

COUNCIL MEETING
TUESDAY – JUNE 17, 2008
8:00 P.M.

Mayor: Martin C. Konkus (absent)
Council President: Roger Pyrtko
Council Member: Brian McAlindin (absent)
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 Council President who is Acting Mayor, Roger Pyrtko.

STATEMENT BY ACTING MAYOR PYRTKO: Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. Notice of this meeting of the Governing Body has been posted in the corridor of the Municipal Building, published in the January 15, 2008 edition of the Asbury Park Press and published in the January 18, 2008 edition of the Ocean Star.

- A. PRESENTATIONS
1. Point Intimidators

**CERTIFICATE
OF
RECOGNITION**

May It be known that this Certificate has been presented to

Of The Point Intimidators U-8

For Outstanding Achievement
Undefeated Season
Ocean County Recreation Traveling Soccer

Presented this 17th Day of
June, 2008

A.ROGER PYRTKO,
ACTING MAYOR

This Certificate of Recognition was presented to the following.

THE POINT INTIMIDATORS U-8 MEMBERS

Tierney Weiser
Allsion Bise
Amanda Grippio
Devon Wondolowski
Willow Nicolaides
Jennifer Petrillo
Rachel Stadnick
Rose Coverly
Megan Kendall
Nicole DeJacimo
Casey Blake
Emily Knepple

Coaches: Gary Weiser
John Bise

2. The Wave

The following travelling soccer players were presented with a Certificate of Recognition.

The Wave U-13 Members

Carly Sullivan
Brittany Cotta
Jillian Bowden
Dana Petrillo

Charlie Hess
Melanie Ryan
Cailyn Rafi
Amy Hochheiser
Becky Kaymak
Jamie Williams
Natalie Ciccone
Alyssa Felice
Mackenzie Kleinkauf
Cassidi Terranova
Morgan Ludwig

Coaches: Tia Kleinkauf-Spader
Bill Williams

B. ORDINANCES – Final Reading, Public Hearing

1. Amending and supplementing Chapter XIX of the Borough Code Entitled “Land Use”

MOTION: An Ordinance of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XIX of the Codified Ordinances of the Borough of Point Pleasant Entitled “Land Use”

BE IT ORDAINED, by the Borough Council of the Borough of Point Pleasant, County of Ocean, and State of New Jersey, that Chapter XIX of the Borough Code entitled “Land Use” is hereby amended and supplemented as follows:

SECTION 1: Section 19-3 entitled “Definitions” is hereby amended to include the following definitions:

- a. The definition of church is hereby amended and revised as follows:

A building, including the property it occupies, used as the regular site for traditional services, meetings, and/or gatherings of an organized religious body presided over by an officially recognized leader. This term shall include all religious denominations.

The definition of employee is as follows:

An employee is a person who provides labor and services, with or without compensation.

The definition of parsonage is as follows:

The building, including the property it occupies, used to house the officially recognized leader(s) of an organized religious body within the Borough. This term shall include all religious denominations and will include any ancillary use to a church facility.

SECTION 2: Section 19-7 “R-1A Single Family” in particular Subsection 19-7.4

“Conditional Uses” is amended to include the following:

c. Facilities used for organized serviced, meetings, and/or gatherings presided over by an officially recognized leader, and educational facilities shall be permitted in the above referenced zones subject to the following:

1. The lot shall have a Lot Frontage of at least 250 feet.
2. The lot shall have a Lot Area of at least 108,900 square feet (2-1/2 acres).
3. The lot shall have a Front Yard Setback of at least 50 feet.
4. The lot shall have a Side Yard Setback of at least 30 feet.
5. The lot shall have a Rear Yard Setback of at least 40 feet.
6. The lot shall have a Building Coverage of not more than 20%.
7. The lot shall have a Lot Coverage of not more than 70%.
8. The lot shall have a frontage on a Primary or Secondary Arterial Street as noted on Figure 7 – Circulation Plan delineated in the Master Plan, last revised 1999. These streets are limited to State Highway Route 88, Herbertsville Road, Bridge Avenue, Beaver Dam Road, Arnold Avenue, and Bay Avenue.
9. The primary structure on the lot (i.e., the Church) shall not exceed one story.
10. The height of the primary structure (i.e., the Church) on the lot shall not exceed 45 feet at the ridge with a maximum eave height of 32 feet.
11. Any secondary structures on the lot shall not exceed two (2) stories or 32 feet.
12. Parking requirements will be based on the design standards.
13. Secondary structures shall follow the same setbacks as the primary structure.

The parsonage facility used for the housing of the officially recognized religious leader(s), who is actively officiating within a church within the Borough, shall be required to be located on the same property as the church for which it serves.

An educational facility or spiritual center will be permitted as a secondary structure to a church.

Religious schools and parsonages (ancillary uses) shall be permitted as a conditional uses on the same lot and as part of / an accessory use to a church. Under these circumstances the religious school, parsonage, or other permitted ancillary use must comply with all applicable design standards.

SECTION 3: Section 19-9 (R-3 Residential and Office) in particular Subsection 19-9.4 entitled “Conditional Uses” is hereby amended and supplemented to include the following:

d. Facilities used for organized serviced, meetings, and/or gatherings presided over by an officially recognized leader, and educational facilities shall be permitted in the above referenced zones subject to the following:

1. The lot shall have a Lot Frontage of at least 250 feet.
2. The lot shall have a Lot Area of at least 108,900 square feet (2-1/2 acres).
3. The lot shall have a Front Yard Setback of at least 50 feet.
4. The lot shall have a Side Yard Setback of at least 30 feet.
5. The lot shall have a Rear Yard Setback of at least 40 feet.
6. The lot shall have a Building Coverage of not more than 20%.
7. The lot shall have a Lot Coverage of not more than 70%.
8. The lot shall have a frontage on a Primary or Secondary Arterial Street as noted on Figure 7 – Circulation Plan delineated in the Master Plan, last revised 1999. These streets are limited to State Highway Route 88, Herbertsville Road, Bridge Avenue, Beaver Dam Road, Arnold Avenue, and Bay Avenue.
9. The primary structure on the lot (i.e., the Church) shall not exceed one story.

10. The height of the primary structure (i.e., the Church) on the lot shall not exceed 45 feet at the ridge with a maximum eave height of 32 feet.

11. Any secondary structures on the lot shall not exceed two (2) stories or 32 feet.

12. Parking requirements will be based on the design standards.

13. Secondary structures shall follow the same setbacks as the primary structure.

The parsonage facility used for the housing of the officially recognized religious leader(s), who is actively officiating within a church within the Borough, shall be required to be located on the same property as the church for which it serves.

An educational facility or spiritual center will be permitted as a secondary structure to a church.

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SECTION 4: Section 19-12 (NC – Neighborhood Commercial) is hereby amended and supplemented, in particular Subsection 19-12.5 entitled “Conditional Uses” to include the following:

g. Facilities used for organized serviced, meetings, and/or gatherings presided over by an officially recognized leader, and educational facilities shall be permitted in the above referenced zones subject to the following:

1. The lot shall have a Lot Frontage of at least 250 feet.
2. The lot shall have a Lot Area of at least 108,900 square feet (2-1/2 acres).
3. The lot shall have a Front Yard Setback of at least 50 feet.
4. The lot shall have a Side Yard Setback of at least 30 feet.
5. The lot shall have a Rear Yard Setback of at least 40 feet.
6. The lot shall have a Building Coverage of not more than 20%.
7. The lot shall have a Lot Coverage of not more than 70%.

8. The lot shall have a frontage on a Primary or Secondary Arterial Street as noted on Figure 7 – Circulation Plan delineated in the Master Plan, last revised 1999. These streets are limited to State Highway Route 88, Herbertsville Road, Bridge Avenue, Beaver Dam Road, Arnold Avenue, and Bay Avenue.
9. The primary structure on the lot (i.e., the Church) shall not exceed one story.
10. The height of the primary structure (i.e., the Church) on the lot shall not exceed 45 feet at the ridge with a maximum eave height of 32 feet.
11. Any secondary structures on the lot shall not exceed two (2) stories or 32 feet.
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An educational facility or spiritual center will be permitted as a secondary structure to a church.

Religious schools and parsonages (ancillary uses) shall be permitted as a conditional uses on the same lot and as part of / an accessory use to a church. Under these circumstances the religious school, parsonage, or other permitted ancillary use must comply with all applicable design standards.

SECTION 5: Section 19-13 (GC – General Commercial) is hereby amended and supplemented, in particular Subsection 19-13.5 entitled “Conditional Uses” to include the following:

h. Facilities used for organized serviced, meetings, and/or gatherings presided over by an officially recognized leader, and educational facilities shall be permitted in the above referenced zones subject to the following:

1. The lot shall have a Lot Frontage of at least 250 feet.
2. The lot shall have a Lot Area of at least 108,900 square feet (2-1/2 acres).
3. The lot shall have a Front Yard Setback of at least 50 feet.

4. The lot shall have a Side Yard Setback of at least 30 feet.
5. The lot shall have a Rear Yard Setback of at least 40 feet.
6. The lot shall have a Building Coverage of not more than 20%.
7. The lot shall have a Lot Coverage of not more than 70%.
8. The lot shall have a frontage on a Primary or Secondary Arterial Street as noted on Figure 7 – Circulation Plan delineated in the Master Plan, last revised 1999. These streets are limited to State Highway Route 88, Herbertsville Road, Bridge Avenue, Beaver Dam Road, Arnold Avenue, and Bay Avenue.
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10. The height of the primary structure (i.e., the Church) on the lot shall not exceed 45 feet at the ridge with a maximum eave height of 32 feet.
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An educational facility or spiritual center will be permitted as a secondary structure to a church.

Religious schools and parsonages (ancillary uses) shall be permitted as a conditional uses on the same lot and as part of / an accessory use to a church. Under these circumstances the religious school, parsonage, or other permitted ancillary use must comply with all applicable design standards.

SECTION 6: Section 19-14 (CM –Commercial and Multi-Family Mixed Use) is hereby amended and supplemented, in particular Subsection 19-14.5 entitled “Conditional Uses” to include the following:

a. Facilities used for organized services, meetings, and/or gatherings presided over by an officially recognized leader, and educational facilities shall be permitted in the above referenced zones subject to the following:

1. The lot shall have a Lot Frontage of at least 250 feet.
2. The lot shall have a Lot Area of at least 108,900 square feet (2-1/2 acres).
3. The lot shall have a Front Yard Setback of at least 50 feet.
4. The lot shall have a Side Yard Setback of at least 30 feet.
5. The lot shall have a Rear Yard Setback of at least 40 feet.
6. The lot shall have a Building Coverage of not more than 20%.
7. The lot shall have a Lot Coverage of not more than 70%.
8. The lot shall have a frontage on a Primary or Secondary Arterial Street as noted on Figure 7 – Circulation Plan delineated in the Master Plan, last revised 1999. These streets are limited to State Highway Route 88, Herbertsville Road, Bridge Avenue, Beaver Dam Road, Arnold Avenue, and Bay Avenue.
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10. The height of the primary structure (i.e., the Church) on the lot shall not exceed 45 feet at the ridge with a maximum eave height of 32 feet.
11. Any secondary structures on the lot shall not exceed two (2) stories or 32 feet.
12. Parking requirements will be based on the design standards.
13. Secondary structures shall follow the same setbacks as the primary structure.

The parsonage facility used for the housing of the officially recognized religious leader(s), who is actively officiating within a church within the Borough, shall be required to be located on the same property as the church for which it serves.

An educational facility or spiritual center will be permitted as a secondary structure to a church.

Religious schools and parsonages (ancillary uses) shall be permitted as a conditional uses on the same lot and as part of / an accessory use to a church. Under these circumstances the religious school, parsonage, or other permitted ancillary use must comply with all applicable design standards.

SECTION 7: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 8: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid of unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 9: This ordinance shall take effect after second reading and publication as required by law.

ATTESTED TO BY:

APPROVED:

DAVID A. MAFFEI, Clerk/Administrator

MARTIN C. KONKUS, Mayor

Acting Mayor Pyrtko opened the meeting to the public.

John Helm, McLean Avenue, Is it correct that you have to have two and a half acres in order to have a Church in the Borough now?

Mr. O'Rourke: That is the BOCA requirement. This change puts almost all of the Houses of Worship inside a zone that they are allowed in now. It may still have some restriction but it is a big step forward from where they were.

Mr. Helm: There is not really a piece of property that is two and a half acres in this town.

Mr. O'Rourke: You could put lots together.

Mr. Helm: Are you trying to eliminate churches from being in the township.

Mr. O'Rourke: Not at all. We are actually making it much easier for the existing churches to continue to flourish and if someone wants to put together a unit of land they can.

Mr. Dasti: There are churches that are not on 2 ½ acres in town.

Mr. Helm: There are churches there, but what if a church decides they want to come into town and they can't find a piece of property large enough but they can basically

under all of the other codes

Mr. O'Rourke: They look at the standards and they attempt to go to the Board of Adjustment to show that they can meet the reasonable requirements for the zone.

Mr. Helm: There is still opportunity that is two acres instead of two and a half. Before all of these things were listed you had to come before the Council for everything.

Mr. O'Rourke: Yes and it was tougher because the rules were so restricted.

Mr. Helm: When does this become official?

Mr. Dasti: It has to be published in the paper and within the next two weeks it will be official.

Mr. Helm: Thank you.

Seeing no other hands Acting Mayor Pyrtko closed the public portion of the meeting.

Mr. Maffei: The newspaper had to publish the legal ad that was sent in for this particular ordinance. We received the feedback from the Planning Board and the Planning Board was in favor of the ordinance but because of the legal notice in the newspaper there will be an additional public hearing on this ordinance at the July 15th meeting at which time the Council will then take a final vote on this ordinance for adoption.

Mr. Dasti: We need a motion to carry this until July 15th.

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

C. ORDINANCE – INTRODUCTION

MOTION: An Ordinance of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey Amending and Supplementing the Borough Code, Chapter III Police Regulations, to Include a New Section Entitled "Curfew for Juveniles"

BE IT ORDAINED, by the Borough Council of the Borough of Point Pleasant, County of Ocean, and State of New Jersey, that the Borough Code of the Borough of Point Pleasant Borough, Chapter III "Police Regulations" is hereby amended and supplemented as follows:

SECTION 1: New Section 3-18 entitled "Curfew for Juveniles" shall read as follows:

1. It is hereby unlawful for any juvenile under the age of 18 to be on any and all Borough properties and the contiguous streets to those properties between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by the juvenile's parent or guardian or unless engaged in or traveling to or from a business or occupation in which the juvenile is legally employed.
2. Additional exceptions to the juvenile curfew include juveniles engaged in errands involving medical emergencies and juveniles participating in events sponsored by religious or community based organizations.

3. It shall be unlawful for any parent or guardian to allow an unaccompanied juvenile to be on all Borough properties and the contiguous streets to those properties during the aforementioned hours unless exempted by any exception listed in this section.
4. Violators, upon conviction of a curfew violation, shall be required to perform community service and may also be subject to a fine of up to \$1,000.00. If both a juvenile and the juvenile's parent or guardian violates this curfew section, they shall be required to perform community service together.
5. The Point Pleasant Police Department and/or Point Pleasant Borough employees shall enforce the provisions of this entire article.
6. The Point Pleasant Police Department and/or Point Pleasant Borough employees shall have the authority to eject any person(s) from Borough properties acting in violation of any provision of this article.
7. The Point Pleasant Police Department and/or Point Pleasant Borough employees shall have the authority to temporarily suspend or revoke a permit issued to person(s) utilizing Borough properties and are acting in violation of any provisions under this article. Said permit will be forwarded to the Mayor and Borough Council for final action.
8. The Point Pleasant Police Department and/ or Point Pleasant Borough employees shall have the authority to immediately temporarily close any Borough owned property in response to any threat to the health or safety to members of the public or Borough personnel. The determination to close Borough property or facility will be made by the police officer or Borough employee in charge at the scene at the time of the incident.
9. The Mayor and Borough Council shall have the authority to ban individuals from any Borough property who are deemed to be persistent or repetitive violators of any provisions of this article. The determination to ban an individual for any length of time will only be made after consultation with the Chief of Police.
10. Smoking of cigarettes or other tobacco products shall not be permitted either inside Borough buildings or on Borough properties. This provision shall be enforced by the Point Pleasant Borough Police Department and/or Point Pleasant Borough employees.

SECTION 2: All terms and conditions of Section 3-2 "Curfew for Halloween Seasons" of the Codified Ordinances of the Borough of Point Pleasant Borough shall remain in full force and effect and shall not be modified in any way by the adoption of this Ordinance.

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 of unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 5: This ordinance shall take effect after second reading and publication as required by law.

MOTION: Adopt Ordinance

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. Amending and Supplementing Chapter VIII of the Borough Code entitled "Building and House" (Fees)

MOTION: An Ordinance of the Borough of Point Pleasant, County of Ocean, State of New Jersey, Amending and Supplementing Chapter VIII, Borough Code Entitled "Building and Housing"

NOW THEREFORE, BE IT ORDAINED BY the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, that Chapter VIII of the Borough Code entitled "Building and Housing" in particular Subsection 8-1.2 "Fees" is hereby amended and supplemented as follows:

8-1.2 Fees.

a. Fees for construction permits shall be as follows:

1. The building subcode fees shall be as follows:

(a) For new construction: All fees shall be based on the volume of the structure and volume computations shall be made pursuant to N.J.A.C. 5:23-2.28. Use groups and types of construction are to be classified and defined as established in Articles 3 and 4 of the Building Subcode.

(1) New residential construction, alteration, or renovation:

Per cubic foot of volume \$ 00.27
Minimum fee \$ 75.00

(2) New construction all other use groups:

Per cubic foot of volume \$ 00.27
Minimum fee \$ 100.00

(ii) Structures on farms used exclusively for the storage of food or grain, or the sheltering of livestock \$ 00.08
Maximum fee for (ii) \$1,000.00

(iii) All others \$ 00.009
Minimum fee for (ii) \$ 75.00

Minimum fee for all others \$ 75.00

(b) Modular and pre-manufactured buildings and moving houses:

Basic unit set on footing and foundation \$ 175.00

(c)	Renovations, alterations and repairs, etc.:		
	Fee based on the estimated cost of work		
	\$1 to \$50,000(per thousand)	\$	18.00
	\$50,001 to 100,000(per thousand)		
	Add \$15.00		
	Over \$100,000(per thousand)		
	Add \$7.00		
	Minimum Fee	\$	75.00
(b)	Fences:		
	Per linear foot	\$	00.20
	Minimum fee	\$	75.00
(e)	Open decks:		
	Fee based on the estimated cost		
	of work\$18.00 per \$1,000.00		
	Minimum fee	\$	75.00
(f)	Sheds:		
	Over 100 square feet	\$	75.00
(g)	Fireplace and masonry chimney	\$	75.00
(h)	Woodburning stoves and chimney	\$	75.00
(i)	Bulkheads, docks, wharves, piers:		
	Per linear foot	\$	00.75
	Minimum fee	\$	75.00
(j)	Demolition:		
	Use Group R Structures less than		
	2,000 square feet and 30 feet high		
	or less	\$	100.00
	All other structures	\$	200.00
	Together with cash bond posted		
	with the Borough to ensure removal		
	of debris and to protect against damage.	\$1,000.00	
(k)	Signs:		
	Per square foot surface area, one side only		
	for double-faced signs	\$	01.20
	Minimum Fee	\$	75.00
(l)	Swimming pools:		
	Above ground less than 550 sq. ft.	\$	50.00
	In ground	\$	250.00
	Public/commercial	\$	300.00
	In addition, a fee of \$15.00 for all type		
	pools shall be charged for certificate		
	of final approval.		
(m)	Elevators, Escalators and Dumbwaiters-		
	Commercial:		
	Elevators, Escalators, each	\$	150.00
	Dumbwaiters, each	\$	50.00
	Periodic Inspection, each	\$	125.00
(n)	Elevators and Dumbwaiters, One and		
	Two Family Dwellings:		
	Elevators	\$	75.00
	Dumbwaiters	\$	35.00
(o)	Tanks:		
	Installation, each (Review)	\$	75.00
	Removal (500 gallon or less)	\$	75.00
	Removal (Over 500 gallons)	\$	200.00
(p)	Temporary structures/other structures		
	that volume cannot be computed:		
	Each over 100 square feet	\$	75.00

The fee for tents in excess of 900 square feet or more than 30 feet in any direction shall be \$100.00

(q) Fire permits:
When fire review or inspection required \$ 75.00

Except replacement of residential gas or oil-fired water heater fire permit shall be \$ 50.00
(No fire permit for electric water heaters only electric and plumbing permits)

All other permits required by UCC¹ in which specific provision is not otherwise provided herein – Minimum \$ 75.00

2. Other fees.

(a) There are hereby established the following construction and subcode fees:

(1) Electrical subcode fees.

Minimum Electrical Subcode Fee shall be \$75.00 except a replacement residential electric water heater electric permit shall be \$50.00

Electrical fixtures and devices:

The fees shall be as follows:

- A. For from one to 25 receptacles or fixtures, the fee shall be in the amount of \$75.00, for each 25 receptacles or fixtures in addition to this, the fee shall be in the amount of \$15.00, for the purpose of computing this fee, receptacles or fixtures shall include lighting outlets, wall switches, electric discharge fixtures, convenience receptacles or similar fixtures, and motors or devices of less than one horsepower or one kilowatt, burglar, fire and communication devices, etc.
- B. For each motor or electrical device greater than or equal to one horsepower or kW and less than or equal to 10 horsepower or kW; and for transformers and generators greater than or equal to 1 kW and less than or equal to 10 kW, the fee shall be \$15.00.
- C. For each motor or electrical device greater than 10 horsepower or kW and less than or equal to 50 horsepower or kW; for each service panel, service entrance or sub panel less than or equal to 225 amperes; and for all transformers and generators greater than 10 kW and less than or equal to 45 kW, the fee shall be \$75.00.
- D. For each motor or electrical device greater than 50 horsepower or kW and less than or equal to 100 horsepower or kW; for each service panel, service entrance or sub panel greater than 225 amperes and less than or equal to 600 amperes; and for transformers and generators greater than 45 kW

¹ UCC means NJ State Uniform Construction Code Act 52:27D-119A, Chapter 23 Uniform Construction Code Regulations

and less than or equal to 112.5 kW, the fee shall be \$150.00.

- E. For each motor or electrical device greater than 100 horsepower or kW and less than or equal to 1,000 horsepower or kW; for each service panel, service entrance or sub panel greater than 600 amperes and less than or equal to 1,000 amperes, the fee shall be \$225.00.
 - F. For each motor or electrical device greater than 1,000 horsepower or kW; for each service panel, service entrance or sub panel greater than 1,000 amperes; and for each transformer or generator greater than 112.5 kilowatts, the fee shall be \$450.00.
 - G. For the purpose of computing fees B thru F, all motors and devices including plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.
- (2) Fire protection subcode fees.

Minimum fire protection subcode fee shall be \$75.00 except: air conditioner, furnace, boiler or residential water heater replacement shall be \$45.00.

Fire protection and other hazardous equipment: sprinklers, standpipes, detectors (smoke and heat) pre-engineered suppression systems, gas and oil-fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums:

- A. The fee for 20 or fewer heads shall be \$75.00 for 21 to and including 100 heads, the fee shall be \$125.00; for 101 to and including 200 heads, the fee shall be \$229.00; for 201 to and including 400 heads, the fee shall be \$594.00; for 401 to and including 1,000 heads, the fee shall be \$822.00; for over 1,000 heads, the fee shall be \$1,050.00.
- B. For from 1 to 12 detectors, the fee shall be \$75.00; for each 25 detectors in addition to this, the fee shall be \$10.00.
- C. The fee for each standpipe shall be \$229.00.
- D. The fee for each independent pre-engineered system shall be \$150.00.
- E. The fee for each gas or oil-fired appliance which is not connected to the plumbing system shall be \$75.00.
- F. The fee for each kitchen exhaust system (commercial) shall be \$75.00.
- G. The fee for each incinerator shall be \$365.00.
- H. The fee for each crematorium shall be \$365.00.
- I. The fee for suppression systems other than sprinklers including: Co2, gas, foam, dry or wet chemical and installation of hood duct and exhaust systems shall be a minimum \$100.00.

(3) Plumbing subcode fees.

Minimum plumbing subcode fee shall be \$75.00, except residential air conditioner, furnace, boiler or water heater replacement shall be \$45.00.

Plumbing fixtures and equipment:

The fees shall be as follows:

- A. Per fixture, piece of equipment, vent or appliance connected to the plumbing system, and for each appliance connected to the gas or oil piping system, except as listed in B below \$10.00.
- B. Per special device for the following: grease traps, oil separators, water-cooled air conditioning units, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker back-flow preventers), steam boilers, hot water boilers (excluding those for domestic water heating), gas or fuel oil piping, sewer pumps, and interceptors \$75.00.

(4) Fees applicable to paragraphs (2 (a) (1), (2) and (3).

- A. The fee for elevator devices where applicable shall be in accordance with N.J.A.C. 5:23-12.6.
- B. For cross connections and back-flow preventers that are subject to testing and require reinspection, the fee shall be \$75.00 for each device when they are tested.

(b) Plan review fee: For the purposes of N.J.A.C. 5:23-4.18(b), (i) and (j), the plan review fee shall be twenty (20%) percent of this schedule of fees. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.

(c) The fee for a permit for the removal of a building or structure from one (1) lot to another or to a new location on the same lot is five (\$5.00) dollars per one thousand (\$1,000.00) dollars of the sum of the estimated costs for moving, for new foundation and for placement in a completed condition in the new location, provided that the minimum fee shall be seventy-five (\$75.00) dollars, including a certificate of completion. Also provided that a one thousand (\$1,000.00) dollar bond shall be posted with the Borough to ensure the removal of all debris and to protect against damage.

(d) Certificates of Occupancy:

(1) Certificate of occupancy:	
Use groups R-3 and R-4, per unit	\$ 75.00
Use groups R-1 and R-2, per unit	\$ 75.00
All other use groups, excluding	

individual	\$150.00	
Tenant occupancies-10 percent of building schedule fee		
Minimum fee	\$ 75.00	
Individual tenant occupancies, per unit	\$ 75.00	
(2) Continued use certificate		
Residential use groups, per unit	\$ 50.00	
(3) Change of use		
Each unit	\$150.00	
(4) Reinstatement of lapsed permit		
Each Minimum	\$150.00	i

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

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

SECTION 4. This Ordinance shall take effect upon publication in an official newspaper of the Borough, as required by and in conformance with law.

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 meeting held on the **17th** day of **June, 2008**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the **15th** day of **July, 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.

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

3. Ordinance for Defining Positions Eligible for the Defined Contribution Retirement Program

MOTION: Ordinance for Determining Positions Eligible for the Defined Contribution Retirement Program

Whereas, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

Whereas, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

Whereas the Mayor and Council of the Borough of Point Pleasant have considered the guidelines issued by the Local Finance Board;

Therefore, Be it Ordained by the mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey that:

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

- a. Municipal Administrator;
- b. Municipal Clerk, Tax Assessor, Tax Collector, Chief Financial Officer, Public Works Superintendent, Recreation Superintendent, Construction Official, Registrar of Vital Statistics, and Municipal Court Administrator;
- c. Municipal Court Judge;

2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2:

- a. Tax Collector;
- b. Chief Financial Officer;
- c. Construction Code Official;
- d. Tax Assessor;

- e. Registered Municipal Clerk;
 - f. Municipal Administrator
 - g. Municipal Court Judge
 - h. Municipal Court Administrator
 - i. Recreation Superintendent
 - j. Registrar of Vital Statistics
 - k. Public Works Superintendent
3. This Ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.
 4. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.
 5. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.
 6. This ordinance/resolution shall take effect upon its passage and publication as required by law.

MOTION: Adopt Ordinance

MADE: Mr. Dikun

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

C. (126-2008) Authorize Conducting Annual Budget Local Examination

MOTION: Authorize Conducting Annual Budget Local Examination

WHEREAS, N. J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conduction the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7 thru 7.5 the Borough of Point Pleasant has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough of Point Pleasant meets the necessary conditions to participate in the program for the 2007 budget year, so now therefore,

BE IT RESOLVED, by the Borough Council of the Borough of Point Pleasant that in accordance with N.J.A.C. 5:30-7.6a and b and based upon the Chief Financial Officers certification the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges.
 - b. Deferred charges and statutory expenditures.
 - c. Cash deficit of preceding year.
 - d. Reserve for Uncollected taxes
 - e. Other reserves and non-disbursement items.
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation or increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq., are fully met (complies with the "CAP Law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5.30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated.
 - b. Items of appropriation are properly set forth.
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Director of the Division of Local Government Services, Borough Auditor, Chief Financial Officer, and any other interested parties.

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Kaklamanis

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. Public Hearing on 2008 Municipal Budget

Mr. Maffei: The budget is being presented tonight for adoption. The total amount of the budget is \$17,089,147. That will increase taxes by approximately 1.8 cents which is under the 4% that is allowed by the State. It is also at CAP for the expenditure CAP. Just so the usual questions for the State it has reduced our rate and we have received \$196,434 less in State aid then we did last year. That in itself would have raised the tax rate 1.4 cents. We were able to offset that a little by carrying over some State aid that was unused last year to the tune of \$70,000 so because of the loss of State aid our tax rate is going up .9 cents. .9 cents of that 1.8 cents increase is because of the loss of State aid. The only other thing, the usual question is an average assessment, we use \$150,000, for a home assessed at \$150,000 that would be for the municipal taxes only an increase of \$27.15 per year.

Acting Mayor Pyrtko opened the meeting to the public for questions.

Dennis Vitkauskis, Foster Road, I am glad to see you kept it under 4% I realize it will make it harder next year but you have to start some place. I would like to see taxes go down but I don't think I will live long enough to see that. I commend you for keeping it under 4%.

Acting Mayor Pyrtko asked for a motion to close the public portion of the meeting.

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

3. (127-2008) Adopt of 2008 Municipal Budget

MOTION: Adopt 2008 Municipal Budget

MADE: Mr. Kaklamanis

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

D. 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. Pyrko entertained a motion to close the public portion of the meeting.

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

ALL IN FAVOR

F, RESOLUTIONS

1. (128-2008) In support of the Joint New Jersey Senate and Assembly Republican Budget Alternative

MOTION: In support of the Joint New Jersey Senate and Assembly Republican Budget Alternative

WHEREAS, over the past seven years, New Jersey's tax burden has become so oppressive that it is driving tens of thousands of hard working middle class families out of our state each year; and

WHEREAS, over that same time period, taxes in New Jersey have increased by over \$12 billion, state spending has increased by \$11 billion and our debt has more than doubled to over \$37 billion; and

WHEREAS, Governor Jon Corzine's proposed \$33.3 billion state budget for Fiscal Year 2009 is balanced by cutting property tax rebates for families making more than \$100,000 and by cutting state aid municipalities desperately need to keep local property taxes in check; and

WHEREAS, the Governor's budget does nothing to control the cost and size of the State's bloated bureaucracy; and

WHEREAS, the governor's budget cuts will further shift the tax burden from the state to local property taxpayers and make our state even more unaffordable; and

WHEREAS, the New Jersey Senate and Assembly Republicans have identified more than \$1.3 billion in common sense spending reductions and proposing using a portion of the savings to increase property tax relief and municipal aid; and

WHEREAS, the Republican plan would still spend \$600 million less than the governor's budget proposal even though it restores property tax relief, increases state aid and redresses unfair budget cuts; and

THEREFORE, BE IT RESOLVED, that we voice our objections to Governor Corzine's FY 2009 State Budget and announce our support for the New Jersey Senate and Assembly Republican budget plan; and

A certified copy of this resolution shall be sent to Governor J. S. Corzine, Assembly Speaker Joseph Roberts, Senate President Richard J. Codey, Senate Minority Leader Tom Kean, Jr., Assembly Minority Leader Alex DeCroce and all state legislators representing our legislative district.

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. O'Rourke: Frankly, I read their alternative and it is no better than what the other side has given up. This is a shell game and we have to stop playing this shell game in Trenton. The money keeps coming from other people. The other people are Grandchildren and Great Grandchildren. It has got to stop now. I don't care whether it is the Democrats or Republicans or whatever side. This proposal here is not better than the Corzine's proposal. Quite frankly, I am not going to support this when we have this vote.

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: No

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. (129-2008) Authorizing Settlement of Tax Appeal Filed by Verizon, N.J., Inc. for Block 161, Lot 2 (Tabled from 5/6/08)

MOTION: Resolution of the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, Authorizing Settlement of Tax Appeal filed by Verizon – New Jersey, Inc. for Block 161, Lot 2, Point Pleasant, New Jersey

WHEREAS, the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey (hereinafter referred to as the “Borough”), has defended a tax appeal filed by Verizon- New Jersey, Inc. (“Verizon”) affecting property known and designated as Block 161, Lot 2 Point Pleasant, New Jersey (the “property”); and

WHEREAS, the assessment imposed by the Borough’ Tax Collector for the property is \$1,328,200.00, and after negotiations with the property owner a proposed reduction in the assessment to \$566,432.00 has been recommended by the Tax Assessor; and

WHEREAS, as part of the settlement proposal Verizon will dismiss its appeal for the 2007 tax year; and

WHEREAS, the Borough has received a letter of recommendation from John E. Butow, (former) Tax Assessor, dated September 25, 007 recommending this settlement inasmuch as it is in the best interests of the Borough and its taxpayers; and

Whereas, the Borough finds that the recommendations of it Assessor are fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, THIS 6TH DAY OF May, 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 authorizes a reduction in the tax assessment to \$566,432.00 which settlement will include a dismissal of the 2007 tax year appeal.
2. The Borough authorizes and directs the Mayor, Borough Clerk, Borough Administrator, Borough Attorney ad Borough Tax Assessor 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 Martin Konkus, David a. Maffei, Borough Administrator/Clerk, Maryann Clear, Tax Assessor, Judith Block, CFO and Jerry J. Dasti, Esq.

MOTION: To Table

MADE: Mr. O’Rourke

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O’Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

4. (130-2008) Request Chapter 159 Budget Insertion – Aggressive Driving Enforcement Grant Federal FY2008, \$7,000.00

MOTION: Request Chapter 159 Budget Insertion – FY 2008 Aggressive Driving Enforcement Grant

WHEREAS, N.J.S.A. 40A 4-67 provides that the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

WHEREAS, the Borough of Point Pleasant has received \$7,000.00 from Department of Law and Public Safety Division of Highway Traffic Safety and wishes to amend its 2008 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$7,000.00 that is now available as revenue from:

**Miscellaneous Revenues
Special Items of General Revenue Anticipated with prior written consent of the Director of Local Government Services
Public and private revenues offset with appropriations
Division of Highway Traffic Safety Aggressive Driving Enforcement Grant**

BE IT FURTHER RESOLVED, that a sum of \$7,000.00 be and the same is hereby appropriated under the caption of:

**General Appropriations
Operations excluded Caps
Public and private programs offset by Division of Highway Traffic Safety
Aggressive Driving Enforcement Grant**

BE IT FURTHER RESOLVED, that the Municipal Clerk/Administrator forward two copies of this resolution to the Director of Local Government Services and Certified Copies be sent to: Borough Auditor, Police Chief, Chief Financial Officer and other interested parties.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

5. (131-2008) Request Chapter 159 Budget Insertion – Barnegat Bay National Estuary Program 2008 Mini Grant – Earth Day Environmental Education Program, \$3,000.00

MOTION: Request Insertion Barnegat Bay National Estuary Program 2008 Mini grant – Earth Day Environment Education Program

WHEREAS, N. J. S. 40A 4-67 provides that the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

WHEREAS, the Borough of Point Pleasant has received \$3,000.00 from and wishes to amend its 2008 budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$3,000.00 that is now available as revenue from:

Miscellaneous Revenues

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

Public and private revenues offset with appropriations:

Barnegat Bay National Estuary Program

BE IT FURTHER RESOLVED, that a sum of \$3,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

Public and private programs offset by Environmental Commission Earth Day Program

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

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

6. (132-2008) Opposing Senate Bill S-1137 which Expands the Scope of Employee Union Negotiations

MOTION: Opposing Senate Bill S-1137 which Expands the Scope of Employee Union Negotiations

WHEREAS, Governing bodies are concerned about their ability to manage their employees using methods in the most appropriate and efficient manner possible; and

WHEREAS, Governing bodies further believe that it is an employers' right to hire, promote, transfer, assign or retain employees in positions deemed necessary and appropriate; and

WHEREAS, Senate Bill No. 1137 would re-define the New Jersey Public Employment Relations Commission (PERC) law by adding new mandatory subjects of collective bargaining and issues that have been historically non-negotiable would become negotiable; and

WHEREAS, S-1137 will diminish the authority of municipalities over their day to day operations and severely impair the ability to manage personnel in an effective manner; and

WHEREAS, these changes are imposed on governing bodies while under severe financial stress, and the State announced plans to substantially reduce or eliminate State aid to many municipalities; and

WHEREAS, S-1137 would increase the time and cost of negotiations which costs ultimately falls on our beleaguered property taxpayers.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of Point Pleasant Borough adamantly oppose adoption of S-1137 which impinges on local management prerogatives, would potentially result in protracted costly negotiations and advances encroachments by public unions.

BE IT FURTHER RESOLVED a certified copy of this resolution is hereby forwarded to Governor Jon Corzine, Representatives of the 10th Legislative District and the NJ League of Municipalities.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

7. (133-2008) Accept Void Check Report

MOTION: Accept Void Check Report

WHEREAS, from time to time it becomes necessary for the Chief Financial Officer to void

checks or stop payment on checks, and;

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey that the Chief Financial Officer has voided checks and/or stopped payment on checks listed below and reissued new checks, if necessary.

<u>CHECK #</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>VENDOR</u>	<u>REASON:</u>
29396	\$1,470.63	Payroll	K. Magley	Lost/reissue
29882	110.67	Payroll	S. Mc Carthy	Lost/reissue
30562	36.42	Payroll	R. Kadeg	Lost/reissue
33613	925.06	Payroll	M. Ruppert	Lost/reissue
25406	166.82	Payroll		Void
25491	38.34	Payroll		Void
25645	101.90	Payroll		Void
25920	29.67	Payroll		Void
26055	27.20	Payroll		Void
27145	1.23	Payroll		Void
27346	389.21	Payroll		Void
27682	12.37	Payroll		Void
27797	49.45	Payroll		Void
32751	103.33	Payroll		Void

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

8. (134-2008) Authorize Release of Performance Bond, Block 53, Lot 7 – 3009 Route 88, LLC

MOTION: Authorize Release of Performance Guarantee, Block 220, Lot 5 – 3009 Route 88, LLC

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

and

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

WHEREAS, the Borough Engineer has recommended that the release of the balance of the Performance Guarantee posted by 3009 Route 88, LLC. for the improvements on Block 53, Lot 7, conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond in the amount of \$19,523.25 and the posting of an additional Inspection Fee Escrow of \$500.00.

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

- 1. That the Mayor and Borough Council do hereby authorize the release of Performance Guarantee, posted for the improvements for Block 53, Lot 7 And conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond and the posting of an additional Inspection Fee Escrow of \$500.00**
- 2. That the Borough Engineer or other Borough Officials holding said Performance Bond are directed not to release said Performance Guarantee until the Chief Financial Officer has certified that all outstanding inspections have been paid and that the Maintenance Bond has been posted.**
- 3. That a certified copy of this Resolution be sent to: Chief Financial Officer, Borough Engineer, 3009 Route 88, LLC, and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

- 9. (135-2008) Authorize Release of Performance Bond, Block 220, Lot 5 – Kristi Shay**

MOTION: Authorize Release of Performance Guarantee, Block 220, Lot 5 – Kristi Shay Construction, Inc.

WHEREAS, the Borough of Point Pleasant has required to posting of a Performance Guarantee for certain site improvements in regard to Block 220, Lot 5;

and

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

WHEREAS, the Borough Engineer has recommended that the release of the balance of the Performance Guarantee posted by 3009 Route 88, LLC. for the improvements on Block 220, Lot 5, conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond in the amount of \$11,310.00 and the posting of an additional Inspection Fee Escrow of \$500.00.

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

1. That the Mayor and Borough Council do hereby authorize the release of Performance Guarantee, posted for the improvements for Block 220, Lot 5 And conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond and the posting of an additional Inspection Fee Escrow of \$500.00
2. That the Borough Engineer or other Borough Officials holding said Performance Bond are directed not to release said Performance Guarantee until the Chief Financial Officer has certified that all outstanding inspections have been paid and that the Maintenance Bond has been posted.
3. That a certified copy of this Resolution be sent to: Chief Financial Officer, Borough Engineer, Kristin Shay Construction, Inc., and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Kaklamanis

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

10. (136-2008) Authorizing and Awarding Contract for Resurfacing of Recreation Center Gym Floor, Classic Floor Finishing, Inc. \$22,000.00

MOTION: Resolution of the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, Authorizing and Awarding a Contract for the Resurfacing of the Recreation Center Gym Floor to Classic Floor Finishing, Inc.

WHEREAS, the Borough Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey (hereinafter referred to as the "Borough"), has solicited bids for the Recreation Center Gym Floor Resurfacing Project (hereinafter referred to as the "project"); and

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

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

Classic Floor finishing, Inc.	\$22,000.00
North Eastern, Inc.	\$22,600.00
Dynamic Sports Construction	\$31,720.00

WHEREAS, the bid documentation submitted by the apparent lowest responsible bidder, Classic Floor Finishing, Inc., has been reviewed by the Borough's professional staff and found to be acceptable as to form and content; and

WHEREAS, the Borough has been advised by its professional staff that the bid should be awarded to the apparent lowest responsible bidder, Classic Floor Finishing, Inc., for and in consideration of \$22,000.00, which is in conformance with the Borough's budgetary constraints, and also in accord with the estimate provided by the Borough's Consulting Engineer.

NOW, THEREFORE, BE IT RESOLVED, this 20th day of May, 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 recommendations of its professional staff and awards the contract for this project to Classic Floor Finishing, Inc. for and in consideration of \$22,000.00.
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: Mayor Martin Konkus, David A. Maffei, Borough Administrator/Clerk, John R. LeCompte, P.E., Jerry J. Dasti, Esq., Robert D. Forsyth, P.E.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Kaklamanis

Ms. Rogers: With regards to this, I have no problem with the low bid on this. I would like to address the existing bond that was out in 2002 and supplemented thereafter to the tune of \$19,975.00. The floor is covered out of the trust fund according to the DCA. I would like to cancel that bond in the amount of \$19,975.00.

Mr. Maffei: We will have that on a resolution for the next meeting because it has to be done by resolution. There are several other ordinances that are being cancelled.

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

11. (137-2008) Authorizing and Awarding contract for Purchase of Sodium Hypochlorite Solution, Miracle Chemical Company, \$2.229/gal min. 16,000 gals/max 30,000 gallons

MOTION: Authorizing and Awarding Contract for Purchase of sodium Hypochlorite Solution, Miracle Chemical Company

WHEREAS, the Mayor and Council of the Borough of Point Pleasant, did

authorize the advertisement for bids for the purchase of Sodium Hypochlorite; and

WHEREAS, Dennis Sears, Superintendent of Public Works has recommended that Miracle Chemical Company, 1151 B Highway 33, Farmingdale, N.J. 07727, the sole bidder, be awarded a contract for the purchase of Sodium Hypochlorite at a cost of \$2.229 per gallon with a minimum total purchase of \$35,664.00 and a maximum total purchase of \$66,870.00 for a two year agreement.

WHEREAS. Sufficient funds will be provided in the adopted 2008 Budget and will be made available in the 2009 and 2010 budgets.

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. A contract for the purchase of Sodium Hypochlorite as described in the authorized specifications is hereby awarded to Miracle Chemical Company, 1151 B Highway 33, Farmingdale, NJ 07727, for the bid set forth: \$2.229 per gallon with a minimum cost of \$35,664.00 and a maximum purchase cost of \$66,870.00 for a two year agreement.
2. The Mayor and Municipal Clerk are hereby authorized to execute and deliver a contract with the successful bidder for the aforesaid purpose.

3. Certified copies of this Resolution to: Public Works Superintendent, Chief Financial Officer, Miracle Chemical Company, and any other Interested parties.

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

12. (138-2008) Appoint Anna Koster and Robyn Aiello as Dog Census Takers for 2008

MOTION: Appoint Anna Koster and Robyn Aiello as Dog Census Takers for 2008

WHEREAS, a need exists within the Borough of Point Pleasant for two part-time Dog Census Takers in order to provide the Municipality with a report of unlicensed dogs in compliance with Chapter 37, P.L. 1952; and

WHEREAS, the Police Chief interviewed applicants for said positions; and

WHEREAS, the Police Chief has recommended the appointment of two part-time Dog Census Takers in order to comply with the State of New Jersey mandatory requirements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey, that the following appointments are hereby confirmed as part-time Dog Census Takers:

1. Anna Koster and Robyn Aiello
2. The above appointments are on a part-time seasonal basis at an hourly rate of \$9.98 per hour from the Dedicated Dog Trust Funds.
3. Certified copies of this Resolution to the Registrar of Vital Statistics, Police Chief, Chief Financial Officer, Appointee, and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Kaklamanis

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

13. (139-2008) Approve Renewal of Liquor Licenses for the 2008-2009 License Term

MOTION: Approve Renewal of Liquor Licenses for the 2008-2009 License Term

WHEREAS, Morris Schiff, Inc., T/A Spirits Unlimited, has made application to the Mayor and Council of the Borough of Point Pleasant for renewal of Plenary Retail Distribution Liquor License No. 1524-44-06-003 for premises located at 3200 Lakewood Road, S/W corner of Lakewood Road and Bridge Avenue; and

WHEREAS, Joseph E. Stephens, Inc. T/A Gerard's Liquor Store, has made application to the Mayor and Council of the Borough of Point Pleasant for renewal of Plenary Retail Distribution Liquor License No. 1524-44-003-002 for premises located at 2310 Bridge Avenue; and

WHEREAS, Loyal Order of Moose #1549 has made application to the Mayor and Council of the Borough of Point Pleasant for renewal of Club License No. 1524-31-010-001 for premises located at 706 River Avenue; and

WHEREAS, Red Wagon Club, Inc., has made application to the Mayor and Council of the Borough of Point Pleasant for renewal of Club License No. 1524-31-011-001 for premises located at 1206 Beaver Dam Road; and

WHEREAS, Cuisines South, Inc., T/A Forte has made application to the Mayor and Council of the Borough of Point Pleasant for renewal of Plenary Retail Consumption License No. 1524-32-008-006 for premises located at 2154 Bridge Avenue; and

WHEREAS, Clark's Landing Caterers LLC, has made application to the Mayor and Council of the Borough of Point Pleasant for renewal of Plenary Retail Consumption License No. 1524-33-007-005 for premises located at 847 Arnold Avenue; and

WHEREAS, Bay Head Shores Property Owners Association, has made application to Mayor and Council of the Borough of Point Pleasant for renewal of Club License, No. 1524-31-009-002; and

WHEREAS, Crystal Point Caterers Inc., has made application to the Mayor and Council of the Borough of Point Pleasant for renewal of Plenary Retail Consumption License No. 1524-33-001-008; and

WHEREAS, said applicants have complied with all rules, regulations and requirements for the issuance of said licenses and no objections have been made to the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey that the Borough Clerk be and is hereby authorized to execute the aforesaid applicants, the appropriate Liquor License as applied for, effective July 1, 2008 to expire on June 30, 2009.

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

Mr. Maffei: There are three liquor licenses in the Borough that are not being renewed as part of this license. It is Magee's West Side Tavern, The Idle Hour and Clark's Landing at Delran. Clark's Landing at Delran is an inactive license and he said there is paper work they will have ready for the July 15th meeting. That license is inactive. The other two licenses for them to continue to operate after June 30th they will have to get a permit from the ABC to operate until you can approve it at the July 15th meeting. The reason for all three of them being held up is that I have not received Sales Tax Clearance Certificates from the Treasury Department. They know that.

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

14. (140-23008) Authorize Refund of Demolition Bond, Block 274, Lot 12 – C.F. Arbachesky

MOTION: Authorize Refund of Demolition Bond, Block 274, Lot 12 – C.F. Arbachesky

WHEREAS, C.F. Arbachesky, 207 Hooper Avenue, Toms River, New Jersey, 08754 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 1603 Bay Avenue, 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 C.F. Arbachesky, a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a structure at 1603 Bay Avenue, Point Pleasant, N.J. 08742.**
- 2. Copies of this Resolution to: Construction Official, C.F. Arbachesky, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

15. (141-2008) Authorize Refund of Demolition Bond, Block 279, Lot 133 – Mirador Partners, LLC

MOTION: Authorize Refund of Demolition Bond, Block 279, Lot 133 – Mirador Partners, LLC

WHEREAS, Mirador Partners, LLC, 20 E. Willow Street, Millburn, N.J. 07041 did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a single family dwelling at 1406 Rue Mirador, Point Pleasant, N.J. Block 279, Lot 133.

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

- 2. That the proper Borough Officials are authorized and directed to return to Mirador Partners, LLC, demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a single family dwelling at 1406 Rue Mirador, Point Pleasant, N.J. 08742.**
- 3. Copies of this Resolution to: Construction Official, Mirador Partners, LLC, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

16. (142-2008) Authorize Adjustments and/or Refunds on Certain Tax or Water/Sewer Accounts

MOTION: Authorize Adjustments and/or Refunds on Certain Tax or Water/Sewer Accounts

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

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

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

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

<u>BLOCK & LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
230-13	Frumen	27.05	Move from water/sewer To taxes at resident's request
226-10	Magahan	5.00	Refund Water/sewer Overpayment at closing
73-30.14	Torre	25.00	Refund final reading paid twice

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

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

17. (143-2008) Accept CFO Report – April, 2008

MOTION: Accept CFO Report – April, 2008

WHEREAS, the Chief Financial Officer has prepared a Cash Management Report for the month of April, 2008; and

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

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

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

1. The cash management plan submitted by the Chief Financial Officer for the month of April, 2008 attached hereto is hereby approved.
2. Copies of this resolution be sent to the following:
 1. Municipal Administrator
 2. Auditor
 3. Chief Financial Officer
 4. All other interested parties

**CHIEF FINANCIAL OFFICER'S MONTHLY MANAGEMENT REPORT
MONTH OF April, 2008**

	<u>YTD OBJECTIVE</u>	<u>YTD ACTUAL</u>
Increase Current Fund Investment Earnings 5% (over last years actual earnings)	\$172,282.52	\$100,527.94
Increase Water/Sewer Fund Investment Earnings 5% (over last years actual earnings)	\$52,124.16	\$29,614.44

Comments: Collectors report received June 6th, 2008.

Judith A. Block, CFO

Attached:
Cash Management Report
Revenue Report
Expenditure Report

<u>Account</u>	<u>CURRENT FUND</u>		<u>YTD Actual</u>
	<u>Budget</u>	<u>YTD Budget</u>	
Local Property Taxes	\$	\$	* 3,385,517.48
Interest and Costs	\$		63,893.02
Non-Categorical Grants	\$		70,000.00
Grants with appropriation 22,768.41	\$		
Interest on Investments	\$		100,527.94
Other	\$		314,449.70
TOTALS	\$	\$	\$
3,957,156.55			

Receipt Deliq. Taxes \$
Ant. Surplus

Total Budget \$

4 MONTHS School tax levy and 6 months Debt Service 1/4 county taxes and added and omitted taxes are deducted from total tax receipts (see below)

<u>WATER/SEWER FUND</u>			
Rents	\$	\$	\$1,493,264.94
Interest on Rents	-----	-----	11,322.87
Interest	\$		29,614.44
Other	\$		17,000.00
TOTALS	\$		\$ 1,551,202.25
Anticipated Surplus	\$		
Total Budget	\$		

\$15,563,562.89 Actual Collection Taxes to Date
(9,359,138.16) Minus School Taxes
(2,818,907.25) Minus County taxes
\$*3,385,517.48 Toward Budget

ENDING BALANCE

INVESTMENTS:

Current Cash Management	\$129,319.47
Water/Sewer Cash Management	206,517.91
<u>Checking Account (COMMERCE)</u>	
Current	\$3,605,430.37
Current Capital	3,010,844.31
Water/Sewer	1,198,239.95
Water/Sewer Capital	3,003,427.14
Trust	66,774.13
Recreation Trust (in the General Trust Account)	167,264.74
Dog Trust	5,911.45
Payroll	93,617.62
Public Defender	602.00
Escrow Trust	293,976.50
Special Law Enforcement	2,508.14
Open Space Trust	50,101.94
Recreation Trust (New)	32,850.07
COHA	57,634.00

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

18. (144-2008) Authorize the Donation of the Balance of the Salary of
Councilmember Susan Rogers

MOTION: Authorize the Donation of the Balance of the Salary of Councilmember
Susan Rogers

**WHEREAS, Susan Rogers was duly elected and sworn in as a Council Member for the Borough of
Point Pleasant; and**

**WHEREAS, the salary resolution adopted by the Borough Council calls for Council Members to
receive an annual salary of \$3,200.00 for services rendered and;**

WHEREAS, Susan Rogers has indicated that she intends to forego the balance of her respective salary as a Council Member for the Borough of Point Pleasant Borough, upon condition that the amount of his salary is to be donated directly to the following Funds indicated:

- 1. Point Pleasant Borough Fire Company #2
PO Box 624
Point Pleasant, New Jersey 08742
(\$250.00)**
- 2. Carmie Brady Foundation
(\$1000.00)**
- 3. Point Pleasant First Aid Squad
(\$250.00)**
- 4. Point Pleasant Borough Fire Company #1
(\$250.00)**
- 5. Point Pleasant Borough Community Watch Program
(\$711.52)**

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

NOW, THEREFORE, BE IT RESOLVED, this 17th day of June, 2008 by the Mayor and Borough Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

- 1. The Borough Council hereby accepts the request of Council Member Susan Rogers to forego her respective salary and accept her request to donate same to the Point Pleasant Borough Fire Company #2 in the amount of \$250.00, the Point Pleasant First Aid Squad in the amount of \$250.00, the Carmie Brady Foundation in the amount of \$1,000.00, and the Borough of Point Pleasant Community Watch Program in the amount of \$711.51.**
- 2. The Borough Council hereby authorizes and directs the Municipal Clerk/ Administrator and Chief Financial Officer to execute any and all necessary documents in order to implement the intent of this Resolution.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

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

**Mr. McAlindin: Absent
Mr. Dikun: Yes**

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

CARRIES: Yes

19. (145-2008) 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.

COMMERCE BANK

<u>ACCOUNT</u>	<u>2007</u>	<u>2008</u>
CURRENT	\$ 6,591.19	\$ 6,272,136.78
WATER/SEWER CURRENT CAPITAL	7,202.44	654,262.45 257,891.31
WATER/SEWER CAPITAL		287,481.05
TRUST		42,599.90
RECREATION TRUST		11,797.56
RECREATION TRUST (New Account)		7,958.56
DOG TRUST		2,717.40
ESCROW TRUST		18,578.80
PUBLIC DEFENDER PAYROLL		----- 2,304.00
SPECIAL POLICE LAW ENF.		534.00
OPEN SPACE		2,299.36
	_____	_____
TOTALS	\$13,793.63	\$7,560,561.17

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

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. RESOLUTION (146-2008) Consent Agenda

MOTION: 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, A Time for Me, on premise gift auction to be held October 22, 2008.
2. Application raffle license, A Time for Me, off premise 50/50 to be held October 22, 2008.
3. Application raffle license, Save Barnegat Bay, on premise Tricky Tray gift auction, to be held September 24, 2008.
4. Application Raffle License, Save Barnegat Bay, on premise 50/50 to be held September 24, 2008.
5. Application Membership, Fire Co. #1, Kenneth Gahr.
6. Approve Council Meeting Minutes of February 19, 2008.
7. Approve Council Meeting Minutes of March 4, 2008.
8. Approve Council Meeting Minutes of March 18, 2008.
9. Approve Council Meeting Minutes of April 1, 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 be forwarded to any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

H. AUTHORIZATIONS

1. Request by Point Pleasant Board of Education Regarding Bernice "Mac" Pharo

This is a request to name Panther Path to "Mac Pharo Way" in honor of the late Bernice "Mac" Pharo, who was employed with the Point Pleasant School system for fifty years as Secretary to the Superintendent of Schools.

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. Application for Special Permit for Social Affair – Big Brothers Big Sisters of Ocean County, July 14, 2008 6 p.m. to 10 p.m. – Crystal Point Yacht Club

MOTION: Approve application for Special Permit for Social Affair

MADE: Mr. Kaklamanis

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

3. Request to Conduct Block Party, Ridgefield Drive, June 29, 2008 Rain date 7/13/08, Noon to 7 p.m.

MOTION: Authorize request to conduct block party – Ridgefield Drive

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

4. Request to Conduct Block Party, Rue LaFayette – 8/23/08 (raindate 8/24/08) Noon to 6 p.m.

MOTION: Authorize request to conduct block party – Rue LaFayette

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

5. Authorize Budget and Approve fee for Field Hockey Recreation Programs

MOTION: Authorize Budget and Approve Fee for Field Hockey Recreation Programs

MADE: Mr. O'Rourke

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

6. Request to Conduct Block Party, Buckner Street – 7./19/08 (raindate 7/.20/08) 2 p.m. to 10 p.m.

MOTIONS: Authorize Request to conduct block party – Buckner Street

MADE: Mr. O'Rourke

Mr. Dikun: Yes

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

7. Approve Employee Handbook and Policies and Procedures Manual and Authorize their submission to the JIF

MOTION: Approve employee handbook and policies and procedures manual and authorize their submission to the JIF

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

8. Manual Checks

MOTION: Approve Manual Checks

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

I. DISCUSSION

1. Surveillance Cameras

Mr. Maffei: There is a proposal in front of you, there were additional proposals that were put in your mailboxes and they are to expand the surveillance cameras at the Rec Center, the Skate Board Park and the two River Beaches. If the Council is inclined to add to them, the original proposals particularly at the Beach did not include Maxson Avenue Beach. When the contractor went out there he had at that time given a proposal just based on the Riverfront Park and he did not include the Riverfront Beach area. We went to the Rec Center and walked through with the Police Detective Bureau, the contractor and Karen and Dennis to see what sites could be done to increase the coverage both in lighting and additional cameras. He has presented you with a proposal. The reason I have it on there tonight is because if there is any consideration for these additional cameras or to expand the system you would have to amend the capital budget that was adopted tonight and it would be at the next meeting by resolution for additional funding.

Ms. Rogers: I have concerns as to the security systems meeting the overall requirements of our law enforcement and what we need for universal monitoring and how it was all put together and how comfortable and who is taking responsibility for the lighting and the security so that everything is working and fitting the need of what we are looking for.

Mr. O'Rourke: This appears that we are buying separate monitors for each set, separate DVR's for each set and where are we putting that stuff?

Mr. Maffei: Each location would have to have that equipment in order for it to be transmitted here via the internet at those locations. Here it is a direct link across the street but those are off site so they would have to go through the internet. I don't know if the Council is satisfied enough with that it was the Detective Bureau that actually went on site and they were told that the police had to be satisfied and they were the ones we needed to make sure they were getting what they needed in order to properly surveil the sites. The bottom line answer at each one of those sites that was visited was, is this what you want, is this what will work for what you need in order to give proper surveillance of the site. Is it proper lighting? Are these the cameras, are these the locations? So the police had the final answer at each site as to what was going to be installed.

Ms. Rogers: Who is the representative?

Mr. Maffei: It was Detective Wells who has since retired, Sgt. Picca who is in charge of the department.

Mr. O'Rourke: I shows a separate DVR for each location. It sound like there is no central point to see the images. That troubles me. I think the public safety committee should take this and talk to the people that made these recommendations and clean this up again.

Ms. Rogers: That was going to be my suggestion and have it further looked at by a law enforcement professional that is skilled in this area. Confirm everything with the police renovations that are going to be happening in the fall that this totally fits the requirements that we need. This is a one shot deal. It is a lot of money and we want to get it right. We have multiple systems now that in my mind are not effective.

Mr. Pyrtko: I will recommend that the Public Safety Committee meet with Sgt. Picca and then with the company so we know they are able to do what we want them to do.

J. COMMITTEE REPORTS

Mr. O'Rourke: The Council has been really busy in the last month between the DCA reports, the cameras, a new park, the skate board park problems, the entire Council has been busy. The Borough staff the same way. If you see your parks and they are clean and neat it is because of the Borough staff. They are doing a fantastic job. The boat ramps are active now and the fishing pier. They are keeping things neat and clean and trying to make everything work for everyone and I really applaud them. End of report. Have a good summer.

Mr. Kaklamanis: I would like to congratulate the Seniors of Point Pleasant Boro High School, Class of 2008 and that they put their nose to the grindstone and keep working. Second I would like to commend Councilwoman Rogers. She did donate the remainder of her salary to these fine organizations and I commend her. Fire Co.. #2, the Carmine Brady Foundation, Fire Co. #1, Point Pleasant First Aid Squad

and the Point Pleasant Boro Community Watch Program which she will talk about tonight that is in development.

I commend her and thank her. The other thing is we had a meeting with myself, Councilmember O'Rourke and the Borough Administrator at the Riverfront Park with the Eagle Construction Co. and everything continues to move forward. Things are progressing very fine. I am happy with that project. The rules and regs for the parks and areas of the Borough are in the final draft and that will be up for review very shortly. Hopefully, July 15th. The tree ordinance, I had conversation with Chris Connors of Dasti's office and I did touch base with him on a few items and that is in the final draft form so we can all review it. Hopefully, first reading July 15th. For all the taxpayers to know, I got a notice that our medical benefits keep going up including the prescription programs. Medical for the traditional plan was higher than expected. It is running above expected levels. We do have a fine work force here but things just keep on going up. I hope we can get input from the Unions and they can kick in a little more to pay for their benefits. Everything is going up. End of report.

Mr. Dikun: I am pleased to announce that the Hardenburgh Well which has been off line for several years is back up and running. We are looking into cutting into that BTMUA bill that we have been paying. Our other well on Memorial Drive project is moving along. We are looking to have that back up and running by late summer or early Fall. I just want to take the opportunity to thank Acting Mayor Pyrtko for his guidance with the Memorial Day Parade that we had several weeks ago. I have to say it was a fitting tribute to our Veterans and more importantly to the citizens who made the ultimate sacrifice and the people from the Borough of Point Pleasant. Thank you Roger for what you did. End of report.

Ms. Rogers: Some of you may or may not know that we have received a response from the DCA with regards to our trust surplus and approval of what we have presented. I can only say that I am deeply disappointed and disturbed with the DCA's response to some of the items on our trust surplus. They approved just a little over \$65,000 worth of items. Others they identified on a second page that they were not approving. One of those items was the proposed reduced fee schedule for the summer camp program. When we met with them we had extensive conversation with them on two specific points on how to use the surplus. It was about taking that surplus and being able to roll it over into the next program cycle and have the opportunity to reduce fees and or enhance the program. On our list we gave them both options to fulfill those requirements. The remarks that they gave us with regards to the surplus was that it was accumulated over several years and its orientation cannot be determined that in my mind is completely inaccurate. We submitted a detailed profit and loss statement from the 2007 summer camp program that yielded a \$19,000 profit. It was very clear to see where that part of the surplus money came from. Their further notation was it is not equitable to apply the portion of the unidentified surplus and that was very distressing to me. Once again I believe inaccurate and certainly unfair. As a Council representative I can assure you that I will not rest until we have a favorable resolve in which we will identify this surplus and be able to discount back to the families that we over charged over the years. Again, we can clearly show the \$19,000 came from the surplus of the 2007 camp program and with additional effort we will fully detail how the entire amount of the surplus was provided and how the fees were produced and reduce accordingly to provide for the DCA equitable distribution. \$100 per family, \$50.00 for the half day camp and when we overall evaluate all of the

programs over the last several years in today's time \$100 is a tank of gas, part of a food order, part of a Comcast bill, or maybe a full tank of gas and families need relief. What we could not or what we did not provide to those families years ago due to ineffective tracking we should provide to them now. I will be actively working with our legislature, with Senator Ciesla, our Assemblyman, I have scheduled meetings with our Freeholders. I look to evaluate the programs, determine the program format in which all of the surplus was derived from and go back to DCA for reevaluation. On a happier note the Public Safety Committee had multiple meetings over the last month and they were actively working on the juvenile curfew which was presented this evening which we believe will give an effective tool to our law enforcement to help curve the problem that we are having with the juveniles in town. Vandalism issues, as Councilman Kaklamanis noted, we are in the process of updating and revising the park rules and regulations and hopefully that will be on the first reading for the 15th. Again, giving law enforcement added tools they need to help make our town safer. With the endorsement of the Point Pleasant Borough Police Department and hopefully this Mayor and Council this evening I would like to present to you this evening a neighborhood watch program. Again, the committee met several times and we looked at a national program which was provided by the National Sheriffs Association. It is quite detailed and it has multiple components and it has proven to be exceptionally effective. Toms River has adopted the National Sheriffs Association Program and I can tell you I met in Point Pleasant Beach last week and they are about two weeks ahead of us and they are to instituting a neighborhood watch program. The Watch Program is an absolute resident based program. The program supports law enforcement in a multitude of ways. We have come to decide that this will be an ultimate homeowners owners insurance policy for all of the residents within the Borough. The Planning Committee developed a multitude of things. Their first item that was on the list was to develop a mission statement in which law enforcement, the Governing Body and this Neighborhood Watch would join an unite in a unified message and move forward with the program. I would like to read to you the statement that was derived. Our unified and unwavering commitment to crime prevention residents partner in public safety with the Mayor and Council and Point Pleasant Law Enforcement to unite in an anti crime prevention program to preserve and enhance the quality of life through reliable public safety. Our Neighborhood Watch will promote safety awareness, crime reporting and effectuate preventive crime measures. Residents will support law enforcement, report crime and apply good neighbor standards to enhance our quality of life. With that mission statement the committee talked about short and long term goals and what we could expect from the program. Our initial short term goal which from today forward through 2008, the first objective that we put together was to make sure that each street in the Borough was represented within the program. Each district within the Borough had a delegate that would be attending all monthly public safety meetings. They would then work with their street captains to help convey and communicate information and I think we have set up that organizational chart. The initial way it was set up through Toms River and through Point Pleasant Beach was two resident coordinators were appointed. Because it is the beginning of a new implemented program as the head of Public Safety I would continue on to coordinator and Resident Kelly Mickle who has attended several of the Council meetings has agreed to act as a co-coordinator to the program. What we will be doing if Council agrees this evening, is moving forward to an open public session and schedule a meeting that we would form an organizational meeting of the program. The second objective was to create a affective communication data base through e-mail, web site, web cam and actively monitor a tip line and also be able to effectuate into the surveillance security systems where we would have teared security within the residents that the Police Department would review and have access to monitor the respective parks once the security systems are in place. A third objective is to then train the residents on how to report crime, suspect identification, vehicle identification, suspicious activities and

what is a suspicious activity, when should you report and then to apply what they call the four d's of crime prevention. I would like to give specific credit to the Point Pleasant Beach Program. Thanks to Lt. Robert Dikun and his Patrol Officers Nase and O'Neill and their Detective Pat Pettrizzillo. They invited me down and we had extensive talks on their program and I got to see how they actually interact with their coordinators and how they support the program and how they interact with the public. I was beyond impressed with their initial set up and how they are moving forward. These Officers were so enthusiastic, they were so helpful and they gave reports on statistics of crime and what is happening and they will continue to do that on a monthly basis. They address certain crime that was of interest at the moment, certain suspects, they took questions from the residents, they were very candid, they were very frank and I think that is what sets the tone on how successful their program will be. What they talked about was the four d's of crime prevention. To deter, delay, deny and detect. They announced to us that although detects was at the bottom of the list it is foremost of the four d's. Detecting the criminal is the most important. That was the third objective. There are 15 districts within the Borough and there are 355 streets. It is a pretty aggressive format to try and accomplish between now and the end of the year but that is what the goal would be. As we move forward in the Fall we would develop our long term goals. Taking from the National Sheriff's Association the different components. At one point in time the Borough had a program with the red helping hand. We will incorporate it calling it the "Safe Zone". Within every street there would be a safe house or safe zone that should a child be in trouble, should someone be in distress they would have this symbol in their window to know you could go to that home and they would help you. As we go through that process and we add the components there will be different criteria to qualify for that. That will do MCI background checks. They will make sure that everything is in order before each of those components are implemented. I want to give you what we talked about. We talked about a logo development and basically we came up that we are truly partners with public safety and the governing body. What we were looking to do was encompass the logo, there would be Id's for street captains, which we would eventually have shirts, we would do decals and put together a newsletter that will go out twice a year. Keeping in mind that this initial format is not funded. We will also look to partner with businesses to help support some of the costs that we would need in order to get the communications and messages out. Part of what I did with my salary tonight was to allocate the start up costs that we would be able to develop our web site and be able to develop the shirts and bumper stickers. We are still in the initial design. The second goal would be to make sure that these signs are located throughout the Borough with the format of the program. We will open this to public comment at the next meeting but it is now residents on duty with the law enforcement. This was the criteria that we set up for the safe zone which ties to the helping hand theory that they had years ago with residents by your side. This is what the committee has been working on. What I would like to do is make a motion that Council would accept and adopt the National Sheriff's Association neighborhood watch in conjunction with us allowing the committee to develop any added components that fit the requirements of our town and that we were able to move forward and open this up to an open public session for an organizational meeting.

Mr. Dikun: Second.

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

Ms. Rogers: We would like to schedule the organizational meeting for July 8th at 7 p.m. here at Borough Hall. We welcome you all to come. We will have a full format put together. I

would like to let everyone know that if anyone knows the Charlie Brady family, they are wonderful people and they are going to be holding an even at Bar Anticipation on Sunday the 22nd between 1 p.m. and 6 p.m. It is a fund raiser for the Carmine Brady Foundation, they help children with cancer and it is a wonderful foundation named in honor of their Mother. If you have an opportunity to go it is a well worthy cause. End of report.

Mr. Pyrtko: Just to add to Sue's report. I sat on the committee as well. This curfew is being implemented because we do have a little problem in town with vandalism and kids wondering and this is going to be implemented so it doesn't get out of hand. We find the majority of vandalism is from kids out of town. It is not just Borough kids. This program should set a president for other towns. Under my report of public works today was metal pick up. It is the third Tuesday of every month. Last night the Police, along with Jude Walker, caught four separate individuals picking up metals, they were fined and the metals were confiscated. Out of 200 appointments, 50 of them there was not metal. We were hit hard last night. It is like gas, the amount they get for metal at Bleuets. It keeps going up each month. We will have an ordinance on next meeting to hit them hard for this offense. They laugh at us for the fine they have to pay because it is worth it to them because they are making more money. We will start at \$1000 fine. The individuals that were picked up were all from out of town. Under the Mayor's report, just to give you an update on the Mayor. I spoke to Marty today and he is still in the hospital. He went through surgery on Thursday. He was sledge hammering his shed and he broke a piece of bone in his neck from the impact of hitting. That break got infected. They removed the disc and took a piece of bone from his hip and fused it in there. He is having a good recovery, it is just a long one. Our best wishes to him. For his Mayoral duties he has bestowed upon me. It is very time consuming. Are we putting a water fountain across the street?

Mr. Maffei: NO.

Mr. Pyrtko: I had a letter asking if we were doing that. We received a letter, "As a result of a contractors error I received a water bill for approximately \$2400 last summer. I did appeal to the board to have the fees waived for the sewerage portion but was advised that because it was a contractors error I would have to resort to him. That did not happen. Since that time I learned it would be wise to have separate meters installed to monitor water use for sprinkler systems. While this sound like an easy task it turned out to be more time consuming then I every expected. However, the staff at the Public Works Department, namely Mike Pizzi and John Edly were so helpful. Any stress I encountered they reduced by their kindness and understanding. From time to time people in public service forget that they are to help the public. Trust me, Mike and Joy and the team are there to help from the beginning. Sincerely, Susan Dillon" I would like a letter of commendation put into their files. I make that a motion.

Ms. Rogers: Second

All in favor.

Mr. Pyrtko: I attended the Point Pleasant High School Scholarships awards along with Ms. Rogers and Mr. Kaklamanis to give out the Mayor's cups. We gave our a few. The fine arts went to Joe Lee Menzel, the Performing Arts Award went to Heather Pearce and for the academic award and the female athletic award went to Chandler Olefon and the Male Athletic Award went to Bobby Stow. Then I attended the Fifth Grade Dare Graduation Class at Ocean Road and Nellie Bennett. I commend Patrolman Chuck Ackerman and Lt. Mike Colwell. Mike and Chuck do an excellent job and we are very lucky to have them. Then I had the honor of attending Sgt. Wells's retirement dinner at the Lobster Shanty. It was a good turnout. Then on Friday I got a call to perform a wedding on Saturday. I was more overwhelmed then the Bridge and Groom. I was estatic. Our mayor wrote a wedding program and it was very good. That was cool. I appreciated it. That is what I did as Acting Mayor.

OPEN PUBLIC SESSION – 5 Minute Limit Per Person

Ordinance No. 530. An Ordinance to establish by-laws to govern the organization and procedures of the Borough Council for meetings and deliberation. Section 5. Public Participation. Each member of the public shall keep his or her remarks brief, pertinent to

the issues being discussed and shall not exceed a time period of five (5) minutes in order to adequately provide all members of the public with the opportunity to address the Governing Body consistent with good order and efficiency.

MOTION: Open the meeting to the public Mr. O'Rourke

SECOND: Mr. Dikun

APPROVED: All in favor

1117 Benedict Street, I am inquiring about the property at 1025 Ocean Road. It is on the corner of Ocean Road and Benedict Street.

I have talked to Mr. Burke who is getting a little fed up about hearing about this property. It was on fire. I called the Health Department in Toms River and they said all they have to do is drop tablets in the pool to kill the stagnant water to kill the mosquitoes. I want to know who is checking up on this. They have to be dropped in every week. The pool cover has a hole in it. The kids are playing there all the time. Mr. Burke said the house had to be boarded up so they boarded up the first floor but the second floor is wide open, the roof is wide open and I spoke with Muskrat Jack and he said there are animals living in there but they should not be a health issue but I am this far away.

Mr. Pyrtko: Did Mr. Burke Summons them yet?

Mr. Maffei: What I did after I got your message was I spoke to our Construction Official about the condition of the property and the Board of Health for the Town is the County. The County has to keep up with the tablets of whatever they have to do with the pool. That is their obligation. I spoke to the Construction Official and he is going to give us a letter which will go to our Attorney about the structure itself and we are contacting the lien holder about the condition and with that letter from Mr. Gardner I will speak to our Attorney if the lien holder is not responsible we are looking to having the property condemned, have the building taken down and the pool sealed and putting the lien on the property for the balance of the work done. We did that in the past.

Mr. Dasti took her phone number and he will be in touch with her.

Jude Walker, Road Department Supervisor, Recycling Coordinator: To update you and give you some of the facts there were 125 appointments made for this month's pickup and out of that 125 fifty of them were gone upon arrival. That is 40% of the stops. On top of the fact it was 40% of the stops it was about 85% of the weight. All of the items taken were the large bulk items. Hot water heaters, washers, dryers, refrigerators. Over the course of the last two days and a cooperative effort between the Police Department and Public Works we were able to catch four people in the act taking metal. Unfortunately they were only charged with the previous ordinance of a fine of \$100.

We did take the metal from all of those people as well. The problem is that just over the last two weeks metal has gone up another \$150.00

Per 100 pounds. Right now we are receiving \$13.50 per 100 pounds of metal. We are used to numbers of \$2.50 to \$3.00 for the last 15 years. There is no end in sight. Today we were paid a check from Bleuett's for \$1147.50. We should have gotten between \$2500 and \$3000 today. After adding up the first six months of the year the Borough has already lost about \$8000 to \$12000 due to these guys stealing the metal. I just want to bring the facts to you and urge you to move forward with increasing the fines drastically. These guys are still laughing at us.

Mr. Pyrtko: We will definitely have the first reading by next meeting.

Mr. Walker: Thank you very much.

Richard Blake, 322 Sudbury Road, It has been about four or five months since the Recreation Department and Ms. Rogers has been on this odyssey of what we have done wrong. What was done incorrectly. How are we as Ms. Rogers said tonight overcharged people, how we have been ineffective in tracking people through our Recreation Program. This all led to a number of meetings. Sometimes vocal where we were all able to share our opinions. As the last paragraph in the letter from the DCA that we received says "As clearly indicated by the examination by the DCA the Recreation Trust Fund is to be used

solely for fee based programs and fees should be established to cover the cost of each program. Any cost overruns must be funded by the Borough Recreation Appropriation and its current fund and generally all capital equipment and projects should be funded by the Borough's capital budget." That is what drove the Recreation Department in its decisions. That is what drove our budget until Ms. Rogers intervened. Whether it was her campaign promise in her literature or some other motive I am not sure. I know a couple of things here. First of all, the Recreation Department, Ms. Haycock specifically, has been charged with things such as doing things irresponsibly, perhaps illegally and surely criminally by Ms. Rogers. We have tried to do the best by what we thought was the law. We thought correctly and you didn't Ms. Rogers. This letter proves that. What we did was we thought was the best for the community. Because you went to the DCA, you stole it from us and you stole it from the community. You were put in arms way programs. We are stopping certain programs because of your intervention. We now under the rude days of public scrutiny by this division and yet you sit here tonight still unable to take reality. I don't know what sticks in your claw but I certainly recognize that there is an air of finality about this. The game is over. It has got to stop. Mrs. Haycock clearly does not need your over site. Most of the things you have said in the paper, your quotes, turned out not to be true. Your comment on Friday in the Ocean Star that you are sure the Department will refund money. That turned out not to be true. You starting the rumor that we were going to refund turned out not to be true. You can shake your head up there but you can't deny this. You have gotten a lot of public scrutiny and you put the Recreation Program at risk. We have demeaned people. We riced people, we brought them into a meeting a abused them until they had to option but to quit. They quit. Other people were approached and threatened by you because they did not play the game. We have interjected certain things into our programs. The two trophies for the two top teams. That never happened. We interjected a wrestling program which we are reluctant to run. We don't run our other programs this way. We never had a competitive program. I must say Ms. Rogers, I am orderly dismayed as an old man to see your display tonight to see you can read what this says. You don't get the sense when the person who head this department say what you can and can't do you don't understand. You will get on your broom and go down to one of the Senators and run them ragged. Our community is tired of it and we have lost something. You have a woman Karen Haycock who knows this program, who should stop being bugged day by day from a Council Person for their requests. Maybe Ms. Rogers doesn't get this but I hope the rest of you do. Karen Haycock does her job. The Recreation Department runs a great program. The Recreation Commission complies with the law. We are not stupid, we are not criminals, we are looking out for the best interest of the kids in this community. What has been done here has been a tragedy and for you guys to sit here and have your Council Person say what she said before and not one of you say whoo Ms. Rogers, maybe the issue is over and maybe we want to get out from the scrutiny of the State. Maybe we don't want to have over site from the State for the next ten or twenty years. I don't know what you think you have accomplished. You have alienated this community, you have made terrible comments about people who work hard in this community, you demeaned our program and you put a spotlight on Karen Haycock that she doesn't deserve and I ask you two favors. One, let Ms. Haycock run the department, let the Recreation Commission make the decisions. My second request to you is STOP. Don't go any further, don't put anymore heat on us. Don't put any more spot light on us from the State. We are very content to have the rec program we have.

Mr. Pyrtko: Thank you Mr. Blake.

Alex Vicelli, 2320 Orielo Way: I own the Dairy Queen. I built the Dairy Queen in 2002 at the cost of \$600,000. After 80 hours of inspections from Schoor DePalma, Robert Forsyth, the Borough Engineer, two other Borough Inspectors I was granted a permanent certificate of occupancy. Shortly thereafter, we were asked to take hot eats off our free standing sign because our neighbor felt it implied we were selling food. We complied and had Northeaster sign take off the hot eats. They the neighbor complained that rocks were touching his fence in the alley way between the two properties. We then had the rocks removed. A week after we received another complaint that when it rained mulch would touch his driveway. We hired a landscaper and he boxed in all the mulch. A few months later we were asked by the Borough to raise a wall between the two properties and that would solve a lot of Mr. Will's problems. We agreed and raised the wall. A few months later I received a code violation from Kevin Burke stating we failed to follow out site plan to the letter. We submitted two plans when we built our building. One a construction plan that matches our property and last August the Planning Board Lawyers went to court to have our CO revoked. Judge Grasso refused to do that. He disagreed with them and said

there was no danger to the community. My wife and I and my family have spent over \$100,000, the Borough has also spent over \$100,000 in taxpayers money on this issue. This is ludicrous. I could think of 20 things off the top of my head you could do with that \$100,000 rather than come after me. We went back to the Planning Board with a new site plan last January and we were then asked to remove the front of our building, our patio bricks. I think it is unfair and we are being harassed by the Planning Board and our neighbor also sits on the Planning Board. I can't believe I am the only business owner to be taken back in front of a Planning Board after I had eighty hours of inspections on it and got a certificate of occupancy. After six years this has got to stop. A court date in August has been scheduled where we have to go back to the law division on this unless we can get satisfaction from the Planning Board on a new application. I don't see that happening. Now they are asking me to remove the front of my building. I can't do that. I can't remove the front of my building. I put \$600,000 on the table to build that building and make an investment here in Point Pleasant. I have to protect my investment and my families rights. People can see right through this. It is just ridiculous. I have a letter from the Planning Board Lawyers about taking off the front of my building, removing my patio bricks and remove my signage. I also have a petition signed by 1,374 people that says stop the harassment. We the undersigned respectfully request the Mayor and Town Council and Planning Board to stop harassing the Daily Queen, 2506 Bridge Avenue in Point Pleasant. Said building should be approved as is and stop spending tax payer money on this issue. Four years has been enough. It is signed by 1,374 people last week. We are asking the Mayor and Council to take a good look at this and either cut off the funding to this ridiculous matter. We put in \$4,300 last month in landscaping to try to satisfy Mr. Wills to block out his property. We also last night had acoustic readings taken, light readings taken and our wall signed off by an Engineer. Our acoustic readings were very low, well within Borough guidelines and our lighting is well within Borough guidelines. \$100,000 guys, this has got to stop. If we have to go back to court again in August the Borough will be spending another \$100,000 and so will I. For the first time I had to turn someone down who came to me and asked for money and that was the Point Pleasant PBA. I have never turned anyone away. Whether it is children, Church Groups, I have given to the community, I have given back this just has to stop.

Mr. Pyrtko: Alex, I am going to take it upon myself to meet with you and Mr. Wills and the Planning Board Chairman and get to the bottom of this because it is going back and forth. I want to get all sides and all the facts and I will bring it to Council. Thank you for coming forward.

Dennis Vitkauskis, Foster Road: Earlier you asked about a water fountain across the street. Would it be possible to have a sign saying water fountain across the street at Borough Hall.

Mr. Pyrtko: Yes.

Jim Rollano, 2618 River Road, Also, here on a lawsuit. For the new members, I would like to bring everyone up to speed. I would not normally talk in public about a lawsuit that is ongoing but I want everyone to know that my suit is a countersuit to the Borough. I did not fire the first gun here. I am just basically defending myself. This is over a Land Use issue and Kevin Burke is included in it. I am not here to try the case but basically my fees are approaching six figures also and I am going to assume that the Borough is in and around the same amount that I am. To what end? Where are we going? We are in mandatory arbitration right now. In front of retired Judge Vogelsson out of Cherry Hill. Two hours arbitration, I am sitting down in arbitration in good faith and we seem to be getting nowhere. It seems to me we are heading for court in this issue because we are sitting at the arbitration table and the Borough is preparing depositions for me so I received this package which would say to me the Borough is preparing for trial and I am the plaintiff, I am the one who brought the counter suit and if that is the route this is going to go then this is the way it is going to go. I am negotiating in good faith and what I am really asking if someone would like to step up and tell me what is going on and let's put this to rest. I am a reasonable person here but this is not reasonable. This has gotten so out of hand and out of control that I think it is time to stop. We have one high profile law suit that is going on now, do we need two or three. It started over the issuing of some summonses to me, that was the first shot that was fired and then it just snow balled from the summonses and it turned into a Civil suit against me. Then the Borough dropped the summonses and I never get my day in court, I get dragged through a half a dozen court rooms in Ocean County, there is not a Judge in the County that didn't touch it, a Civil suit comes up and the

Borough drops out of the Civil suit and then the neighbors take over and the neighbors sue the Borough and the neighbors sue me. The outcome, the Borough loses the street, a portion of the street. That portion happened to touch my property. I am vindicated of any violation of my resolution. You didn't do anything wrong but I am going to give away this portion of the street to block you out. Did I lose or did the Borough lose. I think the Borough had an obligation to every tax payer of this town to defend the public roadway. They didn't do that. They didn't even show up as a Defendant as they were. They showed up to say Judge, whatever you say is fine with us. We will live by your decision. What about the resolution that took the road twenty seven years ago. Be that as it may.. We are at the negotiating table and I am there in good faith and if anyone wants to join in feel free. Thank you for your time..

Nancy Pazienzo, 2301 Pulaski Drive, that you for the commendations you gave to the two teams. Part of our problem is we have a lot of new teams coming up and we have no fields to practice on but that is a whole other issue. I just want to follow up on Mr. Blake and piggy back two things. I ask again to the Council, as he did, to work as a group and not just one person here. Some of the comments that you made that you will not rest until the response from the DCA is favorable. Favorable to who is the biggest question. It needs to be favorable to this town. I was away and I heard there is a law suit going on and that Ms. Rogers is pressing a law suit against the DCA. If that is the case who is paying for this. I am sure it is not the whole story but I agree enough is enough. Let Karen do her job. Let the Recreation Department that has been running for years do their jobs. I used that recreation department for years and I never felt over charged. There is not over charge here. Enough is enough and it was a witch hunt. The witch hunt is over and the DCA has made their point. That is what you wanted. You wanted an answer from the DCA and you got it. Let everyone move on here and let it rest.

Mr. Pyrtko: Did you ever go to the Board of Education and use those fields.

Ms. Pazienzo: We do use their fields, we use Bay Head's fields, we use Beach fields. They were nice enough to put up goals for us and lights. The Board of Education has been great. We use every field we can. Please just move on.

Mr. Christopher Leitner, 804 Donna Drive, I have three quick topics. I commend you on the hard work of doing the budget. I want to point out the 4% cap from the State is not a mandatory minimum, we are not saving money we are raising taxes. The second point, we have got the DCA's decision, the Rec Commission does great work for this town, let them get back to doing great work and let's stop the over site when we can. A reasonable over site is fine but we don't need over site from Trenton on this. Let the Rec Commission get back to doing their good work. The third point is, with Mr. Vicelli, I think you are in agreement that this town needs to support its businesses. It is important to have rules. It is important to have zoning rules. We need to find out when the process of the law misses the substance of the law. You volunteered to meet with the people and I would volunteer my time to meet with you as an independent negotiator, as an independent mediator and get this cleared up as quickly as possible. Thank you very much.

Jennifer Enright, 1504 Deborah Avenue, to reiterate the comments I think it would be fiscally irresponsible at this time to pursue any additional litigation and having to use the services of our Township Attorney to try to sway the DCA to go any further. Everyone is feeling the pinch more and more each day. I don't think that would be a very responsible course. I suggest briefly, at one of the Council meeting about gray cardboard, then they said only brown corrugated cardboard and I called to talk to public works and to ask them then said only brown cardboard at this time. Is it possible to pursue gray cardboard? Is there any money to be made on it.

Ms. Rogers: It is a rumor that we asked our Attorney to file a suit with DCA or take any action that would cost the town any money. That has never happened. It was not even discussed.

Ms. Enright: Is it at this time that the Council is going to be going with the recommendations of the DCA and proceeding with what they have suggested?

Ms. Rogers: We will follow what they approved and with regards to the discounts if you notice in the letter it specifically discusses equitable distribution. We did have a

conversation with them today as to proving that equitable and identify that and apply for reconsideration.

Ms. Enright: The people who would have over paid would have been the people who registered last year, I was one of them. I paid for three of my children to go to camp last year and none of them this year so I would not be afforded the rebate. Rebating is costly. It is one thing to discount the fees in the beginning.

Ms. Rogers: It cost the paper to print the check and 42 cents. We are looking into the people and the audit will not cost us anything.

Ms. Enright: I don't feel I was over charged. The summer camp is so affordable. I would not want my tax payers money spent on rebating that money. It was a fair fee when it was charged to people.

Jude Walker explained about the gray cardboard. He was in the back of the room and inaudible.

Greg Zyry, River Road, Roger, the speeding is still out of control. We had some rain and the cars are still flying. Last year on Osborn and River you sent a letter about reducing the speed on those roads. Any luck?

Mr. Pyrtko: No. I will give that to Susan Rogers who is in charge of Public Safety. We have been trying to bring Osborn Avenue down to 25 mph from 35 mph and keep it one way and reduce the speeds on River Avenue, River Road and Herbertsville Road down to 30 mph. Also, what I would like to do is establish bike lanes throughout the town. They are all County roads. More and more people are riding bikes.

Mr. Zyry: River Road they have the jug handle now and they just fly down there.

Laura Beedon, 2406 Spruce Street, You mentioned River Avenue, where is it not 25 on River Avenue?

Mr. Pyrtko: I am sorry, I meant River Road.

Ms. Beedon: Parking on Beaver Dam by the High School. Our new drivers don't seem to know you cannot park in front of fire hydrants and you have to be a certain distance from intersections. As more and more of them get cars there is no where for them to park. They are parking on Beaver Dam and they are within five feet of the intersection. It will only get worse. There is going to be a bad accident there. Can we paint yellow curbs.

Mr. Pyrtko: We will talk to Public Works.

Ms. Beedon: I just want to say Mr. Blake has not lost his auditory skills.

See in other hands Mr. Pyrtko entertained a motion to close the public portion of the meeting.

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

ALL IN FAVOR.

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. Personnel Matters – Construction Department Staff, Police Department Staff
2. Litigation Matters – Affordable Housing

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

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

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

