

COUNCIL MEETING

TUESDAY – JANUARY 20, 2009

8:00 P.M.

Mayor:	Martin C. Konkus
Council President:	Susan Rogers
Council Member:	Shaun O'Rourke
Council Member:	John Kaklamanis
Council Member:	William Dikun
Council Member:	Christopher Leitner
Council Member:	John McHugh Jr.
Borough Attorney:	Jerry J. Dasti

Deputy Municipal Clerk/Maryanne O'Rourke was also in attendance.

THE PLEDGE OF ALLEGIANCE TO THE FLAG WAS LED BY MAYOR KONKUS.

STATEMENT BY MAYOR KONKUS: 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 16, 2009 edition of the Ocean Star and communicated to the Asbury Park Press.

A. PRESENTATION

1. New Borough Website/Citizens Action Page (Rogers/McHugh)

Ms. Rogers welcomed everyone here this evening. Ms. Rogers presented a slide show of the new web site being created for the Borough. There is a Citizen Action Center which Mr. McHugh will speak to you about. Also, frequently asked questions will be a link. The Citizen Action Center will be a place where citizens can be more interactive with the community. The site design and the overhaul is free of costs. We have done the leg work. The in house training has already started and Maryanne had that pleasure this evening. David's administration will be able to do timely updates and they will be able to go into the site and make their own changes without having to wait for a web master. We are trying to go paperless and use lap top computers. The lap tops are our personal lab tops and they will be uploaded with a memory stick for every council meeting and it has the agendas and packets and hopefully reduce costs for the future. It will substantially reduce the web master maintenance fees that we have been paying over the last several years.

Mr. McHugh explained the Citizen Action Center is a service that is being used in several towns throughout New Jersey. It is for questions and answers and they can make a request by typing in a question. The Staff will send the question to the right person. This decreases the number of calls to Borough Hall.

Ms. Rogers: I would like to make a motion to accept this format that is being presented and call this a continue work in progress.

Any questions from the public?

Sal Marino, 216 Howe Street, asked if there will be e-mail concepts on the new site.

Ms. Rogers: Yes

Mr. Marino asked who will be maintaining this web site?

Ms. Rogers: It is currently maintained by the web master but with the new web site the Administrative Staff, David Maffei's Administrative Staff, who we are working to train now will be able to put this on themselves in a timely and quick fashion. That is the enhancement of taking it in house.

Mr. Marino: Did I hear you say this was free?

Ms. Rogers: Yes, I designed the web site layout myself and I have been working over the last couple of months doing the layout and Councilman Kaklamanis has weighed in on different categories with me. He has been someone kind of pushing for something like this for some time. I have a person who I work with that is an IT expert in this field that has helped me bring it to the technical level that we are at. I can assure you I can get it to a final format between now and January without any costs.

Mr. Kaklamanis: The web master is a day late and a dollar short in putting items up there for the committees. Basically we will be in command of our own web page. This will save the tax payers money because the web master will be no longer. Councilman McHugh has also worked on this. Councilman McHugh and Councilmember Rogers have spent a lot of time on this project on weekends.

Mr. Marino: If there is a pdf file could I download it?

Ms. Rogers: You should be able to download the form in question.

Mr. Marino: Will the Land Use Ordinance be on the site.

Ms. Rogers: Yes.

Mr. O'Rourke: All of the ordinances are nearly up to date.

Mr. Dasti: There are just a few things I am waiting for from Mr. Maffei and then it will go to the company.

Mr. O'Rourke: This will be a lot quicker and more efficient.

Mr. O'Rourke: According to our ordinance one half hour into our meeting we are supposed to have an open session.

Mayor Konkus: We are one half into our meeting right now.

Ms. Rogers: I would like to move forward to accept the current format and the committee will continue to improve this and add another Council Member and members of the public along with the Administrator and a member of his staff to continue to move forward to make this a better site.

MADE: Ms. Rogers

SECOND: Mr. Leitner

Mr. O'Rourke: I have questions about the soft ware. What software are we using? We want to make sure we are using legal software. That is allowed to be used by municipalities and not just for personal use. When the site is done that is it the property of the Borough and not one individual. We don't want to get into a situation.

Ms. Rogers: We will have the Borough Attorney accommodate us for that. We will provide the proper releases and the passwords will be provided to the Administrator.

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

B. OPEN PUBLIC SESSION (Resolutions and Authorizations) 5 Minute Limit Per Person

C. OPEN PUBLIC SESSION (Resolutions and Authorizations Only)

OPEN PUBLIC SESSION (Resolutions and Authorizations Only)

5 Minute Limit Per Person

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

MOTION: Open the meeting to the public Mr. Dikun

SECOND: Mr. O'Rourke

APPROVED: All in Favor

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

MOTION TO CLOSE PUBLIC PORTION: \_\_\_\_\_

Alex Vicelli, 2320 Oriole Way: I have a question on Resolutions #12, #13 and #14. Is that all of the Borough's money is going into one bank?

Ms. Rogers: Yes, Sir.

Mr. Vicelli: Isn't that a little dangerous in this day and age.

Mr. Dasti: It is all government funds when they are placed in banks there is a requirement that the bank issues that they have to match the funds that we put in

Mr. Vicelli: It is different from FDIC?

Mr. Dasti: It is more than FDIC. They have to match the funds we put in and they post a bond for the same amount.

Mr. Vicelli: Did we get any bids or did anyone bid on this like the bank up the street.

Ms. Rogers: We were working with Commerce and I did meet with Mr. Sevotio on a wide variety of services and I talked to him about the credit card services and the yields for the bank at that time and I did tell him I would be speaking with Bank of America, Manasquan Savings and the Ocean First Bank. They submitted a proposal to us with regards to our credit card services and how they would have to reduce our yields in order to provide those services. At that time, I talked I told Mr. Sevotio that I would be checking out other banks as well. We did check out all three of those other banks and Ocean First is providing the highest yield. We will yield a substantial amount more in interest income. We will be having credit card services that will be expanded not only to the Court System but to our Water and Sewer Department, our real estate taxes, vital statistics and pretty much all of the departments that take in receipts or cash or program fees. Those will be free of cost to the Borough.

Mr. Vicelli: We are actually reducing costs to the Borough?

Ms. Rogers: We are increasing the yield on our interest income and accounts substantially and we are providing added service without added costs and comparable or improved services to what Commerce Bank was providing to the Borough.

Mr. Vicelli: With the yield we should see more money.

Ms. Rogers: Yes. Absolutely.

Court Coleman, 1233 Woods End: I would like to address you briefly on the very first resolution which is Endorsing Assembly Bill A-3570 Calling for the Abolishment of the Council on Affordable Housing. I will not defend COAH but I will say that I don't know that this is the best time to be passing a resolution that is non-binding and endorsing a bill

that probably will not get passed and not going to make it to the Governor's desk. There are more productive ways to express our discontent.

Seeing no hands Ms. Rogers entertained a motion to close the public portion of the meeting.

MADE: Mr. O'Rourke

SECOND: Mr. Dikun

ALL IN FAVOR.

D. ORDINANCE – Final Reading, Public Hearing

1. Salary Ordinance – Chief of Police

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING SALARIES FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE BOROUGH OF POINT PLEASANT FOR THE YEARS 2006 AND THEREAFTER

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

SECTION 1. For the year 2006 and for each year thereafter, the salaries set forth in Schedule A, which is annexed hereto and made a part, hereof, are hereby established for the officials and employees whose titles are set forth herein.

SECTION 2. The provisions of this Ordinance shall be effective for the calendar year 2006 and for each year thereafter, except as may be amended or supplemented by subsequent ordinances of the Borough of Point Pleasant.

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

SECTION 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed to be valid and effective.

SECTION 5. This Ordinance shall take effect retro-actively immediately upon final passage and publication as required by law.

---

David A. Maffei  
Municipal Clerk/Administrator

---

Martin C. Konkus  
Mayor

SCHEDULE A

<u>TITLE OF POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Police Chief	\$154,724.00 Per annum	\$160,724.00

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of Point Pleasant, in the County of Ocean held on the 4<sup>th</sup> day of January, 2009 and will be considered for final passage at a regular meeting of said Governing Body to be held on January 20, 2009 at the Borough Hall Council Chambers, 2233 Bridge Avenue, Point Pleasant, New Jersey at 8:00 p.m., at which time and place any person desiring to be so heard upon the same will be given the opportunity to be so heard.



that. The point is we don't even know what it says and to me feels is we are grandstanding. We should re-write our resolution to offer constructive criticism. It is going to be a state mandate maybe make it a State pay. Fix what is wrong with COAH, it is broken and sent the signal but not endorse a bill that we haven't even seen.

Mr. McHugh: I agree with Councilman Leitner. I will have a little trouble supporting and endorsing a bill that we have not been able to read but I do agree both with Mr. Coleman and Mr. O'Rourke in different ways. We have a severe housing affordability crisis in this State and COAH is already broken but I could easily get behind a resolution that eliminated endorsing that bill unless we can read it and calling for a sweeping overhaul of the way we tried to provide the affordable housing that we desperately need in this State. That I could support.

Mayor Konkus: Chris and Jack are new people up here and have not been privied to a lot of the information that came to us via the League of Municipalities over time in which a lot of this information was disseminated. Whether we have seen an actual hard copy of this bill I can't say I have seen that but enough from the League.

Mr. Leitner: The 10<sup>th</sup> district did not see it either. I would like to see the text.

WHEREAS, all municipalities within the State of New Jersey have suffered considerable from the edicts issued by COAH over the last 20 years; and

WHEREAS, these edicts have become more and more life threatening for municipalities in New Jersey in terms of being able to facilitate and accommodate new development; and

WHEREAS, the edicts issued by COAHH are now being challenged on a number of fronts on the basis that the Third Round allocations by COAH are not based upon realistic studies and are based upon whims of the Commissioners of COAH, all of which has increased the cost to the municipalities to defend against onerous allocations of affordable units; and

WHEREAS, Assemblymen Merkt and Biondi have recently filed Assembly Bill A-3570, the purpose of which is to abolish an administrative agency that has not served the people of New Jersey and has not achieved the results for which it was created.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Point Pleasant, County of Ocean, State of New Jersey, that it does hereby endorse Assembly Bill A-3570 and seeks its full adoption by the Assembly.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all legislators representing any portion of Ocean County.

MOTION: Adopt Resolution

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: No

Mr. Leitner: No

Mr. McHugh: No

Mayor Konkus: Yes

CARRIES: Yes

2. (034-2009) Authorize Refund of Overpayment of electrical permit Fee, Block 377, Lot 6 – Clear

MOTION: Authorize Refund of Overpayment of electrical Permit Fee, Block 377, Lot 6 - Clear

**WHEREAS, John and Maryann Clear did pay a fee for an electrical permit for work at 1605 Calamus Place, Point Pleasant, New Jersey 08742; and**

**WHEREAS, it was subsequently determined that a permit was not required; and,**

**WHEREAS, Michael Gardner, Construction Official, has recommended that a refund be issued for said permit fee.**

**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 proper Borough Officials are hereby authorized and directed to issue a refund to John and Maryann Clear, 1605 Calamus Place, Point Pleasant, New Jersey for the unnecessary electrical permit.**
- 2. That certified copies of this Resolution be sent to John and Maryann Clear, Michael Gardner, Chief Financial Officer, Borough Auditor and any other interested parties.**

MOTION: Adopt resolution

MADE: Mr. Dikun

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. ORourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

3. (035-2009) Authorize Refund of Demolition bond, Block 42, Lot 5 – Flynn

MOTION: Authorize Refund of Demolition Bond, Block 42, Lot 5 – Flynn

**WHEREAS, Gregory and Kathy Flynn did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a structure at 2402 Herbertsville Road, Point Pleasant, New Jersey 08742,**

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

- 1. That the proper Borough Officials are authorized and directed to return to Gregory and Kathy Flynn a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a structure at 2402 Herbertsville Road, Point Pleasant, N.J. 08742.**
- 2. Copies of this Resolution to: Construction Official, Gregory and Kathy Flynn, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Kaklamanis

SECOND: Mr. Leitner

Ms. Rogers: Yes  
Mr. Dikun: Yes

Mr. O'Rourke: Yes  
Mr. Leitner: Yes

Mr. Kaklamanis: Yes  
Mr. McHugh: Yes

CARRIES: Yes

3. (036-2009) Authorize Refund of Demolition Bond, Block 132, Lot 16 TFM Builders

MOTION: Authorize Refund of Demolition Bond, Block 132, Lot 16 – TFM Builders

**WHEREAS, TFM BUILDERS did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a structure at 625 S. Manetta Drive, Point Pleasant, New Jersey 08742.**

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

2. **That the proper Borough Officials are authorized and directed to return to TFM Builders, 2390 Riverside Terrace, Wall, New Jersey 08736, a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a structure at 625 S. Manetta Drive, Point Pleasant, New Jersey 08742.**
4. **Copies of this Resolution to: Construction Official, TFM Builders, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. McHugh

Ms. Rogers: Yes  
Mr. Dikun: Yes

Mr. O'Rourke: Yes  
Mr. Leitner: Yes

Mr. Kaklamanis: Yes  
Mr. McHugh: Yes

CARRIES: Yes

5. (037-2009) Authorize Adjustment and/or Refund on Certain Tax or Water/Sewer Accounts

MOTION: Authorize Adjustment and/or Refund on Certain Tax or Water/Sewer Accounts

WHEREAS, the Municipal Tax Collector, from time to time, submits a schedule of adjustments and/or refunds due for various reasons; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments and/or refunds as recommended by the Tax Collector;

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

1. Formal authorization is hereby given to adjust as necessary the accounts listed herein

<u>BLOCK &amp; LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
100-7	Disbrow/Access NJ Title	1618.76	Refund '09 taxes – overpaid
159-1	Piserchia	296.62	Refund '08 added assessment O.C.T.B. Appeal
159-1	Piserchia	444.93	Refund '09 added assessment O.C.T.B. Appeal

**MOTION: Adopt Resolution**

**MADE: Mr. Dikun**

**SECOND: Ms. Rogers**

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

6. (038-2009) Authorize Execution of 2009 Interlocal Services Agreement with County of Ocean, Schedule C Services and Materials

MOTION: Authorize Execution of 2009 Interlocal Services Agreement with County of Ocean, Schedule C Services and Materials

**WHEREAS, the County of Ocean has created and established a program to assist municipalities and governmental agencies in the repair and maintenance of municipal streets and property in addition to providing certain materials and supplies in connection therewith: and,**

**WHEREAS, the Governing Body of the Borough of Point Pleasant has requested the County to provide certain road maintenance and repair services on certain streets of the Municipality, not to exceed the sum of \$176,000.00; and,**

**WHEREAS, the Borough of Point Pleasant wishes to enter into an agreement with the County for the provision of these services.**

**NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Point Pleasant, in the County of Ocean, State of New Jersey as follows:**

**1. The Mayor and Municipal Clerk/Administrator of the Borough of Point Pleasant are hereby authorized and directed to enter into and execute an intergovernmental agreement with the County of Ocean for the provision of certain road repair and maintenance services in an amount not to exceed \$176,000.00 with \$171,500.00 established for Road Department Services and \$2000.00 for engineering department services and \$2500.00 for street sweeping material testing, screening and disposal.**

**2. A copy of this Agreement shall be kept on file and available for public inspection at the office of the Municipal Clerk.**

**3. This Agreement shall take effect upon full execution by the parties and shall remain in full force and effect through December 31, 2009. Sufficient funds will be appropriated and are available for this purpose in the 2009 municipal budget.**

**4. A certified copy of this Resolution shall be forwarded to: Clerk of the Ocean County Board of Chosen Freeholders, Ocean County Road Department, Ocean County Engineer, Ocean County Department of Finance, Chief Financial Officer, Superintendent of Public Works, and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

7. (039-2009) Authorize Advertisement and Receipt of Bids for Computer Aided Dispatch and Record Management System (Police CAD)

MOTION: authorize Advertisement and Receipt of Bids for Computer Aided Dispatch and Record Management System (Police CAD)

**WHEREAS, the Borough of Point Pleasant has prepared and reviewed bid specifications for the Purchase of a Computer Aided Dispatch and Record Management System; and**

**WHEREAS, funds are available for this purpose; and**

**WHEREAS, the Mayor and Council has approved said specifications and has determined that they will advertise for sealed bids for the purchase of a Computer Aided Dispatch and Record Management System.**

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

1. **Specifications, including drawings, plans, forms, etc., are hereby approved and incorporated herein by reference.**
2. **The Municipal Clerk/Administrator shall advertise the attached Notice to Bidders for the purpose of the receipt of sealed bids for the above named purchase or project.**
3. **Each bid shall be submitted as a written proposal in the manner Designated in the specifications, and shall be signed by the bidder. The bid shall be enclosed in a sealed envelope bearing the name and address of the bidder on the outside and addressed to DAVID A. MAFFEI, MUNICIPAL CLERK/ADMINISTRATOR, P.O. BOX 25, 2233 BRIDGE AVENUE, POINT PLEASANT, NEW JERSEY 08742. Said envelope shall be clearly labeled that it contains a bid for the purchase of a Computer Aided Dispatch and Record Management System.**
4. **Specifications and form of bids may be inspected or obtained upon Proper notice by prospective bidders during regular business hours, 8:30 a.m. to 4:00 p.m., Monday, Tuesday, Wednesday, Thursday, and Friday 9:00 a.m. to 4:00 p.m., from the Municipal Clerk/ Administrator, P.O. BOX 25, 2233 BRIDGE AVENUE, POINT PLEASANT, NEW JERSEY 08742.**
5. **Sealed bids shall be called for and shall be received, opened and read In public in the Council Chamber of the Borough Hall, 2233 Bridge Avenue, Point Pleasant, New Jersey 08742, on the date and time as set in the Notice to Bidders.**
6. **It is the sole responsibility of each bidder to see that bids are Submitted on the date and time specified, an IN NO EVENT SHALL ANY BE CONSIDERED AND/OR ACCEPTED AFTER THE DATE AND TIME SPECIFIED FOR RECIEPT OF BIDS. In the event that a bidder does not personally deliver the sealed bid on the date and time specified for receipt of bids, such bidder shall assume all risks of loss or misplacement of the sealed bid by Municipal Officials or any other risk related to the failure of the bidder to personally deliver the bid.**
7. **The bid quote shall be sent to the Borough of Point Pleasant and shall Be exclusive of any State or Federal taxes. Each and every deviation from the Specifications shall be clearly listed by the bidder. Failure to comply with this requirement shall be grounds for rejection of the bid.**

8. Each bid must be accompanied by a bid bond, certified check or Cashier's check payable to the Borough of Point Pleasant for not less than ten percent (10%) of the amount bid, but not in excess of \$20,000.00 and shall be delivered at the place and time specified above. This requirement will not be waived.
9. A contract will be awarded to the lowest responsible bidder. The Borough reserves the right to reject any and all bids. The Borough Council reserves the right to waive insubstantial irregularities in any bid.
10. A non-collusive affidavit in the usual form will be supplied with the Specifications and shall be executed by the person or corporate officer submitting the bid. Said affidavit must accompany each bid. These requirements will not be waived.
11. Bidders are required to comply with the requirements of P.L. 1977, Chapter 33, by submitting a list of the names and addresses of all stockholders or owners holding ten percent (10%) or more of the stock or owning a ten percent (10%) or greater interest therein. Failure to submit such a list, either prior to the time for the receipt of bids or with the sealed bid, will be ground for the rejection of the bid.
12. Bidders are required to comply with the requirements of P.L. 1975, Chapter 127 (N.J.S.A. 10:5-31, et seq).
13. Performance date shall commence as stipulated in agreement or as stated in specifications.
14. The second lowest bid shall be retained for a period of thirty (30) days after the award of bid.

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Ms. Rogers: Yes

Mr. O'Rourke: Abstain

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

8. (040-2009) Authorize Release of Maintenance Guarantee, Block 14, Lot 9 – Quartaro

MOTION: Authorize Release of Maintenance Guarantee, Block 14, Lot 9 – Quartaro

**WHEREAS, the Borough of Point Pleasant has required the posting of a Maintenance Guarantee for certain site improvements in regard to Block 14, Lot 9; and**

**WHEREAS, the Borough and the Borough Engineer have inspected the site and have determined that it has been satisfactorily maintained in substantial compliance with Board approvals; and**

**WHEREAS, the Borough Engineer has recommended the release of the balance of said Maintenance Guarantee for the improvements on Block 14, Lot 9 conditioned upon the payment of all outstanding inspection fees.**

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

- 1. That the Mayor and Borough Council do hereby authorize the release of the balance of the Maintenance Guarantee, for the improvements for Block 14, Lot 9 conditioned upon the payment of all outstanding inspection fees.**
- 2. That the Chief Financial Officer or the Borough Official holding said Maintenance Guarantee is directed not to release said Maintenance Guarantee until the Chief Financial Officer has certified that all outstanding inspection costs have been paid.**
- 3. That a certified copy of this Resolution be sent to: the Chief Financial Officer, Borough Engineer, J. Quartaro, Construction Official and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

9. (041-2009) Hire Recreation Personnel

MOTION: Hire Additional Recreation Personnel

WHEREAS, a need has arisen in the Recreation Department for the hiring of additional personnel on a seasonal basis; and

WHEREAS, the following individuals have shown an interest in part-time temporary employment with the Borough of Pleasant; and

WHEREAS, the following individual has been recommended by the Superintendent of Recreation and the Recreation Commission.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey, that the following individual be hired to the following positions with the salaries and accounts listed below:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>	<u>ACCOUNT</u>
Janet Haczewski	Biddy Instructor	\$13.50/HR	Trust
Janet Haczewski	Instructor for Adventure Climbing	\$10.50/HR	Trust
Brianne Smith	Movement Mania Instructor	\$10.00 HR	Trust

1. Hiring pending the approval by Mayor and Council, effective January 8, 2009.

2. Copies of this Resolution to Treasurer, Administrator, Superintendent of Recreation, Employee, and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

10. (042-2009) Accept Void Check Report

MOTION: Accept Void Check Report

**WHEREAS**, from time to time it becomes necessary for the Chief Financial Officer to void

checks or stop payment on checks, and;

**WHEREAS**, the Mayor and Council is desirous of keeping track of these void checks by separate resolution; and

**WHEREAS**, the Chief Financial Officer has listed below checks, which have been voided and/or stopped payment, and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey that the Chief Financial Officer has voided checks and/or stopped payment on checks listed below and reissued new checks, if necessary.

<u>CHECK #</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>VENDOR</u>	<u>REASON:</u>
12142	\$1,547.56	Current	Lloyd's	Stopped payment Check Lost re-issue

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

11. (043-2009) Amend Annual Salary Resolution

MOTION: Amend Annual Salary Resolution

**WHEREAS**, it is necessary for the Mayor and Council of the Borough of Point Pleasant to adopt a resolution establishing the annual salaries of Borough Employees for the year 2009 in accordance with the current salary ordinance and negotiated contract;

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

1. The salaries according to attached "Schedule A" are hereby approved as the salaries to be paid respective employees listed thereon Said salaries to be effective January 1, 2009.

**2. Certified copies of this resolution be sent to the Chief Financial Officer and all interested parties.**

<b>Cano-Hirschelle, Elizabeth</b>	<b>Secretary Open Space</b>	<b>\$1,200.00</b>
<b>Bestine, Sharon</b>	<b>Secretary Zoning Board</b>	<b>\$8,500.00</b>

**MOTION: Adopt Resolution**

**MADE: Mr. O'Rourke**

**SECOND: Mr. Dikun**

**Ms. Rogers: Yes**

**Mr. O'Rourke: Yes**

**Mr. Kaklamanis: Yes**

**Mr. Dikun: Yes**

**Mr. Leitner: Yes**

**Mr. McHugh: Yes**

**CARRIES: Yes**

**12. (044-2009) Authorize Establishing Account at Ocean First Bank**

**MOTION: Authorize Establishing Account at Ocean First Bank**

MOTION: To put this out for a rfp process and accept Ocean First Bank as the main bank for now

MADE: Mr. McHugh

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

**13. (045-2009) Authorize Establishing Account at Ocean First Bank**

MOTION: Establishing Account at Ocean First Bank and still go out for the rfp process

~045 - 2-009 RESOLUTION OF LODGE, ASSOCIATION OR OTHER SIMILAR ORGANIZATION

OceanFirst Bank 2400  
 BRIDGE AVENUE  
 POINT PLEASANT BORO, NJ 08742  
 By: BOROUGH OF POINT PLEASANT

MUNICIPAL COURT  
 POBOX 25  
 PT PLEASANT, NJ 08742

I, \_\_\_\_\_, certify that I am Secretary (clerk) of the above named association organized under the laws of New Jersey, Federal Employer ID. Number 21-6001021. and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on 01/15/2009 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified. AGENTS Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Signature	Facsimile Signature (if used)
X _____	X _____
X _____	X _____
X _____	X _____
X _____	X _____
X _____	X _____
X _____	X _____

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, Description of Power D, E, and/or F Indicate number of signatures required

- (3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit   1   with this Financial Institution.
- (4) Borrow money on behalf and in the name of the Association, sign, execute and deliver promissory notes or other evidences of indebtedness.
- (5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Association as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.
- (6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated \_\_\_\_\_ . If not completed, all resolutions remain in effect.

CERTIFICATION OF AUTHORITY

I further certify that the Association has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)

If checked, the Association is a non-profit lodge, association or similar organization. X \_\_\_\_\_  
(Secretary)

MOTION: Authorize Establishing Accounts at Ocean First Bank and still go out for rfp process

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kakalamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

14. (046-2009) Authorize Establishing Account at Ocean First Bank

MOTION: Authorize Establishing Account at Ocean First Bank and still go out for rfp process

MOTION: Authorize Establishing Account at Ocean First Bank and still go out for rfp process

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

15. (047-2009) Appoint Member to the Zoning Board of Adjustment

MOTION: Appoint Member to the Zoning Board of Adjustment

WHEREAS, the Council is authorized to appoint members to the Zoning Board of Adjustment pursuant to Chapter 19-22.1 of the Code of the Borough of Point Pleasant; and

WHEREAS, there currently exists various vacancies on said Zoning Board of Adjustment.

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

The following persons are hereby appointed to the Point Pleasant Zoning Board of Adjustment:

Jeffrey Schroeder - Member

Certified copies of this resolution to the zoning Board of Adjustment, Appointee and any other interested parties.

Mayor Konkus gave an apology to Mr. Schroeder.

MOTION: Appoint Jeff Schroeder to the Zoning Board of Adjustment

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

Maryanne O'Rourke, Deputy Clerk, administered the Oath of Office to Mr. Schroeder with his wife holding the Bible.

16. (048-2009) Appoint Alternate Members to Zoning Board of Adjustment

MOTION: Appoint Alternate Members to Zoning Board of Adjustment

WHEREAS, the Council is authorized to appoint members to the Zoning Board of Adjustment pursuant to Chapter 19-22.1 of the Code of the Borough of Point Pleasant; and

WHEREAS, there currently exists various vacancies on said Zoning Board of Adjustment.

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

The following persons are hereby appointed to the Point Pleasant Zoning Board of Adjustment:

Harold Holman – Alternate Member

V. John Wardell – Alternate Member

Certified copies of this resolution to the zoning Board of Adjustment, Appointee and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

17. (049-2009) Dedicate Recreation Center Gymnasium after Richard T. Blake

MOTION: Dedicate Recreation Center Gymnasium after Richard T. Blake

**DEDICATING THE GYMNASIUM AT THE POINT PLEASANT  
BOROUGH RECREATION CENTER IN HONOR OF RICHARD T. BLAKE**

**WHEREAS, Richard T. Blake was a long time resident of the Borough of Point Pleasant; and**

**WHEREAS, Richard T. Blake worked tirelessly for many years for the benefit and successes of the Recreation Commission at the Point Pleasant Borough Recreation Center; and**

**WHEREAS, during his many years of dedication on the Point Pleasant Borough Recreation Commission Richard T. Blake unselfishly provided hours of his own time for the youth and families of the Borough and the progress of our community; and**

**WHEREAS, it is the desire of the Governing Body to dedicate the gymnasium at the Point Pleasant Borough Recreation Center in honor of Richard T. Blake as a way of recognizing his dedication and contributions.**

**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, in recognition of his great service to our community at large and the Recreation Commission in particular, the Governing Body hereby dedicates the gymnasium at the Point Pleasant Borough Recreation Center in honor of Richard T. Blake.**
- 2. That a certified copy of this Resolution be presented to the Blake Family.**
- 3. That copies of this Resolution be sent to the Recreation Commission, the Superintendent of Recreation and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Kaklamanis

SECOND: Mr. Dikun

Mr. Kaklamanis: I would like to add to the motion and have this resolution and Mr. Blake's picture made into a plaque and have it posted at the Rec Center Gym.

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

#### 18. Bills and Claims

MOTION: Adopt Resolution Bills and Claims

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

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

**WHEREAS**, The Municipal Administrator has certified that said claims are appropriate under the Local Public Contracts Law 40A:11-1 et seq. And are authorized budgetary expenditures; and

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

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

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

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

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Mr. O'Rourke: I question this because we are responsible for these bills and claims. In this resolution it says that each page has been certified by signature from the Chief Financial Officer and a designated Borough Employee. I don't see any signatures on the pages. If we are going to follow the rules we should follow all of the rules. If we are not going to have that we should drop those two paragraphs from the resolution.

Ms. Rogers: Mrs. Block, could you clarify that for us.

Mrs. Block: This was something that was done years ago and we haven't done it.

Mr. O'Rourke: Do we need those two paragraphs in there?

Mrs. Block: There is no call for us to put our signature on it.

Mr. O'Rourke: It is crossing t's and dotting l's.

Mrs. Block: It is redundant.

Mr. O'Rourke: Jerry, do we need those two paragraphs?

Mr. Dasti: The procedure as I understand it, the voucher is approved by the Department Head, signed off by the Administrator and of course it gets to the CFO and she signs off that the funds are there. Do we do that?

Mrs. Block: Yes.

Mr. Dasti: I am not sure what you are saying.

Mrs. Block: There is a paragraph that says sign each page.

Mr. O'Rourke: And someone should also sign it saying that they checked it which is, we have the department head checking it, we have the administrator and the CFO, if we are going to pass these resolutions they should be accurate so we should drop those two paragraphs. These pages are not signed.

Mr. Dasti: We have the vouchers that are signed off on but your comment is good. The resolution should be accurate. We will talk to Dave's office about dropping those paragraphs.

Mr. O'Rourke: My motion includes dropping those two paragraphs

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

19. (051-2009) Authorize Contracting with Official Payments Inc. for Credit Card Transactions

MOTION: Authorize Contracting with Official Payments Inc. for Credit Card Transactions

WHEREAS, the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey (hereinafter referred to as the "Borough"), has investigated matter ion which payment of monies due to the Borough can be made easier for its taxpayers and ratepayers; and

WHEREAS, the Borough has reviewed proposed agreement with processing companies and, subject to approval by the New Jersey Department of Community Affairs, has decided that the best agreement for the Borough and its taxpayers is the proposed agreement from Official Payments Corporation, a Delaware corporation (a copy of the agreement is on file with the Office of the Borough Clerk and can be reviewed during normal business hours):

NOW, THEREFORE, BE IT RESOLVED, this 20<sup>th</sup> day of January, 2009 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey as follows:

1. Subject to approval by the New Jersey Department of Community Affairs the Borough hereby accepts and approves the Electronic Transaction Processing Agreement as proposed by Official Payments Corporation.
2. The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this resolution.
3. A certified copy of this resolution shall be forwarded by the Borough Clerk to: Honorable Martin C. Konkus, Mayor, David A. Maffei, Administrator, Judith Block, CFO, Susan Rogers, Chairman of Administration and Finance Committee, NJDCA, Kevin Frenia, Auditor and Jerry J. Dasti, Attorney.

Mr. O'Rourke: This is a great idea but Dave did send us a e-mail that did raise a small red flag. I assume we will have a contract with these people.

Ms. Rogers: There is a contract provided.

Mr. O'Rourke: Are they providing a bond to us or something that guarantees the funds can't disappear. Jerry, you answered this sort of when we were talking about the bank. Do these people follow that same law or could we end, in the County we had a whole bunch money in a bus company once and we wound up not getting money back when the company went under. We have to have something in writing that we get those funds, a guarantee.

Ms. Rogers: This was a comment that came from the State, Official Payments, the group we will be contracting with, handles a vast majority of the municipalities in the State of New Jersey. Jerry, I guess you could add that to the agreement about bonding.

Mr. O'Rourke: This is a great idea to do this.

Mr. Dasti: To answer your question, this company is approved by the DCA by the Local Finance Board and this resolution if it is approved is subject to the approval of DCA so there are regulations by the State to govern these kind of companies. Whether they require a bond I don't know but they are probably are required to have some sort of security with the State. They are approved by the State. I know this company is used by a lot of towns in this State. They are all under the DCA.

Mr. O'Rourke: This is progress.

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

20. (053-2009) Combining Bonds Aggregating \$9,014,935.00 into an Issue of \$5,512,485.00 General Improvement Notes and \$3,502,402.00 Water Sewer Capital Improvement Notes

RESOLUTION COMBINING BONDS AGGREGATING THE SUM OF \$9,014,935 AUTHORIZED BY 11 BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE VARIOUS GENERAL IMPROVEMENTS AND 6 BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE VARIOUS WATER AND SEWER IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, NEW JERSEY, INTO AN ISSUE OF \$5,512,485 GENERAL IMPROVEMENT BOND ANTICIPATION NOTES, AND \$3,502,450 WATER/SEWER BOND ANTICIPATION NOTES, AND PROVIDING FOR OTHER DETAILS OF SAID ISSUE.

WHEREAS, the Borough Council of the Borough of Point Pleasant, County of Ocean, New Jersey (the "Borough") has heretofore adopted bond ordinances numbers 99-16, 99-29, 00-07, 04-02, 04-07, 04-08, 04-15, 05-03 as amended by 05-17, 05-21, 06-19 and 07-17 ("General Improvement Bond Ordinances") authorizing bonds to finance part of the costs of the construction and acquisition of various capital improvements in, by and for the Borough; and

WHEREAS, the Borough has heretofore adopted bond ordinances numbers 04-16, 04-22, 05-22, 06-08, 06-20 and 06-26 ("Water/Sewer Bond Ordinances") authorizing bonds to finance part of the costs of the construction and acquisition of various water and sewer improvements in, by and for the Borough; and

WHEREAS, it is desirable to issue bond anticipation notes pursuant to: (a) said General Improvement Bond Ordinances in an aggregate principal amount of \$5,512,485, and (b) said Water/Sewer Bond Ordinances in an aggregate principal amount of \$3,502,450 and it is advisable and in the best interests of the Borough, for the purpose of the orderly marketing of

said notes and for other financial reasons, to combine the notes authorized under said bond ordinances into one consolidated issue in the aggregate principal amount of \$9,014,935 (the "Notes") pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the "Local Bond Law");

NOW, THEREFORE, BE IT RESOLVED by the BOROUGH COUNCIL OF THE BOROUGH OF POINT PLEASANT, in the County of Ocean, New Jersey as follows:

Section 1. That the Notes shall be issued as two issues and at such time as shall be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"), and shall be in such denomination or denominations, shall bear such number or numbers, such date or dates of issue and maturity, and such taxable or tax exempt rate or rates of interest, as may be determined by the Chief Financial Officer in the manner and in accordance with the applicable

provisions of the Local Bond Law. The Notes shall be "\$9,014,935 Bond Anticipation Notes consisting of \$5,512,485 General Improvement Bond Anticipation Notes, and \$3,502,450 Water/Sewer Bond Anticipation Notes or any other designation determined by the Chief Financial Officer.

Section 2. That all of the Notes shall be signed by the manual or facsimile signatures of the Mayor of the Borough and the Chief Financial Officer and the corporate seal of the Borough shall be affixed thereto, attested by the manual signature of the Clerk of the Borough, and shall be payable, both as to principal and interest, to the purchaser thereof, and shall be in substantially the form as attached hereto as Exhibit A and made a part hereof.

Section 3. That the Chief Financial Officer be and she hereby is authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and her signature upon the Notes shall be conclusive as to such determinations.

Section 4. That the Chief Financial Officer be and she hereby is authorized to take all actions necessary to sell the Notes from time to time at public or private sale in such amounts as she may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 5. That any instrument issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's full faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 6. That the Chief Financial Officer be and she hereby is authorized and directed to report in writing to the Borough Council at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

Section 7. That the Notes will not be designated as "Qualified Tax-Exempt Obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code").

Section 8. That the Mayor of the Borough, the Chief Financial Officer and the Clerk of the Borough are hereby authorized to execute all documents necessary for the sale and delivery of the Notes.

Section 9. That this resolution shall take effect immediately.

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Borough Council of Point Pleasant Borough at a regular meeting held on January 20, 2009, a quorum being present and voting in the majority.

Ms. Rogers: Judy, would you please advise the Mayor and Council that the bidding and how they came in today.

Mrs. Block: We were presently surprised to get three bids. It turned out that two of them were very, very good. The one we accepted is 1.057%.

Ms. Rogers: Would you consider that good in today's economy?

Mrs. Block: Absolutely.

Ms. Rogers: It is a short term BAN

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

F. RESOLUTION (052-2009) CONSENT AGENDA

MOTION: To approve Consent Items as summarized below

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

WHEREAS, said consent items are hereby summarized as follows:

1. Application Raffle License, Parents of Autistic Children, on premise gift auction to be held March 7, 2009.
2. Application Raffle License, Parents of Autistic Children, on premise 50/50 to be held March 7, 2009.
3. Application Raffle License, Ocean County Columbus Day Parade, off premise 50/50, to be held June 25, 2009.
4. Application Raffle License, Wall High School Swim Team, Parent Association, on premise 50/50 to be held February 26, 2009.
5. Application Raffle License, Point Pleasant Boro Rotary, off premise 50/50, to be held March 17, 2009.

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

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

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Ms. Rogers

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes, Abstain on #1 and #2

Mr. McHugh: Yes

G. DISCUSSION

1. Pre-meeting Conference Session (Leitner)

Mr. Leitner: I am bringing this before the Council and the public as an idea that was presented to me by friends of mine, Democrats and Republicans from other towns, who have a similar system in their towns and they find that this works tremendously to have a good flow of communication, a good flow of transparency between the public and the Council. It also gives the Council the opportunity to have a work group type session wherein they can bounce ideas off each others heads, fully flesh out what we were planning on doing in the public forum, make good ideas better and fully bake our half baked ideas. Essentially what this would be is to technically have two meeting every Council meeting. There would be a conference session where at least the way other towns apply it, there would be a conference session where we would sit and push the tables together in front of the dais and have a public meeting that would be run like an open public meeting wherein Council Members would discuss the regular meeting agenda and what other projects we happen to be working on. Perhaps, something like the web site would come up in the conference session. Once we agree on it we could then move it to the regular session. There would be an opportunity for the public to make all the comments similar to the discussions we have now. Then once we are done with that we would move to our regular session and actually vote on these things. It would probably, remove the discussion session that we are having right now because it would be part of the conference. It may eliminate one of our open public sessions and it may not. In my discussion with Council Members in other towns this is a good way to not only streamline these Council Meetings but it also lets the public know what is going on before we get to the voting process. I recall from last year the park rules ordinance wherein the Council had every intention of amending the park hours but the public did not know and about 15 people stood up and asked about the hours being changed. This would clear that up and allow people to know what is going on. I submit this to you for your ideas on how we could get this implemented. I want to hear from the public on this as well.

Mayor Konkus: Chris, is it possible for you to give us a listing of the towns who do this and the times and days that they meet so if it is not at the same time we meet we may be able to stop in at their meetings and see how it is done?

Mr. Leitner: I actually have, Morris Plains does this in the exact format. I know other towns do it in a different format. I can give you an agenda. Morris Plains, I would say do in the summer. I will get other meeting dates for you.

Mr. Kaklamanis: Would the Council meeting still start at 8 p.m.?

Mr. Leitner: I would suggest 7:30 p.m. See how it goes.

Ms. Rogers: I think the Mayor had an excellent suggestion about going to see how this would operate in another town. Possibly we could do it in groups of three to not violate the Sunshine Laws.

Mr. Dasti: I know some towns that do that in Ocean County. You do not have to go up North.

## 2. COAH (O'Rourke)

Mr. O'Rourke: This is the first time I have seen names listed under discussion. It may be a good idea and maybe not a good idea. We work as a group up here and as a team. We one of us goes running off half cocked it is not such a good thing. We all should work together as a group and as a team. Use our committees and use the Council to make the progress. Not just one person. Seeing the names there I don't feel comfortable with that. COAH, we already talked about COAH. The other half is the COAH Liaison. We have a dollar on Dave Maffei. He is our Official COAH Liaison right now. I know that Sue mentioned one name and I would wonder if we should leave Dave right there. I think that is what we should do until we see what happens to COAH. I don't want to spend extra Borough dollars doing things we don't have to do. What I have seen of COAH is you spend Borough dollars doing things you don't have to do and then they turn around and say we changed the rules, do it differently. You are stuck. A lot of towns had to spend a lot of money out of town in lieu of doing affordable housing and then they changed the rules and all of that money was wasted. I would like to leave Dave there for \$1.00 for the next six months. The person has to be an employee. The only other thing would be rfp's or an employee. Resumes and pick out the best person.

Ms. Rogers: When is the rule in effect that we would be non-compliant. Are we non-compliant now?

Mr. Dasti: This is Jeff Surenian's expertise more than mine. We needed to adopt an ordinance that we did adopt by the end of last year and the Planning Board had to adopt the housing portion of it which

they did adopt. That established the position of a COAH person. I am not sure when we have to fill that position.

Mr. Dasti: We did do what we were required to do.

### 3. Assessor and Revaluation (O'Rourke)

Mr. O'Rourke: We will discuss this in Executive Session. The revaluation, I did hear from Dave that he did meet with the revaluation company and they are going to be looking at us starting in February and the ball has started to roll. Thank goodness.

Mr. Kaklamanis: I spoke with the Tax Assessor and she thought it was a good idea that after they get started to have them come in and sit down with us and see how they are making progress.

### 4. Council Management (O'Rourke)

Mr. O'Rourke: I suggest that everyone read the ordinance that governs our management. Try not to make last minute changes to the agenda.

### 5. Environmental/Historical/Cultural Affairs (O'Rourke)

Mr. O'Rourke: We don't actually have names for our six committees. One of the problems we had last year with the tree ordinance was we did not have an actual committee to send it to. I would like if we could send stuff like that to the recreation committee. I would suggest that we send things like that to John's committee of three.

Mayor Konkus: I would like to see the Recreation Committee meet from time to time with a committee from the Recreation Commission.

Mr. O'Rourke: Communication is the best thing. We have some serious things coming on. We need an Advisory Group and get more history of the town.

Mayor Konkus: We need to re-write the ordinances that create the Historical and Cultural Affairs Committee. We were never able to get the Historical Committee off the ground because the membership was too restricted.

Mr. O'Rourke: The same with the Cultural Affairs Committee.

Mr. Leitner: I would suggest we authorize Jerry Dasti to figure out the best way to disband those and recreate new committees so we are still eligible for grants.

Mayor Konkus: I think before it goes to Mr. Dasti that it go before a committee process and have the Administration and Finance Committee review it.

Mr. Kaklamanis: I would like to have Rich Morris in on it and get his input.

### 6. Animal Control

Mr. O'Rourke: We need to sit down with Muskrat Jack and look at the animal control. Apparently, there is a tremendous amount of pressure on that position and we need to see how we can modernize it.

Mayor Konkus: I spoke with Jack Neary reorganization week and we talked this through and I told him that I would forward his concerns to the Administration and Finance Committee which I did. Sue, who is chairing the Committee did say that she would get in touch with him and begin hashing out where the ordinance's fall through and how to get it running.

Ms. Rogers: I did speak with him and he is scheduled to come in for the next Administration and Finance Committee meeting in two weeks.

Mr. O'Rourke: He is a hard working person in town and he goes out all hours of the night. He is doing such a good job I would hate to lose him.

Mayor Konkus: A lot of people do not realize his experience and his education. He actually has a professorship.

#### 7. Urban Forestry (O'Rourke)

Mr. O'Rourke: I am not going to let the tree ordinance die. I don't know if the Environmental Commission talked about it at their meeting this week. I think we do need something in place that needs to point out that there is a Borough forest and we need to protect it. We don't need something that every time you take a tree down you have to pay. I did make some suggestions to the Environmental Commission and I don't know if they talked about it. The suggestions were short and sweet. I hope the Environmental talks about this.

Mr. Kalamanis: Thank you Mr. O'Rourke. It has been on the burner three years and again three years later you finally addressed it.

#### 7. Land Use Ordinance (O'Rourke)

Mr. O'Rourke: Jerry said the Land Use Ordinance is almost done. We will all look at it before it goes to be codified. We will also have it on the web site.

#### 8. Business Outreach (Leitner)

Mr. Leitner had the opportunity to attend the Board of Directors meeting for the Point Pleasant Chamber of Commerce last Thursday and it was well attended. The business community in this town has some serious concerns as do I, given the state of the economy. What I will be looking to do as Liaison to the Chamber is to try to bring some ideas before this Council to facilitate some way we can be offering a better helping hand to stores that come here. We have too many stores here on Bridge Avenue especially. People have a perception that it is difficult place to open a business and we need to do better in that regard. These businesses, this is not time in this economy that businesses can afford to wait or go down the wrong path or get the wrong approvals. Go try to open and then get caught with something at the last moment. I will continue to consult with the members of the Chamber of Commerce to try to find some way where there can be some type of liaison or something like that so people get the impression we are welcoming new businesses and most important that the permitting and the approval process is smooth and quick. There is no room for error for these small businesses in this economy. The only other thing is nothing would be more important if we all remembered to shop locally. It is now more important than ever. The circle of prosperity only works if we all participate in it so before we all jump in our cars and hall out to Home Depot to buy diesel powered snow shovel or going to Costco to buy eighty pounds of potato chips why don't we just think that the things we need are all right here. Just make that a point before you get in your car to go get anything can we buy it local. We all benefit. It is all a small circle of prosperity that would keep the money local. In the meantime if everyone commits to that the other issues are unimportant because they will resolve themselves when people buy in their local community other businesses open and we flourish.

Mayor Konkus: I had a visit with a business owner about a week ago who had some concerns with the Bridge Avenue area up by Stop and Shop. I shared this with Councilman Leitner earlier because I go some public safety action put into motion which is Chris's committee and I just wanted him to know it was under way. In a conversation that I had with a business owner up there he got a call from someone asking if he stocked a certain auto part at Mike and Dom's. He answered in the affirmative that he had the part and the person at the other end of the phone asked where he was located. He said Bridge Avenue by the Stop and Shop. The person said how do I get there. The proprietor said where are you coming from and he said Jordan Road in Brick. It turns out this person lives on Jordon Road in Brick and travels down Route 88 to Bridge Avenue and makes a left where it is Burnt Tavern Road to go to the Parkway and never makes a right and never knew it was Bridge Avenue and never knew that there was a Bridge Avenue Business District. This proprietor's suggestion to me was for us to get a simple sign put on Route 88 with an arrow that says Bridge Avenue Business District. Easier said than done because it is a State road and we need the State's Dot approval on this. He thought something as simple as that could be a help for the Bridge Avenue area.

Mr. Leitner: That is an excellent idea, Mr. Mayor. Point Pleasant Beach has it on 35 when you reach Arnold Avenue and certainly there is no reason why they should not approve it. I think that is an excellent idea.

#### 9. Town Elders (O'Rourke)

M. O'Rourke: One of the thought that came to me is we just had two Councilmen come off the dais. We have former Mayors and other Councilmen around, retired people who have worked in the municipality for years who have vast knowledge of this town. When Bill and Sue and I sat down about the naming committee some of those people were there and I am wondering if there is something we can do beyond a Historical Cultural Committee. At some time of year when we bring those people out and talk to them those former Council members have experience and they can sit back and say maybe you should not do it that way. We should reach out to those people and get that knowledge base from them. Even if we got them to walk in the Memorial Day Parade with us. Bring them in with us. I know Tim was able to join us several times. Give them an opportunity to talk to us.

Mayor Konkus: I like that idea.

#### 10. Log Cabin (O'Rourke)

Mr. O'Rourke: The man Rich Morris is a saint. He took that cabin down almost single handedly. He had a little help. He had things stored over in the trailer. It is still in one piece after ten years. It is almost time to put it up and we need to decide what we will do with the inside of it. I would like to get some names to put on the Log Cabin committee within the next month. It is getting close.

Ms. Rogers: I think to take it down was Rich Morris, Irv Brown and Mr. Gevidin.

Mr. Kalamanis: I was in touch with Mr. Morris today and he has about 25 or 30 names now. He will revise it and update it. I have been in touch with him everyweek and I talk to Mr. Davidson at the Riverfront Park and have toched base with him and as soon as March comes around we can get going. I am sure Shaun and I will help. All the basis are covered. Thank you Shaun.

#### 11. Canal Planning (O'Rourke)

Mr. O'Rourke: The Canal Planning we spent about \$10,000 on through a grant. We have the possibility for funding for local projects. We need to reach out to the three Congressmen, Adler, Malone and Smith and see if we can get in line. To put a walkway along the Canal I think is a wonderful thing. It will have some discussion involved but we spent some money on it already and I would hate to see \$10,000 go down the wayside.

Ms. Rogers: It was a very active item on the Open Space Advisory Committee. They will have their reorganization meeting next Monday and I know it is a highlight of the 2009 year.

Mayor Konkus: I did turn paper work over to the Administrator last week that I received concerning economic revitalization.

#### 12. Recreation Plan for Spring

Mr. O'Rourke: I would ask that it be added to the agenda for right now for discussion only. Sue and I sat down with Judy and Karen and worked out the details of the last couple of schedules and it was very productive to do that. I think we have a pattern that is a good pattern to follow and the Recreation Director has given us the materials well ahead of time. I think this is the first time we got it well ahead of time. We have time to work on this. We have until the middle of February and we should get it done before that. We have time. My suggestion is that the Recreation Committee be responsible for the leg work about what the programs are and that the Administration and Finance Committee be responsible for most of the leg work that involves the money. Of course, there will be cross over discussions. They would be the experts. John is on both committees.

Ms. Rogers: What we tried to establish was pre-planning for the upcoming program formats and that we had two council meetings one in which to take questions, do the financial research and test out the programs for surplus and then have the opportunity to approve that program format at the second council meeting that the Superintendent had agreed to provide all of that information well in advance. I think why it is coming up for discussion at the moment is because there was a submission Friday with a request to have it approved today. In an attempt to sub-vent eight months of planning, eight months of interaction

Mr. O'Rourke: No, Sue don't go there.

Mr. Leitner: I asked that this be placed on the agenda and that was not my intent. My intent was to bring it before Council for what we are doing right now. Discussing and figuring out what is the right way to do it. I do think what Mr. O'Rourke is saying has some bearing there and I think that you and I have had some very productive discussions on how we are going to do this in the future and I think that Mr. Kaklamanis and Mr. Dikun and myself have had some good discussion and I think that we will mutel our way through to a workable system.

Ms. Rogers: My understanding is that you are going to hold a meeting next week and we will have an Administration meeting following that where the CFO will have time to test out the programs.

Mr. Leitner: We are trying to have a meeting tomorrow. We may have more meetings next week.

Mr. O'Rourke: Perhaps we can do this in the February meeting

Ms. Rogers: I truly believe it would not be a problem at all for the February meeting for approval.

Mr. O'Rourke: The next one we need prior to three council meetings.

## F. AUTHORIZATIONS

### 1. Manual Checks

MOTION: Approve Manual Checks

MADE: Ms. Rogers

SECOND: Mr. Dikun

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis; Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

### 2. Set Budget Workshop Dates

Mayor Konkus: We need to set up three.

The 10<sup>th</sup> looks good for everyone, the 24<sup>th</sup> looks good at 7 p.m. and the 20<sup>th</sup> at 7p.m.

All agreed.

MOTION: To approve budget council meeting dates of February 10<sup>th</sup>, 20<sup>th</sup> and 24<sup>th</sup> at 7 p.m.

MADE: Ms. Rogers

SECOND: Mr. Dikun

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

### 3. Accept Letter of Resignation from John Wardell from his seat on the Zoning Board of Adjustment

Approved earlier in the meeting.

### 4. Approve Refund of Zoning Board of Adjustment Variance Application Fees and Certified List Fees for Good Shepherd Lutheran Church

MOTION: Approve Refund of Zoning Board of Adjustment Variance Application Fees and Certified List Fees for Good Shepherd Lutheran Church

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

5. Request to Distribute Poppies between May 15, 2009 and May 31, 2009 – Joseph J. Clifton American Legion Auxiliary Unit #196

MOTION: Approve request to distribute poppies between May 15, 2009 and May 31, 2009 – Joseph J. Clifton American Legion Auxiliary Unit #196

MADE: Mr. Dikun

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

#### H. COMMITTEE REPORTS

Mr. Dikun: On the 14<sup>th</sup> Mr. McHugh and I attended a four hour briefing session with our Engineers to talk about various projects that are going on not only with Public Works but with Water and Sewer so it is very enlightening and some of the projects that we have seen through and a couple of major projects be taken off during the year 2009. We are looking forward to that tremendously. I had the pleasure with Ms. Rogers and Mr. Kaklamanis to sit in on interviews for the potential Tax Assessor to replace our current Tax Assessor and I am sure Ms. Rogers will speak a little further on that. It is great to be here in a new year and we are looking forward to much progress. Tonight is the demonstration of the new web site and not to mention going paperless which is also a big plus. Things are moving forward.

Mr. Kaklamanis: The Rec Committee and we have had some complaints about the Community Park display sign across the street with the Borough however the teams get up there, the Eagles, Steelers, Cardinals, it is a Borough property and of course to accolade the Borough Teams, the Panthers, their winning season etc., I am all for. As far as getting involved with the Yankees, Boston and so forth. Basically, I want to make a motion that in the future that the Community Park display, marquee, only be used for Borough agendas and sports teams and to make a motion that we no longer advertise all of the other teams because then you have to give everyone their fair share and say on what gets displayed up there. I make a motion in the future we no longer advertise or carry on the advertising of professional teams

Mayor Konkus: Could I ask that you include that for the next agenda rather than do that tonight because I don't know if everyone here was privied to the discussion that took place between people here.

Mr. Kaklamanis: It was put on the web site.

Mr. O'Rourke: I think when we come up with something that is not an emergency we should move it to the next meeting so we have time to think about it instead of jumping right in.

Mr. Kaklamanis: I don't see any great thought process in it. We are not doing neuro surgery or building a space shuttle, just basically

Mayor Konkus: Generally we would be in agreement on this but I did not see any

Mr. Leitner: John, you and I have talked about this and we are pretty much in agreement on it but I have in the past expressed displeasure about motions coming up during committee reports and maybe we should put it on as an agenda item.

Mr. Kaklamanis: I have some other items that are coming up as motions in my discussion. I did talk with the Borough Administrator about putting some items on for discussion and of course they are not there. We will talk about them tonight in my committee report. If we want to make a motion to pass that or not I will not lose sleep but it is input from the taxpayers and the residents and to go from there.

Ms. Rogers: Second.

Mayor Konkus: We have a motion on the sign on the Community Park to not allow the supporting of professional or any teams outside of Point Pleasant other than Point Pleasant's official teams.

Ms. Rogers: Yes  
Mr. Dikun: Yes

Mr. O'Rourke: No, not right now.  
Mr. Leitner: Yes

Mr. Kaklamanis: Yes  
Mr. McHugh: No

CARRIES: Yes

Mr. Kaklamanis: In regards because I have touched base with the Public Works Director, Mr. Sears and the Borough Administrator, Mr. Maffei, but this was not added to the discussion list, in regards to the two blue buses that the town used to use for the Senior Citizens transportation and the use for the rec center and their programs. Basically, at this point of the game they have just been there and Mr. Sears stated they are having trouble using them in regards to starting them. He does not have anybody with a Class C license to use them so as a topic of discussion we have to decide and I was going to make a motion that we do have Mr. Sears go forward with a public works employee obtaining a Class C license. If this person gets a Class C license he can take the buses for a drive for an hour or so and that is what he will be given a stipend for and either use the two buses or put one aside and use the other one. The one that was just painted free of costs to the taxpayers by Tony's Auto Body and was serviced mechanically and Broadway signs did the logo free of charge. I make a motion that we have Mr. Sears go forward with somebody obtaining a Class C license and given a stipend for that and the use of the buses to actively use one bus or two buses.

Mr. O'Rourke: Second, for the purpose of discussion. The last time I had a bus license you needed a Class C to run a bus with people in it. You didn't need a Class C to drive it on the street.

Mr. Kaklamanis: You do

Mr. O'Rourke: I had a license before.

Mr. Kaklamanis: I have one now. I just got recertified.

Mr. O'Rourke: The only thing you needed a Class C for was if you had air brakes. To have someone get the license is probably a good idea anyway but we need to put this into the budget sessions as to whether we can afford to run the bus. We dropped it last year and this is a budgetary item and we have a very tight budget this year and we need to find a way to run the bus. Inside that budget.

Mr. Kaklamanis: If we are not going to use them get rid of them.

Mr. O'Rourke: If they sit there it is worse because if the alcohol in that gas settles and they will never run.

Mr. Kaklamanis: You need someone with a Class C license to take them around the block.

Mayor Konkus: I would like to say that we are about to run into the budget process and we don't have all of our numbers yet and we don't know what type of finances we are going to be looking at. Governor Corzine has promised additional cuts. He cut us to the tune of \$190,000 last year promising additional cuts across the State and I am not comfortable having Council make motions that are not on the agenda that would require the expenditures of funds in the absence of the Administrator. I would ask that anything that involves spending money be put on the next meeting.

Mr. Kaklamanis: I make a motion in regards to the handicapped parking at the rec center three years later and spending a lot of money with the engineers over time I make a motion that we use Maple Avenue for the position of the handicapped parking. I have talked to Mr. Conklin. To use that Maple Avenue as the parking position and to have a sidewalk come around the front of the building and come into the main entrance of the rec center and the doors will have to be readjusted and rebuilt for the access of the handicapped people in wheelchairs and or the ADA guidelines. I make a motion that we put the handicapped parking into motion. It has been three years and a lot of discussions and I know we have the money set aside, I make a motion to put the handicapped parking into motion to use it and to set it up and to also to make a sidewalk and use it into the main entrance of the rec center for access for the ADA.

Mr. O'Rourke: John, I don't know what you just said. There were three different proposals at the rec center, four different proposals

Mr. Kaklamanis: And you were involved in all of them.

Mr. O'Rourke: What you just said I do not understand enough to vote on.

Mr. Kaklamanis: I will explain it to you again.

Mr. O'Rourke: My point, has the rec committee sat down this year and talked about that?

Mr. Kaklamanis: Yes, I talked it over, we have talked it over and you were there again

Mr. O'Rourke: I am talking this year.

Mr. Kaklamanis; Absence of mind.

Mr. O'Rourke: This years rec committee. Has this years rec committee sat down and talked about it? I think everyone up here agrees we are going to do it.

Mr. Kaklamanis: There again Councilman O'Rourke, you have been involved in this process for three years and now all of a sudden it is like something new to you

Mr. O'Rourke: You can stop saying that John. Nothing is new to me.

Mr. Kaklamanis: Of course it is, that is how you are talking like it is new to you because

Mr. O'Rourke: No, John I am not talking that is it new to me, it is new to some people on your committee

Mayor Konkus: Councilman Kaklamanis and Councilman O'Rourke may I ask which committee members sat and made a decision or a recommendation that is being presented to us this evening.

Mr. Kaklamanis: I talked to Mr. Leitner about it and Councilman O'Rourke has been aware

Mayor Konkus: Did the three committee members who discussed this come to a consensus, either a majority or a unanimous decision to recommend to this Council?

Mr. Kaklamanis: I think Mr. O'Rourke was in agreement with putting it on Maple Street.

Mr. O'Rourke: No, John.

Mr. Leitner: I don't think it is fair to say that we have made a proposal as a committee. I think it would be fair to say that we are all in agreement and this is something that needs to be done and it needs to be done quickly. I think it would be fair to say that while there is some urgency to this perhaps it should be introduced at the next council meeting when we have had time to sit down and go over this.

Mr. Kaklamanis: I am going with my motion to get the wheels in motion. Like I said, it has been three years later and ya know it is really hard to understand where people in wheel chairs and that are handicapped want the same access as anybody else on two legs. This of course, has been talked about in the past with Councilman McAlindin and it has been discussed with Ms. Haycook, it has been discussed with Councilman O'Rourke, myself and some citizens in town here. Like I said the money that has been spent already by the engineering firm, we probably could have had it done already.

Mr. Leitner: Is there a way we can vote on moving forward on this without adopting a specific site plan because I haven't the site plan. Maple Avenue sounds like a great idea to me but I haven't the various plans. Is there a way we can move on this without adopting a particular plan? Then adopt the particular plan at the next meeting.

Mr. O'Rourke: That is basically what we have been doing. In December we had pretty much gotten settled down on one spot and having a concrete pad and then something else came up about Maple Avenue and I don't know if we are parking on Maple Avenue itself. If we are we can't.

Mr. Kaklamanis: I just said we are going to park on Maple Avenue

Mr. O'Rourke: John, we can't park on Maple Avenue. We went through this.

Mr. Kaklamanis: Why can't we.

Mr. O'Rourke: You cannot establish a handicapped parking spot in the State of New Jersey

Mr. Kaklamanis: It is on private property

Mr. O'Rourke: You mean on the Borough property

Mr. Kaklamanis: On the Borough property

Mr. O'Rourke: See what I mean John, I don't understand

Mr. Kaklamanis: Shaun, you were out there with myself and Brian McAlindin and the Borough Engineer. Shaun, you know what was going on.

Mr. O'Rourke: John, that was not discussed at the last meeting.

Mr. Kaklamanis: Of course it was.

Mayor Konkus: Gentlemen may I point out that Councilman McAlindin is no longer sitting up here and the decision is going to be made by this Council. John, it really doesn't sound like your committee is in agreement with moving forward with this.

Mr. Kaklamanis: Let me explain it again. Basically, like Shaun said maybe I didn't make myself clear. On the Borough property of the rec center on Maple Avenue there is an entrance way there now that basically is only used for exit. It will continue to be used for exit because we don't want to have access into the building by that handicapped person or anybody because it will be ADA accessible and it will have a push button and then you can gain access to the building so that door will still be used as an exit. The person in the handicapped vehicle will park there, a sidewalk will be made from that position right around the front of the building and into the main entrance on River Avenue at the Rec Center. Either way, I have talked to Mr. Forsyth and whatever door we use, we are using the main door and it will have to be retro fitted and it will have to have a hand button access that opens automatically. It will have to be made to a 48" opening and the second entrance will have to be cut also. Basically, the motion is to park on private property with the handicapped sign and painted spot and sidewalk will be made and entrance into the front of the rec center which is River Avenue, I make that motion to get the wheels moving.

Mayor Konkus: Is there a second to the motion?

Mr. Leitner: Second

Mr. O'Rourke: Money is not the object here as far as I am concerned. We need a handicapped access point. We tried putting it in front on River Avenue and it required you backing out onto River Avenue and it was a bad idea because of the traffic. We looked at a pad on the south side of the building that required a giant leap out of the street onto the flat and that entered you directly into the gym and into the line of fire for basketball or whatever. It was safer than River Avenue but not a very good idea. Placing this on the other side of the facility and running a sidewalk may extend the walk in the rain, that is Chestnut but it is a safer backout.

Mr. Kaklamanis: I looked into that also Mr. O'Rourke, when you put it on Chestnut you have that much more of a walk for that person in a wheelchair and then you are talking about that angle into the rec center and I don't know if structure changes would have to be made into that hallway. The other thing on Chestnut Avenue is you have to contend with parallel parking because you are only making the spot so big and you will have vehicles in front of you and vehicles behind you. If you have an extended van you will have to jockey it around and parallel park. So basically, Mr. Forsyth didn't in his opinion the best spot was on Maple Avenue.

Mr. O'Rourke: As I was saying that spot was not so hot. So this Maple Avenue is similar to that Chestnut side but a lot shorter travel. It will probably wind up being the safest location. It may not be the most expensive. It may be less expensive. I think John is on the right track but I don't know about dealing with it tonight. We made the second on the motion. I am as frustrated as John about this taking so long. We talk about it and talk about it and talk about it.

Mr. Kaklamanis: One of the residents is here tonight and if he so wishes to speak up.

Mayor Konkus: John, it doesn't sound to me that your committee took a formal vote in committee so you don't know how the other two committee members stand on this.

Mr. Kaklamanis: Wherever this goes it has been three years and we paid the engineering firm a lot of money and just to move it everyone is aware of this and like Shaun and I explained three years later to move it to get it done.

Mayor Konkus: We have a motion and a second.

Mr. Leitner: We did discuss this in public works also and there were positives and negatives for each proposal. I thought at the end of the meeting was which is the best door. Maple Avenue was the best place to park but is the door you are talking about the best. I thought we would seek some input from members of the public. Would it be better to come in the River Avenue doors.

Mr. Kaklamanis: I talked to Mr. Forsyth about it about a week ago and he felt the best place and I did talk to Bill Knecht who works there and is a carpenter and by all means he thought the River Avenue was the best entrance. Park on Maple and enter on River Avenue.

Ms. Rogers: I would like to clarify my vote and I believe this absolutely needs to be done and I do agree that Maple Avenue is the best place and I do believe the door on River Avenue is the proper door however I am going to vote no at the moment for the fact additional funding is needed which needs to be part of this budget process and my goal, my absolute goal, is to find this funding immediately to get this project done. We allocated \$8500 last year that is in reserve from last years budget and the project has not increased to over \$20,000. This is something we need to do, we need to be compliant and I do believe we will find this money but under the current circumstances I have to vote no.

Mr. Kaklamanis: I went as far as I could and basically the residents of the town have to do what they have to do.

Mr. O'Rourke: John, you went beyond as far as you could. I am not voting no because of the money I am voting no because I want the rec committee to come back and say yes this is a great idea. Karen is on board, Dennis is on board and the engineer is on board. Get going. Hopefully we can find the funds in our pattern and we can move this right through and not have to wait. I am voting no right now.

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Not to belabor the point but I don't think I have enough information to vote intelligently on this. I am in full favor of getting this done and getting it done quickly. I am going to abstain

Mr. Kaklamanis: Someone else can run with it because I am done. I went as far as I could.

Mr. McHugh: I also feel I don't have all of the information and based on the information I have and based on the necessity that this be done quickly I will vote yes.

Ms. Rogers: Do I have a right to change my vote?

Mr. Dasti: It is three to two to get it done.

Mr. Kaklamanis: Thank you. The Riverfront Park is moving forward and the Historical Society and Mr. Morris we have the log cabin going forward to be built. I want to congratulate the new President.

Mr. Leitner: My first committee report. I had the opportunity to meet with Chief Hilling and the Chief's of the Fire Departments and the First Aid. I had an extensive meeting with Chief Hilling and various members of the police department. I am thoroughly impressed with their commitment and love of this town. They have a tough job in front of them, two of the issues that they are very well aware of are issues I brought to their attention which are speeding and the helmet enforcement law. They are working hard on it. One of their frustrations is the people they get on for helmet enforcement say don't you have anything better to do while the rest of the residents say why are you not enforcing it. They are doing their best. I want to thank the members of the fire department who invited us to their annual dinners. I understand that this weekend there were a lot of fire calls. Including a very major structure fire just off Ocean Road. We had a lot of heroes turn out for that and one of them is sitting to my right, Mr. Dikun. I think they should all be commended. There was only a minor injury to one of the fire fighters. I also had the opportunity to take a class on user friendly budgets which I attended with Mr. Maffei and this is a State Mandated system wherein budgets are supposed to be put in line and

distributed in a user friendly manor. It made me glad that this is not my job to put this information together. I also want to say congratulations to our new President and to us all as people. One of the best things about us as a Country is we can go through an incredibly partism election and come back together a few months later. I would like to also say that we have demonstrated that we can disagree without getting disagreeable and I hope that continues throughout the year. I thank my fellow Council Members for making my first meeting enjoyable.

Mr. O'Rourke: Equal Opportunity, "Bob Moses, a High School Teacher learned about unequal opportunity in the early 1960's. That August in the Town of Liberty, Miss. Moses was taking two men to register to vote, three persons intercepted them assaulting Moses. Picking himself up Moses continued on to the Court House where he found the office had closed for the rest of the day because they found out he was coming. Demonstrated that day was institutional social bias was firmly entrenched into all orbits of American society at the time. Mississippi men had been allowed to vote since the 14<sup>th</sup> amendment of the constitution in 1868. Every other State found a way to keep blacks from voting. Blacks are expected to interrupt obscure sections of the State Constitution and pay half a weeks salary before they could register, while Whites could simply sign their name. From 1961 to 1964 Moses group went door to door trying to get people to register. Every week police arrested and beat his people. In the Southern States in 1964 less than 50 years ago fewer than 40% of blacks were registered to vote. In Miss. there were less that 7% registered. The following summer a Texan and a Democrat, Linden Bains Johnson signed the voting right act of 1965. That action set in motion our system for voting rights. Change comes at a rate when no one says change now." Thank you.

Mr. McHugh: I had the opportunity to meet with the Superintendent of Public Works, Mr. Sears and Mr. Forsyth and Mr. Dikun. Also, Councilman Kaklamanis discussing the wheelchair issue. I was going to comment about that but that is pointless at this point. I do want to thank Mr. Sears for showing me all the projects going on. I have a lot more to learn. I thank all of the Council Members for their advice and support and also the Mayor. I think we are off to a good start. This is a great day for America. It does not matter whether the President we inaugurated today was a Democrat or a Republican, this Country has taken a leap forward.

Ms. Rogers: Administration and Finance had its first meeting and will have two meetings a month for the first several months. The Fixed Asses Inventory that was subject to our audit last year is nearly completed. As Mr. Dikun said we did have four interviews to fill for the Tax Assessor and hopefully we will have further discussion on that in Executive Session and get that post filled promptly. We are actively working to meet with the Board of Ed to do Shared Services this year. One, being to share the young men and women in the high school that have extraordinary capabilities. This would reduce our costs. Borough supplies and bulk ordering will be looked into. On the Community Watch we held our meeting the second Tuesday of this month and we are going to be moving our meeting to the 4<sup>th</sup> Wednesday. February 25<sup>th</sup> will be the next meeting. The Watch Committee set its 2009 goals and the site will be updated within the week. We will be going to quarterly public meetings for the larger meetings and smaller work meetings with the street captains and the district coordinators. Our goal is to get out a newsletter by June. We have 642 families enrolled. We are down to 39 street without full participation. We had another incident that we sent a notice on from Detective Hill, a gentleman in a car speaking to some children and saying it was cold outside did they want a ride. The child was smart enough to get far away enough from this car and go back and tell his parents and they called the police and that is still under investigation. On a prior alert, we did resolve that where there was a person looking for a dog and that turned out to be a real event. Nothing alarming. The watch has a lot of opportunity and they will also be doing a safety night out and it ties into the National Program. It will be very similar to Earth Day and it will be focused towards safety. It will have different towns participating and we are hoping to get that kicked off as well. Open Space will be for its reorganization meeting on Monday the 26<sup>th</sup> at 7 p.m. with the hopes that will be changed to the 2<sup>nd</sup> Wednesday of every month beginning in March. End of report.

Mayor Konkus: I would like to address Committee Reports and motions made on committee reports. Over the years we have taken a bit more of a casual reports here on the dais and I would like to ask the Council to return to the more traditional approach. Being that the committee actually meet and before a recommendation is made to the Governing Body that a vote be taken within that committee by the Chairman and the Committee Chairman giving the report at an open public meeting can say the committee unanimously makes this recommendation or by majority. It seems we have gotten into private conversations where committee chairman are trying to save time and make a sole

recommendation. I would like an actual vote taken. From time to time it might be possible that a liaison will have to bring something up for action because of timing. I would like to go back to the Traditional reports at these meetings. End of report.

#### OPEN PUBLIC SESSION

5 Minute Limit Per Person

Ms. Rogers, Council President read the following Ordinance.

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

MOTION: Open the meeting to the public Mr. Dikun

SECOND: Mr. Leitner

APPROVED: All in favor-

Scott Conklin, 2207 North Road: I wish you all Happy New Year. I would also like to extend an appreciation to Councilman Kaklamanis for tackling something and getting it done. It is a pleasure to see it done. For myself and my child and other folks on canes and wheelchairs, for the heart attack victim that still cannot walk the mile, for the person with a bad ankle, those people are also handicapped. You do not have to be in a wheel chair to be considered handicapped. You have done a great service John and if you don't do anything more in government you will have touched people for the rest of your life. Thank you Councilman Dikun for your yes vote and Mr. Leitner I thank you for your abstention vote and I thank you for voting yes Mr. McHugh. Thank you.

Al Clericuzio, 1505 Hyacinth Place, This is really for John. I have a handicapped wife who uses a walker and will probably use one for years to come. Anything we can do to ease the access into the Rec Center would be appreciated. I want you to know that about two weeks ago I took a walk through where the landscaping will be in the park. I would like to make you aware of three needs that should be addressed. One is, I would hope that you have a certified tree expert on board to do pruning. Some of the trees have partially died. I was down there this afternoon and there is a tree on the end, one of the oldest trees on that property with limbs dangling. I have been there many times and there is a definite need for a certified expert to do some work on many of the trees there. Number two, I also took a walk and looked at some of the plant materials. I watched some of the plantings being done. I can only hope that you have some sort of a guarantee on the growth and performance for at least a year. In all probability based upon my expertise if indeed they use the traditional planting technique you may get a flush of growth but this time next year 20% to 40% of that plant material will be dead. Because they really put them in at an inopportune time. We have had very dry seriously cold weather. I went through a number of the plants who are indeed nice for this area but the environmental conditions and the manner in which they planted them were going to lead to some problems within the year. I also found a London Plain tree out there that has suckers coming out from the base. Suckering is a indication of gurgling tree roots. Over time, I cannot give you a time frame but that tree will die. That is a documented fact. I also took my soil probe and did some probing of what will be a playing field. As it stands now, you have about 2 ½" TO 3" what we call arable soil. Under that based upon my probing you have a concrete hard pan. This is a byproduct and a very common one of the heavy equipment rolling over it. In effect for that lawn to establish you only have about 3" of soil sitting on top of an impervious surface. Again, I also saw pockets of standing water. The bottom line here is that in the long run to establish turf there its maintenance will be very, very expensive. I know that from the work I do at some of the adult communities. I did notice they made some swails to catch some of the runoff water because when it goes down to 3" it has to find its way down. Again, good turf maintenance as I know of in any of the adult communities is very, very expensive. To establish a sound turf for adolescence and adults to play on is not going to happen in three months it will take a one to two year deal The recommendation there would be if you can contract with the landscapers to either disc it which would give us the shaking up of the soil for a depth of 12" to 18" that would be ideal. The other option would be at least to have a series of professionals go in that playing field with roto tillers and get 6" to 8" of that soil roto tilled. As it stand now that proposed turf area will present many problems down the road.

There is no soil for a root system to truly establish. There are definitely some drainage issues that should be addressed and can only properly be addressed after a nice rain. I sincerely hope you look into them.

Mr. O'Rourke: Al, how many spots did you dry dig?

Mr. Clericuzio: Twelve

Mr. O'Rourke: Are you sure it was not frozen?

Mr. Clericuzio: I am sure.

Mr. O'Rourke: Yes, we will talk to them and hope we can get it tilled down and cleared out.

Mr. Clericuzio: Again, what you don't want to do is badger these men and put them in the corner and have them go out there when that soil is saturated. Which it is right now. You have about an inch and a half of frost. What I would like to know is do I need permission on my own to go ahead and test some of that soil for the pH? You know my background and you know where I work and you know that I do this. Do I need permission to go out do some sampling and bring it with me and test the pH.

Mr. Kaklamanis: I have no problem with that.

Ms. Rogers: I have no problem with that.

Mr. Kaklamanis: I did talk to Bob Forsyth about the plantings that they take in the Spring.

Mr. Clericuzio: If you talk to Bob would you please see if indeed with all of the evergreen material that they spray them with an anti desiccant you might stand a chance. I watched some of the planting that was done after Christmas and I don't know the exact date. I saw Susan Rogers looking out the window at me. The bocci court is beautiful. It is going to be a close call. You had saturated soil, you have temperatures that have reached to 10 degrees, how did they in fact plant. It is a London Plain tree with the suckers coming out. That is a no, no.

Ms. Rogers: I would like to make a motion to allow Mr. Clericuzio to go out and do PH soil testing and provide his results back to Council at no cost.

Mr. Dikun: Second

All in favor.

Mr. Clericuzio: I would love to see soil test results which should have been done by the contractor. They did not use Rutgers because I see all of them. I know some other soil testing labs and I would love to see what they came up with. We have two of the best tree experts that live in the Borough that are certified.

Bill O'Dea, Hulse Road, President of the Board of Trustees for Holly Park South Condo Assoc. asked about the reimbursement for electric and snow plowing for the year 2007. Also for 2008.

Ms. Rogers and Mr. Kaklamanis will check into this.

John Mogel, 1600 Center Street, addressed the recent paving of Beaver Dam Road. He asked if the project is complete. It is from Hollywood to West End Drive.

Mayor Konkus stated they have not heard from the County whether it is complete or not.

Mr. O'Rourke asked if it was presently lined and painted.

Mr. Mogel explained the school crossing lines are not painted but the middle lines are painted. He explained that there is a water problem and nothing is sealed off where they cut to do the milling and there is no sealer and freezing water in that area.

Mayor Konkus will address this with the County in February at the County meeting. Mayor Konkus took the phone number and will contact Mr. Mogel after the County meeting in February.

Seeing no hands Ms. Rogers entertained a motion to close the public portion of the meeting.

MADE: Mr. O'Rourke

SECOND: Mr. Dikun

ALL IN FAVOR.

EXECUTIVE SESSION

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 Matters, Police Department Staffing, Finance Office Staffing
- 2. Litigation Matters

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

- 1. That the Mayor and Council shall retire into Executive Session to discuss the Aforesaid matters; and
- 2. That minutes shall be taken; and
- 3. That the matters to be discussed will be in all likelihood be known to the Public when and if the necessity for confidentiality no longer exists; and
- 4. That at the conclusion thereof, the meeting shall again be opened to the public.

MADE: Ms. Rogers

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

McHugh: Yes

CARRIES: Yes

Mayor and Council returned to open session

MOTION: To adjourn

MADE: Ms. Rogers

SECOND: Mr. Dikun

ALL IN FAVOR.