

COUNCIL MEETING

TUESDAY – MARCH 17, 2009

8:00 P.M.

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

Deputy Municipal Clerk, Maryanne O'Rourke is also in attendance.

THE PLEDGE OF ALLEGIANCE TO THE FLAG WAS LED BY COUNCIL PRESIDENT, SUSAN ROGERS.

STATEMENT BY COUNCIL PRESIDENT ROGERS: 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, publishing in January, 2009 edition of the Ocean Star and communicated to the Asbury Park Press.

Ms. Rogers stated that the Mayor is unable to attend due to the passing of his Brother, Allen Konkus. Services will be Thursday from 2 p.m. to 4 p.m. and from 6 p.m. to 8 p.m. at the Colonial Funeral Home on Route 88 in Brick.

A. PRESENTATION

1. Point Pleasant Recreation Basketball All Star Team

Ms. Rogers stated that every year there is a basketball game between the Borough and the Beach and there is a Mayors Trophy which is passed to the winning team. Once again this year, the Mayors Trophy goes to the Borough. This is the seventh year the Borough has won.

Councilman Leitner joined Ms. Rogers to congratulate the coaches and the Boy's basketball team and presented them with the Mayor's Cup Trophy.

B. PROCLAMATION

1. Congratulating Point Pleasant Lions Club on their 60th Anniversary

Ms. Rogers, Council President read the following Proclamation.

PROCLAMATION

60TH ANNIVERSARY OF POINT PLEASANT LIONS CLUB

WHEREAS, this year marks the 60th Anniversary of the Point Pleasant Lions Club; and

WHEREAS, observance of this occasion provides the opportunity to extend the appreciation our community feels for the many valuable contributions made by the Point Pleasant Lions Club to the citizens of the Borough of Point Pleasant; and

WHEREAS, through the years, this Club has demonstrated in many ways its acceptance of a role of responsibility in the economic and social growth of our community, and it's long record of accomplishment deserves public expression of appreciation; and

WHEREAS, we gratefully acknowledge the influence for good accomplished by our neighbors and friends of the Point Pleasant Lions Club who have contributed so much in the way of leadership, personal service and social assistance to the community during these past 60 years.

NOW, THEREFORE, I, SUSAN ROGERS, by virtue of the authority vested in me as Council President of the Borough of Point Pleasant, do hereby present this Proclamation to the Point Pleasant Lions Club extending my personal congratulations and also those of the Borough Council, on this 60th Anniversary; and further, urge all our citizens to be cognizant of the many contributions of this Organization through these many years.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE BOROUGH OF POINT PLEASANT THIS 17TH DAY OF MARCH, 2009.

Susan Rogers, Council President

No one was present from the Lions Club.

- C. ORDINANCE – Final Reading, Public Hearing
 - 1. Bond Ordinance Providing for General Capital Improvements Appropriating \$13,500.00 and Authorizing \$12,825.00 in Bonds or Notes

ORDINANCE NO. 2009-__

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING IN PART ORDINANCE 2008-10 TO APPROPRIATE AN ADDITIONAL \$13,500 FOR A TOTAL APPROPRIATION OF \$2,327,710 AMENDING ORDINANCE 2008-10 AS TO PURPOSE OF SAID ORDINANCE TO INCLUDE THE CONSTRUCTION OF HANDICAPPED ACCESSIBLE DOORWAY AND CREATION OF A HANDICAPPED ACCESSIBLE PARKING SPACE AT THE POINT PLEASANT BOROUGH RECREATION CENTER AND TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREBY BY \$12,825 FOR AT TOTAL DEBT AUTHORIZED OF \$2,211,325

WHEREAS, the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough") finally adopted a Bond Ordinance No. 2008-10 on August 19, 2008, (the "Prior Ordinance") providing for the dredging of Beaver Dam Creek; and

WHEREAS, the Borough has determined that additional funds will be required in order to construct a handicapped accessible doorway and creation of handicapped accessible parking space at the Borough Recreation Center.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough"), as a general improvement and is in addition to the general improvements that were previously authorized by the Township in the Prior Ordinance. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$13,500 in addition to the \$2,314,210 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefore and including the sum of \$115,711 down payment previously appropriated by the Prior Ordinance, and an additional down payment of \$675 is authorized hereby and is now available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$12,825 in addition to the \$2,198,500 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$2,211,325 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The additional improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the construction of a handicapped accessible doorway and creation of handicapped accessible parking space at the Borough Recreation Center, and including all work and materials necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determination and all notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus

accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance is 7 years.

(c) The Supplemental Debt Statement required by the Local Bond Law will be duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof, will be filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$12,825 and the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding \$0.0 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Borough reasonably expects to commence construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely report and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing ordinance is hereby approved:

Date: _____

Martin Konkus, Mayor

NOTICE OF PENDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Mayor and Council of the Borough of Point Pleasant, in the County of Ocean, New Jersey, held on March 3, 2009. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Borough to be held in the Municipal Building, 2233 Bridge Avenue, Point Pleasant, New Jersey in said Borough on March 17, 2009 at 8:00 p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Borough Clerk's Office in the Municipal Building to the members of the general public who shall request the same.

Council President opened the meeting to the public.

John Mogel, 1600 Center Street: Did this whole project go out to bid?

Mr. Dasti: This is appropriating the funds. Eventually it will go out to bid. This is just getting the money ready.

Mr. Mogel: Is there anyway this project can be funded with the surplus.

Ms. Rogers: We initially discussed with the DCA certain capital improvements and they allowed some and denied others and this was denied.

Mr. Mogel: Exactly, what is going to be done here. \$2.2 million dollars seems like an awful lot of money for an entrance way.

Ms. Rogers: No, no, no.

Mr. Dasti: It is \$13,500.

Mr. Leitner: \$2 million is the total debt.

Ms. Rogers: This is to re-vamp the bond.

Mr. Dasti: The estimate is up to \$13,500 of new debt.

Mr. Mogel: Thank you very much.

Seeing no other hands she closed the public portion of the meeting.

MOTION: Adopt Ordinance

MADE: Mr. O'Rourke

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

2. Bond Ordinance Providing for a Water/Sewer Utility Capital Improvement Appropriating \$36,000.00 and Authorizing \$36,000 in Bonds or Notes

ORDINANCE NO. 2009-__

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING IN PART ORDINANCE 2005-22 TO APPROPRIATE AN ADDITIONAL \$36,000 FOR A TOTAL APPROPRIATION OF \$1,683,575, AMENDING ORDINANCE 2005-22 AS TO THE PURPOSE OF SAID ORDINANCE TO INCLUDE THE PURCHASE AND REPLACEMENT OF BOOSTER PUMPS FOR WELL No.5 AND TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREBY BY \$36,000 FOR A TOTAL DEBT AUTHORIZED OF \$1,683,575

WHEREAS, the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough") finally adopted a Bond Ordinance No. 2005-22 on September 6, 2005, (the "Prior Ordinance") providing for the dredging of Beaver Dam Creek; and

WHEREAS, the Borough has determined that additional funds will be required in order to purchase and replace booster pumps for Well No. 5.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF POINT PLEASANT, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Point Pleasant, in the County of Ocean, New Jersey (the "Borough"), as a general improvement in addition to the general improvements previously approved by the Prior Ordinance. For the additional improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$36,000 in addition to the \$1,679,975 appropriated by the Prior Ordinance. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$36,000 in addition to the \$1,679,975 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$1,683,575 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The additional improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the purchase and replacement of booster pumps for Well No. 5.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determination and all notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus

accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance is 7 years.

(c) The Supplemental Debt Statement required by the Local Bond Law will be duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof, will be filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$36,000 and the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Borough reasonably expects to commence construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely report and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing ordinance is hereby approved:

Date: _____

Martin Konkus, Mayor

NOTICE OF PENDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Mayor and Council of the Borough of Point Pleasant, in the County of Ocean, New Jersey, held on March 3, 2009. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Borough to be held in the Municipal Building, 2233 Bridge Avenue, Point Pleasant, New Jersey in said Borough on March 17, 2009 at 8:00 p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Borough Clerk's Office in the Municipal Building to the members of the general public who shall request the same.

Council President opened the meeting to the public. Seeing no hands Ms. Rogers closed the public portion of the meeting.

MADE: Mr. Leitner

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

D. ORDINANCES – INTRODUCTION

1. Amending Chapter VII "Traffic" – Community Park Parking Lot

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER VII OF THE CODIFIED ORDINANCES OF THE BOROUGH OF POINT PLEASANT ENTITLED "TRAFFIC"

NOW THEREFORE, BE IT ORDAINED BY the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, that Chapter VII of the Borough Code entitled "Traffic" is hereby amended and supplemented to include new Section 7-19 entitled "Parking Permitted in Conjunction with Use of Point Pleasant Community Park", as follows:

SECTION 1. Section 7-19. Parking Permitted in Conjunction with Use of Point Pleasant Community Park.

Only persons using and enjoying the Point Pleasant Community Park on Bridge Avenue, Point Pleasant, New Jersey, and/or conducting business in the municipal building located on Bridge Avenue, Point Pleasant, New Jersey, shall be permitted to park vehicles in the parking lot located in and adjoining the Point Pleasant Community Park.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This Ordinance shall take effect upon publication in an official newspaper of the Borough, as required by and in conformance with law.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

E. 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. O'Rourke

SECOND: Mr. McHugh

APPROVED: All in Favor

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

MOTION TO CLOSE PUBLIC PORTION: _____

Dennis Vitkauski, Foster Road: On the park regulations, Section B, #3, "appear at any place in other than proper clothing."

Mr. McHugh: I asked this to be put on. Since this ordinance was adopted last year I have been contacted by a number of residents. There was a lot of commentary the night it was adopted. Maybe there was some tweaking that could be done. Maybe a lot of it. The feeling of that Council (different from this Council) was that it needed to be adopted but we would work on it. I didn't want to let it fall through the cracks. Before we get into the season where the parks are going to be heavily used. I have gotten a lot of sections of that ordinance checked off for things that I think are problematic. That is one. Proper attire it refers to bathing suits but this one seems way to vague to me.

Mr. Vitkauskis: There is one in there about bathing suits too.

Mr. McHugh: There are three or four places where there are clauses that they are not contradictory to other clauses but they are written differently and I think that creates confusion. The number of people who can congregate before a permit is needed is a problem and we will talk about them.

Mr. Vitkauskis: Now a days we see everyone dressed in what not. What proper attire? Thank you.

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

MADE: Mr. O'Rourke

SECOND: Mr. Leitner

ALL IN FAVOR.

F. RESOLUTIONS

1. (086-2009) Declaring March, 2009 as National Nutrition Month in Point Pleasant Borough

MOTION: Recognizing National Nutrition Month, March 2009

WHEREAS, the Ocean county Board of Health wishes to promote good nutrition to the residents of Ocean county by recognizing March, 2009 as "National Nutrition Month;" and

WHEREAS, food is the substance by which life is sustained; and

WHEREAS, the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

WHEREAS, there is a need for continuing nutrition education and a wide-scale effort to enhance good eating practices through educational programs and activities; and

WHEREAS, this year's theme is "Eat Right," and

WHEREAS, the "National Nutrition Month" campaign sponsored by the American Dietetic Association reinforces the importance of nutrition as a component of good health, along with physical activity; and

WHEREAS, the Ocean County Women, Infants and Children (WIC) Program aids in promoting good health through their individual nutrition counseling and group education classes to all eligible participants in the County of Ocean; and

WHEREAS, a Registered Dietitian, and Outreach worker will be at the Ocean County Mall, County Connection on March 27, 2009 to provide information on the importance of making informed food choices and developing sound eating and physical activity habits, and the promotion of a Registered Dietitian as the most valuable and credible source of timely, scientifically-based food and nutrition information.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Point Pleasant, County of Ocean, in the State of New Jersey, wishes to honor and salute the Ocean County Women, Infants, and Children Program for its continued commitment to providing good quality Nutrition education to the residents of Ocean County not only during "National Nutrition Month" but throughout the year.

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

2. (087-2009) Authorize Ward of Contract for Painting Albert E. Clifton Ground Storage to Allied Painting, Inc. for Base Bid of \$65,000

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARING BID FOR THE CLIFTON AVENUE GROUND STORAGE TANKS REPAINTING PROJECT TO ALLIED PAINTING, INC.

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 solicited bids for the Clifton Avenue Ground Storage Tanks Repainting Project (hereinafter referred to as the “project”); and

WHEREAS, bids have been solicited by the Borough in conformance with the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, four (4) bids have been received by the Borough in response to the bid solicitation, as follows:

BIDDER	BASE BID	ALTERNATE BID	TOTAL BID
Allied Painting	\$ 65,000.00	\$ 98,000.00	\$163,000.00
Valley Painting, Inc.	\$ 85,039.00	\$ 96,280.00	\$181,319.00
J.N.P. Construction Corp.	\$ 74,400.00	\$108,500.00	\$182,900.00
Bragaton Construction, Inc.	\$154,000.00	\$ 57,000.00	\$211,000.00

WHEREAS, the bid documentation submitted by the apparent lowest responsible bidder, Allied Painting, has been reviewed by the Borough’s professional staff and found to be acceptable as to form and content; and

WHEREAS, the Borough has been advised by its professional staff that the bid should be awarded to the apparent lowest responsible bidder, Allied Painting, for and in consideration of \$65,000.00, which bid is in conformance with the Borough’s budgetary constraints, and also in accord with the estimate provided by the Borough’s Consulting Engineer:

NOW, THEREFORE, BE IT RESOLVED, this 17th day of March, 2009 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough accepts the recommendations of its professional staff and awards the contract for this project to Allied Painting for and in consideration of \$65,000.00.

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 the following:

- (a) Honorable Martin Konkus, Mayor;
- (b) David Maffei, Borough Administrator/Clerk;
- (c) Robert Forsyth, P.E., CMX;
- (d) Jerry J. Dasti, Esq.; and
- (e) Allied Painting, Attn: Sandy Cannon, Vice President

MOTION: Adopt Resolution

MADE: Mr. McHugh

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

4. (088-2009) 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 & LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
112 – 7	Billick	4,951.69	Refund '09 Tax-paid twice
112 – 66.10	Countrywide Home Loans	1,738.54	Refund '09 Tax – pd in error
1000 – 1000	Borough of Pt. Pleas. Bch	1,761.13	Bank sent payment to wrong town
56 – 23.01 T02	Brewer	165.00	Refund for Aux. Meter
251 – 25	BBSSKB LLC	186.63	Move '09 w/s pymnt To 251-25 T02

2. Certified copies of this Resolution to Tax Collector, Treasurer, Administrator and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

3. (089-2009) Approve Shared Services with Ocean County for PARIS Grant

MOTION: Approve Shared Services with Ocean County for PARIS Grant

BE IT RESOLVED, by the Mayor and Council of the Borough of Point Pleasant that:

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grant program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2008-09 grant cycle, priority funding will be given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Borough of Point Pleasant desires to collaborate with the County of Ocean in the performance of a Records Information Management System; and

WHEREAS, the Borough of Point Pleasant is acknowledging that their eligible funding will be leveraged with the County of Ocean; and

WHEREAS, the Borough of Point Pleasant is acknowledging that the County of Ocean would be both the lead agency and the applicant for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Point Pleasant that the Borough of Point Pleasant does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all the documents required incident thereto.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

5. (090-2009) Authorize Recycling Tonnage Grant Application

MOTION: Authorize Recycling Tonnage Grant Application

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this municipality to apply for such tonnage grants (for calendar year 2008) will memorialize the commitment of this municipality to recycling and to indicate the assent of the Point Pleasant Borough Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey, hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jude Walker to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

MOTION: Adopt Resolution

MADE: Mr. McHugh

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

- 6. (091-2009) Authorize Application Submission for 2009 CDBG Grant**

MOTION: Authorize Application Submission for 2009 CDBG Grant

BE IT RESOLVED, by the Mayor and Council of the Borough of Point Pleasant, that authorization is hereby given to the Borough Engineer, Robert D. Forsyth, to submit application for 2009 Community Development Block Grant to Ocean County for the following project:

1st Priority: Improvements Municipal Building, Handicapped Accessible Access To Entrances

BE IT FURTHER RESOLVED, that Certified Copies of this Resolution be forwarded to Ocean County Planning Department, Robert D. Forsyth, Borough Engineer, Municipal Clerk/Administrator and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

- 7. (092-2009) Authorize Refund of Overpayment of Prescription Premium to Retired Employee**

MOTION: Authorize Refund of Overpayment of Prescription Premium to Retired Employee

WHEREAS, retired Borough employee Gus Adamo did pay the prescription premium for his spouse for the month of January 2009; and

WHEREAS, subsequent to the payment and prior to the coverage period Mr. Adamo's spouse passed away; and

WHEREAS, it is the desire of the Governing Body to refund to Mr. Adamo this overpayment of the premium,

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 a refund of \$91.27 shall be made to Mr. Gus Adamo for the overpayment of the January 2009 prescription premium.**
- 2. That copies of this Resolution shall be sent to the Borough Auditor, the Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

- 8. (093-2009) Authorize Hiring Temporary Seasonal Recreation Department Personnel**

MOTION: Authorize Hiring Temporary Seasonal Recreation Department 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 individuals have 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>
Beverly Puorro	Event Worker	\$13.00 hr.	Trust/General
Terry Park	Event Worker	\$13.00 hr.	Trust/General
Keith Banner	Event Worker	\$13.00 hr	Trust/General
Kathy Busacca	Event Worker	\$13.00 hr	Trust/General
Lynn Wildonger	Event Worker	\$13.00 hr	Trust/General
Lori Rotunno	Event Worker	\$13.00 hr	Trust/General
Kathleen Krohn	Event Worker	\$13.00 hr	Trust/General
Kim Welsh	Event Worker	\$13.00 hr	Trust/General
Kelsey McGuire	Event Worker	\$13.00 hr	Trust/General
Janet Haczewski	Event Worker	\$13.00 hr	Trust/General
Kristen Haycook	Concession	\$8.50 hr	General
Cailin Clayton	Event/Concession	\$6.00 hr	Trust/General
Ryan Thrun	Concession	\$6.00 hr	General
Kurt VanBenschoten	Concession	\$6.50 hr	General
Kristen DiRenna	Concession	\$6.50 hr	General
Gloria Amogretti	Concession	\$7.00 hr	General
Kelsey Haycook	Event/Concession	\$7.00 hr	Trust/General
Julia Siersema	Event/Concession	\$7.00 hr	Trust/General
Rebecca Siersema	Event/Concession	\$7.00 hr	Trust/General
Kristen LaCour	Event Worker	\$13.00 hr	Trust
Kristen Haycook	Event Worker	\$13.00 hr	Trust
Kaitlyn Busacca	Event Worker	\$13.00 hr	Trust

1. Hiring pending the approval by Mayor and Council, effective March 17, 2009.
2. Copies of this Resolution to Treasurer, Administrator, Superintendent of Recreation, Employee, and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Leitner

Ms. Rogers: Discussion. I would like to just clarify and make sure I am looking at the request list that it has Concession Stand and Event Workers that this be adequately detailed when submission for payment is made to make sure that is not being taken out of the trust fund. That would be my only consideration with this.

Mr. O'Rourke: In other words when the paper work is being generated and sent to Judy that is it clear.

Ms. Rogers: That it is absolutely clear because no money should be coming out of the trust fund for concession workers.

Mr. Leitner: My understanding is that some of those people will be working dual roles so they may be paid partly out of one and partly out of the other.

MOTION: To amend the motion

MADE: Mr. O'Rourke

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

9. (094-2009) Accept CFO Report – January , 2009

MOTION: Accept CFO Report – January, 2009

WHEREAS, The Chief Financial Officer has prepared a Cash Management Report for the month of January, 2009; and

WHEREAS, said report has been received by the Borough Clerk; and

WHEREAS, the Borough Clerk has submitted same to Mayor and Council for their perusal and approval;

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

- 1. The cash management plan submitted by the Chief Financial for the month of January, 2009 attached hereto is hereby approved.**
- 2. Copies of this resolution be sent to the following:**
 - 1. Municipal Administrator**
 - 2. Auditor**
 - 3. Chief Financial Officer**
 - 4. All other interested parties**

REVENUE REPORT
CURRENT FUND

<u>Account</u>	<u>Budget</u>	<u>YTD Budget</u>	<u>YTD Actual</u>
Local Property Taxes	\$		\$(1,830,293.47)
Interest and Costs	\$		13,747.91
Non-Categorical Grants	\$		
Grants with appropriation	\$		
Interest on Investments	\$		3,364.60
Other			134,990.03
			TOTALS:
			\$(1,678,190.93)

Receipt Deliq. Taxes \$

Anticipated Surplus

TOTAL BUDGET

2 Months School Tax Levy and 6 months Debt Service – 0 County taxes and added and omitted taxes are deducted from total tax receipts (see below)

WATER/SEWER FUND

Rents	\$		\$341,840.65
Interest on Rents			1,429.77
Interest	\$		1,448.55
Other	\$		2,781.20
			TOTALS
			\$ 347,500.17

Anticipated Surplus **\$**

Total Budget **\$**

\$3,474,110.70 Actual Collection Taxes to Date

(5,304,404.17) Minus School Taxes

Minus County taxes

*\$(1,830,293.47) Toward Budget

BANK ACCOUNTS
ENDING BALANCE AS OF JANUARY 31, 2009

INVESTMENTS:

Current Cash Management	\$131,228.62
Water/Sewer Cash Management	209,566.74
<u>Checking Account (COMMERCE)</u>	
Current	\$5,386,037.18
Current Capital	1,047,877.13
Water/Sewer	902,698.81
Water/Sewer Capital	2,384,152.98
Trust	130,068.31
Recreation Trust (in the General Trust Account)	49,028.04
Dog Trust	2,796.13
Payroll	108,372.07
Public Defender	567.16
Escrow Trust	275,495.76
Special Law Enforcement	9,212.96
Open Space Trust	109,156.62
Recreation Trust (New)	67,042.17
COHA	61,315.56

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

- 10.** (095-2009) Expressing Official Intent to Reimburse Expenditures for Project Costs for the Proceeds of Debt Obligations in Connection with its Participation in the 2009 N.J. Environmental Infrastructure Trust Financing Program

**RESOLUTION OF THE BOROUGH OF POINT PLEASANT OF
ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT
COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION
WITH ITS PARTICIPATION IN THE 2009 NEW JERSEY ENVIRONMENTAL**

INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Borough of Point Pleasant (the "Borrower") intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in **Exhibit A** attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Environmental Infrastructure Trust (the "Issuer") to finance the Project on all long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations Section 150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$1,406,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations Section 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations Section 1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations Section 1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations Section 1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

Ms. Rogers: Yes
Mr. Dikun: Absent

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

Mr. Kaklamanis: Absent
Mr. McHugh: Yes

CARRIES: Yes

11. (096-2009) Authorize Making Application to the Local Finance Board

MOTION: Authorize making application to the Local Finance Board

WHEREAS, the Borough of Point Pleasant desires to make application to the Local Finance Board for its review of a proposed bond resolution authorizing the issuance for bonds to finance certain improvements and replacements to the Borough's Albert e. Clifton Avenue Water Treatment Plant as listed in Exhibit A attached hereto (the "Project") and the sale of the bonds to the New Jersey Environmental Infrastructure Trust pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program; and

WHEREAS, the Borough of Point Pleasant believes:

- (a) It is in the public interest to accomplish such purposes;
- (b) Said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units.
- (c) The amounts to be expended for said purposes or improvements are not unreasonable or exorbitant.
- (d) The proposal is in efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF POINT PLEASANT AS FOLLOWS:

Section 1. The Application to the Local Finance Board is hereby approved and the Borough's Municipal Clerk/Administrator and Bond Counsel along with other representative of the Borough are hereby authorized to prepare such Application and to represent the Borough in matters pertaining thereto.

Section 2. The Borough Municipal Clerk/Administrator is hereby directed to prepare and file a copy of the proposed bond resolution with the Local Finance Board as part of such Application.

Section 3. The Local finance Board is hereby respectfully requested to consider such Application and to record it findings.

EXHIBIT A

PROJECT DESCRIPTION

Demolition and Reconstruction of 500,000 gallon water spheroid tank at the Albert E. Clifton Avenue Water Treatment Plant. The project includes:

1. Site Clearing;
2. Removal of existing tank;
3. Removal of yard piping and valves;
4. Construction of new 500,000 gallon water spheroid tank; and
5. Installation of all piping and valves.

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

12. (097-2009 Bills and Claims)

MOTION: 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 that each item accurately reflects the vendor's name, corresponding check number and appropriate amount as actually appears on the respective check.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, THAT; attached bill list is hereby approved for payment.

COMMERCE BANK

<u>ACCOUNT</u>	<u>2008</u>	<u>2009</u>
CURRENT	\$	
WATER/SEWER CURRENT CAPITAL		-----
WATER/SEWER CAPITAL		-----
TRUST		
RECREATION TRUST		-----
RECREATION TRUST (New Account)		
DOG TRUST		-----
ESCROW TRUST		\$246,268.34
PUBLIC DEFENDER PAYROLL		----- -----
SPECIAL POLICE LAW ENF.		_____
OPEN SPACE		_____
	_____	_____
TOTALS	\$ -----	\$ 246,268.34

OCEAN FIRST BANK

<u>ACCOUNT</u>	<u>2008</u>	<u>2009</u>
CURRENT	\$19,270.85	\$460,847.15
WATER/SEWER	\$19,771.71	93,825.94
CURRENT CAPITAL		17,997.19
WATER/SEWERCAPITAL		6,880.50

RECREATION TRUST		16,481.41
TRUST		8,685.47
OLD RECREATION TRUST		1,041.98
PAYROLL		-----
DOG		-----
ESCROW TRUST		3,058.50
OPEN SPACE		49.68
	<hr/>	<hr/>
TOTALS	\$39,042.56	\$608,867.82

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

- 13.** (098-2009) Authorize Tax Assessor to act as Agent in Tax Appeals

MOTION: Authorize Tax Assessor to act as Agent in Tax Appeals

WHEREAS, from time to time the Tax Assessor discovers an error in calculation, transposition, measurement or typographical errors in the tax assessments on the tax list after the time the County Board of Taxation has certified the tax rates for the tax year; and

WHEREAS, the Mayor and Council of the Taxing District of Point Pleasant is desirous that every taxpayer pays his fair share of taxes; and

WHEREAS, if the above discovered errors are not corrected, the taxpayers affected would not be paying their fair share of taxes; and

WHEREAS, the method for correcting such errors is to file a Petition of Appeal for the current tax year with the Ocean County Board of Taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Point Pleasant that Robyn Palughi, Tax Assessor, is hereby authorized to act as the Agent for the Taxing District and file a Petition of Appeal or Appeals for the year 2009 with the Ocean County Board of Taxation, to correct such assessments to the proper value and that a copy of any Petition of Appeal with the Ocean County Board of Taxation under this Resolution is to be filed with the Borough Clerk.

BE IT FURTHER RESOLVED, that Robyn Palughi, Tax Assessor, is hereby authorized to execute stipulation of settlement of any tax appeal filed by the Taxing District or by a taxpayer for the tax year 2009; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Ocean County Board of Taxation with such Petition of Appeal.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

14. (100-2009) Transfer Resolution

MOTION: Adopt transfer resolution

WHEREAS, The date of this resolution is within the last two months of calendar year 2008 and the first three months of the year 2009; and

WHEREAS, N.J.S.A., 40:40-58 and 59 provides for making transfers between budget appropriation accounts during the five month period starting November 1, 2008 and ending March 31, 2009,

NOW, THEREFORE, BE IT RESOLVED, (not less than two thirds of the members of the Governing Body confirming) that the following transfers be approved and the same are hereby made between the appropriation reserve accounts in the 2008 budget:

CURRENT: (FROM):

Insurance – Liability O/E	\$25,000.00
Insurance - Workmans Comp O/E	\$10,000.00
Hospitalization O/E	\$15,000.00
Landfill O/E	<u>\$30,000.00</u>
<u>TOTAL</u>	<u>\$80,000.00</u>

CURRENT:(TO)

General Administration O/E	\$25,000.00
Additional Salaries S&W	<u>\$55,000.00</u>
<u>TOTAL</u>	<u>\$80,000.00</u>

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. McHugh

Ms. Rogers: Abstain

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

G. RESOLUTIONS (099-2009) Consent Agenda

MOTION: Approve consent agenda 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, Point Pleasant Beach Public Education Foundation, on premise 50/50 to be held March 27, 2009.
2. Approve Council Meeting Minutes of January 20, 2009.
3. Approve Council Meeting Minutes of February 17, 2009.
4. Application Raffle License, 4-H Association of Ocean County, on premise gift auction, to be held April 4, 2009.
- *5. Application Raffle License, Point Pleasant Garden Club, on Premise 50/50 to be held April 18, 2009. (rain date 4/19/09)

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. O'Rourke

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: absent

Mr. Dikun: absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

H. AUTHORIZATIONS

1. Petition to Extend Licensed Premises – Cuisines South, Inc. T/A Forte Restaurant

MOTION: Authorize Extended Liquor Premises for Cuisines South, Inc. T/A Forte Restaurant with adequate security personnel

MADE: Mr. O'Rourke

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: absent

Mr. Dikun: absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

2. Use of Open Space Funds for Log Cabin and Historical Updates

MOTION: Authorize Use of Open Space Funds for Log Cabin and Historical Updates
(Reserve \$50,000 with no expenditures until specifics are received and approved)

MADE: Mr. McHugh

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: absent

Mr. Dikun: absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

3. Park Rules and Regulations

Scott Conklin, 227 North Road, stated that there is room for change in these rules and regulations and they will be discussed at the April 9th Recreation meeting. Council will bring this back after they receive a recommendation from the Recreation Commission and further discuss this.

4. Social Affair Permit – St. Martha’s St. Vincent de Paul Society 5/23/09

MOTION: To approve Social Affair Permit – St. Martha’s St. Vincent de Paul Society

MADE: Mr. O’Rourke

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O’Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

5. Manual Checks

MOTION: Approve Manual Checks

MADE: Mr. O’Rourke

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O’Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

H. COMMITTEE REPORTS

Mr. O’Rourke: We had a meeting over at Riverfront Park and there were some concerns about the field and whether it is going to drain properly. We will do some tilling before we put the sod down. That meeting went well. The contractor has a professional for soil testing. Al Clericuzio was there and did some testing on his own. You should see sod in the next month. The Borough employees have new name tags and they have you picture and some information on the back. If you are questioning anyone coming to your door they will have to have one of these tags. We have the Assessor and the Assessing Company is out working. They are taking pictures of the exterior of your houses.

Mr. Leitner: They have already been to my house and they did do the interior also.

Mr. O’Rourke: We would like to put Nick Scarpello on the next agenda to be appointed to the Zoning Board of Adjustment as an Alternate.

Mr. O’Rourke had a complaint by e-mail from a resident about the Fish and Wildlife ramp over near the Marine Police property. It seems to be a little depressed. Fish and Wildlife will get over there and see what they can do. I think the salt water got in there.

Mr. O’Rourke: I would like to make a motion to create an ad hoc sub committee of he Borough Council for public participation information whose members should include Councilman Leitner, Councilman McHugh and Councilman O’Rourke and Councilman Kaklamanis as an alternate. Whose responsibilities shall include holding a meeting during which the public may participate in any questions or discussions about issues related to the municipality. That said meeting shall last at least from 7:15 p.m to 7:45 p.m. prior to each scheduled Council Meeting and that the Borough Clerk shall see to it that the Council Chambers shall be open and available for the said meeting and that any standing Council Committees or ad hoc committees shall refrain from holding meetings that would conflict with the attendance of any public participation information sub committee member at said meeting and that any public announcement of regularly scheduled Council Meetings shall include notifications of the existence of the public participation information meeting. And that if any position is found to be conflict with existing State of municipal statute or ordinance that the remaining stay in effect.

Mr. Leitner: Second.

Ms. Rogers: Shaun, what is this relative to because can you further clarify this.

Mr. O'Rourke: We are a team up here and the reason we are a team is because we work together as a group in committees. When one of us gets far a field the others can pull them back in. We need do move back to doing that as a team again.

Mr. Leitner: As you remember I had proposed a work group session prior to the meeting. Would this conflict?

Mr. O'Rourke: I think this would be better because as a committee we could discuss with the public directly. One of the problems with Council Meetings is that you have to wait to come up here and talk. This gives a chance for someone who perhaps is a little shy to get up in front of a group and talk like that. We will sit and talk to them before the Council meeting. It give people an opportunity to talk to us on a regular basis. Not everyone has e-mail. They can talk in other ways. It gives them an opportunity to know that we are going to be here. Marty Konkus introduced this many years ago and one night a week he tried it and did not get much of a turnout. I think if we were regularly available we would get people in here to talk to us. It might cut down on some of the open public discussion at a regular meeting because they would understand our point of view before they come in.

Ms. Rogers: I think this is directly with what Councilman Leitner was trying to propose earlier. I know Councilman Dikun had an opportunity to go to a couple of different towns.

Mr. Leitner: This could be in addition to a work group session.

Ms. Rogers: I would ask that we table this till you have a full council for further discussion. With Councilman Kaklamanis in Greece and Bill Dikun on military it would be good to get their input. You are asking Councilman Kaklamanis to be an alternate on that committee. Is he aware of what you are proposing?

Mr. O'Rourke: No, he is not. He is in Greece right now. As I was saying the point I make is we should not be running off half cocked having meetings of our own and talking about things that need to be talked about as a group. This would help to put us back on a team effort.

Mr. Leitner: This is going to be an open government and a good government.

Ms. Rogers: I have a feeling I am sensing some disgruntleness on your part. Would this have direct impact on my budget round table discussions, is this what you are infusing, that is not alright for Council people to go out and talk to the public about different things going on in budget processes.

Mr. O'Rourke: I think you are taking that in the wrong direction. I said when one of us goes far a field and starts getting people upset for no reason the others can bring them back in if they are working as a committee. Not as a single person.

Mr. Leitner: I don't see a down side to having more discussion by members of Council with the public. No formal action can be taken because it would be an ad hoc committee. It would be informational. I don't see the down side to it.

Ms. Rogers: I actually was in favor of your idea early on Councilman Leitner but again giving fairness to two Council Members that are not here and I thought the premise was that we were not going to be doing motions from committee reports without having discussions and having the items placed on the agenda for discussion. I believe Councilman O'Rourke that was your idea. That this not be done from committee reports.

Mr. O'Rourke: As I said, the pot calling the kettle black is inappropriate. I would like to have the vote called.

Mr. Dasti: May I make a suggestion. Most of the committees, it sounds like we are forming a committee and they are established by ordinance and they are in your code book. I don't know

that any of them, I think the Mayor designates who is on these committees. I am sure he consults with all of you. You might want to think about designating who is on the committee and get a rainbow effect. I would also suggest that you don't have two Councilman and the Mayor here and I guess this was a surprise. You might want to wait two weeks.

Mr. O'Rourke: I don't see any downside to this. Why do we have to wait. This is an official meeting.

Mr. McHugh: I don't know what the exact right thing is but a less formal meeting with the citizens where we are down there will lead to better communication and we will be more responsive and they will feel more informed and we break this barrier a little bit. We need to get to that somehow.

Mr. Dasti: I agree and I gave you some examples of other towns and that is all good. I would suggest you wait until everyone is here. What will two weeks hurt. Unless you have spoken with the fellows who are here and they are in favor of it.

Ms. Rogers: Have you done that Shaun?

Mr. O'Rourke: No, I haven't. None of us spoke about you having those meetings either.

Mr. Dasti: You can have any meetings you want but once you come up here and want a formal vote and two of the Council people and the Mayor aren't here and it is a surprise, any Council people can go to the Kwanis Club, the Rotary, the Coffee Club.

Mr. O'Rourke: Jerry, that is a little different than putting out a press release and naming yourself as a member of this Governing Body and suggesting that you are speaking for the Governing Body and having private meetings and private businesses to a select few. This would not be a select few. This would not be a select few. Frankly, I can't see the down side, I can't see Billy or John having any problem with this.

Ms. Rogers: Councilman I take exception to your comments when you don't have the full facts. I will be happy to explain that when I have the opportunity after everyone has given their reports.

Mr. Dasti: Shaun, I am not suggesting that there is a down side. I am suggesting that perhaps before you make a new committee that everybody should be aware of it.

Mr. O'Rourke; This is not a standing committee, we have six standing committees. They are by ordinance.

Mr. Dasti: Your motion is to establish a committee and to name the people who are on the committee. Normally that is the Mayor's job.

Ms. Rogers: It seems very self serving on your part that you have chosen this opportunity not to have full participation of Council. I believe you have that opportunity.

Mr. Leitner: Having known Mr. O'Rourke for these many months that he would have made this motion no matter who was here.

Ms. Rogers: I think he found it very convenient to do so this evening. I am not surprised.

Mr. O'Rourke; You are not surprised. I am not surprised at what you have been doing. The fact is when Billy and John come back if we need to change this we can change it.

Ms. Rogers: The motion is on the floor and Councilman Leitner you seconded that motion. Is there any further discussion.

Mr. Leitner: I don't want this to be perceived as a tit for tat kind of thing because I don't see it as that. I see this as a way to have Council and the public talk to each other. I am not overly concerned with the membership and whether it is appointed by the Mayor or Council. Maybe what we can do instead of, Jerry you are right waiting two weeks would not be the worst thing in the world but on the other hand why not get it started. Maybe we can say for four months it will

be this set of Council and then change every three months.

Mr. O'Rourke; I can amend the motion right now not to name anyone.

Mr. Leitner: We can rotate it out so we can all get an opportunity to address the public.

Ms. Rogers: Is that an amended motion?

Mr. O'Rourke: I subject my motion to be amended that specific names not be included in this motion.

Mr. Leiter: Name it for the first go.

Mr. O'Rourke: Three of us should be here.

Ms. Rogers: Councilman McHugh would you be interested in allowing Councilman O'Rourke, Councilman Leitner and myself on this. So there is not partisan politics here.

Mr. McHugh: I don't want this to be perceived as something, what I worry about is this is a good idea that needs to go and I don't want this to be short circuited. No politics. If Shaun is willing to amend his motion to change the makeup of this committee.

Mr. O'Rourke: I will amend the motion to include the three of you as a temporary committee.

Ms. Rogers: You are saying Councilman Leitner, Councilman McHugh and myself. I am happy with that.

Mr. O'Rourke: The point Jack makes is excellent about having a rotation. The town can come in and talk to us. That is the most you can get. People need to know they can come in here and talk to us.

Ms. Rogers: This would be 7:15 to 7:45 prior to the Council Meeting?

Mr. O'Rourke: Yes.

Mr. Leitner: If I understand the motion, the motion is we are going to do the meeting as proposed with membership of Ms. Rogers, Mr. McHugh and myself until we rotate other Council Members in.

Mr. McHugh: Second.

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Absent

Mr. Dikun: Absent

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

Ms. Rogers: Maryanne, I would like for discussion on the next Council Meeting the proposed rotation schedule to be presented to the public with regards to what has just passed.

Mr. O'Rourke: We have run into a small road block with the web site. You were not getting too much cooperation from our Web Master.

Ms. Rogers: That is my understanding and that is part of my report. We have received the information from Mr. Onto as of yesterday and we will be trying to apply that information to hopefully go live the following day.

Mr. O'Rourke: It is the Council's web site. The Governing Body's web site and I would like to see it. I would like to see it on a CD and look at it and try it out. Not on line but on a CD. It has been three months and I don't know what has happened with it. We were supposed to be setting up a committee to work on the web site pattern. We might as well wait a month and make sure there are no bugs. I want the seven of us to be sure of it that this is what we want to have.

Ms. Rogers: We passed a motion and approved the site as presented and it hasn't changed.

Mr. O'Rourke; I don't know that.

Ms. Rogers: I am representing to you that it has not changed. We are ready to go live and we were supposed to go live last week and only due to the fact that Mr. Onto failed to provide the key information to change over so Mr. Maffei's office could get it up and running. It is the transition of the old web site to the current format and you can view it very quickly. See that everything is in order.

Mr. O'Rourke: That is my point. I can't view it very quickly. I don't have a copy of it.

Ms. Rogers: You will once it goes live.

Mr. O'Rourke: We were supposed to be putting other stuff from ourselves up there. We don't have it yet apparently.

Ms. Rogers: That is an add on and you have not provided it include a picture.

Mr. O'Rourke: We want it done and ready to go before we start.

Ms. Rogers: It is ready to go Shaun. It has been ready to go. It is approved and ready to go and it would have been up last week if Mr. Onto had provided the key information.

Mr. Leitner: We agreed that establishing a committee for start up and as an on going basis. I don't believe we populated that committee yet.

Ms. Rogers: I believe it was Mr. McHugh and myself.

Mr. Leitner: I think the motion that carried was you and Mr. McHugh, two members of the general public, two members of Borough Hall or the Clerk's office.

Ms. Rogers: That was to add for future add ons. From the transitions when we were moving forward.

Mr. McHugh: If in fact this committee does exist I have not seen the full site either. What I have and I was going to put it in my report the module that we were looking to add to this that would allow frequently asked questions, this was an outside vendor that provided this product that was to be added on and I have been negotiating with them for a month to try to get the costs down. It is a very inexpensive program. I made significant headway in that. I do feel it can be put together very quickly. I would like to have that modular part of the site when it goes out because there will be a lot and it would provide more information to the town. It looks beautiful and it is a large improvement and I think it would be important to have this implemented at the same time it is rolled out. I would love to see the finished product.

Ms. Rogers: I will be happy to get all of you links tomorrow. I do think the component that you are looking to get up and running to detain that in the budget session that we are in knowing that it is going to be \$4000 or \$5000 and this is a budget situation that we have to address to find that money. Since we are in the process to delay the site going live because of it, and I understand what you are saying but to delay the site from going live does not make sense.

Mr. McHugh: It would be less than half.

Ms. Rogers: Unless David found money that we are not aware of.

Mr. McHugh: We are not looking to spend any extra money. The importance of this is it would take a tremendous burden of phone call off of the Borough Hall. Which is going to be from other towns I have talked to a 70% cut in phone calls that come into this building. This will be a cost saving for a staff that has already been cut down several times.

Mr. O'Rourke: It is a way of tracking requests.

Ms. Rogers: I am in favor of the component it is just trying to find the money to get it up and running. But to delay the site from going live for it we have a budget session on the 23rd and I don't know we are with any surplus or reserves. I don't think the site should be delayed for that factor.

Mr. O'Rourke: I agree with you. Jack, you have not seen the site?

Mr. McHugh: No.

Ms. Rogers: I will have copies to it to everyone tomorrow.

Mr. Leitner: It would be important to me and everyone in general to see that we do get this committee up and running. Maybe it seems to some that a web site is a small thing or a minor aspect but I see it as a major gateway into our town. I really want to get this committee populated and up and running. Working on this. Get it done right and keep it right. What do we have to do to get this populated.

Mr. O'Rourke: Let's make sure it is on the agenda for the next meeting.

Ms. Rogers: Jack and I can certainly meet and I could give you a call and have a meeting this week. There are some things that we are waiting on from David's office with regards to a description of the Tax Assessor's office. Your picture, Shaun.

Mr. O'Rourke: He has got my picture.

Ms. Rogers: I don't have it and David has not given it to

Mr. O'Rourke: If this waits till the next Council meeting to go up, it is only a short time. We don't want to rush this in. I want to make sure that Jack and you are both happy with this.

Mr. McHugh: Can we populate the committee at least between now and the next meeting with Susan and I as the council members and Dave and Maryanne. At least have the input there on our side of it. This is good enough to go.

Mr. O'Rourke: We have people in mind that would be happy to be on it.

Ms. Rogers: We can schedule a meeting David's staff has gone through the training process. Veronica will be leaving on maternity leave. However, Maryanne and Chris have been trained and David has seen the site and has been adding and modifying and changing as we have been going along. I will get everyone a link tomorrow and Jack we can call a meeting this week. Have the site up and running for April 3rd. We can poll council and see if they are okay with it.

Mr. O'Rourke: Who is that person that was doing all the work for you?

Ms. Rogers: Myself.

Mr. O'Rourke: The kid you had in here.

Ms. Rogers: Nick Sacomondo was taking care of the IT conversion from Tony.

Mr. O'Rourke: We want to give credit to the somebody working on that.

Ms. Rogers: Without a doubt. Nick has been instrumental in fine tuning the IT function. As far as the conversion.

Mr. O'Rourke: He is doing the hard stuff. The stuff that is behind the scenes. Stuff to make the conversion right.

Ms. Rogers: Between Nick and myself. I have done a large portion of it. Nick has been handling the problems with the interactive calendar and Tony Onto.

Mr. Leitner: I was worried that I was going to have the longest committee report tonight but I

don't think so. Public Safety, as I discussed at the last Council Meeting I have had the chance to meet with members of the PBA and I have had conversations with Chief Hilling. I will not go into the nitty gritty of those discussions they were very constructive. I believe we will be able to get a good dialog going and Chief Hilling has the full support of Mayor and Council but I think there is always room to improve communications between various parties. We talked about the issues of Chain of Command and we will continue to work on those. We have been presented with a request to extend the promotions list another year. The committee will be meeting on that. I believe while we don't like to introduce politics up here I think I would be remiss if I didn't mention the very successful blood drive that occurred this past weekend. The Point Pleasant First Aid Squad did a wonderful job. Mayor Konkus had asked me at the last Council Meeting to investigate some issues regarding towing. I believe Mr. Dasti, you are looking at various ordinances. Some citizens have contracted me and suggested opening the towing to the Police Department as well. They could do impounds. They suggested it would be revenue generating for the town. I don't know that it is feasible under our current ordinance and I don't know that it

Mr. Dasti: You mean the police would tow the cars?

Mr. Leitner: The police would tow the cars to their own impound lot.

Mr. Dasti: I don't think we have a tow truck. Do we?

Mr. O'Rourke: No, we don't.

Mr. Leitner: It would require investigation and I don't know that it is a good idea but we could explore. Last Thursday was the Recreation Commission Meeting. Mr. Dikun was there also. He is not here tonight but we had very long talks and a very long discussion. I believe one of the items the rec commission asked to address is there are having difficulty reaching a quorum. Is there a way that we can add alternates to the Commission. I understand the Commission is organized under state statute and perhaps we can investigate if there is a way to add alternates so it is easier to make a quorum. The Commission expressed that they were troubled by the usage of the trust funds. They directed me to a June 9th, 2008 letter from the Department of Community Affairs in which it was the Commission's feeling that perhaps certain usage of the trust funds was not in accordance with the DCA guidelines. What they asked for me to express to Council and what Mr. Dikun and I discussed and it is the recommendation of this committee is to have all use of trust funds in the future go before the rec commission to get their advice and approval before we approve any use of those funds. I made them understand this would also include Mrs. Haycooks budgets and housekeeping matters. That is the recommendation of the committee. They also discussed the baseball field. There is a suggestion. The rec commission has suggested that the McKennan Lake Field be converted to a 50/70 field which I believe is the distance of the pitching mound to the first base. Their feeling is that converting it to such would allow it to still be used at a 50' level and the 70' level would be a bridge between the current baseball and the middle school which is 90'. The problem is they are not certain that public works can get the job done in time due to their busy schedule. They asked me to bring to Council approval for one or both of the following. I think this can wait for the next Council meeting and I ask that be put on the agenda for the next Council meeting. Approve for the League and their contractor with over site of public works to begin the project and/or financial assistance from the town. They do not have numbers yet. They do point out that they take care of the seeding and other maintenance. I think this can wait till the next Council Meeting. The League approached the Commission and it is the Commission's recommendation.

Ms. Rogers: It would not be covered under the Trust Fund these are not fee based program that run through the Borough. They are outside leagues. As far as having it added to or sharing costs in the budget process I would suggest that they reach out to Chuck Mohr or to Dennis Sears. I would like to bring something up on the quorum issues. I had asked a request that all of the Commissions provide attendance records. When you look at the attendance records on some of the members on the rec commission there have been perpetual absences. I would challenge them to check their by-law requirements when it comes to attendance. Maybe some of those members should look to step down.

Mr. Leitner: I believe they wanted to encourage those who haven't been attending to attend. They wanted to see if there were other options like alternates. As a last resort utilize the by-laws.

I think if you miss three meetings in a row you can be removed.

Mr. O'Rourke: The last time this came up with the Environmental Commission we could not do this. Then we got a bill passed through Senator Ciesla. We should keep an eye on the attendance of all of our committees.

Ms. Rogers: I did sit on the Commission for a year and there were several members that were not there for no excused reason. If these people that are volunteering and understand the requirements that are causing the detriment of a lack of a quorum maybe they should consider stepping down and allowing someone who could take that place and be there and represent the needs of the commission. I know the attendance records without getting into names. There is a long history of absences here. I would go back to them and challenge them to take a look at this. There is a long history here of lack of absences that are causing this.

Mr. Leitner: I think you might be surprised at the names that come up.

Mr. O'Rourke: They have legitimate reasons for being absent.

Ms. Rogers: There are those that have legitimate but you yourself sat there with me for a year and watched those that didn't attend.

Mr. O'Rourke: We didn't sit there. We had meetings several times.

Ms. Rogers: I challenge that. I understand what you are saying Mr. Leitner.

Mr. Leitner: Dennis Vitkauskis, I had the opportunity to write to the Post Office, not only our local Post Master but also the Department of Consumer Affairs within the Post Office about the hours. I have good news and bad news. The good news they gave me an answer. The bad news is due to budget constraints they are only able to be open from 10 a.m. to 5 p.m. Monday through Friday. That will be effective April 18th. Saturday from 9 a.m. to 4:30 p.m. They did point out that they have a great deal of services on line including the ability to buy stamps and shipping labels. I believe them when they say they are under severe budgetary constraints. My suggestion is that this is something we need to address and write to our Congressmen and Senators as well as the Post Office.

Mr. O'Rourke: Does Point Pleasant Beach and Bay Head have the same hours that we do?

Mr. Leitner: In this letter they directed the letter to Spring Lake and Brick.

Mr. O'Rourke: This is the biggest town and I don't see why they would be open earlier or later. We should get the large end of the stick.

Mr. Dasti: You may want to bring your concerns to Congressman Smith.

Mr. Leitner: I did also write a letter to the power company regarding the street lights and I did not get a response. I am happy to say that is the end of my report.

Ms. Rogers: Have you had Public Safety Committee meetings?

Mr. Leitner: No.

Ms. Rogers: I am Vice Chair. Please include me.

Mr. McHugh: Public Works, a few things to report. Sometime back a contract was awarded for the reconstruction of Bay Isle Drive and that project was to include concrete curb and gutter and repaving of the entire roadway. No a huge project but it was estimated to take eight to ten weeks and because the contractor cannot start until May at the earliest it was decided to delay the start of the project until September. It is a very seasonal area of town. It is a dead end with no other access. To take on this project during summer months would be very difficult. It was decided the project will be delayed until September and the contractor has no problem. Regarding the County's paving job on Beaver Dam Road. The County has been out there and we got no notice of exactly what they are going to do. They have been out there. I have seen a truck with two

men doing some measuring. They have gone to some of the catch basins. They broke out some of the poor paving although that wasn't really our biggest problem. Our biggest problem is the way it dams water from our side streets. So far nothing on that has been done yet. Hopefully, by the next meeting they will get to us with what they are going to do. On a more positive note the County did act on one of the items we had at the Mayor's meeting. A number of problems that have been problems on County roads and one of the problems taken care of was the catch basin on Bridge Avenue across from Butlers Pharmacy. They made it a grate. That was taken care of. Water and Sewer is Mr. Dikun but in his absence I wanted to report that the muffler has been added to the Hardenburgh Water Plant and I want to congratulate Councilman Dikun on this solution. He and Mr. Sears and the entire staff has been trying to come up with something that would work. It is quieter to our ears. The Open Space Committee I chaired the meeting in Mrs. Rogers absence. The Bennett Cabin, things are moving with that. That is all volunteer work headed by Mr. Morris. Osborn Cemetery the fence was ordered. Former Councilman Fred Bryant who as many of you know has courageously battled illness recently. He was in attendance and he was in spunky spirit and it was great to have him there. He is raring to get back involved. As some of you know that was not a sure thing that he would be back but it was great to have him there. End of report.

Ms. Rogers: Councilman McHugh, I am sorry I had to miss that meeting. I am grateful to you for covering for me. I do take my committee assignments seriously. Some of you may or may not know I have been battling with thyroid cancer and my cancer is in remission however I did have to take a radiation treatment and Councilman McHugh covered me for that process. I appreciate it. I would like to bring up on the Environmental Commission front this Thursday the Commissioners and myself will be putting on a presentation at Ocean Road. It is called recycling. It is more than bottles and cans. We produced this brochure that will be passed out to the fourth and fifth graders and the presentation will be Thursday at Ocean Road and the following Friday at Nellie Bennett. The cover is the Stacey Family here in town. Nick was a recipient of our poster contest last year on recycling. We are very excited. On top of that we also have Mr. Recycling in the audience who will give the presentation with us, Mr. Chris Constantino. Each of the children will receive a gift from the commission along with the brochure. It is going to be a reusable lunch bags. Five hundred children will be getting these bags. It will be very exciting. On the Administration and Finance front as Mr. O'Rourke touched on we had some minor difficulties getting the transition numbers from Mr. Onto and hopefully that will be going well in the next 24 to 48 hours. We have received our payroll discs for the ADP for the upgrades for the PC side of the payroll system. We will be recapturing over the next couple of days the first quarter payroll history. Our hand scanners are in. DPW will be installing them this week. We are shooting for the April 1st target date to get time and attendance up and running. We also will be installing on Friday the new computer systems for the credit cards stations for the Tax Office, Vital Statistics, the Court, these will be mobile computer systems set ups. There will also be a set up delivered to the Recreation Center. We will be doing a training on Friday with the Department Heads and take all forms of credit cards on April 1st. On the bad news out of Trenton, our State aid we received what our state aid cut will be and it will be 2 ½% about \$39,500 and if you recall last years cut was \$196,000. We won't get that back either. That is some of the bad news out of Trenton. If you want to say on a favorable note, the Governor has permitted that the pension deferral will not become mandatory but still remains voluntary. I am hoping that my colleagues up here will find as I do that this is not a benefit to the Borough at all for any form of deferral with what we would have to pay in compounded interest and being fiscally responsible now and not adding to the debt that we currently have.

Mr. O'Rourke: We are getting cut \$39,000?

Ms. Rogers: Yes 2 ½%

Mr. O'Rourke: A lot of times people forget that the amount of State aid that we get is not all State aid. It is some of our money to begin with. It is utility.

Ms. Rogers: I do recall seeing your e-mail Shaun. On the energy side and on top of the state aid we should be receiving we are not. Something I want to address because I am finding it interesting that I sense you might have a problem. When I started on Council last year it was my first budget session. I walked right into this room and sat right in front of me was a book about fifteen pounds and Councilman McHugh and Leitner had that pleasure as they started this year.

How long did you have to review the book before you had to start the budget process?

Mr. Leitner: Most of the information was presented on the dais.

Ms. Rogers: Did you have a chance to review that book? Did you have any idea what was in it?

Mr. McHugh: We both had an opportunity to discuss the theory and some of the numbers behind it with Mr. Maffei and Mr. O'Rourke was very generous with his time as well.

Ms. Rogers: Maybe you had an ounce more opportunity than what I had when I came on last year. Having that experience and coming in again this year when department heads receive requisitions in October to prepare their budget process and here we are walking into February and not seeing an ounce of numbers until we sit up here is a little distressing. On top of that going through the first year it was very difficult to tie it all out. We see the same three or four people that come to these budget sessions Dennis, Laura, Anne, you are the strong holds here that come religiously and you are here to find out what is happening. The majority of the people out there don't know what is going on. I was distressed by that. I wound up and decided I was going to talk to people in the public. I did take the opportunity and I called the County and I asked for a census list of Point Pleasant and it is used. 22,000 people. Over 8,000 homes and businesses. I started mailing out letters and I said I would like to get together with you and talk about the budget process. I would like to tell you what is happening as far as what our unfunded state mandates are. I would like to talk to you about the 4% and 5% raise increases and the cost of operating and so forth. What I did I have been doing five hundred to seven hundred letters per week. I come home from work and my nights are putting them on the computer, printing the labels out and mailing them the following morning. It has been very productive. I am getting phone call after phone call after phone call. This weekend Shaun and obviously you have heard this because obviously it is bothering you, I had two budget workshops and I met with over 60 Borough residents, I did a power point presentation giving them factual information that same factual information that has been provided to us on the dais. Nothing more, I did not disclose any personnel issues that were kept for executive session.

Mr. O'Rourke: I am sorry Sue, but I did not hear that. From what I heard from feedback you did talk about some things that were contractual, that are blowing smoke in peoples face.

Ms. Rogers: Absolutely not. That rumor mill. The 60 people that met in these budget focus groups were blown away about the information and there were 60 more people that have been in a room talking about the budget, the budget process and the budget numbers than there have been in the six or seven or eight years that have come to these meetings.

Mr. O'Rourke; That is well and good but you should have come to Council first. Probably, several of us would have loved to be involved in that with you and you are not the expert on the budget the only person that is the expert on the budget is Mr. Maffei.

Ms. Rogers: Excuse me.

Mr. Dasti: It is her committee report.

Mr. O'Rourke: I don't believe it is in order to talk to other Council directly.

Ms. Rogers: For those of you that might be offended by this process you all sit up here, you all represent the people of Point Pleasant and if you want to get out there and do the work that you were elected to do then I suggest you all get out there.

Mr. Leitner: Now it is getting personal.

Ms. Rogers: Excuse me.

Mr. Leitner: NO

Ms. Rogers: I would still would like to finish my report.

Mr. Leitner: There was a lot of give and take during Mr. O'Rourke and during mine and if you

are gonna come after me and tell me I am not doing the work that I was elected to do you are going to get a response from me. Here it is. I am doing the work of the people. We just had what I hoped was a very collegial and very working together hand and hand discussion. The environment that I ran on and the environment I am trying to create and I know Mr. O'Rourke and Mr. McHugh is trying to create. We are working together and working the partisan lines and getting something going. We just sat here and got this committee. Maybe there was some animosity in it with all democrats on the committee but we worked through that and I think we got to a very good non partisan solution. Now you are telling me that you are the only one that can present the budget to the people of Point Pleasant. I don't think so. As I understand these invitation only, these are invitation only meetings. I didn't get an invitation. You represent that you are inviting the whole town, what business other than the Crystal Point can hold 500 to 1000 people. If we are going to do hearings

Ms. Rogers: They are not hearings

Mr. Leitner: If you are going to tell me I am not doing the people work give me an invitation and give other people on this Council an invitation. Give Bill, John, Marty to at least have a discussion with you before and then you accuse us of not doing the peoples work. That is uncalled for and frankly I think we should do something to get this going as a Council wide effort but I think you should apologize to us for that statement.

Ms. Rogers: I don't think I will apologize to you for the statement at all. I think I have every right to go out and reach the public and talk to them and it is something I chose to do and it is something I feel strongly in. You all could do the same thing. You all have the opportunity and we could do it together as a Council. I have watched where no one has come to this room and I made the effort to get out there and talk to people and I am going to continue that format. I have four additional focus groups set and I will meet with every resident out there. I have gone to peoples homes, I have scheduled meetings and I will continue to schedule meetings for the rest of this year or until this budget process is completed and thereafter. To find out what they are thinking. If they can't get to the open public sessions here I am going to make it a point to make sure I get out there and talk to everyone. Now you can all add in and jump in but I feel it is important to get out there and reach out to as many people as possible. The power point presentation is focused on factual documentation. There is no causing panic. These people were most exceptionally grateful and thankful to find out the information that they had. I believe we will perceive participation from people down the road and I think that is a wonderful thing.

Mr. Leitner: Obviously, more participation is a wonderful thing.

Ms. Rogers: Excuse me, I am still talking. Just give me a moment to finish my discussion. This is out of my pocket. It is something I have taken a very strong interest in and it is something I feel is effective and that I am going to continue to do. I get phone call after phone call and I will continue to mail out these letters. I don't think our Borough Attorney has any problem with this. I think it is something I have a right to do and the people have a right to know and give them the opportunity to participate. It is not motivated on political lines. It is open to every age, whether you are democrat, republican, independent, unaffiliated or you don't vote at all.

Mr. Leitner: That statement is laughable.

Mr. McHugh: This is as excited as Mr. Leitner has every gotten and the reason he is upset there was an inference in your last statement that somehow we have been negligent in our duties and you are finally coming along and bringing it out to the people. I am not disagreeing with what you say that there is a need for better public participation. I agree. But, please don't impute the work that we are doing.

Ms. Rogers: I am not imputing the work of you or Chris. I will not apologize to Mr. Leitner. He can take it in any format he wants.

Mr. Leitner: Of course not, and I also see you will not make an attempt to open this to the rest of the Council.

Mr. Dasti: I suggest the council adhere to the five minute rule.

Ms. Rogers: With regards to Dennis Sears, he gave us a notice about the Ocean County Municipal Joint Insurance Fund Safety Incentive Program Awards. He is proud to say we are regularly in the top three municipalities in this event and that the Director of the Ocean County JIF and PERMA are now considering adding us as a line item to their budget because Point Pleasant is just always in the money. I want to congratulate Dennis Sears on all of his efforts. He does a wonderful job with the program. I know our past Councilman Roger Pyrtko will be assisting in the transition in this and I am sure Dennis will help to continue him alone and stay in the top three municipalities. Outside of that I want to make a quick note as to the Governor's budget plan that those cuts are one thing but the Governor plans to increase and has currently proposed a 20% increase in unemployment insurance hike. That will be applicable to all employers. On top of that on February 17th the Governor passed down that there will be a contribution to COBRA rates of 65% to be absorbed by the employer which they get to write off at the end of the year. That is so they can survive the cash flow crunch and the down turn in the economy. End of report.

OPEN PUBLIC SESSION

Ordinance No. 530. An Ordinance to establish by-laws to govern the organization and procedures of the Borough Council for meetings and 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. O'Rourke

SECOND: Mr. McHugh

APPROVED: All in Favor

Stephen Illge, 1136A Patterson Road: I have three issues I would like to speak to you about. I am not sure if it is the right context. I am not sure if you are aware that Tally's wants to put up a cell tower in the back. The representative from T-Mobile said he had sent a letter to the Town Council Mayor last year requesting the antenna in the back as an option. The water tower on the other side of Bridge Avenue. He said he never even got a response. We are wasting our time fighting him not to put that thing up at Tally's and he never even got a letter or phone call from any member of this town saying yes we do want you to put it there or no we do not want you to put it there. Does anybody know about this.

Mr., Dasti: I understand your concern and I presume you are a resident that lives near Tally's but I really need to instruct the Council that since this is still before the Zoning Board that they really can't say anything. It might be taken as a pro or a con in terms of the application. I do know that the town did receive a letter to that effect.

Mr. Illge: Couldn't we all use some tax relief. I know Tally's would be getting money for this.

Mr. O'Rourke: It is always better if we can make money.

Mr. Illge: The Street Fair we have every summer, living on Patterson Road maybe we can suggest making Edgar Road a one way going west to east and the next block one way from east to west. Only parking on one side of Patterson for those first two blocks. I live right behind Tally's and you cannot get out of your driveway. Cars are backed up on Bridge Avenue. It may be a safety concern. Third, if I may, the log cabin, I am a carpenter and I would love to help out. Mr. Illge gave Mr. O'Rourke his phone number.

Chris Constantino, 2415 Maple Street, followed up on the osprey tower situation. The person who is working with Rutgers Coop came and spoke at the Environmental Commission meeting last night. The Environmental Commission listened to all of the aspects of his projects. We approved it unanimously. We are doing the project on the Borough parcels in the marsh behind Nellie Bennett. The osprey nest existing is on lot 81, Block 299.03. We will not be using that site at all. The nest is there and we want to keep some space between the nests. We could put one there but we are looking at Lot 83, Block

299.03. The block is shaped like a triangle. It would be about 1000 feet from the other nest. Richard Moore has done these projects a lot. Mr. Moore suggested going out Sea Gull Terrace and launch the kyaks. It will be the same style tower as the other one. This project is scheduled to go in on March 25th. It will take four hours and they will cause minimal disturbance. I contacted all the homeowners in the neighborhood. He asked that the police be notified that they will be out there on March 25th.

Mr. Constantino went to Block 278, Lot 16 and there is a lot of debris and a lot of tires on this lot. This is along the Canal. There are at least 100 tires. It has to be cleaned up.

Mr. O'Rourke believes that property belongs to Jack Kennell.

Mr. Constantino, Mike Romanowski works for the County and he does projects where they take tires. It is part of the grant program to help the abatement of the mosquitoes.

Ms. Rogers will check the block and lot and get back to Mr. Constantino.

Mr. Constantino asked if a notice went out from the reval company.

Mr. O'Rourke stated a letter went out.

Mr. Constantino asked if any testing was done on the well water at the Riverfront Park.

Mr. Dasti will check with the Borough Engineer.

School Street and Dorsett Dock Road have a lot of dog dew. There is a lot of litter around town.

There is a dead raccoon on the Bridge.

Mr. John Mogel, 1600 Center Street, asked who is responsible for the sanitary sewers on Beaver Dam Road? Also, the storm sewers. As a result of this paving project from Route 88 to Bridge Avenue on Beaver Dam Road there are about 20 man hole openings. From Bridge Avenue to Hollywood Road there are three. If you get past Hollywood Road to the Bridge there are none. They paved right over them.

Mr. McHugh will look into the status of the project. This should be the final step. This is always the last phase.

Mr. Mogel has a pin for the town plow that he found in front of his house.

Laura Beendon, 2406 Spruce Street, School Street is horrendous with people not picking up after their dogs. Parking by the school on Kilkare, they are parking up into the intersections. Student drivers, we just had that bad accident in Ortleigh Beach. When they come out at lunch there are four and five of them in these cars and I know they have provisional licenses. If the police happen to be over there from 10 to 1 p.m. they would see them coming out and they would know when there are four or five of them in those cars. They come flying out of Panther Path. One of these days there will be a bad accident there.

Dennis Vitkauskis: Mr. Leitner, thank you for following up on the Post Office concern. The Brick Post Office is 24/7. Also, Shaun on having the workshop before the Council Meeting, a public meeting. Would it be better to have it on a Saturday. People have a little more time. I am on the Recreation Commission and I have missed the last couple of meetings due to an illness in my family. I would like to know, when I was first appointed Sharon Bestine was the secretary and she would provide me with the paper work or packet for the meeting. Who is the Recreation Commission secretary now?

Mr. Dasti: It is up to the Commission to make that decision.

Mr. Leitner: We addressed this at the last meeting and Mr. Maffei had previously posted it.

Ms. Rogers: The Commission is without a secretary and the job has been posted and Mr. McHugh spoke with a woman who handles the Open Space Advisory and her name is Liz Hershel and she is outstanding and hopefully the Commission will take her into consideration to

