

**COUNCIL MEETING
MONDAY, JUNE 22, 2020
7:00 P.M.**

Mayor:	Robert A. Sabosik
Council President:	Pamela Snyder
Council Member:	William Borowsky
Council Member:	Joseph Furmato (Absent)
Council Member:	John Wisniewski
Council Member:	Antoinette DePaola (Via Telephone)
Council Member:	Charlene Archer
Borough Attorney:	Jerry J. Dasti, Esq.
Borough Administrator:	Frank Pannucci
Borough Clerk:	Antoinette Jones

THE PLEDGE OF ALLEGIANCE TO THE FLAG

STATEMENT BY MAYOR SABOSIK: 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 10, 2020 edition of *The Ocean Star* and *The Asbury Park Press*.

A. WORKSHOP

1. **Committee Reports**
2. **Report of Mayor**

Mayor Sabosik stated the following: “Due to Covid-19 there will be no Workshop Committee Reports.”

B. MINUTES

1. **Approve Council Meeting Minutes of May 11, 2020**
2. **Approve Special Meeting Minutes of May 18, 2020**
3. **Approve Executive Session Meeting of May 18, 2020**

MOTION: Approve Minutes

MADE: Mr. Borowsky

SECOND: Mr. Wisniewski

Ms. Snyder: Yes

Mr. Borowsky: Yes

Mr. Furmato: Absent

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Ms. Archer: Yes

CARRIES:

C. ORDINANCES

1. **Final Reading and Public Hearing**
Bond Ordinance No. 2020-04 – Providing for Various Capital Improvements in and for the Borough of Point Pleasant and Appropriating \$1,608,800.00 Therefor, and Providing for the Issuance of \$1,527,400.00 in General Improvement Bonds or Notes of the Borough of Point Pleasant to Finance the Same.

Mayor Sabosik opened the meeting for Public Comment.

Seeing no hands, Mayor Sabosik closed this portion of the meeting.

MOTION: Adopt Ordinance

MADE: Mr. Borowsky

SECOND: Mr. Wisniewski

Ms. Snyder: Yes

Mr. Borowsky: Yes

Mr. Furmato: Absent

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Ms. Archer: Yes

CARRIES:

2. Final Reading and Public Hearing

Bond Ordinance No. 2020-05 – Providing for Various Water and Sewer Improvements in and for the Borough of Point Pleasant and Appropriating \$146,800.00 Therefor, and Providing for the Issuance of \$139,300.00 in General Improvement Bonds or Notes of the Borough of Point Pleasant to Finance the Same.

Mayor Sabosik opened the meeting for Public Comment.

Seeing no hands, Mayor Sabosik closed this portion of the meeting.

MOTION: Adopt Ordinance

MADE: Mr. Borowsky

SECOND: Mrs. Snyder

Ms. Snyder: Yes

Mr. Borowsky: Yes

Mr. Furmato: Absent

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Ms. Archer: Yes

CARRIES:

3. Introduction

Ordinance No. 2020-06 – Amending and Supplementing Chapter 8, Building and Housing, Specifically Chapter 8-1.2 Entitled “Fees”

MOTION: Adopt Ordinance

MADE: Mrs. Snyder

SECOND: Mr. Wisniewski

Ms. Snyder: Yes

Mr. Borowsky: Yes

Mr. Furmato: Absent

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Ms. Archer: Yes

CARRIES:

**D. OPEN PUBLIC SESSION (Resolutions, Consent Agenda and Authorizations Only)
Five (5) Minute Limit Per Person**

OPEN PUBLIC SESSION

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

MADE: Mr. Borowsky

SECOND: Mr. Wisniewski

APPROVED: All in Favor

Council President Snyder opened the meeting to the public.

Mayor Sabosik stated the following: “Before we close public session, I would like to read two resolutions that we will be adding to our agenda this evening. The first one is a resolution urging Governor Murphy to Reinstate the Homestead Benefit Program. The next one is a resolution imploring its Legislators to make necessary revisions to the Senior Tax Freeze Program.”

Seeing no other hands, Council President Snyder closed this portion of the meeting.

E. RESOLUTIONS

“All matters listed under item “Resolution” will be enacted by one motion in the form listed below. If discussion is desired on any item, this item will be removed and will be considered separately.”

- 1. (150-2020) Bills and Claims
- 2. (151-2020) Void Check Resolution
- 3. (152-2020) Request Chapter 159 Budget Insertion – Donation to PD for Safety Equip.
- 4. (153-2020) Request Chapter 159 Budget Insertion – Alcohol Ed Rehab Grant
- 5. (154-2020) Request Chapter 159 Budget Insertion – Clean Communities Grant

The bills totaling the amount of \$1,459,106.60 are to be paid as presented. The bills and claims list are on file in the Clerk’s Office and can be reviewed Monday through Thursday from 8:30 a.m. – 4:00 p.m. and on Friday from 9:00 a.m. – 4:00 p.m.

MOTION: Adopt Resolutions

MADE: Mrs. Snyder

SECOND: Mrs. Archer

Ms. Snyder: Yes

Mr. Borowsky: Yes

Mr. Furmato: Absent

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Ms. Archer: Yes

CARRIES:

F. CONSENT AGENDA

“All matters listed under item “Consent Agenda” will be enacted by one motion in the form listed below. If discussion is desired on any item, this item will be removed from the Consent Agenda and will be considered separately.”

- 1. (155-2020) Authorize Adjustment and/or Refund on Certain Tax or Water/Sewer Accts.
- 2. (156-2020) Authorize Refund of Lien Redemption and Premium Paid at Tax Sale
- 3. (157-2020) Authorize Refund Permit Fees – Block 290, Lot 15, 2018 Bay Boulevard

4. (158-2020) Relaxing Temporarily, Already Existing Outside Dining Ordinance Rules and Regulations
5. (159-2020) Amending and Lifting, Some COVID -19 Restrictions for Hotels, Short Term Rentals, Air B&B, and VRBO Licenses
6. (160-2020) Authorize Recreation Department to Hire Part-Time Seasonals
7. (161-2020) Authorize Recreation Department Refund – Basketball
8. (162-2020) Authorize Recreation Department Refund – Beach Badges
9. (163-2020) Authorizing Approval to Submit a Grant Application for Ocean County Senior Services Request for Competitive Contract Proposal for 2019-2021 Area Plan Contract Year Three, Older Americans Act Title III Area Plan Contract 2021
10. (164-2020) Authorizing a Release of All Performance Bonds for a Project Located at Block 274, Lots 11 & 12
11. (165-2020) Authorize 2020 Outside Dining Refund
12. (166-2020) Memorialize Authorization for Emergency Repair to Rue Mirador – COF #2020-127
13. (167-2020) Awarding a Contract for the Rue Lido & Rue Rivoli Mill and Overlay and Sidewalk Improvements to Shore Top Construction Corp. - COF#2020-128
14. (168-2020) Approval to Submit a Grant Application and Execute a Grant Contract with the NJDOT for the Reconstruction of Burnt Tavern Road, Johnson Avenue, Memorial Drive and Old Drift Road Project
15. (169-2020) Confirming Personnel Action –
- Bradston W. Benson, resignation as Public Safety Telecommunicator, effective July 3, 2020.
16. (170-2020) Urging Governor Murphy to Reinstate the Homestead Benefit Program
17. (171-2020) Imploring Its Legislators to Make Necessary Revisions to the Senior Tax Freeze Program

MOTION: Adopt Resolutions

MADE: Archer

SECOND: Mr. Wisniewski

Ms. Snyder: Yes

Mr. Borowsky: *No/Yes

Mr. Furfato: Absent

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Ms. Archer: Yes

CARRIES: YES

***Councilman Borowsky Voted NO for Consent Agenda Item #13/Resolution 167-2020 and Voted YES to all others.**

G. AUTHORIZATION

1. Authorization to Hire Two (2) Police Department Public Safety Telecommunicators.

Council President Snyder stated the following: “I would just like to mention that the Authorization is a replacement and not an additional to what we currently have.”

MOTION: Approve Authorization

MADE: Borowsky

SECOND: Mr. Wisniewski

Ms. Snyder: Yes

Mr. Borowsky: Yes

Mr. Furfato: Absent

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Ms. Archer: Yes

CARRIES: YES

H. OPEN PUBLIC SESSION

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

MOTION: Open the meeting to the public

MADE: Mrs. Snyder

SECOND: Mr. Wisniewski

APPROVED: All in Favor

Mayor Sabosik opened the meeting to the public

John Mogel: 1600 Center Street – “I have a couple comments about the recent paving project on Glenwood Avenue and Center Street. At the intersection of Glenwood and Center Street, curbing was installed on three corners and not the fourth. Why would they do that?”

John LeCompte, Borough Engineer: “The curbing was not put on that corner because the existing water patterns drain into the bulkhead. If we put the curb in, the water would flow different and we would have to put in a whole new drainage system. Both sides of the street are going across the road and drain into the bay at that point.”

John Mogel: “That is my next point. Why wasn’t the curbing extended all the way down? Because it is going to wash out. You are going to have asphalt with no sand and no foundation underneath it. Cars are going to come along and that is going to crumble and you are going to have a bigger problem than you had before.”

John LeCompte: “The problem is, we already have a bigger problem at the location you are talking about. We are putting road gravel in that area to help stabilize it. The problem is we have one small drain going into the person’s bulkhead and we promised them that there would be no additional drainage there. That is part of the promise I made to that resident. If we put a curb in it would put all the water from that whole portion of the road right through that one drain slot.”

John Mogel: “There is no natural drainage there. The only drainage there is going into the lagoon.”

John LeCompte: “Right, the one thing we could have done was put a new structure in a pipe but it is not the Borough’s bulkhead so the existing drain pattern was not altered.”

Jerry Dasti: “Sir, you can be assured that if it doesn’t work the way our Engineer indicates it is going to work, then we are going to do something to make it work. Let’s just give it time and see what happens.”

John Mogel: “Okay. I have been around to various departments and I have been told that if I don’t get a satisfactory answer to my questions, to come to the Mayor and Council. Sunshine Harbor is considered a residential area and subject to excessive noise ordinance. What is that?”

Mayor Sabosik: “There is a decibel recording level on the books that if it exceeds, people will get a ticket.”

John Mogel: “What is the time period?”

Mayor Sabosik: “I would say 9 or 10.”

Mr. Dasti stated it was in the ordinance book and we could look it up.

John Mogel: “For construction noise?”

Mayor Sabosik stated that he believes the noise ordinance is 7am to 7pm.

John Mogel: “Who authorized the start of the construction on this road project at 6:30am?”

Mayor Sabosik: “They should have started at 7am.”

John Mogel: “My house was vibrating at 6:30 in the morning. They were starting up a road grater 50 feet from my front door.”

Jerry Dasti stated that we will look into this.

Mayor Sabosik asked our Borough Engineer, John LeCompte if the project was completely done and if time sheets were submitted. Mr. LeCompte responded that yes everything was complete and that time sheets were submitted but it just notes hours worked, not exact times.

Mayor Sabosik: “Let us make sure that in the future, our specs call for a 7am start and that they submit signed certified payrolls stating the exact hours.”

John LeCompte: “Mr. Mayor, we were very clear to the contractors that construction was not to start until 8am on this project. The police were there the entire time. We have uniformed traffic direction there for the duration of projects.”

John Mogel: “When I called the police at 6:30am in the morning, they were not sure. He didn’t know what the problem was. I explained to the officer that they were starting this and it was not just a leaf blower or a lawn mower. This was heavy equipment. The officer asked, ‘what is the problem?’ and I told him that it was 6:30 in the morning. Then when I asked the officer outside what the cut off was for the afternoon, the officer told me ‘I don’t know, I work midnights.’”

Frank Pannucci: “It is very possible that you spoke to someone who just didn’t know, but in the future Mr. LeCompte will let all the contractors know everything they need to know.”

John LeCompte: “Absolutely.”

Mayor Sabosik: “Let us communicate to the Police Department what the hours of operation are for all construction projects from here on in. And please give that to the Chief to disperse to all of his personnel.”

John Mogel: “That should already be in the ordinance. They all stood here and put their hands on the book and took an oath that they would enforce our ordinances. Two weeks in a row, the first time there were a dozen 10 wheeled dump trucks on Glenwood and I could hear that. The second week, they parked the road grater in front of my house, which is illegal because they are not supposed to leave equipment on the street overnight. They were starting it up at 6:30am. When I approached one of the workers from Earle and told him that he was not supposed to start work until 8am he said that they didn’t know that. So, I don’t know what the noise ordinance is but those are the events that I have had in the past year. In addition to roofers working until 7:30pm with air guns and compressors. And dumpsters dropped off in the street. Not on private driveways. An empty dumpster just crashing down in the middle of the street at 7:00 in the morning. Delivery trucks coming in with the forklifts on the back. The streets are narrow over there so they park down the streets beeping.”

Mayor Sabosik: “Counselor, do me a favor and send a memo out to all of the departments in the town of Point Pleasant with the hours of operation for this type of construction to ensure that all personnel are fully cognizant of what this ordinance states.”

Jerry Dasti: “Yes sir. And Mr. Mogel, if you leave your information with me, I will be glad to send you a copy of the memo that I send out to the Departments of the Borough of Point Pleasant and the ordinance so that you have everything in writing.”

Council President Snyder: “Jerry, I believe there are two ordinances, one for construction and one for noise so please do both.”

Seeing no other hands, Mayor Sabosik closed this portion of the meeting.

I. EXECUTIVE SESSION

MOTION: Adopt Resolution Authorizing Mayor and Council to retire into Executive Session.

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

WHEREAS, those matters relate to the following:

- 1. Personnel**
- 2. Contractual/Possible 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.

MOTION: To Retire into Executive Session **Mr. Wisniewski**

SECOND: Mrs. Snyder

APPROVED: All in favor

RETURN FROM EXECUTIVE SESSION

Mr. Dasti: “We discussed the potential appointment of a Municipal Court Judge to replace Judge Liguori who is retiring on July 31st. He has been a Judge here for at least 20 years, maybe more. We also discussed some personnel contract negotiation matters. If it pleases the Mayor and Council, we need to make a motion to appoint Phillip Miller as Municipal Court Judge effective August 1st and at a salary not in excess to what is being paid to Judge Liguori.”

MOTION: (172-2020) Appoint Philip M. Miller as Municipal Court Judge in the Borough of Point Pleasant

MADE: Mr. Wisniewski

SECOND: Mr. Borowsky

Ms. Snyder: Yes

Mr. Borowsky: Yes

Mr. Furmato: Absent

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Ms. Archer: Yes

CARRIES: YES

Mayor and Council, along with Borough Attorney, Jerry Dasti, discussed possible things to do for Judge Liguori for all his dedicated years to the Borough of Point Pleasant.

MOTION TO ADJOURN

All in Favor

TRANSCRIBED BY: VERONICA THWING, DEPUTY CLERK

ATTEST:

APPROVED:

**ANTOINETTE JONES, RMC, CMR
BOROUGH CLERK**

**ROBERT A. SABOSIK
MAYOR**