

**COUNCIL MEETING
MONDAY, SEPTEMBER 23, 2024
7:00 P.M.**

Mayor:	Robert A. Sabosik
Council President:	Antoinette DePaola
Council Member:	William Borowsky (Absent)
Council Member:	Joseph Furfato
Council Member:	Valerie Coulson
Council Member:	Charlene Archer (Absent)
Council Member:	Joseph Veni
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 5, 2024, edition of *The Ocean Star* and January 5, 2024, edition of *The Asbury Park Press*.

Mayor Sabosik stated the following: “Please let us stand for a minute. We lost one of the hardest working volunteers in the Borough. Jack Vitale passed away. He was very involved in the sports program and he was on the Planning Board for almost 30 years.”

A. WORKSHOP

1. Committee Reports

Council Member Coulson stated the following: “The Rec Committee met on Wednesday, September 18th. The department has had a productive quarter between the preschool, senior services, badge sales and fall programing. A highlight of the quarter was securing significant funding through an inclusive recreation grant for \$188,000.00 and a \$23,000.00 increase in ARPA Funding for Senior Services. Registration for preschool programs remains full, and planning for upcoming fall events are in progress. One of the things we did determine was that in the spring, our registration is a little late for parents trying to get their kids into the summer programs. So, we are going to do that a little earlier, so that enables parents to go to plan B if they don’t get into our summer program.

The dates of our fall events are as follows: Our Fall Festival is at the Riverfront Park on October 12th with the fireworks at dark. Haunts in the Park is over here at the Community Park on October 17th and Trick or Trunk is on October 22nd.”

Council Member Furfato stated the following: “I don’t have much tonight. The only thing I really have is that New Jersey Natural Gas is paving roads east of the canal and by Burnt Tavern Road. It looks like 75% of the roads over there are getting done and they should be done within the week. Then they will move to Sunshine Harbor to finish up what they did over there. That is all I have.”

Council Member Veni stated the following: “I just wanted to point out tonight that I have received a notification from Mr. Pannucci that the BPU awarded us our Community Energy Grant. So, we will be getting \$10,000.00. Just so everyone knows, that is not for any kind of material. It is for us to come up with

some kind of strategic plan where we try to find some way to reduce our greenhouse gas by reducing our electric consumption. One thing I would like to point out is that it would be great if we can incorporate that into our sustainable jersey action points. It would kill two birds with one stone. This is something that we will decide and come up with a plan and we will go back to the BPU for their final approval.

Moving on to the Barnegat Bay Partnership for the Nellie Bennett March Restoration Project. There was a meeting here last Thursday. Unfortunately, I wasn't able to attend it, so I really do not have too much to offer in the way of details. The next EC Meeting will be on October 15th at 7pm here in the courtroom. The EC had their last meeting this past Tuesday."

Council President DePaola stated the following: "For our Public Safety report this evening, as you all are aware, this is a new school year. Please drive safely. Please use extra caution while navigating the roadway as more children will be present. Please try to be patient and give yourself some extra time. Make sure to follow the instructions of the school crossing guards and let's have a great 2024-2025 school year. I did see a post by a resident who claimed that they were stopped by a crossing guard who was stopping traffic to allow for children to cross and some driver felt it was just a suggestion and he made a left hand turn even though he was supposed to stop. I have noticed since Covid that people are driving erratically. We have to be ultra careful. The police can only be so many places at a time. There is also a new traffic pattern at the intersection of Whitton and Laura Herbert Drive for drop off and pick up of the kids by the high school land the middle school. The police department is hoping that this helps to alleviate some of the traffic and congestion over there. Also, the police department was able to give a presentation on low speed electric bicycle safety on September 12th. This was done by Officer Jeffrey Johnson who is part of the community policing for students grade 9 through 12. And they will be working with the Memorial Middle School to also notify the kids. We know that parents have been talking with their kids about this but children unfortunately, do not always follow their parent's rules. The police have been stopping kids and giving citations out. The parents then have to get involved and answer the citation for their child. The police department is doing all they can to try to cut down on the electric bike traffic infractions. We all need to do our part.

Finally, on September 17th, our police department conducted a childcare seat safety inspection. It was here in front of police headquarters. The police officers who are certified to install child safety seats assisted residents with ensuring that child safety seats were properly installed in their vehicles. Thank you to all the residents who came out. This is especially great for grandparents. With the ever changing rules, it is nice to know that you can come to the police department and have them inspected and make sure you are driving your children around safely."

2. Report of Mayor

Mayor Sabosik stated the following: "Tonight, we have ordinances that are changing the quality of life for our residents. With the changing demographics and times, this Mayor and Council will continue to assess and review our ordinances to ensure that we can provide the best quality of life for our residents. As you know, there is a lot of changes in town with the amount of sidewalks and curbs that we are putting in. We will continue to review what we can do to help and ensure that this town the best quality of life that this administration can offer. Councilwoman Coulson mentioned October the 12th. All I can say, is that I promise you that it will be bigger, higher, and louder fireworks than last year.

I have been getting some phone calls from residents stating that the roads have been torn up by New Jersey Natural Gas and when are they going to get paved. Please know that New Jersey Natural Gas has a program with their engineers, and we must let it settle. So, if your road is being torn up this month, they will be paved in the spring. Yes, I know over the winter, it will be a little bumpy. But it is like going to the dentist.

You hate to go, but when you get done, you feel so much better. This is why we are not paving all the roads that are done now. We must wait and let it settle.”

B. MINUTES

1. Approve Regular Meeting Minutes of August 26, 2024

MOTION: Approve Minutes

MADE: Coulson

SECOND: DePaola

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

C. ORDINANCES

1. Final Reading and Public Hearing

Ordinance No. 2024-16 – Amending and Supplementing Chapter 7A-18 of the Borough Code Entitled, “Speed Limits”.

PUBLIC COMMENT: NONE

MOTION: Adopt Ordinance

MADE: DePaola

SECOND: Furmato

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

2. Final Reading and Public Hearing

Ordinance No. 2024-20 – Amending and Supplementing Chapter 7A-10 of the Borough Code Entitled “Stop Intersections”

PUBLIC COMMENT:

Resident: Foster Road – stated that he hopes they pass this ordinance since the stop signs are up already.

Mayor Sabosik stated that we have a very efficient Police and Public Works Department.

Seeing no other hands, Mayor Sabosik closed this Public Comment.

MOTION: Adopt Ordinance

MADE: DePaola

SECOND: Coulson

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

3. **Final Reading and Public Hearing**
Ordinance No. 2024-19 – Authorizing the Acquisition of Certain Interests in Real Properties By Negotiation, Purchase, Condemnation or Eminent Domain, Said Properties Being Identified on the Annexed Schedule and Parcel Maps – B 299.3, Lot 3 Beaver Dam Creek

PUBLIC COMMENT: NONE

MOTION: Adopt Ordinance

MADE: Furmato

SECOND: DePaola

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

4. **Final Reading and Public Hearing**
Ordinance No. 2024-21 – Authorizing the Acquisition of Certain Interests in Real Properties By Negotiation, Purchase, Condemnation or Eminent Domain, Said Properties Being Identified on the Annexed Schedule and Parcel Maps – 1301 Beaver Dam Road

PUBLIC COMMENT:

Resident: Asked for a better understanding of what is happening over there and the point of this ordinance.

Mayor stated the following: “We basically are looking to extend the sidewalks on the streets around, especially coming up Dorsett Dock Road. So, we want to extend the sidewalk from the liquor store, past your property and up to Beaver Dam Road. That is the only thing we are negotiating with you and your family.

Resident asked if the telephone polls and everything will be in the same spot once everything is complete.

Johne LeCompte: “We are not moving any telephone polls. We are just installing curbs and sidewalk.”

Jerry Dasti stated to the resident that he will continue to own the property, but that the Borough is just putting in an easement.

MOTION: Adopt Ordinance

MADE: Furmato

SECOND: Veni

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

5. **Final Reading and Public Hearing** **Ordinance No. 2024-22 - Authorizing the Acquisition of Certain Interests in Real**

Properties By Negotiation, Purchase, Condemnation or Eminent Domain, Said Properties Being Identified on the Annexed Schedule and Parcel Maps – 1303 Beaver Dam Road

PUBLIC COMMENT: NONE

MOTION: Adopt Ordinance

MADE: Coulson

SECOND: Furmato

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

- 6. Introduction
Ordinance No. 2024-23 – Amending Chapter 18 “Stormwater Control”**

MOTION: Adopt Ordinance

MADE: Furmato

SECOND: DePaola

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

- 7. Introduction
Ordinance No. 2024-24 – Creating Chapter 26 Entitled “Salt Storage”**

MOTION: Adopt Ordinance

MADE: DePaola

SECOND: Coulson

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

- 8. Introduction
Ordinance No. 2024-25 – Amending Chapter 24 “Small Wireless Facilities in Public Rights-of-Way”**

MOTION: Adopt Ordinance

MADE: Furmato

SECOND: Coulson

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: 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: Ms. Coulson

SECOND: Mr. Furmato

APPROVED: All in Favor

Council President DePaola opened the meeting to the public.

Resident: Foster Road – Asked what Borough Bikes is.

Council Member DePaola - responded that the high school does a fundraiser where you ride bikes to different homes and they have food available and then at the end you meet at the Shore House.

Resident: Osborn Avenue – “I know you guys are always talking about the safety of pedestrians and the safety of children. Across the street from us, there is an opening. That opening baits children to jay-walk across Beaver Dam Road. You have the same opening across from Bagelicious, but that road is busy enough to keep kids from crossing there. If you make the opening across from Vesuvio’s like 20 yards closer to the corner, you are going to force kids to not jay-walk and they will more likely use the corner to cross. This would be way safer. I see this happening all the time, kids dodging traffic to cross. No one looks at that area of the park more than me. I spend 10 hours a day looking out the window and see this all the time. That has to be changed.”

Council Member DePaola stated that he can speak to the Chief of Police or the Engineer about this. Noted that he made a very good point.

Resident: Osborn Avenue – Asked the Mayor and Council about past discussions regarding changing the speed limit to 25 mph on Osborn Avenue. Wanted to know status of this.

Chief Picca stated that this request gets forwarded to the county and the county will notify us if we can lower it.

Resident: Osborn Avenue – Asked about possibly putting crosswalks and stop signs on Osborn Avenue. Stated that cars are always flying down this road.

Mayor stated that the Borough will look into this.

Seeing no other hands, 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. (250-2024) Bills and Claims
2. (251-2024) Void Check Resolution
3. (252-2024) Request Chapter 159 Budget Insertion – Community Energy Plan Grant

The bills for 2024 totaling the amount of \$7,896,000.75 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: Coulson

SECOND: Venie

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: 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. (253-2024) Authorize Refund of Lien Redemption and Premium Paid at Tax Sale
2. (254-2024) Canceling Taxes and Authorizing Refund Pursuant to NJSA 54:4-3.32 Ross
3. (255-2024) Authorize Recreation Department to Rehire Part-Time Seasonals
4. (256-2024) Authorize Refunds for Various Programs – Recreation
5. (257-2024) Authorizing the Issuance of a RFP for the Ocean County Flood Mitigation Consortium
6. (258-2024) Authorize Refund Engineering Fee – Block 208, Lot 32, 2997 Hiawatha Ave.
7. (259-2024) Confirming Personnel Appointments/Actions: – PD
 - Resignation of Jesica Corino as full-time Crossing Guard effective August 28, 2024.
 - Carolyn Watters be appointed to the position of full-time Crossing Guard, effective November 1, 2023, at the rate of \$26.61 per hour, as per the current Teamsters Local Union No. 469 Collective Bargaining Agreement.
 - Resignation of Kim Poggio as substitute part-time Crossing Guard effective August 28, 2024.
8. (260-2024) Approving the Following Applications:
 - Point Pleasant Chamber of Commerce, Social Affair Permit, Fall Festival, Saturday, October 12, 2024, from 5:00 PM to 9:00 PM, (rain date October 13, 2024).
 - Idle Hour, LLC, Petition to Extend Licensed Premises, Fall Fest, Saturday, October 5, 2024, from 12:00 PM – 9:00 PM, (rain date

October 6, 2024).

- Gullace Brothers, Inc., Petition to Extend Licensed Premises, Boro Bikes After Party, Saturday, September 28, 2024, from 4:30 PM – 9:00 PM, (rain date October 5, 2024).
 - Rose & Opal Boutique, 1508 Beaver Dam Road, Bazaar, Saturday, October 19, 2024, from 10:00 AM – 6:00 PM.
9. (261-2024) **Confirming Personnel Appointments:**
- **Mariesa Sollecito be appointed to the position of Finance Clerk, Grade 1, Step 1, effective September 24, 2024, at an annual salary of \$37,694.00, as per the current Teamsters Local Union No. 469 Collective Bargaining Agreement.**
10. (262-2024) **Authorizing the Road Opening for 619 Mistletoe Avenue**

MOTION: Adopt Resolutions

MADE: Coulson

SECOND: Furrato

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furrato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

G. 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: Eileen Way – (was very hard to hear this resident) Resident asked about getting help to clear out their lagoon area. Stated that he could not get his boat out. He spoke to Mr. Pannucci about 2 years ago and was told this would be handled. Asked the Mayor and Council to consider the possibility of reducing their real estate tax while they work on getting the job done.

Mayor Sabosik stated the following: “I also have a boat, and I also have the same problem. We have been working on this for 2 or 3 years. We need a site to take soil. This is why the Nellie Bennett Marsh is so important. We have to do this in stages. Believe me, I would have liked to have gotten this done 4 years ago when it all started. I feel for your pain. I too have lost with this problem. It takes time with New Jersey EPA and the DEP. It takes a while. We are definitely going down this road as quickly as possible. We know it is a number one topic over at your end of town. You can be rest assured that we are doing everything we

can. Brick just passed an ordinance where they did this globally. Instead of everybody getting individual permits, they got one permit. We are going down that same road. I just ask that you be a little more patient.”

The resident and the Mayor continued to speak on this issue – Microphone static made it hard to hear both sides of conversation

Resident: Osborn Avenue - “I am reading the 5G ordinances. It says that each year, the right-of-way permit, and approval from the Borough is required. Does this mean particulars, like the height or how much watts it puts out, is that under your discretion?”

Mr. Dasti: “The locations have to be acceptable to the town. I am not sure if this answers your question. But if they are going to be in the Borough right-of-ways, we have to approve where they are going to go.”

Mayor Sabosik: “If this does not answer your question, we are going to have Jean Cipriani who is an attorney, and an expert on this. She wrote this ordinance. She will be at the next meeting. We will be able to have a lengthy discussion on this. If you are going to go into legalities, I don’t have the answers. This is only the introduction of the ordinance. But I assure you that we will make this ordinance as strict as possible.”

Resident: Osborn Avenue - “When you say possible, does that mean that you have to comply with the FCC and all the organizations and the federal government? I have been following this with the Beach and they are having a heck of a problem.”

Mr. Dasti: “That is a different situation entirely.”

Resident: Osborn Avenue - “I don’t know how this is entirely different?”

Mr. Dasti suggested that they wait to discuss this when Jean Cipriani is in attendance. Also noted that she was involved in the case for the Beach.

Mayor Sabosik stated that we do not have any going up at this time.

The Osborn Avenue Resident stated that he is trying to prevent any from going up. Stated that he doesn’t want to be here if we allow these to go up because they are radiating our bodies. Read a report that stated two previously healthy people developed symptoms of the microwave syndrome after a 5G base station was installed on the roof above their apartment building.

Mayor Sabosik: “Let me make one thing perfectly clear. This Mayor and Council will do everything we can to make the strongest long we can make. At this time, nobody has entered into any negotiations to put 5G in our town.”

Resident, Spruce Street: “First I want to thank the Chief. I was on Chestnut, and I saw a police officer pull out and pull someone over for speeding. I thank you for that. Second, the garbage cans that were on Dorsett Dock were removed. Are they ever coming back?”

Mark Lane discussed with the resident that they are trying to resolve the issue of local residents putting their household trash in the bins. They are putting in a pet station.

Resident, Foster Road: Asked about the ordinance for introduction regarding salt storage. Wanted to know if we were already in compliance with the DEP.

Mr. Dasti responded that there is a new DEP regulation that we have to file.

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

H. 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: Veni

SECOND: Coulson

APPROVED: All in favor

Executive Session was closed and back into regular session.

Mr. Dasti asked requested the following resolutions to be adopted:

(263-2024) Authorizing Settlement of Ongoing Litigation Involving Municipal Excess Liability (MEL)

MOTION: Adopt Resolution

MADE: DePaola

SECOND: Furrato

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furrato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

(264-2024) Authorizing Settlement of Ongoing Litigation Involving Citizens Bank, N.A.

MOTION: Adopt Resolution

MADE: Coulson

SECOND: Furmato

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

(265-2024) Authorizing Settlement of Ongoing Litigation Involving Kevin Engleken

MOTION: Adopt Resolution

MADE: Veni

SECOND: Furmato

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

Mr. Dasti asked for approval to waive any payments to the pedestrian/sidewalk fund from the Colonial Market in exchange for which they are giving us property.

MOTION: Authorization to waive fees

MADE: Veni

SECOND: Furmato

Ms. DePaola: Yes

Ms. Archer: Absent

Mr. Furmato: Yes

Ms. Coulson: Yes

Mr. Borowsky: Absent

Mr. Veni: Yes

CARRIES:

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