bad news is there are some discrepancies on how and what recreation expenses and capital items that may be applied to. We hope to get clarifications on that. We have made certain requests to the Rec Commission and we are anxious to get response because one way or another we have to strike a budget. We have to do that every year. Technically a budget was supposed to be due on March 11<sup>th</sup>, although that is not a hard thing and approved by April 30<sup>th</sup>. They are not hard deadlines. It goes onto the state for their review. Some of the confusion with the application of recreation trust funds is the lack of rules that have been established by the DCA. They choose in 2000 that they were not going to formulate any rules but I read the 1999 amendment says the Director of the Division of Local Government Services and the Department of Community Affairs will promulgate those rules and regulations for the purpose of giving people like us guidance. It is difficult when you have to go to the DCA on a per expenditure basis to get an opinion from them. It would be more helpful to everyone if there were a clear simple set of rules in the Administrative Rules. I take issue with one expression that Councilman O'Rourke has claimed " The Rec Department is the only department operating in the black." That is an inappropriate comment because the Rec Department is the only department that we allow to collect the user fee. The user fee is just another tax paid by the people that benefit by the programs. In the end of the day anything the government collects from you is no more or no less just simply a tax. The DPW doesn't collect a tax from you. The

Administration and Finance Department doesn't collect a tax from you. Everything is funded by property taxes and everything we do in the rec department is likewise funded by the taxpayers. There is an ability to utilize some of the funds that are over and above the cost of the programs that you use or pay for and put them back to recreational purposes. That is not such a horrible idea and it is good news that we have the problem of figuring out how we will have to spend that surplus that exists and accumulated over a number of years. Worse things have happened. With respect to the reval, Mr. Conklin, I can't recall when it first was that we were directed by the County Tax Administrator to perform a recall.

Mr. Dasti: It was two or three years ago.

Mr. McAlindin: We have made every effort to extend the deadline where we must complete a reval. We have been ordered by the County Tax Assessor to complete the reval by this year. We are really among one of the last towns out of 34 communities to complete our reval. It is not something we want to do it is something we have been ordered and required to do. If we had done it when we were first directed to do it I would agree that we would have caught the top of the market and for those of you who invest in real estate or have ever considered selling your homes the next time you get wind that the County Tax Assessor has ordered your town to do a reval sell. That is a signal that we have hit a top. We authorized the low bidder for the assessment to perform the assessment and it is my hope they will be able to comply with the deadline. I think the deadline is October 1ST. One of the reasons we were able to get this postponed is because there are only twelve companies that are certified by the State of New Jersey to do real estate appraisals for the purposes of a revaluation. They have been so busy it has been hard to get someone to do it. This bidder that came in and we awarded the contract to came it at \$468,900. There were three bidder and the next bidder came in at \$599,000 and the third was \$602,000. Councilman O'Rourke talked about what a difficult year this is and it is a difficult year in terms of the budget but it is difficult for a different reason we have ever faced. This is my sixth budget and it is harder this year for the reason of a new state law that limits the amount of operating expenses the Borough can undertake cannot be over 4%. I think it is a well intention form of property relief the net effect is going to have a significant impact on services. It is my hope that some of the funds that are in recreation surplus will fund appropriate costs within the recreation department that are related to the programs for which user fees are charged. We have had to eliminate a lot of other expenses that were otherwise recommended by department heads. If we are unable to use some of the funds that were requested we will have to go back and see where else we are going to eliminate operating expenses from. At this juncture I would simply say the likelihood would be that there will be more services cut. I can't say what because I have no idea what they would be or possible some personnel will have to be eliminated. It is a very difficult budget from that perspective that the state has handcuffed us in terms or what we can spend whether we need it or not. I guess we will live with it. What makes it additionally difficult is that at the same time they are eliminating what we can do they are lowering the amount of aid that they have provided to local governments like Point Pleasant so we get a double wammy. I would rather for the sake of all of us not have to deal with the added expense of being ordered to do a reval. There is only so much we can do about it. I read the same article that Mr. Conklin read about Dover Township postponing their reval but I am told and the Borough Attorney can correct me, a declining real estate market is not a basis for postponing a reval. There is some other justifiable reason. A reval is nothing more or nothing less than a snapshot in time. All property values rise or fall together. As long as they are done in the same time frame you take a picture of relative values and the tax burden is shared equally where there are some components that probably have risen more and some not as much as others to help insure that everyone pays their fair share. Revals are difficult things because in the aftermath of them people are faced with how much are their taxes going to go up. The property could be assessed as much as twice as much as it is currently assessed. The bottom line is your taxes are purely a function of how much the town spends. If spending does not go up then no ones taxes should increase more than their assessment relative to another property. If all assessments went up 50% across the board no ones individual tax that they have to pay should increase. I am sure it will be a source of anxiety for many. There will be a time period you should all be aware after the assessment is complete. The first year is the most important year because there is a deadline in April by which you can file for a tax appeal. Once that April date comes and goes you may have missed a window of opportunity if you think your property has been unfairly revalued. Always keep in mind that taxes are strickly a function of how much your local government spends and your properties are assessed at a greater number should not necessarily pay more. Some will pay less and some will pay more. End of report.

Mayor Konkus: Brian, you made reference to the State Aid we lost and that figure is in excess of \$196,000 which puts us in the hole automatically of 1.4 cents per \$100 of value before we start. This is not a happy year.

Mr. Pyrtko: I had some enlightening news. I met with our Recycling Coordinator, Jude Walkter, yesterday morning and this town had an evaluation in its garbage and it was funded by the County. It was an independent firm that actually took one of our loads of garbage, brought it to the landfill and dumped it and dispersed it and counted the recyclables in it. We throw out 20% to 30% of recyclables. Our tipping fees for last year was \$653,309 and that is a lot of money. We are paying \$69.70 per ton. To have 20% to 30% thrown away we could save a ton of money by recycling more. I am going to spearhead a campaign through newsletters with the water bills. The numbers you can make on recyclables we can have a savings. They made recycling easier. You can mix your papers and cardboards all in one. The junk mail is the main thing we are not recycling. I will talk with the papers about a press release. We can have a savings of \$162,000 if we recycle more. Dollars can be made and saved. When we have an independent contractor that picks up our outside trash and right now we are on once a week. When we go to twice a week in the summer and by the time all of the residents catch on it is the middle of August. No one puts out anything the second pick up in the week. We are going to go back to the contractor and see if we can renegotiate our contract to continue with the once a week. We will save a lot of money. Also, everything third Tuesday you put out your white metals. Appliances. The Town will come and pick it up. Once you put something on the street it becomes Borough property. What we have are individuals with pickup trucks and trailers going around in the middle of the night and picking up and they go cash it in. recycling is big money. Our boys were at Bluetts dumping and they happened to see some guys dumping in their pick up truck. They commented we got half of your load. They told them you can get fined. The guys said fine me it is still worth doing what I am doing. I am going to propose to up the fine in our ordinance, it will not be \$25.00 ad \$100.00. It will be \$500 and \$1000. We are being ripped off. When you get a pick up for white goods, that had 96 appointments and out of 96, 24 of them were not there. That was 24 pickups that were taken by poachers. \$10.00 per 100 pounds, so we lost \$794.00 today. Last night I called the Police Department and they know who these guys are. We are gonna up that fine.

Mayor Konkus: We have a gentleman in the audience tonight who I have a letter from. It is a letter to Chief Hilling. Dear Chief Hilling: I would like to direct your attention to the services provided by Corporal Steve Savoie to my family on January 15, 2008. I apologize for the delay in sending this letter. It does not diminish the importance to my family. Many people are right to complain about the actions that grieve them but to offer we forget to point out instances of someone going beyond the limits of the job they are required to perform. My wife returned to school to receive her Master Degree and her first day was January 15, 2008. We own a six month old boxer named Maggie. Up until this date she had always spent her time in doors. We were concerned about leaving her in the yard during the day because we had never left her alone before. I assured my children that the bed and heater we set up in the garage was sufficient to keep her warm and she would be safe outside. I was wrong. About 10 a.m. I received a call while I was in court in Toms River indicating that our dog had escaped and an unknown woman had reported it to my veterinarian. To my surprise when I went home I found my dog running around my backyard. While I was in the yard my next door neighbor explained to me that Corporal Savoie had knocked on his door to inquire about the ownership of the dog. However, my wife nor I could be reached at that time. He also advised me that not only did Corporal Savoie return our dog to the yard but he searched the yard to determine how she had escaped. He apparently discovered the escape route was a gap in my fence and my deck which I missed. He then took the time to find some fencing that I had in the yard and secured the gap. My boys, Peter, 10 and Max, 6 and my wife and I would like to thank Corporal Savoie for his help. We would also like to thank him for all of the services he and the Point Pleasant Police Department provide to our community. He should be commended for his thoughtful service. Sincerely. It is always nice to get a letter like this. Thank you.

#### H. OPEN PUBLIC SESSION

5 Minute Limit Per Person

Ordinance No. 530. An Ordinance to establish by-laws to govern the organization and procedures of the Borough Council for meetings and 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. O'Rourke

SECOND: Ms. Rogers

APPROVED: ALL IN FAVOR

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

MOTION TO CLOSE PUBLIC PORTION: \_\_\_\_\_

Tom Kosinski, 1554 Dorsett Dock Road, You are absolutely right and I don't know if you remember this but two years ago Point Pleasant was second in the County in recycling only because the concrete from the former Admiral Farragut Academy counted for the number one town. We were second or third last year.

Mr. O'Rourke: And we are a small town.

Mr. Kosinski: The fact we can still do more would even be better. It is a big tax savings and it is a good thing to do. I do want to make a comment. I am kind of upset with you, Councilman O'Rourke, you are a long standing councilman here. I don't know all of generations for these ordinances tonight. However, I do know that in this Borough we don't tend to set up powerful commissions anymore. The Open Space Committee is an Advisory Committee and it actually in theory has advisory capacity over a relatively large budget. I believe this council has used this Advisory Committee very well and they have done good things. That Advisory Committee with essentially no authority has executed projects and grants that have benefited this community incredibly. Including the Canal Walk, the cleaning up of the Osborn Cemetery and other projects with no money. I personally don't see the disestablishment of a Recreation Commission and the establishment of an Advisory Committee as really that much different in changing the dynamic of recreation in this town. I do want also want to make a comment. I can't remember if it was a budget meeting or a Council meeting when former Councilman Ferrie was sitting up here and said we can't afford to replace playground equipment at the rec center. It is broken and needs to be replaced. Everyone up here that was there said we don't have the money. If in fact this surplus existed I don't understand why it was even a discussion here. Clearly, the ability to use an account like that to replace playground equipment that clearly feeds into programs that are held at the rec center and therefore paid for by fees, possibly day care, aftercare whatever. It is somewhat disturbing to me to hear that because I sat here and I know how hard Mr. Pyrtko fought for radios for the fire department and Mr. McAlindin fought for something in the budget. I know you had to turn people down. There should be a lot of public discussion on this. I believe the animosity I saw in your comments I don't think is warranted at this time. It is a first reading of an ordinance and there are six members of council and a Mayor to make the proper decision. There is plenty of input that is coming from the community. However, I don't necessarily see this on the surface as being much different. If there are problems with compliance of law, if there are problems with building of surplus that really should not be built then there is no reason not to explore it and even change the format of the commission. There is no reason for that to worry about that. If you are all the Councilmen that we elected you to be whether it is an advisory committee or an all powerful commission it won't matter. The children of this town will have great recreation like they have now and the facilities will be as good if not better than they are now and this is not an issue that I believe requires that kind of level of discussion. I respect you and I respect this Council and I know that in the next 30 days you will think hard about this and make the right decision. Thank you.

Sheryl Burke, Chairman of Environmental Commission, beech Blvd. I would like to reiterate on the recycling program. For Earth Day we are going to have a Nuton Mower at

Earth Day which Mayor Konkus introduced me to. I spoke with Jude to recycle movers in the town which would bring us good revenue for recycling.

Mr. Pyrtko: Did he say he would collect them.

Ms. Burke: Yes, you don't have to drain them or anything. Nuton Mowers will give you a \$100 certificate to buy a Nuton Mower which does not omit any kind of carbon emissions. It is very quiet and it is run by batteries. It is all recycled. It is a wonderful thing. It is something to give more incentive to the environment. It would make us money here in town. We would get the recycling money from the recycled mowers. Earth Day is on April 19<sup>th</sup> and we have a big audience. If you are not doing anything from 12 to 4 we have Earth Day twice as big. Just like Ms. Rogers had said we are going to do an educational program in the schools and thanks to Ms. Rogers we have the funding to do that. We are also going to have a wonderful Earth Day and it will be a celebration of Earth and we will teach everybody how to treat the earth better and we really want to pound the recycling issue because there are a lot of things in the landfills. We want to eliminate that. Good job Ms. Rogers.

Joseph Mazza, Chairperson of the Recreation Commission. There are many things I could say this evening. I have prepared a statement to basically show the views of the Recreation Commission as Ms. Rogers has stated her views. I will keep my comments brief. Over the past two months the Recreation Commission and the Borough Administration have been working together to do what each party can to be fiscally responsible in these tight budget times. To help accomplish that the creation of a second Trust Account for new program deposits so a clearer picture can be viewed of what the actual surplus balance may be in the current recreation trust fund. This surplus has occurred over many years and estimates have arrived at a figure of approximately \$180,000. A surplus I might add that the State of New Jersey Department of Consumer Affairs Local Government Services Division has told me we are fortunate to have this and also that the CFO of the Borough should be reporting to the Commission regularly to help in the administration of this trust. I want to thank the tireless efforts of Council Member Rogers, our Liaison Mr. O'Rourke and Mr. Kaklamanis along with our dedicated and long time Superintendent Karen Haycook for implementing a new accounting system that has been put in place and helps us administer the funds in that trust. This system will go a long way to aid the Borough Clerk, the CFO and the Recreation Superintendent to conduct their jobs more efficiently and provide a valuable financial reporting to the Recreation Commission. For years this Commission has gone without Council representation. Since all of that has transpired we had two members resign and one long term secretary resign after being served with a rice notice and her job performance questioned. Despite this we as a rec commission have pledged to move along and work with the Borough to help in the budget process and the utilization of the trust fund. The Governing Body has presented us with 15 or more points that cannot be funded in the current municipal budget and would like to explore having them funded out of the trust fund. With that the Commission during a spirited and emotional meeting at times agreed to take said items under advisement and also requested written documentation to support the Council's request on the legality of the trust fund. Without getting into the details at this point documentation has not been presented and that meeting erupted into a verbal assault to include the terms of criminal and premeditated being used towards the Commission. A Commission that has administered a department within the Borough that does actually operate in the black. Since then I have been in touch with the DCA and I have been told directly how fortunate we are to have a surplus and they look forward to having the Commission using those funds for further program development within the Borough. At the time I also had a copy of Local Finance Notice CFO 2000-4 which I believe governed the Recreation Trust fund as it was titled the creation and use of recreation trust funds dedication by rider. After reviewing this notice and discussing it further with the DCA representative. How do we approve many of the purchases that Council recommended in particular the salaries of permanent employees and capital expenditures we then would have had a problem because we then would have had a problem because we then would have inappropriately used and allocate these funds. I then asked the DCA representative for documentation and what the recreation commission should be guided by. She advised me that I just saved the State of New Jersey money because I have the only documentation in my hand. That Documentation she was referring to was CFO2000-4. This document clearly states how the non lapsing trust funds may be expended and specifically notes that the use for capital expenditures and salaries of non program employee are not permitted from the fund. This document the DCA advises me is what we should be guided by. If we had moved as advised that evening yes we would have acted criminally and improperly as

we have been previously wrongfully accused. Here we are this evening having spent more money on legal fees with the introduction of ordinances to abolish the Commission and set up an Advisory Committee in its place all at the added expense of an already tight budget. How is this fiscally responsible in these tight budget times. It also seems it needs to be noted that in our research with the DCA that no matter what you call this body that administers the trust fund they will still be bound by the same guide lines. Ladies and Gentlemen I thought our Country operated as a Democracy with representation of the people, by the people and for the people. Instead it would appear that we have arrived at a place where you challenge opinions and ask for documentation so you can make a prudent, fiscally responsible and legal decision you are threatened with abolishment rather than to continue to work for the good of the community with what should be a common goal of providing quality recreation to our community. In closing I ask the following. I have only been the Chairman of the Commission for one meeting and less than a months time. I ask that you let me prove my leadership and the commitment of the Commission in providing quality recreation programs for the community. Side by side with you the Governing Body. I ask that we work to repair any bridges have been damaged between the Commission and the Council not knock them down. We may not all agree on everything at all times and that should make us work harder towards our common goals for the community. Not just abolish the commission that is made up of talented and dedicated people who are willing to serve for the good of the community because they may have different opinions. Unfortunately, this Commission has seen a recent reduction in its ranks. Let us now take advantage of the unfortunate situation and work together to appoint replacement members to the Commission and let the leadership of the commission do what I set out to do when appointed by Mayor Konkus a few years back and when I have dedicated myself to. Make a difference where we can for the good of others. Thank you for your time. I hope you can see fit to not support these ordinances and let the Commission continue with the task at hand.

Ms. Rogers: I appreciate all of your efforts and your levelheadedness and your ability to talke with each and every one of us. I know you have spoken to the respective Council Members and I applaud you for what you are doing. You and I did have a conversation today and we did discuss that you have had multiple conversations with the DCA. Did we also discuss or did you confirm with the DCA if you are permitted to make profits on your programs?

Mr. Mazza: I think the word profit is not the right way. How we got to this point I really can't tell you. The former Chairmans did not tell us.

Ms. Rogers: Was it not on multiple occasions when I worked on the Commission with you that I brought up the balance and I was concerned because we were approving authorizations and we had no idea what that balance is. I look forward to working with you.

Nancy Paziienza, 2301 Pulaski Drive, It was very nice of you Ms. Rogers to speak to Mr. Mazza like that but I attended a Recreation Commission Meeting on Thursday night that was totally out of control. I was one of two public people and I have to say how disturbed I was the things you said to this Commission. I would like to commend Councilman O'Rourke for speaking up today. And also Mr. Kaklamanis on voting no on this whole idea of disbanding the Commission. I think you owe the Commission an apology. You said some things to these people and they have lived in the community and worked and as you can see I get very emotional about this. I have known some of these people all of my life and the things you said to them, they are volunteers, for you to accuse them of being criminal and premeditated and I understand you were made but you owe them an apology. I don't think one of those people did anything to do something wrong. They are all in this town on the committees, coaches, parents to do what is best for the children of this town and for the town. For you to really just be rude and disrespectful it was horrible to watch and I was embarrassed. The first recreation meeting I ever attended. I am not a political person and I don't like to get involved with politics. I stuck with the Board of Ed because I didn't want to be political. I put a lot of faith in all of you to represent us and I have been here for the last few months and I feel like I sit here and watch everyone nodding their heads yes, yes, yes to whatever Ms. Rogers says. You would think that this town has not been around for 88 years. I don't know what we did before this. I don't know what the Council before did until you came to save us all. That is the way I feel. I know there are people in this town that have worked hard for many, many years. Mr. Maffei has been around for years. It seems like nobody could do anything right before now. It was horrible and embarrassing.

Why the disbanding of the Recreation Commission. I understand you feel there has been improper management and they were not in compliance with by-laws but you said yourself you sat on that commission for a year. Why disband a Commission that has been together for years because you want to put people on that you want to hand pick. I see in your Ordinance the Council will decide and they only go on for one year. You came up to me back in December Ms. Rogers and said I found a surplus of \$200,000 and I think we can use it to help different programs. Maybe we can use it for the park. You knew about that then and I believe you had plans for yourself. Toward what you feel is important to you like keeping the Riverfront Park passive. That brings up a conflict. How do you have a chairperson running open space if you asked how many have children on that commission and I know you don't want lights across the street from your house.

Mayor Konkus: The Open Space Committee has nothing to do with the Riverfront Park.

Ms. Paziena: We were never polled. You are a brilliant woman and I understand you can save money for this town but at what expense.

Fred Bryant, River Road: There is no other public park on the Manasquan River anywhere. I don't know if you realize what that means. You have upwards of 30,000 or 40,000 people on both sides of this River that have no park on the River. It is the only place left that you can go and sit and look at the River and in peace and quiet. Sit and let your thoughts cost without a lot of noise. The other thing that bothers me about it is environmentally if you load up that park right now River Road if you have been down there if you travel it at all it is like a second highway. It is almost like the Garden State Parkway. The traffic up and down that road is horrendous. It is not at 35 mph it is at 50 mph. Regardless of what Chief Hilling had to say about the survey. You can take a survey all you want but the average speed is 50 mph. I live there and every time the light changes it is a flock of cars. They are using it as a thoroughfare. That will increase as you load the people into the apartments. If we have a park there will be some increase in traffic but certainly if you allow active participation of soccer team in that field you will have extra traffic, you will block driveways and you will block lawn fronts. This happened when the Curtis Avenue Boat Ramp was there and you will have the same problem. Remember these are the people who spend more tax money than anyone in town. I think they are entitled to have privacy.

Al Clericuzio, 1505 Hyacinth Place. I would like to say to the Mayor and Council is that in line with the nice letter you received for the first time in 37 years I had to request on behalf of my wife the assistance of our Police Department at 2:30 in the morning. The treatment that my wife and I received was unbelievable. It was awesome. It made me very proud to be a resident. In addition to that again for the first time in 37 years I had to on behalf of my wife get the First Aid Squad of Point Pleasant Borough. The treatment she received and the care was incredible. It made both of us cry. I felt very proud to have such people who are volunteers. Mr. Kaklamanis, I sent John a bulletin from our Turf expert in New Brunswick. Dr. Murphy is the turf expert in the State about turf management. He shared this with Mr. Sears. One of the issues with the park that is being developed, I heard you say you planned on opening it in November. The point is if you are going to put any kind of grass whether it is seed or sod you have at least one to one and a half complete growing seasons for its establishment. Otherwise, all of that money ends up to added costs. If you were to go to the Ocean County Parks you will find when they establish a new playing field they go for two growing seasons before they allow all of the foot traffic that a field requires. Keep that in mind. You can put a beautiful turf in there and have it destroyed within one growing season. Roger, I am very proud of our recycling effort. It was Alan Block, Fred Glass, Shaun O'Rourke and myself that started the program. One of the issues for the most part recycling is still inconvenient for many of the residents. What I have found within three towns that I am now familiar which are Edison, Toms River and Brick, they have upped their recycling tonnage by doing something I don't like. They give each resident a robo can and they come and that is all you allowed to put out on the curb. In the case of my sister you are only allowed that one container. Making recycling convenient to a family of four is very difficult. On behalf of the youth of this town whatever is going on with this rec commission that in no way the programs or the involvement of the children that is 14% of this community that in no way should their activities be effected.

Frant Powell, East Drive: I know Sue Rogers and you do some excellent work and I know you are an intelligent lady but I coach Rec Baseball and basketball and travel soccer. I am very involved and I know Joe Mazza for a number of years and I think he is an excellent person and having his leadership on the Rec Committee is an excellent thing to keep. I

don't want to lose things for the children. What the town provides is very good and I don't want to see it diminished. I am deeply concerned with this disbanding. I think you can work with the people you have now.

Jean Harrington, 917 Davis Avenue, I was also at the Rec Commission meeting last week. I had never been to one and I knew they needed members and I went to check it out. Everyone knows it wasn't a great meeting. I think people are upset with some of the things that Nancy said but she was rightfully so very emotional. The people on the committee have put a lot of time and effort in. People on Council have put a lot of time and effort in. It seemed like even though all the conflict it should be able to be worked out. I think if the Council agrees to dissolve the Commission as it stands rather than fix and move on it is kind of diminishing all of their efforts. It is a slap in the face. It is saying you guys blew it and we are going to start over again. The other thing I came away from the meeting with is I left being very upset because I could not believe how negative the meeting was. I was more upset when I went to the Hall of Fame Dinner on Friday night and had to hear Mr. Blake introduced and not be able to stand up and receive his awards. All I could think about and I think this is one reason Nancy is so emotional that should have been one of the nicest evenings of that mans life. He is the Joe of Point Pleasant. He has spent his entire life here. You were talking about the history of this town. He has done every thing imaginable. I met him the night of the meeting I introduced myself. I went to the Hall of Fame Dinner and I could have cried for him and for his family and for everybody that was there for him. He came home from Florida and went straight to the meeting. He missed the biggest night of his life for the Rec Commission and now you are standing here telling me let's do away with it. To me that is just a slap in the face. I think listening to the Council and the members of the commission I think everyone can get along and figure it out. If you say we are going to start over again it is not really fair to everyone involved. Add more people, make it a bigger group but don't take ownership away from a group that has tried to do the right thing. If things are mishandled or mistakes were made you fix it just like if you would fix it if you made a mistake up here. The other thing, Mr. Bryant was just up here. With the park I feel very strongly, I have six kids and they are very involved. They will use the park as kids and the park as adults. My concern for that park is that it should not be for any one group. It seems the meetings I have been say passive and I think we can include more than one thing. It could be any sport. It should be for everybody not just for one group. Some of the things that are circulating are Ms. Rogers does live near the park and other people that live near the park, I do appreciate their concerns and those concerns should be addressed but not at the expense of everyone else. Anyone who lives back there their property values are increased as soon as that hospital was gone. The hospital was an eyesore and anything will be an improvement. It should be for everyone. The park brings the value of everyones home over there up. It can't just be for one group.

Jennifer Enright, 1504 Deborah Avenue: I live about 100 feet from where Bennetts Cabin was and I disagree with almost everything Mr. Bryant said. I was born in 1967 and came right from Monmouth Medical Center to Point Pleasant so I am a long time resident. I can tell you a lot about the history of the town. I grew up a block from the River. I fished at the Kings Grant Inn Docks. Mrs. Boggio, my fifth grade teacher took a group of kids to do an archaeology dig on Maxson Avenue Beach. I agree with Jean. This park can incorporate both. There is an area for passive recreation. Passive areas become places for teenagers to gather. I am a parent of three children and they are all involved in sports. As a parent and a coach I can tell you we are lacking in fields for sports. Anybody who tells you different doesn't know what you are talking about. When you sign up to coach you are told repeatedly you can't go here, you can't go there. Some third graders are playing till 9:30 at night because that is when they can get the fields. That is awful. It is too late. That is because of lack of fields. I support the Rec Commission and I know they are hard working. I would love to enjoy the park myself as a Senior Citizen but not at the expense of the children. Everybody get a chance to be a kid and everyone gets a change to take care of the kids. That is how it works. The children of the town are not the biggest percentage of the town population. I voice my support for what the Recreation Commission tries to do and voice my dissent with the notice of abolishing to committee. Also, my support for incorporating both passive and active recreation use at the Riverfront Park.

John Bise, 3130 Pocahontas Avenue, I have lived in town all of my life and I find it a slap in the face at the gentleman that came up here and said the younger people don't know anything about history. My family has lived in this town and the Nellie Bennett School is named after one of my relatives. I probably know more about this town than that Gentleman that was up here speaking. I find that very offensive. I am a coach in this town

and my kids practice wherever. It is terrible that we have to go out of town to find fields to play home games when we have a park that I am willing to share with everyone else here. I was born in Point Pleasant Hospital and traffic flow is not going to increase anymore then if the hospital was still in existence.

Peteer Romonelli, 1024 Deldor, Has it actually been decided what that park is going to be deemed at, passive or active. I have read every article in the papers. Has it been decided what we will do with that open space. I am gonna say something about what we should do with it. I would like to know if it has been decided what that area will be.

Mr. Dasti: The town has submitted a Green Acres application which lays out how the park is to be developed.

Mr. Romonelli: The Open Space area will that be utilized as a field or just an open area that people just go and do what they want on.

Mayor Konkus: There were residents that wanted it to be a treed field which would have eliminated any possibility of a large scale sport taking place there. Through committee meetings, citizens meetings and Council meetings it was decided that it would be better to remove any trees from the middle of the fields so that larger sports such as soccer could be played. My recollection is it would not be high impact.

Tim Ferrie, Former Councilman, I chaired the sub committee and it was always the intention that that open field would be used active and passive. There was no intent to make it as active as Community Park with back stop or bleachers but it was intended that the dimensions were there for a full size field and that this town could use that for soccer.

Mr. Romonelli: Is this how we are proceeding?

Mr. Ferrie: I sure hope so. That is from the beginning. We went from the design stage. They voted on it. I don't know where this passive came in. That was a back door move to make an ordinance to make it passive. It was never intended. I am upset about this whole thing. There is compromise all around and it has to be shared by everybody.

Mr. Romonelli: My son, 14 years old, plays on one of the highest level soccer teams in the State. He goes to Toms River and we drive to Toms River three times a week. He plays basketball, little league and he running track this year. I am a correction officer for the County jail and I have been there for twenty years I see a lot of interesting young kids come across my desk that I talk to everyday. These are kids that have no direction and have nothing to do with their lives but hang in the street, get high and get drunk. I don't want the kids in our town turn into those kids because they have nothing to do and no place to play. That is from the heart. These kids need a place to play. My wife coaches at a field of Bay Head at a tiny field and they let us use their field. We need to go half way for passive and active.

Mr. Tim Ferrie, Allen Street, This design of a park is a perfect blend for the community. We did studies and we are so short of field spaces. We did studies that we are so short of field space. With a town of 20,000 should have four fields just for recreational use. That is not including your Board of Ed fields. We have McKennan Lake Field, this doubles as a soccer field and baseball field. Community Park is a soccer field designed to double with girls softball diamonds. It would have criminal to develop that with trees in the middle of it at the Riverfront Park. That is the last piece of recreational space that we can build in this town. There has been a lot said and a lot stated and I just want to state that our intention all along and everyone up here agreed that it would be a blend. Let's get rid of the word passive and talk passive and recreation.

Mayor Konkus: the original ordinance with the turnkey with the hospital was the ordinance that established the passive language for the park.

Mr. Ferrie: That was John McZuga and it was done behind the scenes and it was wrong.

Chris Constantino, 2415 Maple Street: We need space. That is why I am on the Environmental Commission and I go to the Open Space Meetings. I know there are better ways we could use the Board of Education fields. We need to maximize what we have. I know there are better ways we can use those fields. I know the budget is tight but there are ways to do things with certain fields. Whatever we do with the Riverfront Park passive, active, or mix. Please take Al's considerations about maintaining the field into consideration.

Ken Fisher, 2130 Barnegat Blvd., I am ten years on the Recreation Commission. I was appointed by Councilman Konkus about 10 years ago. I am one of the longest standing members of the commission along with Dick Blake. I was approached by Mayor Konkus to be re-appointed and I said yes. I have never know the Recreation Commission to act in any way without integrity or dignity. The people that are on the Recreation Commission volunteer their time and their services. They are professionals and they are educated and dedicated people who do nothing but do what is best for the kids in this town. They volunteer their time. We were not aware of this surplus in this trust fund. When it was brought to our attention we addressed it. We were in the process of addressing it and we were willing to work with the Council and the Mayor and Ms. Rogers to try and get it resolved. Our only concern was doing it properly. By the law and we got conflicting reports. I just don't understand how this has gotten to this point. Again, we have done nothing but try to work with you people. Mayor Konkus and ourselves had a conversation after Ms. Rogers left the meeting the other night. It was an ugly meeting. It was a terrible and embarrassing, ugly meeting. Which, by the way, Recreation Meetings are usually not like that. They are usually calm and peaceful and people discuss things and work together and we do what is best for the kids. After Ms. Rogers left we reiterated to you that all we wanted was to work this out and work with you. He understood that and he listened to us. I take offense to the fact that words were used like criminal, illegal, premeditated. There was no intention on any ones part. This money was not hidden. There is a Borough Administrator, there is a CFO, in this town and there is Town Council. How did it go for ten years with no one knowing. No one had a personal checking account, no one went on vacation, no one tried to misuse this money. How it got to this point I don't understand. When I don't understand something I get frustrated. I don't have any words to describe how I feel. This is just embarrassing, it is ridiculous that it has gotten to this point. One thing I took offense to is someone referred to the commission as powerful commission. Let me tell you something. The Commission has no power. The Commission has never had any Power. No one had an agenda. No one has ever tried or attempted to make it a powerful body. We just try to do the right thing. We have for ten years and Dick Blake can verify this, we have tried to address this situation with the fields. It is a terrible situation. Being a high school coach and a high school teacher my kids are older now but I have lived here for 12 years and for ten years we have tried to address this problem and no one listens to us. To accuse the Recreation Commission of illegal activity or criminal activity or premeditated activity is just appalling. It is just not fair. Thank you very much.

Mike Mascitelli: 1305 Norsetta Drive, The problem with your recycling is you are putting it out at ten o'clock the night before. 7 a.m. in the morning you won't have a problem with these guys coming around. As for the park, we senior don't have anything going on in the town for us. We are asking for something we thing we deserve and there should be no games there. You have Ocean Road School playground, that is not used at all. Why can't they play soccer there?

Mr. Pyrtko: Every field in this town is being used whether it be for practice or for games.

Mr. Mascitelli: That one is not being used. I live in that neighborhood and I pass that school three or four times a day and there is never a game there. I think the seniors deserve something in the town. The seniors don't have anything.

Mr. Kaklamanis: Sir, at the Riverfront Park we have a bocci court going in, we have a beautiful field, we have a horseshoe pit, the museum, the trees the waterway, the boardwalk, fishing pier for everyones enjoyment. Whatever we do we try to incorporate everybody.

Mr. Mascitelli: What about when the senior want to go down there and there is a game where are they going to park?

Mr. Kaklamanis: There are parking spaces.

Mr. Mascitelli: How many.

Mr. Kaklamanis: I haven't counted them but there is parking.

Mr. Mascitelli: I think it should be for seniors only.

Joe Mazza: One of the positive things that happened at the last recreation meeting when Mayor Konkus was there we agreed to reorganize our liaisons to the Council and have representative from each group in town use the rec center to maybe asset the fields and work with the town. Should the recreation continue we are still willing to do that. We will work together.

Mayor Konkus: I am compelled to comment. I kind of wish that some of the comments were not made about that meeting the other night but since they were made I can't allow if there is an opinion, I can't allow the opinion to exist that Ms. Rogers was the sole bad guy. I encouraged her to leave the room because it appeared to me that there was a total breakdown of communication. It was not going to be recoverable at that time.

Mr. Mazza: I don't think we will see a meeting like that again. We will work hard.

Mr. McAlindin: I have made a suggestion to Mr. Mazza that the meeting of the Rec Commission be held in this room. In my opinion you will get more public participation and there will be more transparency. If the Commission continues or for how long it does continue I would ask you consider having your meeting here. The other thing while there are so many coaches here and representatives of the different leagues with respect to Riverfront Park I would encourage you if you want to use the Riverfront Park for a practice facility we are aware of the lack of space. Even with the strides the Borough has made with the rec commission in doing what was done across the street. If you want to practice at Riverfront I would suggest you make application to do that. It is my hope it will be available. If you don't ask you don't get.

Karen Haycook, 2327 Oriole Way, some of the time but most of the time 1001 River Avenue, I have been with the Recreation Department for 22 1/2 years. One of the things I don't do very well is this. I feel it only fair for those of you that I haven't had the opportunity to speak to already. I want to appeal to you to not abolish the Recreation Commission as much as I might have pulled my hair out from time to time over the years there is a lot of reason why our system has gone wrong. It is not the fault of the CFO, not David's fault, not my fault. I operated all of those years with a statute that was given to me produced by Thomas Kane. Title 40, Section 12. I don't believe we operated our funds being ignorant of the fact of what we could do and what we couldn't do. We thought we understood how we could spend them and we thought we were spending them appropriately. We thought we could not spend them on maintenance items and that we could not spend them on capital expenditures. I think since Sue Rogers has come along we have tried to work hand and hand and I have no hard feelings about anything that has happened. I do one thing very well and that is follow direction. I have learned the new computer program. I think it is a step in the right direction. I am not to put anybody on the spot but David how many times did I ask you what is the balance in the trust account.

Mr. Maffei: Right.

Ms. Haycook: It was something that I was at times curious about myself. I kept a hand written book. It was the program and it was the system and nobody should be blamed and especially not the Rec Commission. We got ourselves in a situation whereby they became powerless. I am here so long and I have lived in this town all 47 years of my life. Probably the only person here longer than me is Jerry Dasti. My point is this I can remember the days when the Commission was an extremely powerful body. My husband who has 30 years of employment in for serving this town also remembers those days. You have the choice to make the Commission whatever it is you see fit to make them. However, there is a reason for the establishment of them. I guess my appeal to you is, over the past four to six weeks I have had great difficulty doing my job and getting my work done because of the constant phone calls, e-mails and the overall attempt to please everyone. Establishing a new Advisory Committee only makes my life more difficult. I sit here and I like to live my

life believing and teaching my children that we are all honest and that there is good in everybody. If we don't trust each other we might as well throw our hands up, end the meeting and not have another one ever. I believe the words the Commissioners are saying. We have some good people. In the past, perhaps we had some that didn't want to be there. I don't know why they would agree to take the job. However, I am not good at this. I am trying to make a point and that is it is not anyone person fault and it is not the Commissions fault. The time evolved to make them aboard that was pretty much useless and that is why I asked the question do I really have to keep attending these meetings. They are a waste of time. They make approval for certain things that comes before this body and it gets overturned time after time and month after month so therefore it did evolve into something that was not a productive thing for our town. I think with your support and maybe with some help re-doing by-laws and some new accounting practices let's give them a chance to see if they can't make it work. It is a system that I believe in and it is a system that has worked. It has served the public, it has served recreation and one last not is that I have a really hard time standing here being the person that runs this department and not taking all of this veer personal. I know that some of you have said not your fault, we don't' blame you, you had no idea. I had an idea. I knew we had money in that account but did anyone ever tell me you weren't allowed to have a surplus. We don't operate to make a profit. We don't intentionally do that. However, what we do every day is so very detailed it could take me four hours to explain. I am approaching my five minutes and when that bell goes off I will shut up. We have some programs that make a profit and some that don't. Therefore, those programs are needed to carry those other worthwhile programs. Like our basketball program which is a program every year that loses money. Should we cancel it for all of those children who choose to partake in it. No. We try and keep the cost down so that every child can play. Even those who don't come from wealthy families. We don't want to raise the price. The bottom line is we run programs that cost \$2.50 an hour for our day time program. Summer camp is less than \$4.00 an hour. Pre-school \$3.50 an hour. I am not sure we can get a babysitter for that. I stand here and appeal to you that I don't believe we overcharge people. Please don't represent that we have and please don't abolish the Commission. It only makes my job more difficult.

Mr. Kaklamanis: Karen, you have been around a long time. In the development of this park up to this point. Input, your feelings about this active, passive, basketball, baseball what has been your input with this.

Ms. Haycook: From what I can remember I am approaching Senior Citizen age, I did serve on a committee I don't know. I take on way to much.

Mr. Kaklamanis: How do you feel? Active, passive over the period of time up to this time.

Ms. Haycook: My belief is we should have something for everyone. It is your decision.

Mr. Pyrtko: Thank you very much.

Alex Viecegli, 2320 Oriole Way: I have a comment for the rec commission. I also feel it should not be abolished. When I heard that had a surplus in their fund I almost fell out of my chair when I read it in the paper. One of our government Commissions could actually have a surplus of money. I don't think you guys did anything wrong. If anything I think they should be commended and given an award for having a surplus. Thank you.

Scott Snyder, 831 Woodwild Drive: I just felt compelled to come up and comment because so many people have lived here for their whole lives. I have been in the town for two years and I thought I would give you my point of view having no stake in the personalities of the Rec Commission. I have 2 ½ year old triplets that I just signed up for two programs for the Spring session at the Rec Center. Much to my pleasure it was only \$30.00 a child per class. I don't' know where I could ever go to get recreation that cheap and in fact, I along with one of my friends moved into this town and one of the things we like about this town is the fact the recreation program is so good. There is such a community oriented family oriented ore in this town. You see kids riding their bikes. I grew up in Lakewood and you rode your bike but you didn't leave your block. This town has that and to me it just seems logical that as a resident of the town I honestly do not care about the personalities involved. I think if you want to keep the Rec Commission and commend them for the work they have done over the years and the fact that it is a great recreation program I think that is wonderful . If you want some pure logic that is involved you have \$200,000 that the DCA and I work for government and I understand what you are going through. You have \$200,000 that I am

sure the DCA is going to tell you you have to spend on recreation. To me it is a choice, do you want to appoint new people who do not have anything to do with recreation to decide how you are going to spend \$200,000 or do you want the people who have been doing a good job with the recreation department to decide how best to utilize this \$200,000. I know it is a tough budget year and I know that Corzine coming down on all municipalities and I know they passed a law that unless you get special permission you can't go above 4%. I think you can all agree that you cannot use this \$200,000 to plug your budget. To me pure logic dictates that you don't want to appoint new people to do a good when the existing people are more than qualified. Accounting aside if you fix it fine. I am glad you are trying not to raise taxes and save money that is great. Hold your department accountable but at the same time let the people who know how to do their job do it. Somebody mentioned before that this is the only agency that pays fees. That is not true. Not only do we pay taxes, we have to pay for a fence, a shed. I don't think the residents of this town should pay a lot of money so that my three kids can go to gymnastics at three years old. That is my responsibility and it is a use fee and I am happy to pay it. I want people who know how to offer a program offering it. That is one of the reason I take advantage of the programs and that is why I like this town. I know a lot of new residents that enjoy this town.

Mr. Pyrtko: Thank you very much.

Mr. McAlindin: I appreciate your comments. Just so everyone is aware, the items that we have asked that the rec commission consider funding with the surplus are the capital items that the department head for recreation. I feel comfortable that those are not only recreational needs but items we need because the director requested them and the other items that are operational expenses what we believe through a series with questioning with the Administrator and the CFO right or wrong are properly allocated to the surplus through the user based fees. If anyone leaves here with the notion that we are trying to plug some kind of budget problem unrelated to rec with the surplus you are mistaken. These are things that have come from rec or are a part of rec. I want to make that clear. Karen, I share your comment my children have been the beneficiary of great programs. The only problem we have here is what I believe is an unintentional accumulation of a balance. It is a good problem. We have money that we need to spend and we certainly have things to spend it on. The question is are we going to satisfy the DCA once the commission tells us if they agree on what we recommended.

Dennis Vitkauskis, Foster Road: When you shifted a couple of the Executive items back up to authorizations.

Mr. Pyrtko: They were there by mistake.

Mr. Vitkauskis: Request of using Elm Place, what was that about?

Mr. O'Rourke: It is over by the Moose Lodge and I think it has been worked out by the Moose Lodge and the applicant before the Planning Board to have the access properly blocked and yet open and available for use. I believe they worked out a good system deal.

Mr. Vitkauskis: About taking people out of the recreation is there anything that precludes the present commissioners from serving on the Advisory Committee. Would it mean they couldn't.

Mr. Pyrtko: Not at all. They would be the first ones asked to be on the committee.

Mr. Vitkauskis: I want to thank the Council for doing the job you are doing. Pros and cons you handle it.

Dick Blake, 322 Sudbery Road, I was taught by my Mom to always play nice when you are in a bid sandbox. We are privileged to have Karen Haycook as a Recreation Director. I think the whole issue of this surplus is a reflection of not that we have been overcharging but she has done such a magnificent job of running that department for all of those years with the hopes of taking some of these monies and spending them in such a way that we can really improve the programs and the educational offerings in this town. I have been on the committee a long time. We had really hoped when we developed the Community Park years ago that we would actually have a new rec building. A lot of those monies in that surplus would have been dedicated and devoted to that. It didn't turn out. Those books are audited and we have people in charge of those books. We probably all didn't realize the

extent of the surplus. How much. But in effect it is there. Marty Konkus and I have bitten each others nose off many times. Marty Konkus was the very best Council Liaison the Recreation Commission ever had and I mean the very best. We had other good ones but he was the very best. Whatever else you may say of the Mayor in this issue I want everyone to know that. I was disappointed when I walked in tonight and heard that we had passed two ordinances to disband the Recreation Commission and appointing another committee. Having served on the committee for so long it seems now we are in a crisis mode. I find this bizarre. We all somehow knew something about the surplus, maybe not the extent and maybe we did not know all of the details of what the state requires us to spend and what we cannot spend. I think Joe put it in the nutshell. We were under the impression like you I was down in Florida and got the phone calls and we were going to work cooperatively over the last two months and I went to the meeting Thursday night and I was one of those despicable people who acted horribly, inappropriately and unprofessionally but I was surrounded by a member of this Council who was equally as bad I was if not worse. What disappointed me then as it was when I walked in here and found out you folks passed these ordinances is that somehow it means we have not done our job. We have done our job wrongly or there is something wrong with the Recreation Commission. That is not the case. In the last couple of weeks we lost our secretary who was riced, we had people involved where there should be one championship for two teams or two trophies for two teams. We had situations where two of our members have resigned and if you really asked them and maybe if Council called them and said why did you really resign you might get a better insight. My point is being an old guy on this committee, we are not building a bridge here. We know the town is in a bind. We know the State is in a bind. We know we had funds. Again, Joe said it perfectly, we will work with you cooperatively. We said that to Marty and I have heard that said privately. What we will not do is spend the money so we compromise you people and more importantly compromise ourselves. That surplus can be spent in a certain in a certain fashion and I don't say I am an expert so I don't say in what fashion. I know that everybody sitting up there is an expert in this also. To many times we drop the names of people we have spoken to, to many times we drop the idea "I know" and in reality that is not the case at all. We have an agency in the State that has to send out representatives, call them. I take it as a personal slap after all the years I know the years of all the people that have served on this committee warrants being disbanded. I take that personally. I think everyone who served on that committee or anyone who served on any committee in this community would feel the same way I do now. I don't like being called criminal, I don't like being called criminal intent, or I plotted things. Yes, that meeting was abhorious. We were all abhorious. It is something that had to be done. This is wake up time. We are in a crisis financially in town. Our job is to cover the kids and Karen Haycook's job is to do the job as well as she has done the job all of these years. We are representing to you that we are in conflict. We are not putting a man on the moon here. Again, Joe said it to you quietly, this is an easy situation to resolve. You folks are going to find out what you can spend that surplus on and you are going to find out what you can't spend the surplus on. The reason why we didn't make any real effort to formalize our action was because we were in conflict with what was in writing. Not what has been told to us by people sitting up here but what we found out from the State. Our delay is not a lack of cooperation, our delay is not that we are resisting and our delay should not be represented to the community that we really haven't done our job. Because we haven't done our job we are being disbanded. If that is the message that is sent out I suggest we are going to have one hell of a time getting people to volunteer for groups such as the Recreation Commission or the Environmental Commission or any other advisory group that we have. We are not putting a man on the moon. We should have worked cooperatively before this night. This is not a good issue to have out publically. It is not a good issue to come bouncing back to what we all consider to be a community we love. We love it when we live in it and we love it when we die in it and we love it for our grandchildren. What I think is happening is it has gotten out of control because of personalities. I will take some of that blame as Marty damn well knows. It has gotten out of control by some of the personalities up here. We are not putting a man on the moon. Let's solve this. Let's do it amicably and let's make sure we all work for the same goal which is keep this place a great place to live. It is not going to be hard to do that.

Mr. Pyrtko: Thank you Mr. Blake.

Scott Conkin, 2207 North Road: I am one of the Commission Members that Mr. Blake talked about that resigned. A couple of weeks ago I did resign from the Commission. I was on for less than a year. The reason I joined the Commission is because I am an advocate for disabled children in this community. I coach a lot of single programs and I also have a

disabled child. It is with a heavy heart that I resigned. I resigned for two reasons. One I did not want to tarnish my position as coach and I also felt I was being pressured. Extensive pressure from the Council. I felt like I was being coerced to approve expenditures that I myself had not even figured out if we could expend. I am a very intelligent and educated individual. I have numerous degrees. I didn't even know how to spend it. I didn't even know there was a surplus and Susan is right during the course of the year we asked where the surplus was. Nobody on the Commission could tell us. Kim Welch could not tell us. Really, the budgeting was being done at the township level. I resigned because I did not want to be coerced to make a vote and spend money that maybe was not appropriate at the time. I was not going to use my influence with the Commission to force other Commission Members to make a vote. The last meeting I did attend I did in Executive Session push the Commission to make changes the way the Council wanted. I lobby very hard to have certain committees established. That was in the course of the by-laws. I did research the by-laws in January of this year. I found we were not doing things properly. I went and I did what I needed to do as a Commission Member and as a representative of this town. It upsets me that I had to resign because I worked for years to get to that position. If I could take it back I would. A member of that commission that is an advocate for the disabled is a place to be. To dissolve that commission because you don't like the way the commission wants to spend the money or because there were conflicts between egos and fighting I think is absolutely ludicrous. You work for us, as a Commission member I work for you. That is what it is about. There were a lot of folks over the years that have become politicians that were on the Commission. They were all part of it. If I would have known when I first came on that there was \$200,000 or a huge surplus I would have continued to investigate it and I would have tried to change the commission from within it. I think Joe Mazza as a Commission Chair is an outstanding person to have there. He has outstanding leadership. I have known Joe for almost eight years now. I am very upset with this. I don't like to come up here and speak. I really don't. The whole thing upsets me beyond end. I have maintained my contact with the Commission since I have resigned. I have done my best to get the word out to the public, to let the public see what is going on. We should not just dissolve something or try to spend money quickly so the State doesn't find out about it. Yes, there are budget problems. I had the same vision Susan did. Susan and I worked throughout the course of the year and I understood what she was trying to do. I didn't agree with her methods. I didn't agree with what went on in the last couple of weeks. That is why I got out and I think I made the wrong decision. I spent six months in the Marine Corp and I relied on my best friends. I relied on those Commissioners and I let them down. I let them down by resigning because I didn't stick with them. Against my elected Officials. Against the people I voted for. To be honest with you I voted for everyone of you. I voted for Sue Rogers, I voted for Brian. I voted for Bill, Marty, Roger, Shaun and John. I vote every election. I don't care if it is a republican, democrat or independent. My family has been in the Country since the 1600's. I am an American. I believe in America's freedom and democracy. Maybe some issues happened with the Recreation Commission, so be it. It is water under the bridge. This is a group of people that are willing to work with you. Take the blinders off and think out of the box. Think what really needs to be done for the betterment of the community. Mayor, if you are going to continue this Commission and there is still an open space I am willing to serve. If not as a Commissioner than as a liaison for the handicapped children to the Commission. I think you should really think what you are trying to do. It sets a bad example to dissolve a Commission that would then allow you folks to directly have control of how to spend the money. Currently, how it is now the Commission has to approve certain expenses which then comes to you and it is the Commission approving the expense. It looks a little shady if you dissolve the Commission to then have the money and then spend it. I thank you for your time and Susan I thank you for all your work.

Ms. Rogers: Scott, I would like to see you come back.

Mr. Conklin: I am very upset and I know a lot has gone on. I couldn't take it anymore.

Sandy Larsen, Edgar Road: I am also a Rec Commission Member and I was appointed around the same time as Sue Rogers came on. There was no knowledge of this to any of us. We came on here to assist with the skatepark. That was the purpose I came on to facilitate that area of the community. There has been unbelievable memos, e-mails, phone calls. A flood of unbelievable information accusing this and that. Who said this and who said that and who is on this side. It is embarrassing to be a part of a Commission and see the unprofessionalism that has continued along this course. There were statements made today that there were certain things we were asked to do and did not do. That is not the

case at all. We have been given memos. We have been told that there are certain things we have to do and certain things we have to approve. We have asked for legal counsel to explain to us what the by-laws and what the DCA requires of us. We have not received that from this Council. Marty, we sat in there at that meeting and it was said no problem we will get it to you. That was Thursday night and the night before that we were here until 12:30 at night with a rice notice for our secretary. We have devoted endless hours to resolving this issue. We have not gotten back what this Council said they would provide to us. I don't think that is fair.

Mayor Konkus: Have you made any requests for the legal Counsel?

Ms. Larsen: We sent you a letter certified in writing. We made a request to you at that meeting. To give us the interruption that Sue personally told me she had. She said we would be open to that information. John told us we had privy to it but he wasn't going to show us. What is the interruption? What is the recreation commission legally to do. This should be opened to the public. Everyone should have that information. There was a letter sent requesting certain things to be paid. The night watchman, the beach expenses, other material, health benefits for day care situations. Capital improvements for McKenna Lake Field, a Dodge Durango, a lot of these are capital improvements. These things totaled up to about \$60,000. That was recommended that we pay through the rec commission. We didn't feel we had the legal authorization or the knowledge of whether these could be paid. If we had paid them and Council got that money it would have solved some of your holes that you have in your budget and that would all be very convenient and put some people in a very high pedestal for solving those problems. But, until we know what we are legally able to do then you come across and say okay we are going to abolish your rec commission because you did not pay what we asked you to pay. This is only since Thursday night till now which is Tuesday night. We had Friday. I went away and came back to this. We agreed that we were all going to sit down and work together. Marty you sat there for another hour after and we worked and said we are all going to put our heads together and put a stop on this because it is all going in the wrong direction. I think we need to do that.

Mayor Konkus: Sandy, that may be the intent now but at the time it appeared there was a total collapse and it wasn't going anywhere.

Ms. Larsen: I think we had collapse in certain areas Mayor but we did not have a collapse in the Rec Commission. We were all standing and we were very clear as a commission what our expectations were and what our goals were to the community. I don't think there was any fact where the council would do in the course of action that members were going to take. When we left that meeting Thursday night there was definitely a lot of conflict and issues that had to be dealt with and here we come in on Tuesday and find out okay this is how we deal with it. Get rid of them and start over. I don't think that is the right way for this town to proceed. I think we have a lot of dedicated people that have a lot of experience and I think this needs to be looked at and we need to work together. Certainly, when Sue came in here and we administered this new administration system to set up the trust accounts everybody was working together. Everyone on this rec commission has stood up and said this has not been done for years. I personally have not been a part of that commission for years. Sue was on it and none of those by-laws were changed. None of the things were adjusted because nobody knew they were responsibilities that had to be met. We are clearly aware of that and I think we need to get the DCA in here. Really fine tune what needs to be done. As far as abolishing it because we have some money and some popularity and we have some influence in this community I don't think that is the right answer. I don't think that is the position to take at this time. Thank you.

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

## I. EXECUTIVE SESSION

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

WHEREAS, Mayor and Council are desirous of retiring into Executive Session to discuss applicable exceptions to the N.J. Open Public Meetings Act; and

WHEREAS, those matters relate to the following:

1. Contractual Matters – Revaluation Contract
2. Personnel Matters – Labor Negotiations, Clerical, Blue Collar, Communication Operator, School Crossing Guards, Chief of Police, Management Employees

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

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

MADE:

SECOND:

Mr. Pyrtko: Yes  
 Mr. Kaklamanis: Yes

Mr. McAlindin: Yes  
 Mr. Dikun: Yes

Mr. O'Rourke: Yes  
 Ms. Rogers: Yes

CARRIES: Yes

CLOSE EXECUTIVE SESSION

Mayor and Council returned to open session.

MOTION: To adjourn

MADE: Ms. Rogers

SECOND: Mr. McAlindin

ALL IN FAVOR.

