

**COUNCIL MEETING
MONDAY, MAY 13, 2024
7:00 P.M.**

Mayor:	Robert A. Sabosik
Council President:	Antoinette DePaola
Council Member:	William Borowsky
Council Member:	Joseph Furmato
Council Member:	Valerie Coulson
Council Member:	Charlene Archer
Council Member:	Joseph Veni
Borough Attorney:	Jerry J. Dasti, Esq.
Asst. Borough Atty:	Joseph 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 5, 2024, edition of *The Ocean Star* and January 5, 2024, edition of *The Asbury Park Press*.

A. WORKSHOP

1. Committee Reports

Council Member Borowski stated the following: “A couple recent bills were passed into legislation, and I would like to highlight a few of them:

- Expanded access to temporary restraining orders this will authorize protective orders to be issued for certain victims in situations in which domestic violence statutes do not apply due to a lack of familiar or dating relationship between the victim and the offender. Specifically, the Governor’s office says this bill provides greater protection to victims that have been victimized through abusive behavior regardless of their current or prior relationship status to the alleged offender by expanding the eligible acts for which a protective order can be obtained.
- Pertaining to auto theft, a package of four bills were signed to strengthen the criminal penalties associated with auto theft with a particular focus on pertinent repeat offenders and large-scale automobile trafficking networks. I am glad they looked into that and did something because with a lot of people leaving their key fobs there has been a rash of car thefts. I am glad they are acting on that.
- Illegal sale of catalytic converters. A new law aims to make it more difficult for bad actors to sell stolen catalytic converters to scrapyards and make it easier for law enforcement to identify, locate, and prosecute violators.
- Help for veterans to become nurses. Governor Phil Murphy signed a bill that says he will ease the path for veterans with certain medical training to become licensed practical nurses. New Jersey Safe Haven expansion.

- New Jersey Safe Haven Infant Protection Act was expanded to clarify that people who give birth in licensed general hospitals may safely surrender their infant under the act.
- Prescription drug costs. The New Jersey governor's office said a package of bills signed this year will work together to cap certain out-of-pocket costs, establish greater oversight of pharmacy benefit managers, and promote transparency across the pharmaceutical supply chain.
- SNAP benefits increase. A bill was signed to make sure every SNAP household in New Jersey will receive at least \$95 in monthly benefits. If a New Jersey household is approved for less than \$95 in the monthly SNAP benefits, they will receive the regular federal benefit plus an additional state supplement to bring them to the new minimum.
- And the last one is funeral costs. Costs for vets with limited incomes. A law was signed by Governor Murphy that expands the eligibility for veterans with limited income to have their funerals covered by the government. So, lots of good things are going on in this state and the world of legislature.”

Council Member Coulson stated the following: “Our summer recreation programs open for registration this Wednesday at 10:00 am. It will be online registration as always. There are so many programs. One of the new programs is Tai Chi for the seniors. The senior fitness will be held this summer in the high school cafeteria. There's even a class for the pups. It's going to be basic manners for dogs and their owners, held at Riverfront Park. If you're interested, sign your puppy up. Our Memorial Day event will be on Monday, May 27th, over here where the Fallen Heroes Memorial is at 11:30 am. Good news. We have an extra toddler swing set over in Riverfront Park. The plan is to have it installed by Memorial Day if the weather cooperates. We were able to fund this through Open Space. Summer Fest is Saturday, June 1st at 11:00 am, so mark your calendar.”

Council Member Archer stated the following: “Thank you, Mr. Mayor. I'm very glad to hear and say that after many hours and many meetings with our CFO, the Administrator, Mayor, and Finance Committee, we have finally completed the budget. The budget process started in October. I'm happy to report we anticipate adoption tonight. And we are definitely on time for our adoption. This year we have faced many challenges not present in previous budgets. They include a number of factors driving this year's budget, including a 33% increase in workman's comp insurance and a 14.85% increase in pension costs. Also, we had a 24% increase in health insurance. All these items are clearly out of our local control and are driven by the state. That being said, I feel the Finance Committee, Mayor, and along with the Council, and all the rest of the team, have done an exceptional job crafting this budget to make sure Point Pleasant residents receive the services they need from road work, public safety, trash collection, and a myriad of other functions in the Borough Hall, all while falling within the budget parameters of the state. The overall total budget for 2024 is \$24,510,456. This is a slight increase of 1.87%, which equates to a very small increase in the tax rate of .009 cents. In plain terms, this equates to a small increase of an average residential household of \$36.08 for the entire year, which is roughly just about \$3 a month. I would recommend the rest of the Council to please adopt our budget for 2024.

Also, this Friday night, May 17th from 4:30 PM – 5:00 PM at Riverfront Park, Open Space is going to have an event with the Girl Scouts and the Scouts of BSA. It's going to be a lantern fly education seminar. This is to educate the Girl Scouts and the Scouts of BSA with a brief presentation on how to spot lantern flies, their eggs, and the different stages they're in, and how to stop the infestation.”

Council Member Veni stated the following: “I'm happy to report today is the second reading of the Tree Removal Ordinance. Council, along with the assistance of our very own Code Enforcement Officer, Colleen Malvasio, and Borough Attorney, Mr. Dasti, have worked very hard to balance the issues of the

Environmental Commission and the rights of the property owners regarding the new ordinance mandated by the NJDEP for all municipalities.

The Environmental Commission did an amazing job of planning the borough's annual Earth Day held last month at Riverfront Park. It was a huge success. So, a big thank you to the Environmental Commission, and a big thank you to Frank Pannucci, our Borough Administrator for applying to the NJ Forestry Division for the trees that were handed out to any resident who wanted to plant a tree in their own yard. And just like everything else, we strive to make things better every year. Also new this year was the Electric Vehicle Owners Group that travels around the state voluntarily showcasing their EVs at events such as Earth Days to anyone interested in purchasing an electric vehicle. Residents had the ability to ask questions about EVs and their experiences as an owner versus a car salesperson.”

Council Member Furmato stated the following: “As for road construction we have Hollywood Boulevard and Channel Drive that are going to be done this summer. NJNG will be paving approximately 20 roads this year. They kind of dominate right now with all the piping they're changing. As for sidewalks, Dorsett Dock sidewalk is going to be a summer project. River Road is going to be a fall project. And this building will be getting a new roof in a couple of weeks.”

Council President DePaola stated the following: “As the Chairperson for Public Safety, I would just like to say last week the Chief of Police, Chief Picca, and Captain Woit met with the private towing companies in town who have a contract to tow vehicles after any sort of disabling damage. We worked out some minor changes to our ordinance to better conform with the state ordinance and also to work out some issues that the towers were having. It was a very productive meeting, and you will see that we will be introducing some of these changes which only affect the towers, in an ordinance tonight. Also, our police department has started their e-bike enforcement initiative. They will be issuing warnings to any juvenile caught disobeying any of our local ordinances concerning e-bikes. They are deploying message boards on school property by the high school and middle school so that the children are aware of the law regarding e-bikes. And we would like the parents to know that after the child receives a warning, if they continuously flout the law, there will be a summons issued, and it will be sent to the parents. So, if your kids ride e-bikes, just make sure that they're in compliance and wear their helmets and obey the traffic laws.

Also, with the beginning of the nicer warm weather, the police department held a bike rodeo for fourth-grade students at Nellie Bennett and Ocean Road Schools. It included traffic signs and crosswalks, and the police department couldn't have done it without the help of the school administration, Brielle Bicycle, Point Bikes, and the Greater Mercer Transportation Management Association. Thank you for making this event a successful event. We all know that warmer weather brings a lot of cyclists, so please be cautious when driving. And you'll notice that the police department has put out more signs, more electronic signs, as well as signs in the roads to help remind residents of the traffic laws.”

2. Report of Mayor: “Tonight, we will hopefully be passing some ordinances that will be affecting the town. The first is a rate increase for our water and sewer. We've had nine major breaks in the last year. Unfortunately, the rates must go up, but even with this increase we will still have one of the lowest rates in Ocean County.

Along with that same topic, I received a letter from Ocean County Utilities Authority. And I'm going to read some of the letter to everybody here. “OCUA routinely reviews regional and local participation data by the Office of the State Climatologist at Rutgers University. Precipitation records indicate for the three-month period ending April 1, 2024, southern New Jersey, which includes Point Pleasant Borough, has experienced many higher-than-normal precipitation events. These events combined with the normal seasonal high groundwater has led to significant flooding as well as an elevated groundwater table. The elevated groundwater table increases the rate at which water infiltrates into our sanitary system. In

summary, the exceptional precipitation events have contributed directly to a higher sanitary flow from the town of Point Pleasant to the OCUA. Translation to everybody, our OCUA bill is going to be higher this year.

New Jersey Natural Gas, as our fellow council people have been saying, work a lot in town. They have two letters going out. One, to move your cars when they're working on the street. If they put in lines, they will come into your house and turn everything back on safely. The second letter is when they pave the roads. Three years ago, this council passed an ordinance if NJNG exceeded a certain mathematical percentage of repairing the road, they would be responsible instead of paving a five-foot-by-five-foot patch, they now must pave the whole road side to side, end to end, which is a benefit to all our residents.

I did have communication from JCP&L about the street lights. They've repaired a pretty extensive list of street lights. There are approximately 15 more lights that need to be repaired. I want to thank the police department for contacting them and staying on top of it. So, Captain, you can tell the Chief I really appreciate that.

One of the other things the county has started is a local safety action plan to guide the development and implementation of effective safety measures in towns. Our two people to represent the town of Point Pleasant at this new council will be Frank Pannucci and Chief Adam Picca. I'm also very happy to report that for the first time ever an Ocean County police officer has become President of the state PBA. Peter Andreyev from Point Pleasant Beach was elected. I know all of you wish him well in his new role.

The budget will hopefully be passed as our councilman stated, but I just wanted to point something out to everybody here. An average town uses 32% of the tax revenue to run the town. We only take 22% of the tax revenue to run the town. We are one of the most efficiently managed towns and I want to thank all our employees, our police department and all the council for helping bring this efficiency to the town of Point Pleasant. And with that, that is the end of my public report this evening.”

B. MINUTES

1. Approve Regular Meeting Minutes of April 8, 2024

MOTION: Approve Minutes

MADE: Archer

SECOND: Coulson

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

C. MAYORAL APPOINTMENT

Mayor Sabosik appointed Nicole Capoano to the Environmental Commission as a Regular Member.

D. ORDINANCE

1. Final Reading/Public Hearing

**Ordinance No. 2024-09 – To Exceed the Municipal Budget Appropriation Limits
And to Establish a Cap Bank**

PUBLIC COMMENT: NONE

MOTION: Adopt Ordinance

MADE: DePaola

SECOND: Archer

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

E. MUNICIPAL BUDGET

1. Public Hearing of 2024 Municipal Budget as Introduced

PUBLIC COMMENT: NONE

2. (137-2024) Amendment to 2024 Introduced Municipal Budget

MOTION: Adopt Amendment to 2024 Introduced Municipal Budget

MADE: Coulson

SECOND: Archer

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

3. (138-2024) Public Hearing and Adoption of 2024 Municipal Budget

PUBLIC COMMENT: NONE

MOTION: Adopt Municipal Budget

MADE: Archer

SECOND: Furmato

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

F. ORDINANCES (con't)

1. Final Reading/Public Hearing

Bond Ordinance No. 2024-10 – Providing for Various Capital Improvements and other Related Expenses in and for the Borough of Point Pleasant and Appropriating \$3,807,600 Therefor, and Providing for the Issuance of \$3,616,700 in Bonds or Notes of the Borough of Point Pleasant to Finance the Same

PUBLIC COMMENT: NONE

MOTION: Adopt Ordinance

MADE: DePaola

SECOND: Furmato

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

2. Final Reading/Public Hearing

**Bond Ordinance No. 2024-11
Providing for Various Water and Sewer Utility Improvements and Appropriating \$298,800 Therefore, and Authorizing the Issuance of \$283,600 in Bonds or Notes of the Borough of Point Pleasant to Finance Part of the Cost Thereof**

PUBLIC COMMENT: NONE

MOTION: Adopt Ordinance

MADE: Coulson

SECOND: Archer

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

3. Final Reading/Public Hearing

Ordinance No. 2024-12 – Amending and Supplementing Chapter 13 of the Township Code Entitled “Removal of Trees”

Mr. Dasti, Esq., stated there's been a slight change to the ordinance as a result of the first reading, just some minor changes.

Council Member Veni explained the high notes. Basically, instead of 2-inch DBH, we're doing to a 6-inch because that means that any resident that wants to cut a tree down that is 2-inches wide would have to come here and get an application approved. That's a little excessive. We changed the gate bridge. We're not going to do that. And the \$150 cost of the arborist. That's about the going rate.

Council Member Veni continued as discussed, this is something that the NJDEP is requiring of all municipalities. When they sent this to us as a draft, it was one size fits all. All the municipalities in New Jersey had to kind of tailor it to each of their specific towns. And I do feel that we did it as fairly as possible. We will also continue to monitor it and then we can always amend the ordinance as necessary.

Mr. Dasti, Esq., stated the Borough is the most populous town in the county, we have smaller lots and unfortunately there aren't many trees left. All those things came into effect, and we tailored this ordinance to fit with Point Pleasant.

PUBLIC COMMENT:

Resident, Hardenburg Avenue stated she did not come to council meetings and did not know what the ordinance was about.

Mr. Pannucci explained that every town this year must pass a tree ordinance, which is required by the NJDEP. The council and the Environmental Commission crafted an ordinance that respects the rights of property owners but also accomplishes the need to save trees. So, basically, any tree six inches or bigger requires the property owner to get a permit to cut it down. If you're cutting a tree down on your property or it's a new development coming in or anything like that, you'll have to come, get a permit, and then pay a fee. So, in other words, if you're not going to replace those trees, you have to put money into a dedicated fund that the borough controls and a tree will be planted somewhere else.

Same resident, responded so basically, if we cut a tree down, we're going to need to get a permit to cut the tree down. If we don't replace it with another tree on our property, I guess that's what the fee goes to, correct. And this is a state mandate?

Mayor Sabosik responded that this is a state mandate. Every town must pass a tree ordinance.

Resident, thank you for explaining this.

Seeing no other hands.

Mayor closed public comment.

MOTION: Adopt Ordinance

MADE: DePaola

SECOND: Furmato

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

- 4. **Final Reading/Public Hearing**
Ordinance No. 2024-13 – Amending and Supplementing Chapter 10-1 of the Borough Code Entitled “Water and Sewer Utility”

PUBLIC COMMENT:

Resident, Foster Road stated I realize we need the money. But I still think it's unfair to seniors, i.e. me, that the rate of the sewer charge is going up so much, and the rate per gallon isn't really changing. I think it would be a fair thing if it were.

Mayor Sabosik explained, I take your comments very strongly. I totally understand. This is by our auditors, and to give you a bigger picture, and counting of votes, we're still going to be in the, probably in the top four for having the lowest cost of water and this is the first increase since 2020.

Same resident, I still think it should be, you know, gallonage and not ready-to-serve.

Mr. Dasti, Esq., stated later in the agenda there's a resolution to approve an agreement, A 10-year agreement we're going to have with the BTMUA, which is going to save us a lot of money when you compare it to the rates we were getting charged for New Jersey American Water. The council's really been working hard on this.

Mr. Pannucci stated just so the council's aware too, that the ready-to-serve charge also goes for being able to give residents potable water at any given moment, whether they're using it or not, and take away sewage at the same time. That also goes for the 2% a year that this state is starting to mandate all towns that still have their own water system to start putting a 6-year capital plan to replace your system. Just the water side, not even the sewer side. That's going to equate to about \$1.5 to \$2 million a year just to meet that barometer going forward.

Seeing no other hands.

Mayor closed public comment.

MOTION: Adopt Ordinance

MADE: Furmato

SECOND: Archer

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

5. **Final Reading/Public Hearing**
Ordinance No. 2024-14 – Amending and Supplementing Chapter 19-5.3 of the Borough Code to Revise Certain Dimensions Which are Set Forth on the Schedule of District Regulations Which is an Attachment to the Borough Code

PUBLIC COMMENT: NONE

MOTION: Adopt Ordinance

MADE: Coulson

SECOND: DePaola

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

MADE: Ms. Archer

SECOND: Mr. Furmato

APPROVED: All in Favor

Council President DePaola opened the meeting to the public.

Resident, Hardenberg Avenue asked about Consent Agenda No. 11.

Mr. Pannucci explained that's our bulk water contract. We have two interconnects. New Jersey American Water coming from Bay Head and BTMUA coming from the other side of town. And in cases of emergency like in the peak of the summer when we can't meet demand because of drought weather, we pull water in bulk through our bulk contracts.

Same Resident, Hardenberg Avenue asked is part of the additional water we're purchasing from BTMUA due to the closing of the well on Hardenburg Avenue?

Mr. Pannucci replied it's not. We've been purchasing water from Brick utilities and New Jersey American Water for the better part of 30-40 years since they've been in existence.

Resident, Foster Road questioned Consent Agenda Item No. 18. He asked if we were going to demolish the building, and redo the building?

Mr. Pannucci replied this is to start doing the professional architectural, the professional plans, and the professional environmental studies. The engineers and architects have to put everything on paper, and eventually a project will be put out to bid.

Same resident, Foster Road asked about Consent Agenda No. 8. He questioned what the modest increase in the contract was.

Mayor Sabosik replied it is 3.75% for the first year, 4% for the next two years then 4 ¼%. The same as every other union that we negotiated this year.

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

H. 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. (139-2024) Bill and Claims**
- 2. (140-2024) Void Check Resolution**

The bills for 2024 totaling the amount of \$17,043,871.30 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: Furrato

SECOND: Coulson

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furrato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

I. 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. (141-2024) Authorize Adjustment and/or Refund on Certain Tax or Water Sewer Accts.**
- 2. (142-2024) Authorize Refund of Lien Redemption and Premium Paid at Tax Sale**
- 3. (143-2024) Memorialized Authorization of Water/Sewer Overpayment Refund Due to Edmunds Software Error**
- 4. (144-2024) Authorize Refund of Demolition Bond, Block 300, Lot 22–2103 Glenwood Dr.**
- 5. (145-2024) Authorize Refund of Demolition Bond, Block 237, Lot 2-2202 Rogers Rd.**
- 6. (146-2024) Authorize Recreation Department to Rehire Part-Time Seasonals**
- 7. (147-2024) Authorize Refund of Recreation Fees**
- 8. (148-2024) Approving 4-Year Contract with Transport Workers Union Local 220**
- 9. (149-2024) Cancelling Taxes for Property Known and Designated as Block 172, Lot 2**
- 10. (150-2024) Authorizing Second Amendment to Agreement to Provide Fixed Rate Insured Prescription Drug Management Services Offered by Benecard Services, LLC**
- 11. (151-2024) Accepting and Authorizing Execution of an Interlocal Agreement with the Brick Township Municipal Utilities Authority for the Purchase of Potable Water**
- 12. (152-2024) Authorize Henry J. Mancini to Perform Real Estate Appraisal – COF #2024-119**
- 13. (153-2024) Authorize Refund Escrow Fee – Block 306, Lot 75, 1626 Center Street**
- 14. (154-2024) Authorizing Disposal of Surplus Property Via Online Auction-Clerk’s Office**
- 15. (155-2024) Approving the Following Applications:**
 - Kiwanis Club of Point Pleasant, Town Event, Community Park, Saturday, November 2, 2024.**
 - Bay Head Shores Property Owners Assoc., Social Affairs Permit, Memorial Day Celebration, Saturday, May 25, 2024, from 2:00 PM – 10:00 PM, (rain date May 26, 2024).**
 - 21st Annual Treasure Island Sprint Triathlon at Riverfront Park on Sunday, September 29, 2024, from 8:00 AM – 12:00 PM.**
 - The Shore House Bar & Grill, Petition to Extend Licensed Premises, Annual Mike Kelly Foundation Benefit, Saturday, June 1, 2024, from 1:00 PM – 7:00 PM, (rain date June 8, 2024).**

- Hydrocephalus Association, Charity Walk Fundraiser Event on Sunday, September 15, 2024, from 8:00 AM – 3:00 PM at Riverfront Park.
- 16. (156-2024) Authorize Shared Services Agreement Between the Borough of Point Pleasant, County of Ocean, State of New Jersey and All Other Municipalities Participating in the Creation of the Ocean County Flood Mitigation Consortium
- 17. (157-2024) Authorizing Issuance of a Request for Proposals to Perform a Town-Wide Property Tax Revaluation as Ordered by the Ocean County Board of Taxation
- 18. (158-2024) Authorizing Professional Services from Colliers Engineering & Design, Inc., for Architectural and Engineering for the New Recreation Center
- 19. (159-2024) Appointing Sharon Morgan as Full-Time Tax Assessor
- 20. (160-2024) Agreeing to Settle Litigation Initiated by Joseph Torre

MOTION: Adopt Resolutions

MADE: Coulson

SECOND: Archer

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

J. 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. DePaola

SECOND: Ms. Coulson

APPROVED: All in Favor

Mayor Sabosik opened the meeting to the public.

Resident, Hardenberg Avenue stated we come here today to bring something to the Council’s attention that is going on in our neighborhood. For the past three years many of our neighborhood has been dealing with severe groundwater issues. Those issues vary depending on location. I, myself think I am one of the most severely impacted. I have two sump pumps in my basement, a total of four pumps, two primary and two back-ups. They run almost every 30 seconds all year round. This has been going on for three years. It all started in 2021. It coincided around the time the well on Hardenburg Avenue was taken offline. So, my question for the council is, prior to that decision, were there any studies, impact studies done on what the impact would be on the water table if that well came offline? Because based on my situation and others in the neighborhood it seems to me that once we start drawing from the aquifer there, the water table has risen

and that is severely impacting a lot of neighbors. I know some have had to have basements ripped out, have gotten quotes for elaborate French draining systems, et cetera. So, were there any sort of groundwater impact studies done?

Mayor Sabosik stated I'm going to bring up the town engineer, John LeCompte.

Council President DePaola stated I happen to live on Hardenburg Avenue, and this is an issue that we've been taking very seriously. I have a basement, so I understand the concerns. And we've been working directly with our engineer to discuss what the impacts were. We had to shut the well down. So, we will have John speak to all the technical issues. John is our engineer, and he can answer your questions in a more technical fashion.

Mayor Sabosik asked just as a matter of curiosity before John talks. You said it goes off, has it gotten worse in the last six months?

Same resident Hardenberg Avenue it goes off every 30 seconds.

John LeCompte, Remington and Vernick Engineers stated the reason the well was shut down was because it was a shallow well, approximately 80 feet deep and the cost was barely enough to be viable for the town to use. The NJDEP came out with more and more stringent regulations. It was going to require additional measures which would have tripled or quadrupled the cost to clean the water. Normally, the town does not do environmental studies to see what the impact of taking a well offline would be. Obviously, the fact that it's 80 feet deep, there'd be a minor adjustment to the water table, but I think the amount of rain we've been having has a much bigger impact on that.

Same resident Hardenberg Avenue asked were studies done or not done?

Mr. LeCompte replied they were done with regard to whether to keep the well on.

Same Resident Hardenberg Avenue, explained there is a phenomenon called a cone of depression. When you pull from a well, it sucks the water down and artificially lowers your water table. And we've done a lot of development in the area with that well in operation and that cone of depression there. And now that we've removed that well from service, the aquifer has readjusted to its normal baseline, which was never taken into account with over 70-plus years of development. And that's my main concern, and I'd like some answers and maybe some help with mitigation options.

Mr. LeCompte replied with regard to the fact that you're saying it wasn't taken into account when your basement was designed, did you have a geotechnical study done due to the water table? They don't base it on what the elevation of the water is. They base it on when modeling starts. That's what the designers are supposed to do. Wherever the highest the water's been, it leaves a trace. It's called models that remain in the soil years after the water's gone back down. So, when your basement is being designed, you're basing the elevation of the basement on where those models are, which means that the water had gotten up to 2 feet below the bottom of your basement. That's where it's going to be designed to, not the water that they struck 10 feet down.

Same resident Hardenberg Avenue stated I can tell you from experience in my neighborhood that in the last three years, since this well has been offline, the impacts have been serious and drastic to the residents.

Mr. Dasti, Esq., replied I think no one's disputing that, but I think we've had a hell of a lot of rain this year. And I think that's part of it. The last three years, our rainfall has been significant even though we haven't had a lot of snow.

Mr. LeCompte stated if you're discharging to your yard, and your yard is the level of the road, then that's an issue too because the water's just going to go back into the basement.

Same resident Hardenberg Avenue stated I understand there are a number of folks on Hardenberg that are so far set back off the road that we can't pump to the road, without spending tens of thousands of dollars on industrial sized pumps and systems.

Mr. LeCompte stated unfortunately, without pumping out to the road, I don't think you're going to alleviate the problem, because you're just pumping out into the yard, which is going right back into the ground.

Same resident Hardenberg Avenue stated so, I heard that the town did not do any sort of environmental study of the impacts to the cone of depression and the impacts to the water table by taking this well off-line line. Is that true?

Mr. LeCompte replied as far as water design, water design does not take into account lowering the water table, because what it's based on is delivering potable water, which are two completely separate things.

Same resident Hardenberg Avenue stated I understand. So, the answer is no. In fact, the cone of depression was not done. Can I ask for one to be done, so we understand the impact to all the folks that have developed that area. So, we can get a good understanding of what those impacts are, and then maybe we can move forward and if it does show something, we can start working towards mitigations. Can a study be done? I mean, if the decision was purely financial, okay, I get it, because we can't treat the water, it doesn't make sense, it's cheaper to buy it, right?

Mr. Pannucci stated I think I know what you're asking. But just to be honest, the decision to shut the Hardenberg well by our engineers three and a half years ago was not just financial. Those shallow wells have naturally forming chemicals that are harmful to people. And with the stringent rules of the DEP it is almost impossible to catch the stuff and the last thing we need is another Flint, Michigan thing. That's the most important thing the town looks at, period. But I think what you're asking is, because of this necessity for the well on Hardenburg having to be shut down three and a half years ago, even though the water table has naturally occurred, is there something the town can do going forward to help alleviate whatever you have going on out there.

Resident, Hardenburg Avenue stated my position is, we have been artificially lowering that water table for 70 years. I believe the first well was drilled there in the 1950s. We drilled it maybe in 1996 or 1997, I can't remember the date. I believe that we were pumping for about 50 years, which artificially drew the water table down during the development of that area. Now that the decision was made to take the well off-line, the residents are suffering the ramifications of that decision.

Mayor Sabosik asked how far away do you pump your water.

Same resident responded as far as I can. I'm on a flag pole lot that's set 250 feet off the road. I really can't go anywhere.

Mayor Sabosik stated so you're 250 feet off the road. Okay. In the last three and a half years, you said it's been the same or it's gotten worse in the last six months.

Same resident responded it's the same. Every 30 seconds, my pumps run.

Mayor Sabosik stated but this is the first time you came and talked to us.

Same resident responded I'm fed up. I live in constant fear of pumps failing, my basement flooding. I'm worried about the value of my house. If I try to sell my house, if you walk into my basement all you hear is a trickle of water coming into my basement.

Mayor Sabosik asked is your basement finished?

Same resident responded. Yes, it is finished and it's unlivable. My pumps haven't been able to keep up. I have a spare pump ready. I have two backups ready. It hasn't flooded to date. I personally know that there are folks on Hardenberg and in the surrounding areas that have.

Mayor Sabosik stated let's hear from a couple other people or do you have another question for us?

Same resident stated he would like to keep the dialogue going and work towards mitigation, or whatever that looks like. If we can discuss if more filtering is possible. Can we run a test? Can we turn the pumps on for two or three days?

Council responded we can't turn the pumps on.

Same resident stated I invite you over to come and look at my situation and others.

Mr. LeCompte replied because the well is out of commission right now, the DEP is not going to let us run the well if it's not for potable water.

Mr. Dasti, Esq., stated it's a tough situation to have, and everybody understands that. Anybody who's had water in the basement understands the frustration you have. I've done a lot of work, as John has, with water-related MUAs and that kind of thing.

Mr. LeCompte stated I understand that at the moment you think the well has something to do with it. There are other areas of town where the water table is higher than it's ever been in the last six months. Unfortunately, we've had more rain in the last few years than we've had in the last six years.

Same resident stated I am 100% positive that the issues we are having are directly the result of that decision.

Mr. Dasti, Esq., replied not in any way being argumentative, but let's presume for a second that you're right. Let's just say that the state required us to shut down that well. We can't turn it back on again.

Mr. Pannucci stated John's the engineer, not any of us. If it's okay, let's let John listen to a few people to see what their individual issues are.

Council Member Coulson asked did you only start pumping three years ago? So, you never had sump pumps until three years ago?

Same resident replied no. As I said earlier, they would kick on whenever there would be maintenance.

Council Member Coulson asked about heavy rain or Sandy did you flood then.

Same resident replied he wasn't there during Sandy; he bought the home in 2014.

Resident, Riverwood Avenue stated he has the same issue. Unfortunately, I'm a new resident. I moved into my home in November. So, I have no history before November. When we first did our walk through the house, it had a little bit of water in it. Obviously, rainwater has risen as well. My basement flooded continuously for about two or three months. I've had a French drain put in to the tune of several thousand

dollars, a lot more than I budgeted for. And even after the French drain was put in, I had multiple floodings after that. My neighbor has been there for 39 years and has had increased water in her basement. And now she has a French drain as well to the tune of, I believe, right around \$20,000. I pump to the road. I have two pumps, three-quarter horsepower pumps. And my pumps have been running since the day they got put in in February. They run about every 30 seconds. Today is the first day that they have not run constantly.

Resident Mattapan Avenue stated I think I can speak for probably that whole back row when I say we are all underwater. I currently have no heat in my home because I'm two feet underwater. I live on Mattapan Avenue. And I'm thinking we have a bigger problem in Point Pleasant than just Hardenberg. We have no drains. I'm only 25 feet off of the main street, where does the water drain, there are no drains. My neighbor is here as well. He lives next to me. I had two feet of water. I think they had 18 inches of water. I'm not even in the flood map zone. I have the FEMA up-to-date flood map printed right here. I am not in even on the outskirts of it where that little brown section is. I am nowhere near it. I bought my house in 2013, it was just after Sandy. And I've never had water, my heater is underneath there and when everything came up everything was drenched. I've never had a sump pump because I never had water. I didn't need flood insurance. I have an FHA loan, they didn't require it, and I would have never gotten a mortgage. We need to do more research in Point Pleasant Borough. I did my due diligence and I talked to Jude on June 4th. Everybody is saying water table, water table. I totally understand. I get it. I think it's the perfect storm of what's going on. I think the water table is rising. However, where is my water going? The closest drain to my home is by M&M on Route 88. From talking to a friend that works in the borough he said the drains were either partially or fully blocked from leaves and debris. I don't know what to do. Like, this poor guy on Hardenberg, I know I met probably 10 people with the same issue on Hardenberg. So, please don't sweep us under the rug.

Mayor Sabosik stated I don't want to interrupt you. I also have gotten water and I live on the other side of town. You guys are talking about Hardenburg, Mattapan, and Riverwood, right? Do we have any other streets or are those the three?

Same resident, Mattapan Avenue, stated I did reach out to the person, who lived there, prior to me and I asked if he ever had flooding like this. He said the only time was when Sandy hit. He had about eight inches, and he took a pump and pumped out the water. I don't have flood insurance because I didn't need it but I contacted FEMA and they said the only way that we can get any kind of relief from FEMA is if Point Pleasant declares a state of emergency. So, if all of us in this township are having this problem, why can't we declare a state of emergency and get some kind of relief? I'm getting \$20,000, \$30,000 in quotes, I don't have that kind of money, and I didn't need it when I bought my house.

Mayor Sabosik stated I belong to the Barrier Island Mayors Association, and we're forming a consortium. Anybody that goes into Bay Head can see, when we flood, they flood. This is a global problem of the Barrier Islands. I agree with you, it's probably the worst that I've ever seen. I've lived here my whole life. We are looking at various ways to do things and correct it. One of the ones is maybe we need more basins to take care of this waterway. We will actively look into this. John, after this we'll have a meeting, maybe tomorrow we can sit down, and let's think about some unique ways of helping this problem.

Same resident Mattapan Avenue stated perhaps you can call a town meeting and put it out there to everybody that's had this issue, because as a group effort, there might be some kind of resolution to this. But in the meantime, we need help. I don't have \$30,000.

Another resident, Hardenberg Avenue, stated I just want to tell you guys a little bit about my experience with the water table there and the water issues. We started with the water problem 17 years ago. I know everybody is saying it's because of the rain. In 2021, you decommissioned the well, and in 2021, our pumps started going off out of control. We pump into the backyard. We have a swamp back there full of algae. It's very disgusting and gross. I don't know anything about the water that's being pumped back there. Seventeen

years ago, we sprung a leak in our basement, a geyser, basically. And it was from groundwater, and it was because they had shut off the wells to change the pumps and do some service on them. I am one of the residents that lives far back from the road. So, 17 years ago, we put in a \$15,000 pumping system. We call it a shelf system, along with a French drain. They jackhammered up our whole entire basement. It was a lot of money, a lot of trauma, a lot of emotional stuff. It was not fun. We lost a lot of stuff in the flood. We were getting married right after that, so we almost had to cancel our wedding. We had to put in two sump pumps, which rarely went off after we did all of this. And every single time I saw a truck down by the well I would ask, is the well getting ready to be shut down for maintenance, they would say yes. I would make sure my husband and I would go downstairs and make sure all the pumps were working and up to date. You have to have check valves. You have to have a plumber who's willing to come out 24-7 anytime and help you. So, there's a lot that goes into having a sump pump system in general. Again, 17 years, cause and effect. Every single time they shut that well down, we would get water and we would start pumping. But we would be aware. But because the well would get back up and running, in my opinion, the sump pumps would stop pumping. But you have to also think about the way it affects our life. Right now, with the water table being what it is, you know, it's causing worse problems on top of everything, but I just wanted to be here to let you guys know that this is not just a Hardenberg Avenue problem. This is something that's been going on there for a very long time. And again, shut the well down for maintenance, sump pumps start going off like crazy. We have not had rain in a little while, so we have slowed down just a little bit, finally. We've been able to catch our breath for five minutes. In this situation with the water table and the rain being what it was, we sprung another geyser in the floor. So, after everything we've done and have continued to do, it is still a constant battle. We've obviously invested lots of money in shelving and getting everything off the floor. I'm just here to tell you that this is a 17-year battle for me, and it's not something that just started.

Another resident Hardenberg Avenue stated 36 years, not a drop of water, now I get three inches in my basement. I spent \$30,000 in two days getting a new furnace, and I had to get a pump, then I had to get somebody to pump out the water, take away what was ruined in the basement. I'm up to \$70,000 so far. I'm 95 years old. Who's going to pay for that? I don't know, how come some houses get water, I don't wish this on anybody. I bought my house in 1988 and we had a French drain installed so we wouldn't have these problems. I was in the hospital for a while and when I came home it was freezing. This is my daughter, we live together, she said the furnace is bad and when she went to the basement, the basement had three inches of water. We were lucky many residents had more water than us. My warranty was over on my furnace, and now I'm on my third furnace. They put my furnace up higher now, but I had to go out and get a pump because now the water was coming up through my French drain.

Mayor Sabosik stated just so everybody knows, water will go to the path of least resistance, ma'am. I'm a flooring contractor, so I deal with water everywhere. So that's why some houses get it, some houses don't. I feel all of your pain. I had a house, I had two sump pumps, I had three batteries for backups, and I'd go away, come back, and have two feet of water. So, believe me, I know what you're all going through. I just heard about it tonight how bad this situation is. I'm going to instruct our town engineer to look into various options that we'll have.

Another resident, Hardenberg Avenue stated I believe your town engineer may have been out and spoke to us. He did say that he was going to look into the drainage maps. He also spoke about a recharge system which I don't really know exactly how it works. But I do believe that he said he was going to go ahead and look at those maps, because he did think that it might help.

Mr. LeCompte responded we did take a look out in the field. We saw that there's two cross drains, about 200 feet, towards Herbertsville Road, from what I consider to be probably the high point in the road. And then another two, another three or four hundred feet towards Herbertsville Road. So, there's a drainage system, but they couldn't figure out where the pipe was tied into. He's supposed to send somebody out to do that next week.

Mayor Sabosik stated let's have a meeting to look at different ideas, maybe to increase the basins and see what's going on. I feel bad for everybody here. As I've said, I've been in the same position. I was frustrated really bad. I understand what's happening. We will look into this.

Another resident, Hardenberg Avenue, I know a lot of you up here. I kept listening to Frank Pannucci and you kept saying that the well had to be shut down. Why did it have to be shut down and who made the decision that it had to be shut down?

Mr. Pannucci replied it was after consultation with our engineers. I will let John explain the decision.

Mr. LeCompte explained the NJDEP came up with additional regulations and requirements that they call pollutants. There were several things that the state increased the thresholds on, and the amount that the borough had to pay to upgrade the facilities to pay for it made it about four times as much as buying water from the neighboring towns.

Same resident, Hardenberg Avenue stated, so it was a buy-in decision, you could have put the money out to save all these residences.

Mr. Dasti, Esq., explained it was a DEP's decision to shut down the well because, unfortunately, with their newer regulations, because it was a shallow well only 85 foot deep, we were generating more pollutants than was allowed by DEP, so they shut us down.

Mr. LeCompte explained that they will not let us drill a new well. We did a lot of research. We did a benefit-cost analysis on how much it would cost to continue running it the way it was, as well as there were several additional items that would have cost over millions of dollars to increase the capacity of the well.

Mayor Sabosik stated the report from the DEP was to our engineer, which absolutely you can see it. We got estimates of a few million dollars to fix this problem. And we couldn't dig the well any deeper.

Same resident Hardenberg Avenue stated, I'm directly across from the water tower. This is the first time I got water in my basement in 21 years. The woman I bought it from said absolutely no water. And, of course, the people before that said absolutely no water. The house was built in 1955. Thus, it goes back to when the well was put in 1950, which would affect the water table. I would like to see reports, because my ratables just went down. My market value just went down. And if it's going to continue to happen, I want my taxes recessed. I just lost the living area, my laundry room, my heat's down there, I need to raise everything. I'm losing probably 1,200 square feet of living area. And I'm paying taxes on that. It's not just affecting people with basements, if you have a crawl space and water gets in there, you still have to dry it out. It stinks. It's not healthy at all. And I was thankful I had a basement. I was able to open it up to get the stench out. I'd love to see the study, and then we can go from there and see what's going on.

Resident, Riviera Parkway, I have an unrelated water issue that I'm sure many of you are familiar with, my dad has probably spoken to many of you in the past. We have a water issue in our backyard and several of my neighbors are affected as well. I'm aware that the engineer submitted a design plan about a month ago and I was wondering if I could get some information on that.

Mayor Sabosik replied our engineer, John LeCompte is in the back you can talk to him now.

Seeing no other hands, the public portion was closed.

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

K. 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: DePaola

SECOND: Furmato

APPROVED: All in favor

Executive Session was closed and back into regular session.

Mr. Dasti, Esq., stated in Executive Session we decided to add the following resolution:

20. (160-2024) Agreeing to Settle Litigation Initiated by Joseph Torre

MOTION: Adopt Resolution

MADE: Veni

SECOND: Coulson

Ms. DePaola: Yes

Ms. Archer: Yes

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Yes

Mr. Veni: Yes

CARRIES:

Mr. Dasti, Esq., stated the Council also gave their authorization to allow him to handle some pending litigation matters.

MOTION TO ADJOURN

All in Favor.

TRANSCRIBED BY: ANTOINETTE JONES, BOROUGH CLERK

ATTEST:

APPROVED:

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

**ROBERT A. SABOSIK
MAYOR**