

COUNCIL MEETING

TUESDAY – MAY 5, 2009

8:00 P.M.

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

Municipal Clerk/Administrator, David A. Maffei is also in attendance.

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

STATEMENT BY MAYOR KONKUS: Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. Notice of this meeting of the Governing Body has been posted in the corridor of the Municipal Building, published in the January 16, 2009 edition of the Ocean Star and communicated to the Asbury Park Press.

A. PRESENTATION

1. Dedication of Gymnasium at Point Pleasant Borough Recreation Center in Memory of Richard T. Blake

Mayor Konkus asked the family members of Richard T. Blake to join the Council President and Council Member John Kaklamanis. I would like to thank Councilman Kaklamanis for going all of the leg work with this. He did a tremendous job.

Mr. Kaklamanis: Thank you Mayor.

Mayor Konkus: There is a beautiful picture of Richard T. Blake on the top of the plaque and I will re-read the resolution on the bottom of the plaque from January 20th.

RESOLUTION #049-2009

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

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

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

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

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

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

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

CERTIFICATION

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

The family of Mr. Blake thanked the Mayor and Council and Mr. Kaklamanis for their efforts.

Mr. Kaklamanis: We will have an unveiling of the plaque at the Rec Center at 10 a.m. on Saturday morning. You are all welcome.

2. Certificate of Recognition – Point Pleasant Borough Wrestlers: Bill Borowsky, Ryan Harter and Dan Nobb

Mr. Kaklamanis present the following certificates to the above named wrestlers.

CERTIFICATE OF
RECOGNITION

*The Governing Body of Point Pleasant Borough
Does Hereby Award*

Ryan Harter

For Outstanding Performance

80 Lb. Weight Class

Ages 13 & 14

1st Place

N.J. State Wrestling Championship

*Witness my hand and
The Official Seal of
Point Pleasant 5th Day of*

May, 2009

Mayor C. Konkus, Mayor

3. Sustainable Jersey Municipal Certification Program - Dennis Blazak

Mr. Blazak: I am a resident of Point Pleasant and I work out at the Naval Station at Lakehurst and I am a Federal Civilian. I worked for the Navy for about twenty years and I am a Chief Environmental Engineer and the work I am doing here is as a volunteer and a resident of the town. I wanted to talk to you tonight is the Sustainable Jersey. It is a program where the towns are certified for doing a whole bunch of different things. There is a group at the Rutgers School who has put together this program. There are a series of actions that you can take. You don't have to take any particular ones. There are forty three of these actions all together. The ideas if towns do this they can go green and save money. There is a very extensive web site with tons and tons of resources. Templates, documents, ordinances. It doesn't require expensive architects and consultants. It can be done with volunteers and the regular staff. Some are things we have already done like a Climate Action Plan, energy audits for municipal buildings, recycling and you get points for each thing that you complete. As you complete it you submit it to this group that reviews it, they certify that it is okay, for instance you send it a copy of an executed resolution and once you get to 100 points you are certified. Right now, just through the work that Point Pleasant has already done you are about 70 points. What do we get? As you work through the program you get priority access to various grants from the State. As you work forward Point Pleasant becomes more sustainable. What we mean is there are certain natural resources that we have here in the town. The air, water, animal life. The idea is that we take certain steps to make Point Pleasant more sustainable. If a bunch of other towns also do that it will have a positive impact on the State as a whole. The certification is good for three year and you save money and energy. We have to pass a resolution and pick what actions we want to work on. We have to register on the web side and do 100 points by the 9th of September and there will be a recognition ceremony at the League of Municipalities Convention in November. Right now there are ten ten thousand dollar grants and four twenty five thousand dollar grants from Wal Mart. These are for the people with the most points that get on the program right away. We expect other corporate sponsors will sign up and there will be more grants to follow. There are some monies and they are grants and not loans available to the towns. There are a whole bunch of resources to make it easier to get grants on other topics. A whole bunch of people are already signed up. As of last Friday about 25% of the towns in New Jersey are registered. As for New Jersey the towns nearby are Bay Head, Jackson, Ocean Gate. I will send you a map of who is signed up. It is a voluntary program. There is no obligation. You can back out. Something that modern facilities use is an environmental management system. This program moves us in that direction. It is continuous improvement and funding. This is the idea of modern improvement. As we go through cycles the processes get better and better and we get access to funding through the grant program. My last close is that Sustainable Community is Sustainable Jersey. If it is just Point Pleasant it will not make much of a difference but if it is all of the towns around Barnegat Bay it will make a big difference in the water quality in Barnegat Bay and it will make it a much more sustainable body of water. Right now, as you know, it is under pressure. If we do things now we have a chance to keep it the way we remember it twenty years ago. If we don't do anything it will turn into another Chesapeake Bay where you are in danger of going septic on any hot day in the summer. Thank you.

Mayor and Council thanked Mr. Blazak for attending.

Mayor Konkus explained there is a resolution on this evening to support this program.

4. Property Valuations – Certified Valuations, Inc.

Robyn Palughi, Tax Assessor is in attendance. As we all know the Borough was ordered to do a revaluation which will be in effect for January 1, 2010. The contract was awarded to Certified Valuations. We have members of Certified Valuations here that will address you on the company and the years of experience and basically what will happen between now and January 10th when we expect to certify the new evaluations. I will be over seeing the numbers and see the day to day. We do ask for your cooperation.

Mr. Kaklamanis: To bring Certified before the town people to ask questions is why we wanted them here. I want to welcome our new Tax Assessor on board. She is doing a fine job. We have not had a reval in some time. Thank you very much.

Mr. Feminella: I am Charlie Feminella, President of Certified Valuations. The Municipality has been ordered to do this by the County Tax Board. We were selected to do the revaluation. We deal in fairness and this is our job. Fairness is described in the Constitution. We have to assess all property at market value. We are not assessing property. What is it worth at the open market. What would your property sell for. We don't care if it is high or low. The higher values the lower the tax rate. Right now, this municipality is assessing properties about 36% or 37 %. If a property was assessed at \$36,000 and sold for \$100,000. Point Pleasant has about 8200 taxable pieces of property. About 7600 are houses. The homes are paying 90% of the tax. Last year the tax rate was 3.62 cents. You are paying \$1.35 for every hundred dollars of assessed value. If your taxes after the revaluation will go up if this ratio is correct and the budget goes up notwithstanding that if the multiplier, if your property goes up more than 2.7 times then your taxes may go up a little. If they stay around the same and if the property doubles you taxes may even go down. There are three possibilities. When you receive a letter from us advising you of the value of your property we are going to invite you to give us a call so you know how we did it and if you want to discuss it with us we will give you a separate appointment one on one. We will give you a hearing. You will be notified in writing before it goes on the books.

Fred Millman Project Manager: As Charlie mentioned we are looking for all of the sales that have occurred over the last couple of years. We are delineating the different neighborhoods and we are analyzing not only the sales but the listings. We want to have an accurate measurement of what the value of the property is. There has been some concern about doing a revaluation in a declining or flat market. My experience has been that is the best time to do a revaluation. We will be forecasting, The market is starting to flatten out and we will be looking at more of an even keel when the final numbers come in. The residential properties are done strictly by the market approach looking at the sales of what properties have sold for and forecasting what the value is of the property. The commercial properties as the Assessor mentioned recently we sent out income expense questionnaires to determine what the income is of the properties. We will capitalize this into value. The values should be completed and reflected as of October 1st of 2009 for 2010. The first week in November is the goal to send out the valuation letters. You will be afforded the opportunity to have a hearing. At that time if you want to bring anything to the hearing that you feel materials enhances the value of your property, if you had an appraisal of your property. Once the hearing is conducted it is reviewed by the appraisal staff and you will be notified with the final determination. If you are displeased with that figure you can file an appeal with the Ocean County Board of Taxation. The reason we are having an revaluation is not because the ratio has dropped down to 36.72%. Everyone is not being assessed at 36.72%. Some are being doubled that. Not everyone is not paying their fair share. You are dealing with an experienced company.

Mr. O'Rourke: For the seniors in town that have had their taxes frozen. I believe it is \$70,000 and 62. Are they affected by this.

The Tax Assessor will look into this.

Ms. Rogers: It is most likely the residents will see you twice.

Mayor Konkus: I would like to point something out to you. My Mother was assessed recently and she lives nearby and she has macular degeneration and she is not able to see. She received an assessment and she was not able to see the persons face nor the ID card and she was asked to sign a document that they had been there and she felt pressured and signed something without knowing what she was signing. She received a follow up visit and the same thing happened and she was totally confused calling me up her son as the Mayor wanting to know if she signed her house away. I think you need to be aware that when you have people like that that cannot see what they are signing you need to have them call a neighbor or a friend even if it slows your job down a little. I think it is the decent thing to do.

Mr. Millman: You are initializing the card. All it does is verify to the Assessor and to me that one of our field people were there. You are not attesting to the accuracy of that card.

Ms. Rogers: You talked that you do comparison to prior sales and you look at sales listings and possible forecasting. With that, what do you do with the situation in Point Pleasant alone, we have 93 foreclosures happening, we have 822 pre foreclosures and 549 homes that are currently in default with 37 of them going to sheriff sale. How does that affect the process of your evaluation?

Mr. Feminella: We have found that most of them are pressured sales. You are not going to get what you would have gotten three years ago. We estimate the value of the property with the market. I live in Morris County in a town called Dover and that is the market there are foreclosures all over the place.

Mr. Kaklamanis: Robin, do you think the appeals will be bad?

Ms. Palughi: From looking at the last couple of years the appeals at the County level and at the tax court level we only had two appeals over the last three years. Our largest commercial property at this point is assessed at under \$6 million . For every \$1 million you lose you are at a \$36,000 loss. We are dealing with licensed appraisers here and if we have two licensed appraisals our loss should not be that great. We have 300 commercial properties. In 2009 we have three appeals and two are from last year.

Mr. Feminella: At the low end of the market it is the best time to do a reval.

Ms. Palughi: Not every appeal is won. Again, we have licensed appraisals doing these appeals.

Mr. Leitner: I want to make sure that I understand a couple of things. When you say you are going to have all the homes reflect the value on October 1, 2009. I understand you to say that if you assess my house today and Mr. Dikun's house in three months the market might be different and you will equalize those assessments for whatever the market would be across the town on October 1, 2009. Is that fair?

Mr. Feminella: We are not going to assess your house today and in three months someone elses. We will inspect your property today and the evaluation process takes affect after we enter all of this date into a computer and we look at all of the sales and when it gets close to October 1, 2009 we come up with the values for everyone at the same time. We are starting the appraisal process.

Mr. Leitner: I understand. Is there any proportion of the up, down or stay the same that typically happens or it that town to town.

Mr. Feminella: It is town to town. It depends on how long it has been since the last reassessment.

Cindy Sullivan: The last two towns I did, 20% went down, 60% stayed the same and 20% went up. When I say stayed the same I mean \$100 either way. They like to say 1/3, 1/3 and 1/3 but it more of a 20%/60% split.

Mr. Feminella: We utilize the computers to show us towards the end the percentage that went up and the ones that went down and why. They could have put an addition on and no one noticed it. They finished off their basement. Maybe some are over assessed.

Mr. Feminella: We have to keep in mind with appeals that we are dealing with evaluation dates.

Mr. McHugh: I think it is important to be prudent but we cannot over play the assessments.

Alex Vicelli, 2320 Oriola Way, Point Pleasant: I have a two part question for you. First question is it is close to 20 years since our last appeal. What is the norm for an appeal? How many years?

Ms. Palughi: Once your ratio falls below 85% you can be ordered by the County Board. They say every ten years is the norm. There is no specific guideline.

Mr. Feminella: There is a small percentage of municipalities that do it every year. It can't be that accurate. We have been asked to do reassessments when they lose their tax appeals.

Mr. Vicelli: My second question is I had a major renovation done to my home two years ago and I guess I was reassessed at that point. Am I going to need a new inspection for this. A great number of home have added levels. Do we have to get re-inspected again. If we were reassessed two years ago, that was really the height of the market. Our taxes will probably be the same or possibly drop a little?

Mr. Dasti: We cannot get into that right now.

Mr. Feminella: We will measure.

Mr. Vicelli: We can expect another inspection?

Mr. Feminella: Yes. Everybody can.

Steve Bessinger, 818 Heid Court: Your company came and already did an inspection to my home. The guy was there for 2 ½ minutes. Am I to assume the will set up a spread sheet

Mr. Feminella: They will spend as much time on the property to find out what is in there and write everything down. They have to go through the house and see the important things that if you were going to buy the house. That person is the field collector and that person will not set value. They will bring it back and the appraisers in our office will look at it.

Ms. Palughi: They will send you a letter.

Mr. Feminella: You come to us if you disagree with us. The next avenue is to call the Assessor. If you don't agree with her then you file a tax appeal.

Kirby Forea, 102 Meadow Point Road: I do respectfully disagree with you when you said the market value is what someone is willing to pay for the home. It is what the buyer wants not the seller. You said you are going to appraise the homes based on a level and you feel the market is pretty much level. By most accounts there are about 4 million homes on the market for sale across the United States. In the State of New Jersey I heard that home values will fall about one percent per month. On a foreclosed piece of property. Is that a distress sale. Will that be put into the market valuations of the homes. When you do an appraisal, let's say I buy a house.

Mr. Feminella: There are a lot of sales out there that are not foreclosures. We are dealing with something new. Everything always went up. I can't say I am taking a sale because it is a foreclosure. It takes a buyer and a seller to create the value.

Mr. Forea: In you estimation where do you think home values are going?

Mr. Feminella: Your guess is as good as mine.

Mr. Dasti: I don't think we want to get into what the market will bear in the next six to nine months. I think the purpose of this is to know the company will do over the next nine months.

Mr. Forea: You have a record amount of unemployment and a record amount of debt that people hold. You have banks tightening the lending standards.

Mr. Leitner: It sounds like the value of your house will not reflect market. Are you worried about that?

Mr. Forea: I am worried about property taxes in general. I am worried about doing an assessment and not have it accurately reflect the true market value of homes when you have a record number of unemployment. There were four million homes across the United States on the market. You have banks tightening their lending standards down from 64.99% to 45%. That means effectively you will take how many people out of the market. About 1/3. You have kids coming out of college today with record debt. College debt, credit card debt. They will not be able to buy homes. Who will buy those homes.

Mr. Leitner: This process is not going to set the spending of this town. This process is going to make sure that whatever we say we need to raise in revenue is distributed fairly.

Mr. McHugh: This is not a perfect world and this is an extremely difficult job. This will put us a whole lot better than where we are now. Neighborhoods have been renovated. New houses are going up and added onto. It is a difficult test.

Mayor Konkus: A reval does not bring anymore money into town. It is a leveling of the playing field.

Court Coleman, 1233 Woods End Road: I understand you are trying to hit the value on October 1, 2009. I purchased my home and closed in December and I was wondering how that data point will influence the evaluation that you will be working on.

Mr. Feminella: That will be part of your equation. We do an analysis on normal trends. We try to adjust what it would sell for.

Mr. Coleman: Does that mean the sale of my house in December may not go into the equation.

Mr. Feminella: You may have paid too much.

Mr. Coleman: I hope not.

Ray Golden, 1002 Arnold Avenue: On the letters we received, what is included in that. I got a letter it had all the dimension. It had a finished basement and I had a crawl space. They are preliminary numbers and that is why we will have you in to talk to us.

Sandy Larson, Edgar Road: Susan Rogers, where did you get your statistics on the amount of foreclosures and the houses for sale in town?

Ms. Rogers: Tract Realty. In 08742 zip code, 93 foreclosures, extracted out Point Pleasant 822 pre-foreclosures, 549 homes in default and 37 homes that went to Sheriff's sale.

Mr. Kaklamanis: What happens you get to a house, you sent a letter, you knock on the door and three times you get refusal. How do you figure that house out.

Mr. Feminella: We will knock on the door and if no one is home we will leave a note saying we are coming back please call for an appointment. They will call and we go back. If they don't call we leave another note. If they don't call we will have to estimate. We will measure the house and that is not a good idea.

Mr. Kaklamanis: Do you check how many air conditioning units?

Mr. Feminella: Yes. How many water units. We have to try to estimate the value of the property and see if it is two family. We try not to over assess anyone.

Michelle Henry, 1301 Bay Avenue: The question of how much money to set aside for appeals. Could you estimate the number of homes in Barnegat?

Mr. Dasti: About 20,000.

Ms. Henry: Could you say there is a town comparable to Point Pleasant that you have done work in that you could use.

Mr. Feminella: We take each town separately. We don't compare towns. We have to take into consideration the tax rate.

Ms. Henry: Perhaps with a comparable town the Council could compare on the amount of appeals.

Mr. Feminella: If you have something wrong with your house please let us know. You can call in or write us and just let us know. There are a lot of unique problems.

Ms. Henry: The type of communities, Point Pleasant is well established. There is not a lot of building here compared to Barnegat. Perhaps that creates a ratio.

Mr. Dasti: Barnegat started the reval the day after the market started going down two years ago. That is their problem. I think it is a good point that we are close to the bottom.

Mr. Leitner: If I could address Ms. Larson. You asked a question about the numbers. I don't know what the change in the numbers means but I did get a chance to go to the web sites. Putting in 08742 into the realty track web site I get a number of 549 properties and what they are terming is pre foreclosure. If you look a little more closely the vast majority of those are outside Point Pleasant. They include Point Boro, Point Pleasant Beach, Bay Head, Belmar, and just glancing at it and I will not stick to these numbers, it looks like about 60 of those 549 would be in the Borough. If you go on for the bank owned which I assume is foreclosures again there are 93 properties listed but again some of those are outside and they include Belmar and Manasquan.

Ms. Rogers: Belmar is listed in 08742?

Mr. Leitner: Yes.

Mayor Konkus: Any other questions for the Assessors. You did a fine job. Thank you.

Robyn Palughi, Tax Assessor: Mayor, I did speak to your Mom and she was upset. At anytime if you do feel uncomfortable please call the Police Department and again everything is on file. If you would rather re-schedule please call.

Mayor Konkus: She did say that everyone including yourself was very nice. Her problem is she can locate herself in space but she cannot see who she is talking to.

Mr. Feminella: We are instructed not to let anyone under 17 or 18 years old to walk us through.

Mayor Konkus: Thank you very much for your time.

B. ORDINANCE –Final Reading, Public Hearing

1. Amending Chapter II of the Borough Code “Board of Recreation Commissioners” to Create Alternate Positions

**AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT
BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER II OF THE
CODIFIED ORDINANCES, IN PARTICULAR SECTION 2-12
ENTITLED “BOARD OF RECREATION COMMISSIONERS”**

NOW THEREFORE, BE IT ORDAINED BY the Borough Council of
the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey
(the “Borough”), as follows:

SECTION 1. Pursuant to the terms and conditions of N.J.S.A. 40:12-1.1, Chapter 2-12 of the codified ordinances of the Borough of Point Pleasant Borough entitled “Board of Recreation Commissioners”, is hereby amended and supplemented to include a provision for the appointment by the Mayor of two (2) alternate members to serve as Board of Recreation Commissioners. The alternate members shall be designated at the time of appointment as “Alternate No. 1” and “Alternate No. 2”. The length of terms of the alternate members shall be the same as the length of terms of the regular members of the Board of Recreation Commissioners, five (5) years. At the time of the first appointment of the two (2) alternate members however the terms shall be staggered by the appointment of one of the alternates for an initial term of four (4) years. The other alternate member shall be appointed for a term of five (5) years. A vacancy occurring otherwise than by expiration of terms shall be filled by the Mayor for the unexpired term only.

SECTION 2. No alternate member or regular member of the Board of Recreation Commissioners shall be permitted to act on any matter in which he/she either directly or indirectly has any personal or financial interest. An alternate member or regular member may, after public hearing if he/she requests one, be removed by the Governing Body for cause.

SECTION 3. Alternate members may participate in discussions of the proceedings but not vote except in the absence or disqualification of a regular member of the Board of Recreation Commissioners. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice need be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. 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 6. This Ordinance shall take effect upon publication in an official newspaper of the Borough, as required by and in conformance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of the Borough of Point Pleasant on first reading at meeting held on the **7th** day of **April, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the **5th** day of **May, 2009**, at **8:00 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

DAVID A. MAFFEI, Clerk/Administrator

Mayor Konkus opened the meeting to the public. Seeing no hands Mayor Konkus closed the public portion of the meeting.

MOTION: Adopt Ordinance

MADE: Mr. O'Rourke

SECOND: Mr. Leitner

Ms. Rogers: I vote Yes. I ask that the Rec Commission still look into their by-laws in compliance for attendance. Mr. O'Rourke: Yes Mr. Kaklamanis: Yes
Mr. Dikun: Yes Mr. Leitner: Yes Mr. McHugh: Yes

CARRIES: Yes

C. ORDINANCES – INTRODUCTION

- 1. AMENDING CHAPTER xii "Streets and Sanitation: to include a new Section Entitled "Refuse Containers/Dumpsters**

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XII OF THE BOROUGH CODE ENTITLED "STREETS, SIDEWALKS AND SANITATION" TO INCLUDE A NEW SECTION ENTITLED "REFUSE CONTAINERS / DUMPSTERS"

BE IT ORDAINED, by the Borough Council of the Borough of Point Pleasant, County of Ocean, and State of New Jersey, that Chapter XII of the Codified Ordinances of the Borough

of Point Pleasant Borough entitled “Streets, Sidewalks and Sanitation” is hereby amended and supplemented to include new Section 12-7 entitled “Refuse Containers / Dumpsters”, as follows:

SECTION 1: Purpose: An Ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Point Pleasant and/or the waters of the State so as to protect health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 2: Definitions: For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number.

The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm water sewer system (MS4): a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Point Pleasant or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person: any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container: any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater: means water resulting from precipitation (including rain and snow) that runs off the lands surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State: means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION 3: Prohibited Conduct: Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or

dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Point Pleasant.

SECTION 4: Exceptions to Prohibition:

- a. Permitted temporary demolition containers.
- b. Litter receptacles (other than dumpsters or other bulk containers).
- c. Individual homeowner trash and recycling containers.
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

SECTION 5: Enforcement: This ordinance shall be enforced the Police Department, Construction Code Office, and/or the Superintendent of the Department of Public Works.

SECTION 6: Penalties: Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of not less than \$100.00 and no more than \$1,000.00 for each violation and/or up to a term of thirty (30) days in jail. If the violation is of a continuing nature, each and every day during which it continues constitutes a separate and distinct offense. In addition to the minimum monetary penalty, the judicial system has the option of sentencing the person, firm, corporation or association to participate in any alternative sentencing program designed for local visible public property cleanup. The nature and duration of this participation will be equivalent to the severity of the fine levied by the Court. Additionally, notwithstanding the aforementioned provisions, the Borough Attorney is authorized to take all necessary legal action, including the filing of a lawsuit, against any person convicted of violations of any provisions of Chapter XXII to recoup any costs incurred by the Borough of Point Pleasant as a result of said violation.

SECTION 7: Severability: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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.

SECTION 8: Repealer: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 9: Effective Date: This ordinance shall take effect after second reading and publication as required by law.

ATTESTED TO BY:

APPROVED:

DAVID A. MAFFEI, Clerk/Administrator

MARTIN C. KONKUS, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of Point Pleasant Borough on first reading at meeting held on **May 5, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for **May 19, 2009**, at **8:00 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

DAVID A. MAFFEI, Clerk/Administrator

MOTION: Adopt Ordinance

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

2. Amending Chapter XII "Streets, Sidewalks and Sanitation" to include a new Section Entitled "Private Storm Drain Inlet Retrofitting"

MOTION: Adopt Ordinance

MADE: Ms. Rogers

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

3. Amending chapter III "Police Regulations" to Revise New Section 3-23 entitled "Yard Waste Collection Program

ORDINANCE OF THE BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER III OF THE CODIFIED ORDINANCES OF THE BOROUGH OF POINT PLEASANT BOROUGH ENTITLED "POLICE REGULATIONS" TO REVISE NEW SECTION 3-23 ENTITLED "YARD WASTE COLLECTION PROGRAM"

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

SECTION 1. Purpose: An ordinance to establish a yard waste collection and disposal program in the Borough of Point Pleasant Borough, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION 2. Section 3 of Ordinance 08-2005 adopted on second and final reading by the Borough Council on April 5, 2005 is amended and supplemented so that the first sentence in Section 3 from here on in shall read as follows:

Yard Waste Collection: Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is not allowed, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

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

SECTION 4. Severability: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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.

SECTION 5. Effective Date: This ordinance takes effect after second reading and publication as required by law.

ATTESTED TO BY:

APPROVED:

DAVID A. MAFFEI,
Clerk/Administrator

MARTIN KONKUS, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of the Borough of Point Pleasant on first reading at meeting held on the **5th** day of **May, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the **19th** day of **May, 2009**, at **8:00 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

DAVID A. MAFFEI,
Clerk/Administrator

MOTION: Adopt Ordinance

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Ms. Rogers: Yes
Mr. Dikun: Yes

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

Mr. Kaklamanis: Yes
Mr. McHugh: Yes

CARRIES: Yes

D. OPEN PUBLIC SESSION – 5 Minute Limit Per Person

OPEN PUBLIC SESSION (Resolutions and Authorizations Only)

5 Minute Limit Per Person

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

MOTION: Open the meeting to the public Mr. Dikun

SECOND: Mr. McHugh

APPROVED: All in Favor

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

MOTION TO CLOSE PUBLIC PORTION: _____

Dennis Vitkauskis, Foster Road: Under authorization #2 “Approve 2009 Summer Recreation Program Budgets and Fees” I am on the Recreation Commission and due to family illness I have not been able to attend any recent meetings. The thing is when I was attending the meetings I would always get a packet ahead of time stating the minutes from previous meetings, the agenda and any necessary paper work. I have not been getting those. Even though I have not been attending the meetings if I would get the paper work I would know what went on at the meetings. I could stay up to date until the time when I don’t have to keep going to visit my Mom every week. I could be up to date. I don’t have any information on the Summer Programs and I would like to be informed.

Ms. Rogers: You did not receive the sheets that the Rec Director provided to the commission.

Mr. Vitkauskis: I have not gotten anything for three or four months.

Ms. Rogers: You did not have any input on this and you did not vote on this?

Mr. Vitkauskis: I have not seen anything.

Mr. Leitner: I suggested you check with the Chair.

Mr. O’Rourke: They also lost the secretary.

Mr. Vitkauskis: How can they run without a secretary?

Ms. Rogers; Councilman Kaklamanis, you were at the April 9th meeting, were you not?

Mr. Kaklamanis: Yes

Ms. Rogers: The Rec Director presented the rec budgets to the Commission. Did they vote on them.

Mr. Kaklamanis: Not at that time because the Superintendent had just handed them to us.

Ms. Rogers: At this point, does anyone know if the Rec Commission voted on these budgets?

Mr. Kaklamanis: Not than I know of.

Mr. Leitner: Addressing your points, did you talk to anyone else on the commission about getting this information.

Mr. Vitkauskis: I don't have a phone to call anybody. It is partially my fault that I cannot attend the meetings but previous to that I was always getting information and now I am not getting information.

Ms. Rogers: Were you aware that there is e-mail?

Mr. Vitkauskis: I don't have a computer.

Mr. Leitner: You make it to these meetings.

Mr. Vitkauskis: I have to go to my Mom on Monday's and Thursday.

Mr. Leitner: Mr. Maffei's office has a list of every commission and board member.

Mr. Vitkauskis: If I go to Mr. Maffei's office I can get the minutes from the previous meeting?

Mr. Leitner: You can get contract information.

Ms. Rogers: Can I ask Mr. Leitner and Mr. Kaklamanis if they voted on these budgets and was their open public session.

Mr. Kaklamanis: Karen handed it to the Rec Commission and I was just asking if anyone has been transcribing the minutes. Although there has not been

Mr. Dasti: You may want to call Ms. Haycook.

Ms. Rogers: What I can address to you

Maureen Martin, I have taken notes at the meetings but they do not have secretary. We did not vote on the rec budgets.

Ms. Rogers: The Administration and Finance Committee did meet with the Rec Director and the CFO and Councilman Kaklamanis: We did review the numbers and there were some discrepancies on a couple of programs and they were addressed and corrected. There was an issue with field hockey and that was modified. We did address issues with full day camp, half camp and kinder camp in which we talked about increases to fees and what could be done to maintain the program and the value added to the program. We would keep the fees the same as last year.

Mr. Alex Vicelli, 2320 Oriole Way: I have a comment on Resolution #115-2009 "Supporting Participation in sustainable Jersey Municipal Certification Program". I hope the Council takes a good strong look at this. I backed up Mr. Blazak's facts today on their WEB page and it is an outstanding program. He mention 100 points for us to be at that time eligible for grants. I checked on line and Mayor McCormack of Woodbridge claims his municipality is coming in at 450 points. All you need is 100. We are not that far off. We have about 70 at this point. There are ten grants being offered at \$10,000 and 4 grants being offered at \$25,000. It is money the Borough could use.

Chris Constantino, 2415 Maple Street: G-3 – Street Fair. I am looking forward to it and it is a good event and good for the businesses in town. Can we use recycling containers this year because there were none last year. We will put a memo to the Chamber and the Governing Body. Thank you.

Margaret Altieri, 2311 Bennett Avenue: I have a question on Resolution #127-2009 Emergency Temporary Budget Appropriation. Can you tell me what that consists of?

Mr. Maffei: The re-organization meeting in January the state provides that the town does not have a budget for the year because that is what they are in the process of right now. Formalizing the budget. At that point in the year the state allows them to budget 26.25% of what they think the year will be. Assuming that will carry them for the first quarter. In the event you go beyond that and you cannot continue to operate because you have not adopted your budget and you

passed the first quarter the State provides that you can enact these emergency temporary appropriations. These will not be for the full year because the budget has not been adopted but it will add up towards what will be the full budget.

Mr. Dasti: They have to use the word emergency. We are not in an emergency but the State requires we use that.

Nina Biggs, 304 Easton Road: I am a member of the rec commission and I want to know what part of the budget you had discrepancies in.

Ms. Rogers: We went through the individual programs. On drama there was a change on materials and supplies that was \$325. After taking the revenue and the projected labor Admin share and materials it yields a \$71. Surplus at the end with the fee being set at \$80.00 per child with an enrollment of 80 children. With regards to field hockey the CFO caught an error in the income which had been doubled or close and that was modified. \$40 per child and 40 children. Based on those numbers the income and the expenditures will yield a \$323 surplus. That particular program based on the analysis could drop down in cost but it was a consensus to stay at the \$40.

Ms. Biggs: The full day camps

Ms. Rogers: The full day camps with adjustments that we had looked at. Seeking the assistance of our Auditor and our Borough Attorney, last years rate was \$535 and the proposal was to stay at that \$535 rate. One half day camp and kinder camp combined brings the rate from \$200 to a rounded number of \$203 going into the next session. Based on 189 children, 135 for half day and 54 on the kinder camp and the full day camp 90 children.

Ms. Biggs: Where is the discrepancy that you are cutting from?

Ms. Rogers: After a review of everything the supplies will be taken from the trust accounts. \$3600 combined between all three account, from the old trust. The Rec Director had proposed salary increases following the step guide which very from 3 ½ % to 9% and they are non union personnel and that is discretionary and the rec director said to move forward with the rate increases for her staff. This is based on the proposals. Karen were they included.

Ms. Haycook: the salary guild that the rec commission has adopted

Ms. Rogers: When you put in your proposals for your payroll numbers it incorporated the step and rate increase, correct?

Ms. Haycook: Yes. From the salary guide.

Ms. Biggs: I just want to make sure we are working with the same numbers you are.

Mr. Kaklamanis: Karen, these are the old numbers. There were modifications.

Ms. Rogers: There is a new program that is being proposed which is kinder kicker soccer. At a rate of \$75. Per child, 20 children.

Ms. Biggs: We have tried multiple times to get in touch with Mr. Vitkauskis and it is very hard.

Mr. Leitner: Karen, do you have your numbers on the budget here? Would you mind if we discussed this. The question I have of Ms. Haycook is if we use the surplus funds from the old trust to reduce the camps. How would it change the fees without the surplus funds.

Ms. Haycook: Your question is what would the cost of the camp be if we did not use the surplus?

Mr. Leitner: On the full day camp I assume the proposal was to use some of the surplus funds to offset a part of that budget.

Ms. Haycook: About \$2,059 of surplus being used. The overall expense for full day camp was

\$4,323. The half day camp was \$3,427.50, that is not salaries and trips. Kinder camp expenses were \$1,334.

Mr. Leitner: If we don't use the surplus how would those numbers affect the rates?

Ms. Haycook: Without using the surplus my price for half day camp and kindercamp were \$217 which is a \$17 increase over 2008. My price for full day camp was \$551 and it was \$535 last year.

Ms. Rogers: Admin felt we would try to keep the rates based on the economy not to burden families that were already experiencing the economic down turn.

Mr. Leitner: That is fine as long as we do it within the confines of the law.

Ms. Rogers: I checked with the Attorney and the Auditor.

Mr. Dasti: I was asked to look at the DCA. As I understand it we are trying to use surplus to buy supplies as opposed to buying supplies with fees. I think the question was can we use surplus to buy supplies? The answer in my opinion is yes. You can use the surplus to buy supplies. That is in some respect why you have surplus. As a result of buying supplies and not requiring the parents to pay an increased fee to buy the supplies the fee stays the same. My opinion is we are complying with what the DCA dictates.

Mr. Leitner: Since the surplus accumulated over several years and its orientation cannot be determined it is not equitable to apply a portion of the unidentified surplus to a discount for a Borough sponsored program. While I would agree that we can use it to buy supplies and that is the will of Council and the Rec Commission, we can't do, that we can pin point particular programs because we are then discounting a particular program. If we are doing it on supplies we should do it across the board.

Ms. Rogers: Mr. Leitner, are you in receipt of Mr. Frenia's audit report that went to DCA? It is in the possession of the DCA. It clearly goes over that he has gone through the account and on pre-school we purchased music, materials, supplies for the pre-school in the same conformity that we are suggesting here. Let me read a letter that was received from Mr. Frenia today. It says in follow up to your questions concerning the recreation trust I do not see any problems with the purchase of arts and crafts supplies as you outlined in your e-mail. There was some issues in questions that I think Ms. Martin brought up with regards to whether the Borough Attorney and the Auditor were charging the Borough tax payers for these inquires. Our firm generally does not charge for answering questions on finances and we encourage communications with our clients. Obviously, if these type of inquiries turn into more time concerning assignments we would seek compensation for our time but to date we do not anticipate billings for our recent communications regarding the trust account. If you have any questions please feel free to contact me. Kevin Frenia, CPA. This is the same auditor that provided the list to the DCA.

Mr. Leitner: I am certain that Mr. Frenia is a very qualified and capable and generous auditor. He also states that in all of the opinions he does not present a legal opinion.

Ms. Rogers: However, he did provide it to DCA. DCA

Mr. Leitner: I read the letter differently but reasonable minds can disagree.

Ms. Rogers: Is it your contention that you would rather see the rate increases or would you rather see it stabilized so residents are not incurring any other additional costs in this economic downturn.

Mr. O'Rourke: I don't think that is the question. The problem is the DCA has a set of rules that are obnoxious and twisted and they should be changed. No matter how you use the old trust fund it calls for discounted programs. On one side they say you can buy arts and crafts materials and on the other side they say you can't discount programs. It is nonsense from the DCA. Let's do the best thing we can with what we have.