

COUNCIL MEETING

TUESDAY – AUGUST 19, 2008

8:00 P.M.

Mayor:	Martin C. Konkus (absent)
Council President:	Roger Pyrtko (Acting Mayor)
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 (arrive 8:15)

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

The Pledge of Allegiance to the Flag was led by Acting Mayor Pyrtko.

A moment of silence was held in memory of Richard T. Blake.

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 editions of the Asbury Park Press and published in the January 18, 2008 edition of the Ocean Star.

- A. RESOLUTION (166-2008)
- 1. In Memory of Richard T. Blake

**PROCLAMATION
IN MEMORY OF RICHARD T. BLAKE**

WHEREAS, on Monday, July 21, in the Year of our Lord, Two Thousand and eight, our Heavenly Father called to rest Richard T. Blake, beloved husband of Mary Lou Fennelly Blake; and

WHEREAS, Richard T. Blake is also survived by his daughter and son-in-law, Susan and Mike Byington, his son and daughter-in-law, Brian and Candy Blake and five grandchildren,

WHEREAS, Mr. Blake's contributions to his community are too numerous to list herein, but would include his teaching career ending in his retirement in 1999 as Principal of Point Pleasant Borough High School, his service for nineteen years as a member of the Point Pleasant Recreation Commission, and recently as a member of the Point Pleasant Board of Education; and

WHEREAS, Richard T. Blake was a man devoted to his family, his friends, his students and his community and his passing leaves us all with a deep feeling of sorrow for the loss of such an honored and respected citizen.

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 sincere condolences are hereby extended by the Mayor and Council on behalf of the entire community to the bereaved family of Richard T. Blake.***
- 2. That this memorial be spread upon the Official Minutes of this meeting.***

3. That an original copy of this Resolution be forwarded to the members of the family as an expression of sincere regret for their loss.

Adopted by a vote of the Mayor and Council this 19th day of August, 2008.

I, David A. Maffei, hereby certify the foregoing as a true copy of a duly adopted Resolution of the Governing Body of the Borough of Point Pleasant

DAVID A. MAFFEI,
MUNICIPAL CLERK/ADMINISTRATOR

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

B. ORDINANCES – Final Reading, Public Hearing

1. Ordinance Establishing Fines for Theft of Recyclable Material

ORDINANCE OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XII OF THE BOROUGH CODE OF THE BOROUGH OF POINT PLEASANT ENTITLED "STREETS, SIDEWALKS AND SANITATION" SO AS TO REVISE THE PENALTIES FOR VIOLATION OF THE RECYCLING ORDINANCE OF THE BOROUGH OF POINT PLEASANT.

BE IT ORDAINED, by the Borough Council of the Borough of Point Pleasant, County of Ocean, and State of New Jersey that Chapter XII of the Borough Code entitled "Streets, Sidewalks and Sanitation" is hereby amended and supplemented as follows:

SECTION 1: Section 12-4 of the Borough Code of the Borough of Point Pleasant entitled "Recycling" is hereby amended and supplemented to add new Subsection 12-4.6.1 entitled "Ownership of Materials at Curbside" which shall read as follows:

12-4.6.1 Ownership of Materials at Curbside. From the time of placement at the curb, by any resident, of recyclable materials designated in Subsections 12-4.3, 12-4.4 and 12-4.5 of this section, for collection by the Borough of Point Pleasant pursuant to the Borough's recycling program,

such materials shall become and are the property of the Borough of Point Pleasant.

SECTION 2: Section 12-4.9 of the Borough Code of the Borough of Point Pleasant entitled “Violations and Penalties” is hereby deleted in its entirety and replaced with the following:

12-4.9 Violations and Penalties.

- a. Any person violating or failing to comply with any of the provisions of this section shall, upon conviction thereof, be punishable of a fine of not less than \$100.00 nor more than \$2,000.00, by imprisonment of a term not to exceed 90 days or by community service of not more than 90 days, or any combination of fine, imprisonment and community service as determined by the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
- b. The violation of any provision of this section shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

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

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed 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.

ATTESTED TO BY:

APPROVED:

DAVID A. MAFFEI, Clerk/Administrator

MARTIN C. KONKUS, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was

introduced and passed by the Borough Council of Point Pleasant Borough on first reading at meeting held on **July 15, 2008**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for **August 19, 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.

DAVID A. MAFFEI, Clerk/Administrator

Acting Mayor Pyrtko opened the meeting to the public. Seeing no hands Mr. Pyrtko closed the public portion of the meeting.

Mr. Pyrtko: Please hold this until our Borough Attorney arrives.

MOTION: To table

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

2. Bond Ordinance Providing for Various General Capital Improvements
Appropriating \$2,314,210.00 and Authorizing \$2,198,500.00 in Bonds or Notes

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF POINT PLEASANT AND APPROPRIATING \$2,314,210 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$2,198,500 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF POINT PLEASANT TO FINANCE THE SAME.

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

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$2,314,210, including the sum of \$115,711 as the down payment required by the Local Bond

Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,198,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) (1) Purpose: Acquisition of police equipment, including, without limitation, 5 Motorola XTS2500 Series Display Only Portable Radios and 25 Motorola MT1500 Series Display Portable Radios as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$21,776
<u>Amount of Bond or Notes:</u>	\$20,687
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$1,089

- (2) Purpose: Acquisition of various equipment for the Fire Department (Fire Company No. 1 and No. 2), including, without limitation, (for Fire Company No. 1) 20 Scott air bottles, 15 fire helmets, 5 self-contained breathing apparatus, 1.75" x 50' fire hose, 5" x 100' fire hose, 10 Motorola Monitor V pagers, 7 Glacier cold water regulators, 8 personal flotation devices streamline fit, (for Fire Company No. 2) 4 Scott 45 minute SCBA cylinders or equivalent, 6 Scott AV3000 SCBA masks, 7 sets of Globe GX-7 or equivalent turnout coats/pants, 5 Paul Conoway helmets or equivalent, 7 Warrington PRO boots, 10 pair fire resistant gloves, 7 Normex hoods, 7 Motorola Monitor VI pagers or equivalent, 80 gallons of Class A and Class B foam, attack hose replacement, 500' Snaptite Supply Hose, nozzle/hose appliance replacement, 1 Scott Air Pack SCBA or equivalent, miscellaneous rescue tool replacements, forcible entry and ventilation rescue saw, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$105,475
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Amount of Bond or Notes: \$100,201
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$5,274

- (3) Purpose: Road and storm drainage improvements in the Borough, including, without limitation, Storm Water Management Materials, drainage pipe/basin blocks and concrete, etc., road milling/ paving street sweepings disposal engineering for Butler Ave. Davis Ave. Morris Ave. Richards Road Harding Place Trenton Ave. (Davis to Arnold), reconstruct Cohocton Ave. (Bridge Ave. to 50' of high water mark) and Chicopee Place (Cohocton Ave. to Mattapan), reconstruction of West End Drive, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$793,699
Amount of Bond or Notes: \$754,014
Period or Average Period of Usefulness: 30 years
Amount of Down Payment: \$39,685

- (4) Purpose: Acquisition of various equipment for the Department of Public Works, including, but not limited to, 1 street sweeper, 1 ice machine, various mechanics tools, 1 Turf Equipment Lift, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$174,275
Amount of Bond or Notes: \$165,561
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$8,714

- (5) Purpose: Acquisition of office equipment, including, but not limited to, 8' folding tables, Epson Powerlite 1905C Projector with speaker system-(Logitech X-140 2.0) including screen and portable cart, Panasonic VHS to DVD recorder with power source and remote, walk through metal detector – Checkgate Model 9000, 2 handheld metal detectors, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$6,420
Amount of Bond or Notes: \$ 6,099
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$321

- (6) Purpose: Acquisition of various equipment for the First Aid Squad, including, but not limited to, RAD-57XC Portable Co-Oximeter with spo2 and rainbow DCI-DC-3 finger sensor, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$11,985

<u>Amount of Bond or Notes:</u>	\$11,386
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$599

- (7) Purpose: Acquisition of various recreation equipment and parks improvements, including, but not limited to, playground mulch for Community Park/Heritage Park, new sign for McKenna Lake Field, security cameras, conduit for future surveillance wiring, handicapped parking space marking, handicapped entry door, installation of 2 surveillance cameras inside the Recreation Center, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$95,705
<u>Amount of Bond or Notes:</u>	\$90,920
<u>Period or Average Period of Usefulness:</u>	7 years
<u>Amount of Down Payment:</u>	\$4,785

- (8) Purpose: Acquisition of emergency management equipment including, 1 Motorola XTL 2500 digital radio with base station and power supply, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$4,875
<u>Amount of Bond or Notes:</u>	\$4,631
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$244

- (9) Purpose: Aerial fire truck, as more fully described on a list on file in the Borough Clerk's office, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$1,100,000
<u>Amount of Bond or Notes:</u>	\$1,045,000
<u>Period or Average Period of Usefulness:</u>	25 years
<u>Amount of Down Payment:</u>	\$55,000

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A.

40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

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

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specifically assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of

the bonds and notes provided in this bond ordinance by \$2,198,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$245,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary to refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Pyrtko opened the meeting to the public. Seeing no hands Mr. Pyrtko closed the public portions of the meeting.

Motion: Adopt Ordinance

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

3. Bond Ordinance Providing for Various Water/ Sewer Capital Improvements Appropriating \$213,045.00 and Authorizing \$213,045.00 in Bonds or Notes

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS WATER AND SEWER IMPROVEMENTS IN AND FOR THE BOROUGH OF POINT PLEASANT AND APPROPRIATING \$213,045 THEREFOR. AND PROVIDING FOR THE ISSUANCE OF \$213,045 IN BONDS OR NOTES OF THE BOROUGH OF POINT PLEASANT TO FINANCE THE SAME.

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

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$213,045. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$213,045 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) (1) Purpose: Acquisition of water distribution materials, including, but not limited to 3 year contract for water meters, parts and equipment as required, water distributions materials including water mains, fire hydrants castings and fittings, 1 power snake, rehabilitate Well #5 Albert Clifton Avenue, test pump well capacity Well #9 Riviera Parkway, as more fully described on a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$213,945
<u>Amount of Bond or Notes:</u>	\$213,045
<u>Period or Average Period of Usefulness:</u>	20 years

(b) The maximum account of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made thereof.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

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

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specifically assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$213,045, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$52,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorized obligations of the Borough solely for a purpose described in N.J.S.A. 40:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary to refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

MOTION: Adopt Ordinance

MADE: Mr. O'Rourke

SECOND: Mr. Dikun

Mr. Pyrtko opened the meeting to the public. Seeing no hands Mr. Pyrtko closed the public portion of the meeting.

Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes

Mr. McAlindin: Absent
Mr. Dikun: Yes

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

CARRIES: Yes

C. ORDINANCE – Introduction

1. Repealing Chapter XIII of the Borough Code Entitled “Protections of Shade Trees: and Establishing new Chapter XIII Entitled “Trees”

MOTION: Ordinance of the Borough of Point Pleasant, County of Ocean, State of New Jersey, Repealing Chapter XIII of the Borough Code of the Borough of Point Pleasant entitled “Protection of Shade Trees” and establishing a new chapter XIII entitled “Trees”

BE IT ORDAINED, by the Governing Body of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

SECTION 1. Chapter XIII of the Borough Code of the Borough of Point Pleasant is hereby repealed and replaced with new Chapter XIII entitled “Trees” which shall read as follows:

CHAPTER XIII

TREES

13-1 FINDINGS.

The Borough of Point Pleasant finds and declares that indiscriminate, uncontrolled and excessive destruction, removal and clear cutting of trees upon lots and tracts of land results in increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon and increased dust and decreased property values, all of which negatively affect the character of the Borough of Point Pleasant.

The Borough of Point Pleasant further finds and declares that the removal of trees adversely affects the health, safety and general welfare of our residents, and therefore the Borough desires to regulate and control indiscriminate and excessive cutting of trees by preserving the maximum possible number of trees in the course of development of a site, ensuring that the health of trees preserved on a site is maintained throughout the development process, protecting larger, older specimens of trees and encouraging innovative design and grading to promote the preservation of existing trees. It is recognized that there is a strong relationship between the integrity of the Borough and the region’s water resources, the development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of land resources. Therefore, the appropriate management of these resources is an important health, safety and general welfare concern.

13-2 DEFINITIONS.

For the purpose of this Article, the following words shall have the meanings indicated:

BUFFER AREA – The distance from the side and rear property lines beginning at the front setback line of the lot and running to the rear line in the case of the side lines and for the entire width of the rear line. For specific buffers, refer to Chapter XIX, Land Use.

BUILDING PLOT – A Parcel of land upon which a building has been or may be erected in accordance with Chapter XIX, Land Use..

NURSERY, GARDEN CENTER, ORCHARD OR TREE FARM – Only such land within the municipality used for horticultural purposes under controlled agricultural conditions.

PERMITS – A license issued by the Zoning Officer to remove or destroy trees from any land as defined in this section.

Shrub – A woody plant that is never tree-like in habit and produces branches or shoots from or near the base, such as kalmia, rhododendron, azalea, ilex, viburnum and similar species.

TREE – Any living deciduous tree having a trunk of a diameter greater than three (3) inches DBH (diameter breast high), any living coniferous tree having a trunk of a diameter greater than three (3) inches DBH or any living dogwood (cornus florida) or American holly (ilex opaca) having a diameter of one (1) inch or greater DBH.

13-3 APPLICABILITY.

The provision of this Chapter shall apply to all unimproved or vacant lands within the borough. Where a structure is located on a lot, the owner of the property may not claim exemption from this Chapter for less than the minimum land required by Chapter XIX, Land Use, for the particular structure in question.

13-4. Permit required; application.

- a. Permit required. No person, including the property owner, shall remove or destroy or cause to be removed or destroyed, by any person, any tree on any tract of land within the borough covered by this Chapter unless a permit is obtained for such removal. However, a tree may be removed without first having obtained a permit in the event of an emergency, or where the immediate removal of the tree is necessary in order to prevent personal injury or property damage and where the circumstances presented would make application for a permit unreasonable. Nothing in this Chapter shall require a permit for the removal of a fallen tree.
- b. Application fee. The permit shall be obtained from the zoning office upon an application being made therefor and a fee of twenty-five dollars (\$25.) with each application.
- c. Application information where no building permit is requested. An application for a permit for removal or destruction of any tree or trees where no building permit is requested shall contain the name of the applicant, the name of the owner if different from the applicant, the location of the trees on a sketch of property and the reason for removal or destruction.
- d. Application information where building permit is sought. For an application for a permit for removal or destruction where a building permit for construction is being sought, the property owner shall file with the site plan a plan showing which trees on the property are to be removed, together with the species and condition of such trees shown on the plan by the architect or engineer, under the seal of such architect or engineer, and shall also provide the same information for the trees which are to remain on the land.
- e. Issuance of permits. The Zoning Officer, after consultation with the Borough Engineer, as well as the Environmental Advisory Commission and the Planning Board as set forth in 13-4f, shall determine which trees may be removed and the permit for such removal shall be issued by the Zoning Officer.
- f. Referral to other agencies. The Borough Engineer or Zoning Officer shall refer the application to the Environmental Advisory Commission and the Planning Board for its review

and comment when the application concerns property which is zoned commercial or when the applicant seeks to remove the majority of trees from a property in excess of _____ acre(s).

- g. Minimum land requirements. An owner of a structure on a plot of land may not claim exemption from this Article for more than the minimum land required by Chapter XIX, Land Use, for the particular structure in question.
- h. Appeal. In the event of denial of any permit, the applicant seeking appeal from the decision of the Borough Zoning Officer may appeal to the Zoning Board of Adjustment whose decision is final.

13-5. STANDARDS FOR REMOVAL.

- a. Any area to be occupied by a building, driveway, drainage field, septic tank, recreation area (tennis courts, swimming pools or similar facilities) may have the trees removed but for a distance of not more than (15) feet around the perimeter of such facilities, provided that the same does not violate any buffer requirements within the zone.
- b. The Borough Zoning Officer and or Borough Engineer shall view the land where the tree or trees are to be removed, as well as drainage, grade and other physical conditions existing on subject or adjoining property, and will consider advice from the Planning Board and the report from the environmental Advisory Commission determining whether to issue the permit.
- c. The permit shall be granted if there is a finding that the removal and destruction will not impair the growth and development of remaining trees on the property of the applicant or adjacent properties and would not cause erosion of soil, impair existing drainage, lessen property values in the neighborhood or impair the aesthetic values of the area.
- d. The spirit of the provision of this Article shall be to grant permits in buffer areas only for compelling reasons as it is essential to maintain aesthetic values and preserve privacy, but most importantly, to maintain a healthy environment, and to provide soil erosion and drainage control.

13-6 TREE PROTECTION

- a. No structure, equipment or movable machinery shall be permitted to operate within the dripline of any tree which is to be saved in order not to disturb the soil and thereby injure the tree, except when the dripline of the tree is within the fifteen-foot area set forth in 13-5a.
- b. Exempt lands. The following lands shall be exempt from the provisions of this Chapter: nurseries, garden centers, orchards, or tree farms or borough, county and state land.
- c. If the removal of or destruction of trees will impede or hamper the growth and vigor of the remaining trees, removal will not be permissible unless a stump grinder is utilized.
- d. No soil material, equipment, temporary buildings and work areas, fuels, paints and other construction items shall be placed within the dripline of the tree, unless previously approved by the Borough Zoning Officer and/or Borough Zoning Officer and/or Borough Engineer.
- e. Trees to be saved shall be fenced in or heavily marked with ribbon so none are mistakenly bulldozed down or injured.
- f. If it is necessary for equipment to move through the dripline of a tree, a protective fence must be placed at least five (5) feet from the tree trunk and the remaining area covered with a wood chip mulch four (4) to six (6) inches deep. Interlocking metal sections are to be placed on top of the mulch for driveways.

- g. If branches must be pruned to make room for construction, standard pruning techniques should be followed as set forth by the International Society of Arboriculture and be subject to inspection by the Borough Zoning Officer or Engineer.
- h. Any tree of historical significance or otherwise significant by reason of its rarity or environmental significance shall be given special consideration and shall not be cut or destroyed unless there is not possible alternative.

13-7. REMOVAL OF DISEASED TREES: EXPERT FEES.

- a. No fee shall be charged for a permit authorizing the removal of diseased or damaged trees or in applications where application is made for a building permit.
- b. In cases where the services of a tree expert are required, the cost thereof shall be borne by the applicant.

13-8. VIOLATIONS AND PENALTIES

Any person, corporation, firm, partnership or other entity violating or causing to be violated any of the provisions of this Article shall be fined not more than two thousand dollars (\$2,000.), imprisoned in the county jail for not more than ninety (90) days and/or serve a period of community service for not more than ninety (90) days, for each violation this Article. Each and every day that such violation continues shall be considered a separate violation. Each tree or shrub destroyed or removed in violation of this Article shall be considered a separate violation.

13-9. ENFORCEMENT

The provisions of this Article shall be enforced by the Borough Zoning Officer, Code Enforcement Officer, Borough Engineer, and Borough Police Department.

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 after second reading and publication as required by law.

MOTION: Adopt Ordinance

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

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 Mr. O'Rourke

SECOND: Mr. Dikun

APPROVED: All in Favor

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

MOTION TO CLOSE PUBLIC PORTION: _____

Acting Mayor Pyrtko opened the meeting to the public.

Dennis Vitkauskis, Foster Road, Under authorizations #15, what is that about.

Mr. O'Rourke: This is a request from Mr. Montenegro for a safety review at the end of Rue Mirador. A number of items came up at the Planning Board meeting that dealt with safety. The narrowness of the road, the lack of sidewalks, speeding.

Al Clericuzio, 1505 Hyacinth Place. I would like to urge you not to pass the ordinance regarding Chapter 13 on trees. This should be reviewed at no cost to the community, the Agricultural Agent, the Ocean County Forrester, The Ocean County Rutgers Cooperative Extension. I read through it and I found many issues here that need to be looked at. You can get professional input at no cost to the community.

Mr. Claricuzio asked that he be allowed to take three copies of this proposed Ordinance to the Rutgers Cooperative Extension of Ocean County and engage the services of the agricultural agent, two horticulturists and the Ocean County Forrester. That is what I want.

Mr. Kaklamanis: I have no problem with that.

Mr. Clericuzio: Are you amendable to suggestions? There is some work that needs doing. I am not criticizing. I am speaking to you as a Professional. There is no criticizing involved. I would like to see this turned out professionally.

Jerry Dasti, Borough Attorney is now in attendance.

Chris Leitner, 804 Donna Drive, The spirit behind the tree ordinance is wonderful. It is a step in the right direction. I just don't think the ordinance is quite ready for prime time yet. A lot of hard work has gone into it. We really appreciate that. We need a little more tweaking before it is perfect. I also thank you for the resolution in memory of Richard Blake. I only had a short time to know him unfortunately. He was a great man. He shared a lot of advice with me and everybody up here on Council. Where in this Olympic season and I think if gold medals were given for service to community he would have certainly challenged Michael Phelps for his records.. I think there are a lot of people in this town as I see the volunteerism in this town. Karen Haycock comes to mind, she would be a metal winner. What I have to say about Dick's memory I sat in the audience and I watched Mr. Joe Mazza who I don't think is here tonight. Mayor Konkus was standing right there and Mayor Konkus looked down at Mr. Mazza and said he would work closely with Mr. Mazza in making appointments to the Rec Commission to fill the void seats. It is my understanding that has not occurred with a lot of appointments. The people who have been appointed I am sure are very qualified and very dedicated individuals but there was that promise of going back and forth and having a dialog between the Council and the Mayor and the Rec Commission. I can see no better way to honor the memory of Mr. Blake than to honor what I believe is the rec commissions desire and to act on the request that maybe Brian Blake be appointed to the rec commission. I would also ask that the dialog Mayor Konkus suggested be continued.

Jean Harrington, 917 Davis Avenue, I am here representing Point Pleasant Soccer Club tonight. We submitted a letter requesting that we can continue to hold our games at 10 a.m. on Sundays

during the soccer season. The problem with it as it is stated on here it is Point Pleasant Soccer Association and it is Point Pleasant Soccer Club. The Association is the rec.

Ray Seekin, 1401 Rue Mirador, I want to ask about the road widening on Rue Mirador. We were part of the Planning Board meeting that was actually fighting that development on Rue Mirador and the part about the roads being wide came up at the end. Is there a schedule as whether the road will be widened.

Mr. Dasti: Normally speaking the Governing Body usually gets a committee to look into those things.

Ms. Rogers took his phone number and will keep him informed about this project.

Jack McHugh 806 River Avenue, I understand that the authorization for the use of the remaining rec funds has been postponed until the end of September. I have a question. Is there any mandate from the DCA that this money be spent in any time frame?

Mr. Maffei: No.

Mr. McHugh: I think there has been a lot of blood on the floor on this issue and maybe the most important thing and the best way to end this is if that money is spent in the right way. Maybe the best thing to do is hold back making a hasty decision. I think that the idea that funds be spent across different program lines. Maybe this should be addressed with our State Legislature to change the rules. A lot of other towns are doing it. This town did it and now we are being told we can't. Maybe the rules have to change because a surplus is not a bad thing. The hard work that Ms. Haycook does to try to attribute how much money each programs is going to cost and getting into those dilemmas when less people sign up that is what the surplus might be best for. I understand that the State won't allow it right now but the rules can change. Maybe that is a way we can put an end to this in a civil fashion.

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

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

ALL IN FAVOR.

E. RESOLUTIONS

1. (167-2008) Approving a Proposed Assignment of the Recycling Collective Contract by Regional Industries, LLC to Meadowbrook Industries LLC

MOTION: RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING A PROPOSED ASSIGNMENT OF THE RECYCLING COLLECTION CONTRACT BY REGIONAL INDUSTRIES, LLC TO MEADOWBROOK INDUSTRIES LLC

WHEREAS, the Borough Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey (hereinafter referred to as the "Borough"), has previously entered into an Agreement for recycling collection services (the "Agreement") with Regional Industries, LLC ("Regional"); and

WHEREAS, the Borough has received a letter dated July 29, 2008 from David J. Haber, attorney for Regional and attorney for Meadowbrook Industries, LLC (“Meadowbrook”) which letter indicates that Regional desires to assign the Agreement to Meadowbrook. The letter provides that Meadowbrook will be owned by the same three (3) persons who now own Regional, and Meadowbrook will also be owned by a fourth new owner. Therefore the corporate makeup of the new entity is of no significant variance and therefore of no significant consequence to the Borough; and

WHEREAS, the Borough has been advised by the Borough Solicitor that the proposed assignment of the Agreement is acceptable, provided that the Borough is in receipt of the new performance guarantee insuring Meadowbrook, as well as appropriately executed assignments of the contract.

NOW, THEREFORE, BE IT RESOLVED, this 19th day of August, 2008 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. Based upon the advice provided by the Borough Solicitor the Borough hereby approves the proposed assignment of the Agreement from Regional to Meadowbrook. This approval of the assignment however is contingent upon the Borough Solicitor receiving and approving the form of the new performance guarantee posted on behalf of the assignee, Meadowbrook Industries, LLC.
2. The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this resolution.
3. A Certified copy of this resolution shall be forwarded by the Borough Clerk to Honorable Martin Konkus, Mayor, Dennis Sears, Superintendent, DPW, David Maffei, Borough Administrator/Clerk, Judith Block, CFO, Jerry J. Dasti, Esq, David J. Haber, Esq.

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

2. (168-2008) Authorize Advertisement and Receipt of Bids for Purchase of one (1) Street Sweeper

MOTION: Authorize Advertisement and Receipt of Bids for Purchase of one (1) Street Sweeper

WHEREAS, the Borough of Point Pleasant has prepared and reviewed bid specifications for the Purchase of a Street Sweeper; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Mayor and Council has approved said specifications and has determined that they will advertise for sealed bids for the purchase of a Street Sweeper.

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

- 1. Specifications, including drawings, plans, forms, etc., are hereby approved and incorporated herein by reference.**
- 2. The Municipal Clerk/Administrator shall advertise the attached Notice to Bidders for the purpose of the receipt of sealed bids for the above named purchase or project.**
- 3. Each bid shall be submitted as a written proposal in the manner Designated in the specifications, and shall be signed by the bidder. The bid shall be enclosed in a sealed envelope bearing the name and address of the bidder on the outside and addressed to DAVID A. MAFFEI, MUNICIPAL CLERK/ADMINISTRATOR, P.O. BOX 25, 2233 BRIDGE AVENUE, POINT PLEASANT, NEW JERSEY 08742. Said envelope shall be clearly labeled that it contains a bid for the purchase of a Street Sweeper.**
- 4. Specifications and form of bids may be inspected or obtained upon Proper notice by prospective bidders during regular business hours, 8:30 a.m. to 4:00 p.m., Monday, Tuesday, Wednesday, Thursday, and Friday 9:00 a.m. to 4:00 p.m., from the Municipal Clerk/ Administrator, P.O. BOX 25, 2233 BRIDGE AVENUE, POINT PLEASANT, NEW JERSEY 08742.**
- 5. Sealed bids shall be called for and shall be received, opened and read In public in the Council Chamber of the Borough Hall, 2233 Bridge Avenue, Point Pleasant, New Jersey 08742, on Tuesday, September 9, 2008 at 10:00 a.m. prevailing time, or as soon thereafter as possible.**
- 6. It is the sole responsibility of each bidder to see that bids are Submitted on the date and time specified, an IN NO EVENT SHALL ANY BE CONSIDERED AND/OR ACCEPTED AFTER THE DATE AND TIME SPECIFIED FOR RECIEPT OF BIDS. In the event that a bidder does not personally deliver the sealed bid on the date and time specified for receipt of bids, such bidder shall assume all risks of loss or misplacement of the sealed bid by Municipal Officials or any other risk related to the failure of the bidder to personally deliver the bid.**
- 7. The bid quote shall be sent to the Borough of Point Pleasant and shall Be exclusive of any State or Federal taxes. Each and every deviation from the Specifications shall be clearly listed by the bidder. Failure to comply with this requirement shall be grounds for rejection of the bid.**
- 8. Each bid must be accompanied by a bid bond, certified check or Cashier's check payable to the Borough of Point Pleasant for not less than ten percent (10%) of the amount bid, but not in excess of \$20,000.00 and shall be delivered at the place and time specified above. This requirement will not be waived.**
- 9. A contract will be awarded to the lowest responsible bidder. The Borough reserves the right to reject any and all bids. The Borough Council reserves the right to waive insubstantial irregularities in any bid.**
- 10. A non-collusive affidavit in the usual form will be supplied with the Specifications and shall be executed by the person or corporate officer submitting the bid. Said affidavit must accompany each bid. These requirements will not be waived.**
- 11. Bidders are required to comply with the requirements of P.L. 1977, Chapter 33, by submitting a list of the names and addresses of all stockholders or owners holding ten percent (10%) or more of the stock or owning a ten percent (10%) or greater interest therein. Failure to submit**

such a list, either prior to the time for the receipt of bids or with the sealed bid, will be ground for the rejection of the bid.

- 12. Bidders are required to comply with the requirements of P.L. 1975, Chapter 127 (N.J.S.A. 10:5-31, et seq).**
- 13. Performance date shall commence as stipulated in agreement or as stated in specifications.**
- 14. The second lowest bid shall be retained for a period of thirty (30) days after the award of bid.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Robers: Yes

CARRIES: Yes

3. (169-2008) Authorize Advertisement and Receipt of Bids for Purchase of Water Meters, Water Meter Parts and Water Meter Reading System

MOTION: Authorize Advertisement and Receipt of Bids for the Purchase of Water Meters and Various Repair Parts and Equipment

WHEREAS, the Borough of Point Pleasant has prepared and reviewed bid specifications for the Purchase of Water Meters and Various Repair Parts and Equipment; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Mayor and Council has approved said specifications and has determined that they will advertise for sealed bids for the Purchase of Water Meters and Various Repair Parts and Equipment.

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

1. Specifications, including drawings, plans, forms, etc., are hereby approved and incorporated herein by reference.
2. The Municipal Clerk/Administrator is hereby authorized to advertise for sealed bids for: Water Meters and Various Repair Parts and Equipment.
3. The Municipal Clerk/Administrator shall advertise the attached Notice to Bidders for the purpose of the receipt of sealed bids for the above named purchase or project.
4. Each bid shall be submitted as a written proposal in the manner designated in the specifications, and shall be signed by the bidder. The bid shall be enclosed in a sealed envelope bearing the name and address of the bidder on the outside and addressed to DAVID A. MAFFEI, MUNICIPAL CLERK/ADMINISTRATOR, P.O. Box 25, 2233 BRIDGE AVENUE, POINT PLEASANT, NEW JERSEY 08742. Said envelope shall be clearly labeled that it contains a bid for the Purchase of Water Meters and Various repair parts and equipment.
5. Specifications and form of bids may be inspected or obtained upon proper notice by prospective bidders during regular business hours, 8:30 a.m. to 4:00 p.m., from the

Municipal Clerk/Administrator, Borough of Point Pleasant, P.O. Box 25, 2233 Bridge Avenue, Point Pleasant, New Jersey 08742.

6. Sealed bids shall be called for and shall be received, opened and read in public in the Council Chambers of the Borough Hall, 2233 Bridge Avenue, Point Pleasant, New Jersey 08742, at a date and time as placed in the Notice to Bidders or as soon thereafter as possible.
7. It is the sole responsibility of each bidder to see that the bids are submitted at date and time specified, and **IN NO EVENT SHALL ANY BE CONSIDERED OR ACCETPED AFTER THE DATE AND TIME SPECIFIED FOR RECEIPT OF BIDS.** In the event that a bidder does not personally deliver the sealed bid on that date and time of loss or misplacement of the sealed bid by Municipal Officials or any other risk related to the failure of the bidder to personally deliver the bid.
8. The bid quote shall be next to the Borough of Point Pleasant and shall be exclusive of any State or Federal taxes. Each and every deviation from the specifications shall be clearly listed by the bidder. Failure to comply with this requirement shall be ground for rejection of the bid.
9. Each bid must be accompanied by a bid bond, certified check or cashier's check payable to the Borough of Point Pleasant for not less than ten percent (10%) of the amount bid, but not in excess of \$20,000.00 and shall be delivered at the place and time specified above. This requirement will not be waived.
10. A contract will be awarded to the lowest responsible bidder. The Borough reserves the right to reject any and all bids.
11. A non-collusive affidavit in the usual form will be supplied with the specifications and shall be executed by the person or corporate officer submitting the bid. Said affidavit must accompany each bid. These requirements will not be waived.
12. Bidders are required to comply with the requirements of P.L. 1977, Chapter 33, by submitting a list of the names and addresses of all stockholders and owners holding ten percent (10%) or more of the stock or owning a ten percent (10% or greater interest therein.) Failure to submit such a list, either prior to the time for the receipt of bids or with the sealed bid, will be grounds for the rejection of the bid.
13. Bidders are required to comply with the requirements of P.L. 1975, Chapter 127 (N.J.S.A. 10:5-31, et seq.). The usual form will be supplied with the specifications.
14. Performance date shall commence as stipulated in Agreement or as stated in the specifications.
15. The second lowest bid shall be retained for a period of thirty (30) days after the award of bid.
16. All bidders must submit a copy of their Certificate of Business Registration (P.L. 2004, c.57) with their bid.

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

4. (170-2008) Supporting the Over the Limit Under Arrest Statewide Crackdown

MOTION: Supporting the Over the Limit Under Arrest 2008 Statewide Crackdown

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 28% of motor vehicle fatalities in New Jersey are alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of summer season is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2008 Statewide Crackdown; and

WHEREAS, the project will involved increased impaired driving enforcement from August 15 through September 1, 2008; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Point Pleasant, County of Ocean, State of New Jersey, declares their support for the Over the Limit Under Arrest 2008 Statewide Crackdown from August 15 through September 1, 2008 and pledges to increase awareness of the dangers of drinking and driving.

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

5. (171-2008) 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 for 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.

CHECK #	AMOUNT	ACCOUNT	VENDOR	REASON
9079	\$225.79	Trust	Stop & Shop	Lost (reissued)
34764	\$1,605.50	Payroll	D. Kinsley	Check went thru Washer (reissued)

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

6. (172-2008) Request Chapter 159 Budget Insertions for Click It or Ticket 2008 Budget

MOTION: Request Chapter 159 Budget Insertions for Click It or Ticket 2008 Budget

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 \$4,000.00 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 \$4,000.00 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:

BE IT FURTHER RESOLVED, that a sum of \$4,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

Public and private programs offset by Highway Traffic Safety 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: The Borough Auditor, Police Chief, Chief Financial Officer, and other interested parties.

MOTION: Adopt Resolution

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

7. (173-2008) Endorsing S-1976/A-2982 to Increase State Police Surcharges to Partially Defray Costs of Local Police Services

MOTION: A Resolution Endorsing S-1976/A-2982 an Increase in State Police Surcharges to Defray Costs of Local Police Services

WHEREAS, Governor Corzine’s Fiscal Year 2009 budget reduced State Police funding for municipalities; and

WHEREAS, Municipal budgets will be negatively impacted by the requirement to pay for State Police services and thus be forced to raise local property taxes; and

WHEREAS, Many Mayors and other elected and appointed municipal officials met with the Attorney General and State Police offering a solution to the State Police budget shortfall, namely, increasing surcharges on fines levied by the State Police; and

WHEREAS, charging those who violate State laws would fund the shortfall in lieu of relying on New Jersey property taxpayers is a sensible solution to address the problem; and

WHEREAS, Senate Bill No. 1976, sponsored by Senator Van Drew and Assembly companion, A-2982 (Milam) impose a \$40 surcharge on all motor vehicle violations to defray some of the costs of providing local police services; and

WHEREAS, A-1976/A2982 establish two funds into which revenues from the surcharge will be divided equally between the “Rural Police Services Property Tax Relief Patrol Services Fund” and the “Police Services Property Tax Relief Fund”.

WHEREAS, S-1976/A-2982 provide that monies in these Funds are to be used exclusively to reduce the amount a municipality is required to raise through local property taxation to cover the costs of providing police services.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Point Pleasant, County of Ocean, do hereby endorse the sensible solution and appropriate surcharge rates as proposed in S-1976/A2982 and support its adoption thereof.

AND BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Governor and the members of the State Legislature and the New Jersey League of Municipalities.

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O’Rourke: No

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

8. (174-2008) Authorize Release of Performance Guarantee, Block 199, Lot 9 – Gallo/Mesce

MOTION: Authorize Release of Performance Guarantee, Block 149, Lot 9 – Gallo/Mesce

WHEREAS, the Borough of Point Pleasant has required to posting of a Performance Guarantee for certain site improvements in regard to Block 199, Lot 9; 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 the applicant for the improvements on Block 199, Lot 9, conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond in the amount of \$3,297.75 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 199, Lot 9 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, the applicant and any 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

- 9. (175-2008) Appoint Travis Girard Popiel as Public Safety Telecommunications Operator Trainee – Police Department**

MOTION: Appoint Travis Girard Popiel as Public Safety Telecommunications Operator Trainee – Police Department

MOTION: To Table

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

- 10. (176-2008) Authorize Refund of Demolition Bond, Block 304, Lot 1 – Strenck**

MOTION: Authorize Refund of Demolition Bond, Block 304, Lot 1 – Strenck

WHEREAS, Charles Strenck, 1165 Mayfair Drive, Rahway, N.J. 07065, 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 1628 East Drive, Point Pleasant, New Jersey 08742,

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

- 1. That the proper Borough Officials are authorized and directed to return to Charles Strenck, a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a structure at 1628 East Drive, Point Pleasant, N.J. 08742.**
- 2. Copies of this Resolution to: Construction Official, Charles Strenck, 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

11. (177-2008) Certification of Reading Certain Section of 2007 Audit Report

MOTION: Certification of Reading Certain Section of 2007 Audit Report

WHEREAS, N.J.S.A.40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C.5:30-6-5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations;" and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Commends and Recommendations," as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days (45) after the receipt of the annual audit, pursuant to N.J.A.C.5:30-6-5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S.52:27BB-52, to wit:

R.S.52:27BB-52: A local officer or member of the local Governing Body who, after a date fixed for compliance, fails or refuses to obey and order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey hereby states that it has complied with N.J.A.C.5:30-6-5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

- 12. (178-2008) Authorize Refund of Demolition Bond, Block 176, Lot 15 – Carter**

MOTION: Authorize Refund of Demolition Bond Block 176, Lot 15 – Carter

WHEREAS, David Carter, 802 River Avenue, Point Pleasant, N.J. 08742 did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a single family dwelling at 800 River Road, Point Pleasant, New Jersey, 08742, Block 176, Lot 15.

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 David Carter, 802 River Avenue, Point Pleasant, N.J., 08742, his Demolition Bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a single family dwelling at 800 River Avenue, Point Pleasant, New Jersey 08742.**
- 2. Copies of this Resolution to: David Carter, 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

- 13. (179-2008) Accept CFO Report – June, 2008**

MOTION: Accept CFO Report – June, 2008

WHEREAS, the Chief Financial Officer has prepared a Cash Management Report for the month of June, 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 June, 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

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

14. (180-2008) Confirm Appointment of Fire Sub Code Inspector - Construction Department

MOTION: Confirm Appointment of Fire Sub Code Inspector – Construction Department

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

15. (181-2008) Bills and Claims

MOTION: Adopt Resolution Bills and Claims

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

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

WHEREAS, The Municipal Administrator has certified that said claims are appropriate under

the Local Public Contracts Law 40A:11-1 et seq. And are authorized budgetary expenditures; and

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

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

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

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

MOTION: Adopt Resolution

MADE: 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

16. (183-2008) Extend Grace Period for Taxes

MOTION: Approve Extension of Grace Period for 2008 Third Quarter Tax Payment

WHEREAS, legislation has been adopted by the State of New Jersey which extends the allowable time for proper payment of tax bills which are mailed at an abnormally late date; and

WHEREAS, said legislation allows third quarter tax bills to be considered timely payment if made within twenty five days of the date of mailing; and

WHEREAS, said legislation also provides that any payment received after the aforementioned twenty-fifth day shall include interest which shall be due and chargeable at the legal rate retro-active to the statutory due date of August 1; and

WHEREAS, the Borough of Point Pleasant is delayed distributing tax bills because of the late date of the adoption of the State Budget and the failure to certify all budgets to date.

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

1. The time period during which Borough taxpayers may pay their 2008 third quarter property taxes without penalty of interest, is extended to September 25, 2008.
2. 2008 Third quarter tax payment received in the Tax Collector's Office after September 25, 2008 shall have interest calculated and charged at the legal rate, retro-active from August 1, 2008.
3. Fourth quarter tax bills remain due on November 1, 2008, with the normal ten (10) day grace period.

4. Certified copies of this resolution sent to: Tax Collector, Municipal Administrator, Auditor and any 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

F. RESOLUTION (182-2008) Consent Agenda

MOTION: To approve consent items as summarized below

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

WHEREAS, said consent items are hereby summarized as follows:

1. Application raffle license, Woman's Club of Brick, on premise 50/50 to be held October 15, 2008.
2. Application raffle license, Woman's Club of Brick, on premise gift auction to be held October 15, 2008.
3. Application raffle license, Woman's Club of Brick, on premise gift auction to be held October 15, 2008.
4. Application Raffle License, St. Vincent DePaul Society, St. Martha Conference, on premise 50/50 to be held October 4, 2008.
5. Approve Council Meeting Minutes of June 17, 2008.
6. Approve Council Meeting Minutes of July 15, 2008.
7. Application Raffle License, Men's Club of Lake Ridge, on premise 50/50 to be held October 14, 2008.

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

1. **That the above general consent items as summarized hereto be and the same are hereby approved.**
2. **That a certified copy of this resolution be filed with the Borough Clerk and copies forwarded to any other interested parties.**

MOTION: Adopt Resolution and Table Minutes of June 17, 2008 and July 15, 2008

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

G. AUTHORIZATIONS

1. **Approve Fall 2008 Recreation Program Budgets and Related Fees**

MOTION: To approve Fall 2008 Recreation Program Budgets and Related Fees

MADE: Mr. Kaklamanis

SECOND: Mr. O'Rourke

Ms. Rogers: Discussion. I have a lot of questions and I don't see the Recreation Superintendent here this evening. I am a little disappointed at that. Before we move the entire budget process I would like to address each of the items individually. I have questions on every single one of them. I did alert the liaison Shaun O'Rourke of my concerns earlier. I would like to have the opportunity to go item by item.

Mr. Pyrtko: Now?

Ms. Rogers: Yes.

Mr. Pyrtko: How many items do you have?

Ms. Rogers: Every single one of them before it is voted on because I want it on the record what my concerns are.

Ms. Rogers: The recreation director provided Mayor and Council a copy of a memorandum dated August 12, 2008. Does everyone have that. I know the CFO is here and I would like her to come forward. I would like to note that these items for the budget process for the Fall session were submitted to the CFO on August 12th. The CFO is responsible to this Mayor and Council to validate these numbers, validate the fees that are being assessed and that she feels that they are appropriate and she has checked these numbers and this was received on August 12th and today is the 19th. These budgets do not have cross comparisons to last years numbers to give us an indications of what the items were for income and expenses. The current budget items encumbered expense. I will give you an instance. The tennis ball 2008 program. The Director indicated there are 67 people at \$40.00 equaling \$2680. She has her expenditures at \$2672 and she notes at the bottom of the page the balance in the Spring session was a negative amount of \$156.53. The CFO's report on that specific program shows a surplus of \$1,672. Mrs. Block did you have an opportunity to review that budget?

Mrs. Block: Not any further than what I have in front of me.

Ms. Rogers: Do your numbers match?

Mrs. Block: No they do not. There is a possibility that there may be one additional payroll which would use up some of that.

Ms. Rogers: Did the Director give you any indication that was the case?

Mrs. Block: No.

Ms. Rogers: The Director is asking us to approve this fee schedule for the Fall of 2008 without any of the backup. Our problems started with this rec trust account is surplus adding up program after program after program. On that particular one I have specific instances not to mention the negative operating which would come out of the Borough's general operating account that we reserved if there is truly a shortfall. Mrs. Block's records indicate that there is a surplus of \$1672.

Mr. O'Rourke: Judy, how can you have a surplus and not a surplus.

Mrs. Block: I don't know if she projected figures that I don't have but I have the last payroll which is as of this week. Everything else should be encumbered. She may owe a payroll to the Tennis Director which would be in two weeks.

Mr. O'Rourke: That is because the summer is not over yet?

Ms. Rogers: This is a Spring program.

Mrs. Block: Tennis goes on continuously.

Ms. Rogers: My point is there has been no communication with the CFO and there has been no dialog as to these numbers as to whether there is a surplus or a negative amount.

Mr. O'Rourke: When you sat down with the Superintendent of Recreation you did not have that information.

Mrs. Block: She gave me a budget that did not have any carry over balances and I asked her to please supply us with that. She did have it and she gave us what she had and I said it did not match up with what I had but I knew there was another payroll. She did come back with her balances.

Mr. Kaklamanis: I know Council Member Rogers has developed a good auditing plan and bookkeeping plan. She says a negative of \$156.53. It seems like the numbers are always off. When does this stop. Do you and her ever at any time come to the middle of the road and meet

Mrs. Block: My numbers are the ones that count. I get requisitions and purchase orders and they go into the systems. If she is paying something else that she has not given me

Mr. Kaklamanis: I am not an accounting major but it seems like from now until the end of time it seems like numbers are never going to match. At some point of the game it has to stop.

Mr. Pyrtko: I would say we should table this and get together with the Rec Superintendent and Administration and Finance. I think we have to pass the pre-school because that is starting.

Ms. Rogers: Mr. Mayor, with all due respect there is a production of a flyer that has to go out and it was a requirement that this passes this evening because that has to be distributed to the public. My other issue of contention is

Mr. Pyrtko: That is what I am saying, pass the pre-school budget portion.

Ms. Rogers: It is very difficult to say yes I feel comfortable with a rate when none of this cross comparison or any of the information provided by the CFO matches to any of these numbers. If you would like to address the pre-school we can certainly go to that and I will address my questions on the pre-school.

Mr. O'Rourke: Roger, we need to move forward on this. I trust Karen Haycook's numbers. These numbers are not the encumbered numbers. These are not the billing numbers. These are her billing numbers. A lot of times why Judy's numbers don't match is because her numbers are at the tail end when you have your money in. When Judy gets all of her information in on that program she will find that Spring program was short \$156.53.

Ms. Rogers: Then that comes out of the general operating account.

Mr. O'Rourke: That is about the only one with a negative number. The rest are positive numbers.

Ms. Rogers: I will address the issue of any positive surplus has not been incorporated with the new budget as the DCA directed us that we roll it into the next program. We either enhance the program, reduce the fess or do something with the money. Otherwise this continues to build program after program. The positive surplus numbers that are reflected in these sheets are no where indicated in the proposal for the upcoming budget. It doesn't show where the program is being enhanced and it does not show a reduction of the ss fee.

Mr. Kaklamanis: These numbers could go around in a tumbling machine forever. Apparently, she hasn't caught onto the system that you showed her or she is not accepting

what you told her to do. As gospel or she can't understand it. We could be here forever. Between the CFO and Karen everybody has to come together because it appears for the last year these numbers have never matched. It has to come to a stop.

Ms. Rogers: Are you agreeing that we are going to allow surplus to build up and not take action? Are you going to agree that the Recreation Superintendent at the eleventh hour will present these and because we don't have time for discussion that we will just motion to pass and approve.

Mr. Pyrtko: No we are going to table it and get together on it and have a meeting of the minds. We can't spend all night on this.

Ms. Rogers; We have another meeting on September 2nd and at the same time

Mr. Pyrtko: If we are under time constraints we will order a special meeting.

Mr. Kaklamanis; Maybe we should have the accounting firm sit in and explain this to everyone so everyone can accept it. Apparently Karen's numbers don't match with the CFO and the CFO's don't match with Karen. Karen has been doing this a long time. You can send her 1000 e-mails a day and if she doesn't understand it and your numbers don't match with hers

Mr. Kaklamanis: I will withdraw my motion

Ms. Rogers: Second

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke; No

Mr. Kaklamanis: No

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: To withdraw the motion.

MOTION: To table

MADE: Ms. Rogers

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: No

Mr. Kaklamanis: No

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes to table

2. Approve Certain Requisitions for use of "Old" Recreation Trust Surplus Funds

MOTION: Approve certain requisitions for use of "Old" Recreation Trust Surplus Funds

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. Request of Point Pleasant Chamber of Commerce to Conduct 28th Annual Halloween Parade, October 26, 2008

MOTION: Allow Point Pleasant Chamber of Commerce to Conduct 28th Annual Halloween Parade, October 26, 2008

MADE: Mr. O'Rourke

SECOND: Mr. Dikun

Mr. Maffei: I want the Council aware of what they are requesting. They are requesting the same participation by the Borough as had been in previous years which included the

donation of \$1500 and the payment for the police protection on that date. If you recall during the budget process the Council removed the funding for both of those things. You don't have funding in place to provide that today.

Mr. Pyrtko: Make the motion to allow them to have the parade with no funding from Council

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. Request to Waive Planning Board Application Fee and Escrow Fee for St. Martha's Church

MOTION: Authorize request to waive Planning Board Application Fee and Escrow Fee for St. Martha's Church

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

6. Request to Conduct Block Party on Treeneedle Road – August 23, 2008 (raindate August 24, 2008)

MOTION: Request to Conduct Block Party on Treeneedle Road – 8/23/08 (raindate 8/24/08)

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

7. Approve Application for Special Permit for Social Affair, St. Vincent DePaul Society, St. Martha's Conference, October 4, 2008 6:30 p.m. to 11 p.m.

MOTION: Approve application for Special Permit for Social Affair, St. Vincent DePaul Society, St. Martha's Conference, October 4, 2008 6:30 p.m. to 11 p.m.

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. Requesting Refund of Zoning Board of Adjustment application Fees and Certified List Fee – Good Sheppard Lutheran Church

MOTION: Requesting Refund of Zoning Board of Adjustment application fees and certified list fee – Good Sheppard Lutheran Church

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

9. Application Membership Fire Co. #1 – Matthew A. MacDermant

MOTION: Approve application membership Fire Co. #1 – Matthew A. MacDermant

MADE: Mr. Dikun

SECONE: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

10. Application Membership Fire Co. #1 – Warren R. Theileman

MOTION: Approve application membership Fire Co. #1 – Warren R. Theileman

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

11. Request to conduct games Sundays at 10 a.m. at the Community Park – Point Pleasant Soccer Club

MOTION: Approve request to conduct games Sunday's at 10 a.m. at the Community Park Point Pleasant Soccer Club

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

12. Approve Open Space Plan

MOTION: Approve Open Space Plan

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

13. Manual Checks

MOTION: Approve Manual Checks

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

14. Request Regarding Block 279, Lots 132 & 133 – Mirador Partners LLC

MOTION: Request Regarding Block 279, Lots 132 & 133 – Mirador Partners LLC to be moved to the Public Safety Committee for discussion

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

H. DISCUSSION

- 1. Request by Recreation Commission to Dedicate Point Pleasant Recreation Center to the Late Richard T. Blake by naming it for him.**

Ms. Rogers: With regards to the discussion I know this came about a year ago when Lee Sharpe passed away and there was a lot of discussion and debate on that and we were trying to find a situation that would be fitting to honor people of our community that have done substantial things. I don't think we had any further discussion on that. I don't know if there is a sub committee that can be formed on this on how to go about this or is anybody does recall early on with Councilwoman Sharpe there were pros and cons to all of that. Yet there is something fitting that is due Councilwoman Sharpe, Richard Blake and other as time goes on. We could do this properly and fittingly. I don't know if there is a way of forming a sub committee on this and then come back to Council on how to best do this.

Mr. O'Rourke: This is a hard one because it is an emotional issue. Mr. Blake was near and dear to most of the community. I do believe we need to put his name on somewhere where everyone can see it. The Rec Commission thought about this on their own and did come up with this idea of the Center. The Center was never been named for anyone.

Mr. Kaklamanis: We were there and we did agree with them also.

Mr. O'Rourke: We do need to have the other discussion also. They may be two different discussion.

Ms. Rogers: Something should be done and it is appropriate. Because of the different things that came out of the dedication that was being discussed for Councilwoman Sharpe I think it could pertain to the same situation with the rec center and I don't know whether it requires public input or a secondary committee. It should encompass not only the people who have passed but future so there is not so much controversy.

Mr. Kaklamanis: I think we represent the towns people who voted us into office. In my opinion and even when I took this opinion is to always have more of the towns people have a say and input and I am a firm believer of having the towns people put things on referendums and let them have a full say as much as anyone up here. Give the people the power and have a say in the matter.

Mr. O'Rourke; We are meeting in two weeks. This gives the public an opportunity to put some letters out to us. Feedback e-mail. Give the people the opportunity to say yes do this.

Ms. Rogers: Our next meeting is September 2nd and we can get input by them.

Mr. O'Rourke: We need a memorial sub-committee. We need to do something.

Ms. Rogers: I make a recommendation to form a sub committee and seek public input.

Mr. Kaklamanis; Dave, what is the application for having the towns people have a referendum?

Mr. Dasti: It is too late now. As of tomorrow to put it on the ballot.

Ms. Rogers: I make a motion to set up a Memorial Dedication Committee and get public input.

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

Mr. Dikun: I would like to sit on this committee.

Ms. Rogers: I would be happy to sit as well.

Mr. O'Rourke: I will be happy to.

Mr. Pyrtko: E-mail these guys and they will come back to us.

Ms. Rogers: With regards to the wrestling program I would like to have the component be added to the budget which was approved by the DCA and approved by the rec commission with their approval of moving the DCA list. It was not reflected in the Superintendent's budget. I would like to motion that the purchase of the wrestling mats go forward, the uniforms go forward and the component for competition in the wrestling programs be moved to go forward and that the person who will run the wrestling program put together the competition format and I would like to motion that that component be part of the wrestling program.

Mr. Dikun: Second.

Mr. O'Rourke: That has to come out of the old recreation trust fund that we postponed until 9/16.

Ms. Rogers: We moved the DCA list which incorporated all of that so it is approved and we just approved that the list move forward. It covers the cost of that. I am saying the Recreation Director does not have that as part of her component of the upcoming program.

Mr. Pyrtko: Yes

Mr. McAlindin: absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

COMMITTEE REPORTS

Mr. O'Rourke: We had a COAH meeting which is affordable housing. The State changed the rules again and one of the reasons we tried to avoid dealing with COAH to much was because the rules had not been finalized yet and they still are not final. There is COAH 1, COAH 2, COAH 3 and now there is COAH 3 ½. Bottom line is we will have to change our ordinances again. We are waiting for our COAH attorney to get to us about what we have to change. One of the things that happened is a builder used to have to have one affordable house for every eight that he put up. Now he has to have one affordable house for every four that he puts up. We cannot require it unless we give him a density bonus. It is just getting nuts out there. The pendulum is swinging towards the builder now. It is going to be easier for dense development.

Mr. Kaklamanis: Who foots the bill?

Mr. O'Rourke: When you get to the bottom line anything we owe that hasn't been paid for by builders along the way, the taxpayer pays for it. That is just wrong. The Land Use meeting last week we talked about a number of different things. The Zoning Officer met with us. We did slow down its actions. We are discussing the tree ordinance, trailers, pods,

commercial vehicles, winnebagos. The change for churches. I did take a ride around town and there is a lot of opportunity in this town. Have a safe finish for the summer.

Mr. Kaklamanis: In regards to the tree ordinance, we have more input and more people interested. I have always had the open door policy. We will get more input from Mr. Clericuzio. As far as the Rec Commission and the DCA, the list I am glad we are moving forward with that. God Bless Mr. Blakes soul and I have talked to other people involved in sports I know now looking on issues it has been said remember it is for the children of the community. Also, we had a meeting at the development of the Riverfront Park and I could not attend. It is moving alone. Hopefully, if you read the papers there are more mergers with towns, coop sharing of services. A bill is to go through for a feasibility study for small police departments merging. That should save the taxpayers money. Having more of the employees pitching in for benefits will help. Please drive carefully.

Ms. Rogers: As I think many of you know Olympics are in full swing. Something that seems to be missing here in town is some sign recognition for Team USA Soccer Captain Christy Pearce Rampone. She is from our town. They are going to play Brazil for the gold on Thursday. I would like some signs up at the park and over town. On another front which is a very exciting one for me, it has been a long two months but it has proven to be very educational, very important and I think it will become one of the most successful programs that we have here in the Borough. That is the Community Watch Program. We had our second meeting on August 12th. At that meeting we introduced our new web site which is going to be called ptborowatch.com. We hope it will be up and running by Monday. It is an interactive site. It will give you information about the program, the National Sheriffs Association, models we have adopted, a message from the Chief, updated stats on what is happening in your town on criminal events and crime. It has an automatic data base when you register you can get e-mail blasts. You can register to become a street captain or a district delegate. The district delegates are very important to the program because they will be part of our monthly public safety meetings and hopefully we will be going back to the district captains to disseminate information and your street captains will physically walk your street and hand out flyer information. You can contact them via e-mail or telephone if you have concerns on your road. They are there to watch out for you. You will be able to report a crime on line that will go directly to the Detective Bureau and to the Watch coordinator. There will be a tip line for a 1800safezone. You can leave tips. If you get an opportunity get on line and check it out. Our next meeting will be September 9th. One of the main goals of the program is there are 355 streets in the Borough and we want to make sure that each street is represented in the program by the end of this year. Just in 30 days we had 75 streets enrolled in the program. We have over 400 resident families participating in the data base. Let me tell you how the data base already came into play to give out information. On July 17th I received an e-mail from Detective Hill. She is our coordinator liaison and she said I want to let you know I want to pass along that that there have been multiple incidents that have taken place where side windows, rear windows are being shattered with an unknown object. All of the vehicles have been parked in the street and most of the incidents have been concentrated in the C zone which are districts 4, 5, 8, 12 and 15. The time frame is between 12 a.m. and 5 a.m. If you could get the word out it would be appreciated. Please stress any unusual noise or persons outside and call the police immediately. Kelly Mickle helped me shot the list out. I received over 100 e-mails back. As we develop the program you will get it from the web site. There is a section of who is looking out for you. There is every street listed. It shows the people listed on your street that you can go to. You can become one of them. It will be a terrific tool. We were able to produce 25 street signs. Here is a sample. Now, not only the police are on duty but the residents are on duty. These 25 signs will be placed throughout the community in the next two weeks. We have a working committee. Another thing we have are tee shirts. If you sign up you get a community watch tee shirt. We will be giving them out at the back to school nights. The program is not funded through tax payer dollars. These items which are about \$5000 has been raised from partnership businesses within town. As the program grows and develops we will talk to Council about fund raisers. September 9th is the next meeting. The Environmental Commission met last evening and they are working on the tree ordinance. The upcoming Earth Day for 2009 was discussed and the theme is recycling. We are in the process of applying for three new grants. On the Police Department front we had a meeting yesterday and we met with the Architects and we are

close to going out to bid. I make a motion is to approve Council to go out to bid based on the specifications that were submitted by the Architects.

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: The plans are being submitted to Mr. Gardner on Friday and he will review them by September 5th and we will go out to be. The building is in three phases. It should be complete in 2011. I received from Chief Hilling the July service calls and there were 2,044 calls up from 2007 from 1714. 237 summonses were issued. Over 436 motor vehicle complaints. What they wanted to let us know is there is still a significant problem with breaking of the car windows. They do have some significant leads they are working on. It seems to be outside your driveway. Bike thefts are up and they are breaking into cars. They are stealing ipods, radio information, computers, change. Please lock your car doors. We met with the Auditors and I was very impressed with Mr. Frenia. We identified outstanding bonds and we have grants to go after. That is all I have. Thank you.

Mr. Dikun: The Well on Memorial Drive, the work is moving along. I attended a meeting with Mr. Pyrtko and Mr. O'Rourke last week with the Borough Engineer to discuss future projects within our water system. An issue that was brought up at the last meeting, a resident came to the meeting to report a complaint about a vacant property at 1025 Ocean Avenue. The home is vacant but the pool is covered but filled with water. The day after the meeting I spoke with Kevin Burke, Code Enforcement Officer, we got the aid of Mr. Dasti. Mr. Burke went over to the property and issued a summons to the property owner. We also enlisted the County Health Department to do to the residence and check the pool water for mosquitoes. The County Health Department located mosquitoes. We also had Muskrat Jack go to the property and check for animals. He did not find any. When the property owners came to Court the Judge gave him a 60 window to appear in court and describe the litigation. As Mr. Kaklamanis noted school will be starting please be careful with your driving.

Mr. Pyrtko: Like Bill mentioned we did meet with the Engineers and on some of the items we discussed was the recycling center improvements. We are going to start drawing specs. Any new construction we propose we will put solar panels on. It is the thing of the future. A couple of road projects with be commencing, Bay Isle Drive, JCP&L and Verizon have to relocate five utility poles and that should be started. West End Avenue, we received a \$325,000 grant from the state and that will be in the Spring of 09. Briarcliff, Ridgeway, Rosewood drainage improvement is in conjunction with the Beach. The rest was water. The recycling, today was metal pick up and we were proposing an ordinance to stiffen the fines severely.

Mr. Dasti: Mr. Walker wanted the fines to be higher and the ordinance we prepared has a minimum and maximum and he also wanted to be certain the ordinance would include the fact that if someone is found with the stolen property that they don't keep the stolen property. We looked at it again and the mandatory minimum is as stiff as it can be. The maximum is \$500 for the first offense. \$250 is the minimum. This is state required. We don't like it but we understand it.

Mr. Pyrtko: What about a second offense.

Mr. Dasti: You can't raise it. It is what it is. That is the best we can do on it and it is more than we have now.

Mr. Pyrtko: We will put it into law.

Mr. O'Rourke: I move for approval of the recycling ordinance discussed in the beginning of the meeting.

Ms. Rogers: Second.

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

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

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

CARRIES: Yes

Mr. Pyrtko: To the people of Point Pleasant when you see a pick up truck with a bunch of metal on it feel free to call the police. It is money coming out of your pockets.

Mr. Pyrtko: Mayor Konkus is doing fine. His neck is doing fine. It appears when you are laid up in a hospital bed for over 30 days your body starts to shut down as far a muscle usage. That is what he is rehabilitating himself on is the use of his muscles. You will see him walking, he has a surgical collar, he walks up and down Bridge Avenue. Don't pick him up. He needs the exercise. He will be out at least until October. We talk constantly and I get his input. We met with the Climate Action Commission chaired by Ms. Lois Jacobs. What it was is our town signed up as a County wide organization. It educates the town on recycling and global warming. We are going to get volunteers and have a program and see where we can save more money. The volunteers will be trained. Everyone is more than welcome to join. Lois is also a member of the League of Women Voters and she is going to Toms River and set up voter registration time. I said it would be a good idea to have something like that here. On September 20th we will have it here from 1 to 4 p.m. I would like authorization from Council.

MOTION: To have voters registration here in Borough Hall from 1 to 4 p.m. on September 20th

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

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

**Mr. McAlindin: absent
Mr. Dikun: Yes**

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

CARRIES: Yes

Mr. Pyrtko: I do have two names for the Recreation Commission and they will be appointed. It is a Mr. Warren Plum and Ms. Nina Biggs. I did receive a list from the Recreation secretary and their names were on the lists. I talked with both of them and they are very interested. I would like to see some diversity. I congratulate them and they can see Mr. Maffei to be sworn in.

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. Dikun

SECOND: Ms. Rogers

APPROVED: All in Favor

Laura Beedon, 2406 Spruce Street, You mentioned something about the metals being stolen and I did see a truck and he passed me twice on two roads. I gave them the license number and they are putting fictitious plates. I don't know if they caught them or not. Quite a few of them may be doing this. You mentioned about the alerts, where there any more in the last two days? Two cars were hit on my street and another one behind me. I am not going to say breaking and entering, I will say entering. These people still have not gotten the message to lock your cars. You cannot leave your car in the street without locking it.

Ms. Rogers: I did receive notification from Captain Williams that we cannot publish it. There is some activity that cannot be announced at the moment. I did not receive a specific incident on Spruce. I will follow up on that.

Ms. Beedon: What exactly is the surplus in the rec commission?

Ms. Rogers: With the approval of the DCA list it is about \$70,000.

Al Clericuzio: Mr. Kaklamanis, I hope sometime in the future as you admire and respect the youth of this population and all the nice appropriate comments you make on their behalf that you would find it in your domain to also applaud and comment the efforts of the mature adults of this community. Who make up a very significant part of the volunteer groups who make this place what it is.

Mr. Kaklamanis: Everybody does a good job.

Mr. Clericuzio: I would like to hear you acknowledge their presence and their efforts and speak as nicely of them as you do of our wonderful adolescences. The other thing I spoke to Sue about Authorization #13, Open Space and I am hoping that Mayor and Council would make an effort to get some of this Canal Walk underway. I walked up and down the Canal for fishing purposes and recreation. It is not possible anymore. I know the plan is beautiful but I want to be alive to enjoy this.

Ms. Rogers: The Open Space has been on a sabbatical for July and August and they meet again in September. We have a pending Trails Grant I am waiting to hear about. We were looking for endorsement from the Army Corp to support the beginning stages of that project. If I am successful with the grant we will have obtained another \$25,000 and the Canal Park that we presently own has a reserve of \$10,000 in a trust could be combined with that for the opening stages of a Canal format. It will be on the agenda for September.

Mr. Clericuzio: Just get it started. If we can get it back opened for walking and fishing. Thank you Roger for the great job you are doing.

Dennis Vitkauskis, Foster Road, The directory in the lobby that gives you the location and dates of all the meetings, for the recreation commission it has the first Wednesday at the rec building. Rec meets now at the second Thursday at the Municipal Building. It would be nice to change the sign.

Mr. Pyrtko: It will be taken care of tomorrow.

Chris Leitner, 804 Donna Drive: Do we know what sort of money we are losing through the metals for recycling program.

Mr. Pyrtko: Yes, last night we estimated we lost \$600.00.

Mr. Leitner: With the new ordinance the dollars and sense have to make sense.

Mr. O'Rourke: How about when you call they put you on an appointment schedule and then they would not know. Jude could say this week I will do it on Thursday please put it out Wednesday night. Next week I will tell you when you call me. That would give less notice. They would have to show up everyday. Now it is once a month.

Mr. Pyrtko: We will talk to Jude.

Mr. Leitner: The other question I have is we have been going to a lot of the various commission meetings and it is very informative. I would ask that the Council consider doing is opening the Committee meetings to the various candidates so we can all get in there and understand what is going on.

Mr. Pyrtko: What we have done in the past when an official got elected was let them sit in on meetings from November to December even though they were not sworn in.

Gina Siken, 1401 Rue Mirador, since you are paving Bay Isle Drive can you the speed hump on Rue Mirador at the same time? Please. They drive

Mr. Pyrtko: We discussed it with Bricktown and the people that lived there did not like them. They were very annoying.

Ms. Siken: It will stop the speeding coming around the bend to the stop sign.

Mr. Pyrtko: Have they put the trailer saying your speed?

Ms. Siken: No,

Mr. Pyrtko: Why don't we try that.

Ms. Siken: It is very dangerous.

Ms. Rogers: I will call you.

Jacqueline Goslin, Kilkare Parkway, The High School students just zoom around Hollywood Blvd. My sons go to the bus stop on Kilkare and Patterson and they ignore those stop signs and there are no lights at night. There are no speed bumps. Please try to do something when school starts. Thank you.

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

MADE: Mr. O'Rourke

SECOND: Mr. Dikun

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. Contractual Matters – Brown Engineering Firm.
2. Personnel Matters – Construction Department, Police Department, Tax Assessor's Office, Municipal Court and DPW Staff.
3. Litigation Matters – Union Grievances, Rollano litigation

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: Ms. Rogers

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: absent

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

Mr. Kaklamanis left the room from 9:58 p.m. to 10:15 p.m.

Mayor and Council returned to open session.

MOTION: Authorize Borough Clerk to offer Part Time Clerk position in Tax Assessor's Office

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Absent

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

MOTION: To Adjourn

MADE: Ms. Rogers

SECOND: Mr. Dikun

ALL IN FAVOR.

