

**COUNCIL MEETING
MONDAY, NOVEMBER 27, 2023
7:00 P.M.**

Mayor:	Robert A. Sabosik
Council President:	Valerie Coulson (Absent)
Council Member:	William Borowsky
Council Member:	Joseph Furfato
Council Member:	John Wisniewski
Acting Council President:	Antoinette DePaola
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 6, 2023, edition of *The Ocean Star* and January 6, 2023, edition of *The Asbury Park Press*.

Mayor Sabosik stated the following: “Being an elected official up here, one of our greatest pleasures as Council and as Mayor, is when we get to hire a new individual to a higher grade position than he or she previously had. Tonight, we have a young man, Evan Feldman who has been a Class II for us. His education has been outstanding. He graduated from Stockton University in May of 2022 with a bachelor's degree in business management. He was a special enforcement officer with Belmar before he came here. He graduated from Ocean County Police Academy as a Special Class II in April of 2022. He was then hired by us in March of 2023 as a Special Law Enforcement Class II. As a Class II Officer without a department, he conducted traffic, pedestrian safety patrols and assisted officers on calls for service. He currently resides in Point Pleasant. I would like to congratulate Evan and his family. You should be very proud. You have raised an outstanding young man. His hard work, dedication and honesty is above reproach. It gives us great honor tonight to approve this resolution.”

A. RESOLUTION

- 1. (233-2023) Authorize Appointment of Police Officer:**
Evan Feldman is hereby appointed to the position of Police Officer in the Police Department at the 2023 contractual salary of \$45,017.00 effective November 27, 2023.

MOTION: Adopt Resolution

MADE: Ms. DePaola

SECOND: Mr. Wisniewski

Ms. Coulson: Absent

Ms. Archer: Yes

Mr. Furfato: Yes

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Mr. Borowsky: Yes

CARRIES:

B. OATH OF OFFICE

1. Evan Feldman – Police Officer

C. WORKSHOP

1. Committee Reports

Council Member Borowsky stated the following: “Last Monday the Environmental Commission had a meeting. I will give you a brief recap of some of the things discussed.

Earth Day will be Saturday, April 20th with a rain date of Sunday, April 21st. The theme of this year’s Earth Day will be the Power of Trees. Sponsors are still needed if anyone knows of any local businesses that would like to help. The Environmental Commission would appreciate it.

The new tree ordinance was discussed with a representative from the public. She was informed that the state was making some revisions to the terminology in the ordinance. When we get it, we will review it and move forward.

Also, the Nelly Bennett Marsh Restoration was discussed. It was a meeting with Barnegat Bay Partnership. In the near future there will be a stakeholder meeting set up so the public can attend. That date has not been set yet.

One of the things I am most excited about is a resident who came forward a couple meetings ago and told us about these algae bloom floating islands. They float at the ends of the lagoons where there is a lot of brown algae buildup. These islands have plants in them, and the plants have roots that will absorb that algae. These plants will actually thrive off of the algae, taking away that ugly brown stuff that you see floating in the lagoons and at the end of the marshes. Every year around this time, the distributors pack grapes in these Styrofoam containers and I get hundreds of them. It is a shame to send them to the landfill because they take 100 years to break down. So, a couple of the Commission members are doing some prototypes with these sturdy grape containers. They are zip tying them together and putting little cups in them and hopefully they will have them unveiled for Earth Day. It is pretty neat to watch this whole process play out. The plants are very aesthetically pleasing once they start blooming, and they help the environment. We were talking about possibly enlisting the help of the Boy Scouts once we get these prototypes set. In the meantime, I have hundreds of grape containers. All the Commission members are helping to store them. We are looking forward to it and we are really hoping that this thing really takes off. It is very exciting. I was hoping to bring one to show the Mayor and Council, but there are a couple of members that are doing their own thing. I will have more information moving forward.”

Council Member Wisniewski stated the following: “There is a schoolboard meeting tonight. I am going to try to stop by and get an update on the Universal Pre-School Program.

I would also like to say congratulations to Officer Feldman.

We did update our E-Bike Ordinance. I just wanted everybody to be aware because there was a pretty nasty accident in Point Pleasant Beach about a week ago. A kid hit a jogger and went over the handlebars. He hit his face and was bleeding out of his head. It happened right in front of my brother-in-law’s house and thankfully his wife was a former ER nurse. They were able to get him to the hospital and I learned he was going to be okay. Yes, there is an ordinance, but please be aware because I also almost got hit as well. I

think until we get this figured out with the state and locally, we are going to have to take responsibility ourselves to watch out for these bike riders.”

Council Member Archer stated the following: “The Open Space meeting was held on October 25th and I was informed that day that they are changing the greetings with Santa Clause at Bennett Cabin because Santa wasn’t available on December 9th and 10th. So now he will be there on December 16th and 17th. That is when they will have Christmas with Santa from 2pm to 5pm. They will have Mr. and Mrs. Clause for pictures, and they will also have hot chocolate and cookies for the kids. It should be a very nice event.

The tree lighting is going to be on December 2nd along with the Market in the Park and that will also have a jolly little visitor there as well. The event will have bounce houses and carriage rides. The market in the park will have vendors selling hot chocolate and such. They will also have letters to Santa. It will be a wonderful event for the community to come out and start ringing in the New Year.

The Garden Club is going to arrange a bus trip to Longwood Gardens on December 7th, and it is \$135.00 per person.

Jack McHugh is on the Open Space Committee with me, and he is still working on the memorialization trees at Riverfront Park. It has been an ongoing process, and he is looking to find out prices for signage and what types of signs to put at the trees. He also wants to make sure that we have the kind of trees that are habitable at the Riverfront Park because of the seawater that is there.”

Council Member Furmato stated the following: “I have really good news for us in Point Pleasant. The NJDOT awarded us \$438,000.00 to start the River Road sidewalk project. This is the first phase. I believe it will be 4 or 5 phases to complete it. I would really like to thank John LeCompte for getting that done for us.

New Jersey Natural Gas has paved 19 roads this year and they will be restarting in the spring to pave more. I believe that there are about 40 more roads that they have to repave and each time they dig one up they have to pave it. That is another good thing for the town because it doesn’t cost us anything.

I want to thank the DPW for their quick repair to a broken bench over at the Dorsett Dock Road waterfront area. It was kind of dangerous. The bottom of the bench was not level. If you sat on it, you would slide right off. As soon as they were made aware of it, they fixed it.

The playground at the Riverfront Park is done. That was a 50/50 deal with town money and a grant.

On one other note, Councilman Borowsky was talking about the Nellie Bennett swamp. Well, Barnegat Bay Partnership is hiring a company this week called Matrix New World and they are going to do all the engineering and design for that project. That project is going to cost about \$2.8 million dollars but won’t cost the town anything.”

Acting Council President DePaola stated the following: “First off for our Public Safety report, as Councilman Wisniewski said, there are a lot of electric motorbikes out there and people seem to be very confused about what the rules and regulations are, so we have been engaging our officers with the e-bike operators to advise them of the ordinance and the laws governing low speed electric bicycles. These are restricted to reaching speed of no more than 20 mph. However, there are a lot of motorbikes on the road that are not e-bikes, but they are considered electric motorbikes. This, by definition would require an operator’s license as well as registration and insurance. There are electric motor bikes on the road that are designed for off road use only. They lack the requirement for bicycles and e-bikes for legal on road use including having speed and power limits which exceed the legal speed limit for low speed electric motor

bikes. Many of these bikes are advertised as having a speed in excess of 40 mph, which is double the legal limit. These motor bikes also do not have functional pedals to classify it as a bicycle. Our Police Department will issue the operator a summons for illegal operation on public roadways. These electric bikes are subject to impoundment. They are extremely fast and inherently dangerous, especially when they are being operated by younger, less experienced operators. Parents are encouraged to view the manufacturers' website before purchasing such bicycles for their children. Many companies have warnings about legalities and age restrictions.

Logan Carter is our Special Law Enforcement Officer Class II. He is in a spot that Officer Feldman was in, so this is a great opportunity for him to prove himself and advance through the ranks. He is currently in our training program and will be assigned to patrol focusing on traffic enforcement and pedestrian safety.

The Police Department has seen an increase in computer virus scams. They have seen an increase in reports of fraud involving fake computer virus alerts. In this scam, a window pops up on your computer screen with an audible alert advising of a virus on your computer and to call the number provided on the screen to clear the virus. If this occurs on your computer, do not click on any links or attachments, as this could install an actual virus on your computer. Also, do not call the number. The person on the other end will unlawfully obtain bank account information through various ploys and then conduct withdrawals from your account. There are victims who have been convinced into giving up this information and I know somebody who actually within seconds had \$1,000.00 drained out of her bank account. So please, especially now with the holiday season, please be careful of the merchants that you choose to do business with. If you have any questions or issues or feel that you are a victim of fraud, please contact the Point Pleasant Police Department.

Once again this year, the Community Watch Organization will be conducting a toy drive for the children who reside at Dottie's House, which as most of you know is a home and temporary housing for women and their children who have been victims of domestic violence. One of the things that are also being asked for this year are art supplies, school supplies and kitchen supplies. Any of these items can be dropped off at the Police Department between now and December 15th. All of these items will be going to Dottie's House but any left over or additional toys will be brought to Children's Specialized Hospital over the Christmas holiday as well as to other charities depending on the number of items we receive."

2. Report of Mayor

Mayor Sabosik stated the following: "First off, I want to congratulate Val Coulson and Joe Veni for winning this year's election. They will be joining us on January 1st on the dais. The town's residents have spoken. They have continued faith in this team. We will continue to address your concerns to the best of our ability. All of you who have expressed confidence in this team will be greeted with honesty, integrity and will include all residents from all parties to continue to make Point Pleasant one of the best towns on the east coast. To live and raise a family and a continuation on the same theme, I want to congratulate Councilwoman Toni DePaola who, with Councilman Joe Furmato, got together with our town engineer, John LeCompte and secured the previously mentioned sidewalk grant of over \$400,000.00 on River Road. This is the start of us going from the park and making River Road a walkable road.

In closing I also wish to have everyone come over on December 2nd for Christmas and for our holiday market in the park. I can assure you that somebody in a red suit will be there."

D. MINUTES

- 1. Approve Council Meeting Minutes of October 23, 2023**

MOTION: Approve Minutes

MADE: Ms. Archer

SECOND: Ms. DePaola

Ms. Coulson: Absent

Ms. Archer: Yes

Mr. Furmato: Yes

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Mr. Borowsky: Abstain

CARRIES:

**E. 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: Ms. Archer

SECOND: Mr. Wisniewski

APPROVED: All in Favor

Acting Council President DePaola opened the meeting to the public.

Resident: 2117 Foster Road: Asked for clarification on Consent Agenda item #249.

Mr. Pannucci: Responded that it is a scheduling system for off duty work for Police Officers.

Seeing no hands, Acting Council President DePaola closed this portion of the meeting.

E. RESOLUTIONS

“All matters listed under item “Resolutions” 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. (234-2023) Bills and Claims

2. (235-2023) Authorization Transfer of 2023 Budget Appropriations

The bills totaling the amount of \$10,298,313.99 are to be paid as presented. The bills and claims list is 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: Mr. Wisniewski

SECOND: Mr. Furmato

Ms. Coulson: Absent

Ms. Archer: Yes

Mr. Furmato: Yes

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Mr. Borowsky: 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. (236-2023) Authorize Adjustment and/or Refund on Certain Tax or Water/Sewer Accounts.**
- 2. (237-2023) Authorize Refund of Lien Redemption and Premium Paid at Tax Sale**
- 3. (238-2023) Authorizing Execution of a Shared Services Agreement with the Office of the Ocean County Prosecutor Pursuant to N.J.S.A. 40A:65-1 et seq.**
- 4. (239-2023) Supporting Ocean County Meals on Wheels Program**
- 5. (240-2023) Authorizing the Release of Performance Bond for 1515 Hulse Road, A/K/A Block 256, Lot 15**
- 6. (241-2023) Certification of the Review of the Local Government Best Practices Check List**
- 7. (242-2023) Authorize Refund Demolition Bond – Block 280, Lot 15, 1817 Beach Blvd.**
- 8. (243-2023) Authorize Refund Demolition Bond – Block 279, Lot 276, 1855 Boat Point Dr.**
- 9. (244-2023) Authorize Recreation Department to Rehire Part-Time Seasonals**
- 10. (245-2023) Authorize Recreation Department Refunds**
- 11. (246-2023) Authorize Refund Current and Escrow Accounts–Zoning Board of Adjustment**
- 12. (247-2023) Authorize CFO to Review Bills for the December 11, 2023, Council Meeting**
- 13. (248-2023) Authorizing Amendment to Contract with Remington and Vernick Engineers**
- 14. (249-2023) Authorizing Agreement with Jobs 4 Blue to Provide Administrative Services
Related to Off-Duty Employment for the Point Pleasant Borough PD**
- 15. (250-2023) Confirming Personnel Appointments/Actions – DPW:
- Resignation of Russell McCarthy, as part-time Recycling Center Laborer, effective December 1, 2023.
- Thomas Campolo is hereby appointed to the position of part-time Recycling Center Laborer, effective December 5, 2023, at \$16.00 per hour.**
- 16. (251-2023) Authorizing Approval of Change Order No. 4 and a Release of the Performance Guarantee and Acceptance of the Maintenance Guarantee for the 2022 Mill & Overlay Various Locations Project**
- 7. (242-2023) Authorize Refund Demolition Bond – Block 280, Lot 15, 1817 Beach Blvd.**
- 8. (243-2023) Authorize Refund Demolition Bond – Block 279, Lot 276, 1855 Boat Point Dr.**

9. (244-2023) Authorize Recreation Department to Rehire Part-Time Seasonals
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16. (251-2023) Authorizing Approval of Change Order No. 4 and a Release of the Performance Guarantee and Acceptance of the Maintenance Guarantee for the 2022 Mill & Overlay Various Locations Project

MOTION: Adopt Resolutions

MADE: Mr. Wisniewski

SECOND: Mr. Furmato

Ms. Coulson: Absent

Ms. Archer: Yes

Mr. Furmato: Yes

Mr. Wisniewski: Yes

Ms. DePaola: Yes

Mr. Borowsky: Yes

CARRIES:

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: Ms. Archer

SECOND: Ms. DePaola

APPROVED: All in Favor

Mayor Sabosik opened the meeting to the public.

Resident: 211 Osborn Avenue: Asked about the battle that Lavallette is having with Verizon over 5G and are we aware of this and what is going to happen in Point Pleasant.

Mr. Pannucci: “A few years back, the Borough of Point Pleasant passed an ordinance about future 5G nodes and cellphone companies coming in. We have not been contacted since then at all in any respect and that has been 4 or 5 years now.”

Mr. Dasti: “I have been involved in litigation in Belmar and it is the same thing. The FTC and the law is incredibly in Verizon’s favor. But what we did 4 or 5 years ago was adopt an ordinance, figuring that Verizon, and companies like them, were going to be coming. We can’t stop them, but we can perhaps regulate and dictate how and where their facilities and structures will be. We have done that. The Council was aware that this would be coming years ago, and we adopted an ordinance which is on the books, and we think if and when 5G is to be installed in Point Pleasant, it will be done pursuant to the ordinance in a fair and healthy and aesthetically pleasing manner.”

Mayor Sabosik: “Councilman Joe Furmato and I were recently discussing this on a similar subject, and what we find amazing is if you remember when we first got phones, there was 1G then 2G, then 4G and now 5G which was supposed to be the best. But now all of a sudden, they are talking about 10G. So we are starting to believe that maybe those small modules won’t be necessary with 10G. We don’t even know what 10G is yet. But it seems like the next generation of technology might be different than 5G.”

Resident: 211 Osborn Avenue: “I want to make a comment on this whole thing. I work in this industry, and I have had notices in the past years to not be within 6 feet of a house from our transmitting antennas. So, this stuff is dangerous. I don’t care how you want to cut it. The way 5G works is almost like a microwave. There have been cases in New York City where people moved into apartments with these 5G transmitters, and the people were getting sick. That is my concern. I don’t think it is safe. Not even 3G is safe. If you put one of those things in your ear all day, what do you think it is doing to your brain? Thank you for listening.”

Resident: 723 Mount Place: A member of the Friends of Point Boro Trees – Read a letter from one of their other members, Alicia Avery. She was not able to be at the council meeting. Asking for support and help protecting neighborhood trees.

Mayor Sabosik: “This administration is very environmentally sensitive. We have done numerous projects throughout this town. I walk a lot in this town and am also very concerned. Dennis Blazak and I have talked numerous times with other members of the Environmental Commission. We intend to come out very strongly. I know the state has just recently finished their review. We will be doing something. When something gets torn down in Point Pleasant and somebody builds a new house and takes a tree down, the Planning Board and Zoning Board already mandates that a certain amount of trees be planted. They are not going to be 70 year old trees. We know that. So that is why we feel this tree ordinance is so important. We will be coming out with it, and we would be more than happy to take any of your suggestions. They would have to go through legal and the state, but we are here to help and improve the situation.”

Mr. Pannucci: “The Mayor and Councilman Borowsky mentioned that the state just updated their model ordinance in November, so it is finally filtered out to all the municipalities. We will be going through that and taking some suggestions and changing some language and hopefully by some time in late winter or early spring we will have a new ordinance waiting to go.”

The resident and Friends of Boro Trees member asked if her group could reach out to the Mayor and Council with a list of items that they would like to see included in the new ordinance.

The Mayor and Council along with Jerry Dasti were in favor of receiving input from this group on putting together the new tree ordinance.

Resident: 626 Delaware Avenue – “I have two questions. You mentioned that the utility companies were paving some of the roads. I was wondering if there was a possibility to request some crosswalks in certain areas. It feels like it would be a great time to request that. My next question is, there are a lot of bus stops on the side roads in this town. It was brought to my attention that wherever the bus stop is, there is supposed to be a white line in the road where the bus stops.

Mayor Sabosik requests that our Borough Engineer and Chief of Police confer on this issue.

Mr. Pannucci: “The bus stops are dictated by the school district, but if they haven’t marked them out properly, let the Chief know and I am sure he will have somebody reach out to them. The same thing with our Engineer, after the meeting if you want to give them some ideas of where the crosswalks could be, the Chief can look at it with him and see if it is plausible from a traffic safety standpoint.”

Resident: 626 Delaware Avenue – “I also wanted to talk about the concern over electric bikes. One of the things I was wondering is, sometimes it seems that it is so easy to give someone a citation or a ticket. Is there a possibility of maybe coming up with a program for electric bike safety so rather than giving out a monetary fine, they would actually have to commit and learn the rules. As one of you were saying, there is a problem right now where we are in transition and not everyone knows the rules.”

Mayor Sabosik: “We were one of the first towns to put in an E-bike Ordinance. One of the provisions was taking the serial number and registering that with the town. Councilman Joe Furfato came up with that idea. The reason why, is God for bid, if anything happens to a 14 or 15 year old and they get knocked out, we do not know who they are. But if we have a serial number, then we know who they are. As well as keeping track of bad e-bike people versus good e-bike people.”

Chief Picca: “The goal is not to issue a summons. We start with education. Our Class III Officers have been engaging students as they arrive to school on their e-bikes and advise them of the rules of the road. We give warnings prior to summonses even being issued. We also have the hurdle of people from out of town coming in. There is not just one approach that we can take on this. We are taking a multi-faceted approach. We are handing out warning cards with the ordinance attached. We are looking into adding QR codes to these cards so they can scan it and get access to our ordinance. It is all about getting people educated and to operate safely. If somebody doesn’t get the point warning after warning, then unfortunately they will see themselves in court. But we want them to operate safely, and we are trying to do this through education and also putting it out there on social media. It is a work in progress, but we are going to continue with this approach.”

Resident: 2117 Foster Road – “Subject on the e-bikes. 2 weeks ago, I was on Beaver Dam Road at the library at Panther Path. The crossing guard had the traffic stopped in both directions. A juvenile came down the road on his e-bike and went right through. Really good, a crossing guard traffic stop, but not for an e-bike. Also, on the subject of trees and cell towers. Did you see the new pine tree that went up in Bay Head. That is comical. And then on the subject of the streetlights, right now Jersey Central is filing with the BPU for a rate increase. Maybe the town can send a letter to the BPU that says, you are looking for a rate increase, but you are not fixing the streetlights in town. Maybe that will help speed the process along. Also, over the weekend you would think they are running for political office. Barten Brothers Junk signs all of the sudden on every corner on Bridge Avenue. They put up the little plastic signs everywhere. Can we have someone take those down? There is so many of them.”

Mayor Sabosik stated that our Code Enforcement Officer has already done something about this.

J. 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: Mr. Furmato

APPROVED: All in favor

RETURN FROM EXECUTIVE SESSION

Mr. Dasti stated the following: “We discussed in closed session potential ongoing litigation involving the town.”

MOTION TO ADJOURN

All in Favor.

TRANSCRIBED BY: VERONICA THWING, DEPUTY BOROUGH CLERK

ATTEST:

APPROVED:

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

**ROBERT A. SABOSIK
MAYOR**