

COUNCIL MEETING

TUESDAY – AUGUST 18, 2009

8:00 P.M.

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

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

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 January, 2009 Edition of the Ocean Star and Communicated to the Asbury Park Press.

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

A. PRESENTATIONS

1. Certificate of Recognition – Art Rooney, Point Pleasant Merchants Manager

CERTIFICATE OF
RECOGNITION

*The Governing Body of Point Pleasant
Borough*

Does hereby award this Certificate to

ART ROONEY

*For Thirty Years of Dedicated and Successful
Leadership of the*

“POINT PLEASANT MERCHANTS”

Playing in the Jersey Shore Baseball League

*Witness my hand and The Official Seal of
Point Pleasant this 18th Day of August, 2009*

*Martin C. Konkus
Mayor*

2. *Eagle Scout Project – Ambrose Cooper*

- B. ORDINANCE – Final Reading, Public Hearing
1. Amending and Supplementing Chapter XIX of the Borough Code Entitled “Land Use” in particular Section 19-33 Entitled “Wireless Telecommunications Towers and Antennas

MOTION: ORDINANCE OF THE BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XIX OF THE CODIFIED ORDINANCES OF THE BOROUGH OF POINT PLEASANT BOROUGH ENTITLED “LAND USE”, IN PARTICULAR SECTION 19-33 ENTITLED “WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS”

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

SECTION 1. Section 19-33.4 “General Requirements” of the codified ordinances of the Borough of Point Pleasant Borough is hereby amended and supplemented to include new Section (o) which will read as follows:

- (o) Height Restriction. No towers or antennas shall have a height of more than 180 feet.

SECTION 2. All references in existing Section 19-33 entitled “Wireless Telecommunications Towers and Antennas” to “Special Use Permit” and/or “Conditional Use Permit” are hereby deleted and inserted therein in its stead the phrase “Site Plan Approval”. It is the intent of this modification to permit the location of telecommunication towers and antennas in the designated properties as permitted uses and not as conditional uses.

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 **28th** day of **July, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the **1st** day of **September, 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.

We will have another reading on September 1st for this ordinance due to a problem with publication.

MOTION: To carry this ordinance until September 1, 2009

MADE: Mr. Leitner

SECOND: Mr. Dikun

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

2. Amending and Supplementing Chapter XIV of the Borough Code in particular Section 14-12.3 entitled "Departmental Rules and Regulations"

MOTION: Ordinance of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XIV of the Codified Ordinances of the Borough of Point Pleasant Borough, in particular Section 14-12.3 Entitled "Departmental Rules and Regulations"

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: Ms. Rogers

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

3. Ordinance establishing "Trap, Neuter, Release" Program in the Borough of Point Pleasant

MOTION: Ordinance of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, amending Chapter V of the Codified Ordinances of the Borough of Point Pleasant Borough Entitled "Animal Control" in Order to Permit the Managed Care of Feral Cats

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

MOTION: To hold until members of Point Pleasant Beach Council are in attendance.

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

4. Ordinance amending the Borough Current Salary Ordinance to establish Annual Salary of Animal Control Officer and Wages of the School Traffic Guards

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY
STATE OF NEW JERSEY, ESTABLISHING SALARIES FOR CERTAIN EMPLOYEES OF THE BOROUGH OF POINT
PLEASANT FOR THE YEARS 2008 AND THEREAFTER

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

SECTION 1. For the year 2008 and for each year thereafter, the salaries set forth in Schedule A,
which is annexed hereto and made a part hereof, are hereby established for the officials and employees
whose titles are set forth herein.

SECTION 2. The provision of this Ordinance shall be retro-actively effective for the calendar
year 2008 and for each year thereafter, except as may be amended and supplemented by subsequent
ordinance of the Borough of Point Pleasant.

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

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

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

DAVID A. MAFFEI
MUNICIPAL CLERK/ADMINISTRATOR

MARTIN C. KONUS, MAYOR

SCHEDULE A

TITLE OF POSITION	MINIMUM	MAXIMUM
SCHOOL CROSSING GUARDS	\$17.04 per hour	\$19.91 per hour
ANIMAL CONTROL OFFICER	\$36,000 per annum	\$36,000 per annum

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of Point Pleasant, in the County of Ocean held on the 28th day of July, 2009 and will be considered for final passage at a regular meeting of said Governing Body to be held August 18, 2009 at the Borough Hall Council Chambers, 2233 Bridge Avenue, Point Pleasant, New Jersey at 8:00 p.m., at which time and place any person desiring to be so heard upon the same will be given the opportunity to be so heard.

David A. Maffei, Municipal Clerk/Administrator

FIRST READING: July 28, 2009
FINAL READING: August 18, 2009

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

Ms. Rogers: Can we incorporate a definition of the position?

Mr. Maffei: This is just the salary ordinance. The job description is a Civil Service position. The position and how this person will be utilized has not been established.

Ms. Rogers: When we go interlocal that would come after the fact?

Mr. Maffei: Yes.

Ms. Rogers: Yes
Mr. Dikun: Yes

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

Mr. Kaklamanis: Yes
Mr. McHugh: Yes

CARRIES: Yes

C. ORDINANCE - INTRODUCTION

1. AMENDING AND Supplementing Chapter V "Animal Control" to require licensing of cats and any exotic mammal, bird, reptile or amphibian

**ORDINANCE OF THE BOROUGH OF POINT PLEASANT BOROUGH,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND
SUPPLEMENTING CHAPTER V OF THE CODIFIED ORDINANCES OF
THE BOROUGH OF POINT PLEASANT ENTITLED "ANIMAL
CONTROL"**

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

SECTION 1: Section 5-2 “Definitions” of Chapter V (Animal Control) of the Borough Code is hereby amended and supplemented to include the following:

“Exotic mammal, bird, reptile or amphibian” means any nongame species of mammal, bird, reptile or amphibian not indigenous to New Jersey, as defined in N.J.A.C. 7:25-4.1.

SECTION 2: Section 5-3 of Chapter V of the Borough Code is hereby amended and supplemented to include the following:

- (h) Any person owning, keeping, harboring or having custody of any cats six (6) months of age or older within this Borough is required each year to have the same registered with the Board of Health; there shall be attached to the collar of each cat the registration tag furnished by the Board of Health.
- (i) Applications for a license for a cat must be made within thirty (30) days after obtaining the cat that is six (6) months of age or older, except that this requirement shall not apply to a nonresident keeping a cat within the Borough for a period of no longer than sixty (60) days.
- (j) Any person owning, keeping, harboring or having custody of any exotic mammal, bird, reptile or amphibian six (6) months of age or older within this Borough is required each year to have the same registered with the Board of Health; there shall be attached to the collar of each exotic animal the registration tag furnished by the Board of Health.
- (k) Applications for a license for an exotic mammal, bird, reptile or amphibian must be made within thirty (30) days after obtaining the exotic animal that is six (6) months of age or older, except that this requirement shall not apply to a nonresident keeping an exotic animal within the Borough for a period of no longer than sixty (60) days.
- (l) A one-year license for cats and for exotic mammals, birds, reptiles, or amphibians shall be issued after payment of the applicable fees:

License [up to four (4) cats per household]:	\$5.00
License [for each exotic animal]:	\$5.00
- (m) A late charge in the amount of \$5.00 shall be due and payable to the Borough for each and every license renewed after the last day of March of each year.

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

SECTION 4: 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: 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 **August 18, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for **September 15, 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. Dikun

Mr. Leitner: I would like to make a motion to amend this at this time.

SECOND: Ms. Rogers, for discussion.

Mr. Leitner: In section 2, paragraph h and j there is a requirement that the licenses it says shall be attached to the collar of each cat the registration tag, I have two cats who are both ten years old and for the past ten years they have gotten off every collar designed by man. I bought them all. I further thin that there are a lot of exotic animals that are not going to take to a collar. Maybe we could strike that section and require the registration but not the collar.

Mr. O'Rourke: It is up to the owner to indentify the animal.

Mayor Konkus: How do you put a collar on a boa constrictor? We need a little modification.

Mr. McHugh: I do support the intent of this ordinance but just as a matter of reference Point Pleasant Beach has a licensing law for cats and they have six licensed cats in Point Pleasant Beach. I really don't know how successful we will be.

Motion: To adopt ordinance with the language modified to strike the collar part.

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

Ms. Rogers: Yes
Mr. Dikun: Yes

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

Mr. Kaklamanis: Yes
Ms. McHugh: Yes

CARRIES: Yes

D. OPEN PUBLIC SESSION (Resolutions and Authorizations Only)

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. Leitner

APPROVED: All in Favor

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

MOTION TO CLOSE PUBLIC PORTION: _____

Dennis Vitkauskis, Foster Road, Resolution #213-2009 Appoint John Neary Animal Control Officer. Reading the resolution we are going to hire him and possible he will be doing work for other towns. Why are we hiring him and then farming him out. How come the other towns don't hire him and they can fame him out and then we don't have to pay his benefits.

Mr. O'Rourke: In the negotiations regarding shared services we will have to discuss how that get paid and what their share would be. We are the principal user of the animal control officer.

Mr. Vitkauskis: Shouldn't we discuss this before we hire him?

Ms. Rogers: We did discuss that.

Mr. Leitner: We have to hire him in order to create the interlocal agreement. Until we have the interlocal agreement it is my understanding he won't be working for the other towns.

Ms. Rogers: He would be exclusive to us. We did talk with the beach and they want to do an interlocal agreement with us. They currently pay Mr. Neary \$880 a month and they are looking to engage us for that amount of money.

Mr. Vitkauskis: How much is his health care.

Mr. Maffei: \$8500 a year.

Mr. Vitkauskis: On Authorization #1 "Line of Sight Study" what is that about?

Mr. O'Rourke: It seems kind of like an attempt to use a system which is wireless and will be explained. This is a step before the cameras can go in.

Mr. Vitkauskis asked about the change orders for the municipal building.

Ms. Rogers asked Captain Williams to explain the change orders.

Captain Williams explained the change orders.

Warren Plum, 205 Hall Avenue: I have a series of questions I would like to address to the Mayor and the Borough Attorney regarding Resolution \$206-2009, "Authorizing Acceptance of an Offer to dismiss a complaint brought by Alexander Viecelli and Point Ice Crème Delights Inc.". My first question is can you please address how long this suit has been going on for?

Mr. Connors: Mr. Monoco from our office has been involved the litigation.

Mr. Monoco: Since Labor Day of 2005.

Mr. Plum: Didn't Mr. Viecelli loose the suit two times before this?

Mr. Monoco: The trial yes.

Mr. Plum: How much money did this cost the taxpayers to defend against Mr. Viecelli's baseless allegations all of these years.

Mr. Leitner: I have to jump in on that one. Baseless is a very strong word and Mr. Viecelli has legitimate grips in the ways he has been treated.

Mr. Rogers: In all fairness I don't think any one of us up here have the specific amounts.

Mr. Monoco: It can be prepared and made available to the public.

Mr. Plum: That is acceptable. Question #4 is one of my biggest questions, why now after all of these years is he volunteering to drop the law suit. When did he make this offer to the town?

Mr. Monoco: Just recently.

Mr. Leitner: You should know Mr. Plum you wrote a letter to the Editor about it.

Mr. Plum: That was before. I would also like to know is he going to comply with the site plan and when, if this suit is being dropped.

Mr. O'Rourke; Any board will make sure that he complies with all requirements.

Mr. Plum: Is he going to apologize to the Mayor and town for having that sign in his window blaming the Mayor for everything and the Planning Board.

Mr. O'Rourke: I don't believe that has anything to do with the Resolution 206-2009.

Ms. Rogers: I think in fairness he has accused the Mayor and the Planning Board on numerous occasions that we have done something wrong.

Mr. Leitner: I don't think Council can answer what is in Mr. Viecelli's mind.

Ms. Rogers: Probably when we get to this issue there will be some addressing on it but I don't know if it is part of the stipulation of dismissal that he is complying with the site plan. I would hope that is part of this agreement that if he is going to voluntarily drop the suit that he will comply with the site plan and do what he is supposed to be doing so we don't have to get back into this situation again.

Mr. Plum: It has been going on for a long time. Each time it goes to court it costs the town untold amounts of money. That is money that could be spent for the town in much better reasons with the Police Department, Recreation.

Mr. O'Rourke: Dismissal of the complaint at this time is a good idea. Stop costing us money.

Ms. Rogers; I believe our Attorney's will make sure that everything is in order. I feel comfortable with that.

Mr. Plum: Another question, is Mr. Viecelli dropping the suit against all parties?

Mr. Leitner: No, not against CMX, formerly known as Schoor DePalma.

Mr. Plum: One more question and this is for Mr. Leitner. I would like to know if you are still endorsing and supporting Mr. Viecelli for Council this year.

Mr. O'Rourke: Mr. Mayor, I am sorry that is out of order.

Mayor Konkus: Understand that I am not running this portion of the meeting.

Mr. O'Rourke: Council President, a Political question does not belong here.

Ms. Rogers: Okay. Thank you Mr. Plum.

Brian McAlindin, 1726 Bay Blvd.: Good evening, on 207 and 208 I would just like to publically acknowledge Ray Hillings long service and dedicated service to the community and ultimately being the Chief of Police he had a tall shadow had been cast by his predecessor, Bob Cooper and Chief Hilling stepped up to that job with great professionalism and helped bring the department more into the modern age then we had been before and I am very proud and grateful for all his service to the community. I hope you will unanimously endorse the promotion of Captain Williams to Chief. He has likewise been an instrumental part as has Lt. Larson of that management team. They have done a fine job. It does not come by accident. It comes as a result of excellent leadership and these men have shown that. I want to publically express my gratitude to all of them. Thank you. On the 206 Resolution I have to say I am puzzled as to what Mr. Viecelli could have possibly sued us for again after the other two suits. Mr. Leitner, you say that legitimate grips, but legitimate grips are not dismissed by the Court. I would urge the Council, please by all means adopt a resolution accepting a dismissal. This has been nonsense and it has gone on too long. It has cost a lot of people money, taxpayers. I am sorry to hear he is still suing CMX. I know that some of the employees, Mr. Burke particularly was offended by the allegations. I read in the paper that his wife says it was all about the town from closing them down. I sat on the Council and I am aware of what the court order said. All Alex Viecelli had to do was comply with the site plan. Any threat of closing down his business was issued by the court. He had 90 day periods. Please by all means pass this resolution. I understand that he has spent six figures over \$100,000 in prosecuting these cases against the town. I don't know how much the town spent. Before a fool and his money soon part company, before this fool parts company with more of his hard earned money accept his offer to dismiss this case, put this issue behind us and I think it will help exonerate the planning board members who are volunteers who try to enforce the building code in this town. I urge you to approve. Thank you.

Alison Feehan, 2214 Foster Road: I would like to address the Council tonight to possibly work on a resolution for the Kindercamp and Summercamp for the children of this town. I feel that every child in this town should not be turned away from summer camp. My child was on a list of 30 kids and never made it into the camp but her younger brother did. She missed all of her friends all summer and I just feel this is a very middle class to upper class town and a lot of families want to move here for the curriculum and they are being turned away. I don't know why it is a paying camp. I would really like you to put this on the agenda and see how we can resolve it.

Ms. Rogers: Mrs. Feehan, did we have a conversation as far as asking several of the families that had these complaints this past summer to actually participate in the budget process. I know you are interested in doing that and Councilman Leitner and I will try to get together at the end of the week. I do want to address your concerns. I know you went to the Rec Center and you were concerned about some things that were said. I know our Administrator is also attending to those needs as well. We will get a report. We will include you in the budget process and we will go over how the Fall schedule was put together and try to work together.

Mr. O'Rourke: You are unfortunately caught in some side flack from an incident that happened a year or so ago. This town operated like most towns in the State in a way that was inconsistent with the DCA's way of running a trust fund. Ms. Rogers made that an issue and it got fixed and unfortunately you got hurt in the process. The trust fund in being run correctly now and it is supposed to run close to zero for programs and you can't plan beyond the zero and if you do the people who do the planning get a hard time about it. This is the first summer and everyone up here is sorry that it happened to you. Next summer we will have a system set up where it will allow us some flexibility.

Mrs. Feehan: If you just let the parents know, a lot of the feedback I got was it was politics, they could have told me gym restrictions but I don't want to hear politics. I think we can do better as a town.

Cortland Coleman, Woods End Road: Mr. Mayor and Council, I do have concern about some of the comments that were made here tonight. I will simply say that I believe that Mr. Viecelli has been characterized here by certain comments tonight. If you would ride down there and see all of the soccer teams he has sponsored, the cone days, the charity he has done. I don't think he should be called names up here and made out to be something that he is not. It is over the line to name call and to imply the man is a fool who has opened a business here in Point Pleasant, who has employed Point Pleasant residents. Given his time, his energy and his money to Point Pleasant causes. I think that is over the line. I hope that the freedom of speech comes with some responsibility and I believe that former Councilman McAlindin owes Mr. Viecelli and every member of this elected body and every member of the audience a sincere apology.

Mr. McAlindin:

Ms. Rogers: With all due respect to keep order and protocol here and if we could have You share your comments outside.

Mr. Coleman: I just think when we start calling each other fools we have gone past the line of common decency. We are members of a community, we are members of a town and we all want what is best for our families, we want what is best for our neighbors and I promise you that calling each other fools is not in this town's interest and is not going to make any progress on any issues whatsoever.

Ms. Rogers: Thank you.

Laura Beedon, 2406 Spruce Street: Former Councilman McAlindin has done an about fact from the last meeting and I also want to congratulate Captain Williams and Lt. Larson. Does that make us one Lt. short? Do we have to promote anyone. Does that come out of this years budget or next years or how does that work?

Ms. Rogers: I think we have to let Captain Williams who will soon become the Chief on September 1st put forth his recommendations.

Ms. Beyond: On these promotions will there be salary increases this year?

Ms. Rogers: No.

Mayor Konkus: Yes, \$1.00.

Ms. Beeden: I am assuming there will be large increases next year. Going from Captain to Chief.

Ms. Rogers: It will be subject to negotiations

Ms. Bee den: When are the contract up?

Ms. Rogers: The end of this year.

Ms. Bee den: Thank you.

Alex Viecelli, 2320 Oriole Way, 2506 Bridge Avenue, Dairy Queen: I also would hope that Council would pass Resolution 206-2009. When this whole thing started I received a Certificate of Occupancy. I did business for a year and then was told that my bricks aren't in a herring bone pattern, the front on my building after five years needed to come down because it was too close to Bridge Avenue. This is after School DePalma inspected my place. I paid them I don't know how many dollars for eighty hours of inspections and that is why I am going after Schoor DePalma if Mr. McAlindin wants to know. I paid them to perform a service and they did not perform it. Mr. Feltz just keeps finding things wrong. I also would like to point out to Mr. McAlindin

Mr. Connors: I would ask you not to litigate this here. The parties have agreed to dismiss it and I don't see the point of this going on.

Mr. Viecelli: The Borough Mayor and Council two years ago went to Judge Grasso and tried to pull my Certificate of Occupancy. Judge Grasso refused at that time stating there is no danger down at Dairy Queen, nothing that is going to injure anyone. It is a tree and signage issue. You guys did try to get my business closed down. You were denied and you lost that in court.

Mayor Konkus: Alex, I am hearing that tonight for the very first time.

Mr. Viecelli: Sure you are. I have the documents and I can prove it to you Mr. Mayor. I can prove that document.

Mr. Leitner: Hopefully, with the town dismissing this it will put this ugly period behind us and you can run what a lot of people thing is one of the most cleanest and most cellar businesses in town.

Ms. Rogers: Alex, are you in compliance with the Planning Board.

Mr. Viecelli: We have met with Remington, Vernick, and Vena and she gave us some ideas on how to get out seating back. She went up to Sundae's and they also don't have bollards along their building and their seating is allowed to remain and my seating was taken away. We are going back to the Planning Board with another application to put my seating back in with bollards in front. When it started they wanted my posters out of my windows up and down Bridge Avenue and I fought Sir to keep those posters. I fought to keep my signs, I fought to keep my blocks in a herringbone pattern. That is why I fought this lawsuit. You were on Council then Mr. McAlindin.

Ms. Rogers: Order please.

Captain William followed out Mr. McAlindin and Mr. Viecelli who seemed to have had works.

Fred Mastri, 1030 Ocean Road: I called in the 911 call a couple of weeks ago when the young girl was hit by a car and they were on bicycles and I want to know what is going to be done in this town about the kayos of bicycles on Route 88. I may be out of order in asking this.

Ms. Rogers: You are not out of order. I apologize for the commotion in the audience. I do express your concerns and unfortunately Captain Williams just left the Court Room but I believe as we get to the Committee assignments we will further discuss the public safety issues.

Mr. Mastri: I myself almost killed a kid about a month before that. You can't see them at night and they are coming from all directions.

Ms. Rogers: It is so sad, it is truly a tragedy what has happened to Kaitlyn Ventura and her family and the suffering that they are now enduring. You see many kids riding

around Point Pleasant without their helmets and riding double on bikes and the danger of it and I think they just purely don't understand that it could happened to them and how precious life is and no matter how un-cool it may be not to wear a helmet or how cool it is to ride double on a bike doesn't stop the tragedy that just happened here.

Mr. Mastri: It is inevitable that it is never going to change. Young people think they Are invincible.

Mr. O'Rourke: It is not just young people. The old people riding on the wrong side of The road doesn't help either. Anyone on a bicycle has to understand that that car is 2500 pounds and they are not going to win.

Mayor Konkus: I had a conversation with Captain Williams about 3 or 4 days ago and we were discussing this subject and he assured me that one of his projects is doubling bicycle safety and getting our police officer to take special notice of children riding double on bicycles and try to curtain this.

Ms. Rogers: The Neighborhood Watch is having a meeting next Wednesday and it is on their agenda on how they can work as partners in helping and improve the education.

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

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

All in favor.

E. RESOLUTIONS

1. (192-2009) Authorizing Acceptance and Approval of the Youth Servicing Organization Program Protocol

MOTION: Resolution of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey authorizing acceptance and approval of the Youth Servicing Organization Program Protocol

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes'

2. Authorize Release of Performance Bond, Block 308, Lot 110 – Harrison Association

MOTION: Authorize Release of Performance Guarantee, Block 308, Lot 110 - Harrison

WHEREAS, the Borough of Point Pleasant has required to posting of a Performance Guarantee for certain site improvements in regard to Block 308, Lot 110; and

WHEREAS, the Borough and Borough Engineer have inspected the site and have determined that the site is in substantial compliance with Board approvals and is satisfactory; and

WHEREAS, the Borough Engineer has recommended that the release of the balance of the Performance Guarantee posted by the applicant for the improvements on Block 308, Lot 110 conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond in the amount of \$12,963.00 and the posting of an additional Inspection Fee Escrow of \$500.00.

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

1. That the Mayor and Council do hereby authorize the release of Performance Guarantee, posted for the improvements for Block 308, Lot 110 and conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond and the posting of an additional Inspection Fee Escrow of \$500.00.
2. That the Borough Engineer or other Borough Officials holding said Performance Bond are directed not to release said Performance Guarantee until the Chief Financial Officer has certified that all outstanding inspections have been paid and that the Maintenance Bond has been posted.
3. That a certified copy of this Resolution be sent to : Chief Financial Officer, Borough Engineer, the applicant and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

4. (194-2009) Approve Change Order No. 4 – G&P Parlamas – Addition to Municipal Building, Increase of \$8,958.00

MOTION: Approve Change Order No.4 - G. & P. Parlamas, Inc.

WHEREAS, the Borough of Point Pleasant previously awarded a contract to G & P Parlamas for general construction on the Municipal Building addition; and

WHEREAS, the Borough Architect has recommended that a Change Order, known as Change Order #4 , an increase in the amount of \$8,958.00, which defines adjustments to contract quantities and amount for such projects be authorized; and

WHEREAS, the total amount of the Change Order authorized by this Resolution is within permitted limits.

NOW, THEREFORE, BE IT RESOLVED, this 18th Day of August, 2009 by the Mayor and Borough Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

1. Change Order # 4 in the amount \$8,958.00 is hereby authorized.

2. That the Mayor is hereby authorized to execute same.

3. Copies of this Resolution to: G & P Parlamas, Chief Financial Officer, Borough Architect, Contract File, and any other interested parties.

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

5. (195-2009) Authorize change Order No. 5 – G&P Parlamas, Addition to Municipal Building – Increase of \$35,057.00

MOTION: Approve Change Order No.5 - G. & P. Parlamas, Inc.

WHEREAS, the Borough of Point Pleasant previously awarded a contract to G & P Parlamas for general construction on the Municipal Building addition; and

WHEREAS, the Borough Architect has recommended that a Change Order, known as Change Order #5 , an increase in the amount of \$35,057.00, which defines adjustments to contract quantities and amount for such projects be authorized; and

WHEREAS, the total amount of the Change Order authorized by this Resolution is within permitted limits.

NOW, THEREFORE, BE IT RESOLVED, this 18th Day of August, 2009 by the Mayor and Borough Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

1. Change Order # 5 in the amount \$35,057.00 is hereby authorized.

2. That the Mayor is hereby authorized to execute same.

3. Copies of this Resolution to: G & P Parlamas, Chief Financial Officer, Borough Architect, Contract File, and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

Mr. O'Rourke: It is a shame we cannot hold these architects and engineers to paying for things like this when they come up. It is one thing when you find a sewer plant where there wasn't one on the plan but it is another thing not to design something it was supposed to be designed in the first place. I don't know if these change orders came down because the rules changed since it was designed but it is frustrating.

Mr. Dikun: You will find that a governmental agency involved in this, they do change Things on a regular basis and more importantly to have our facility in compliance to avoid any type of litigation.

Mr. O'Rourke: I totally agree with you Bill. The point is the Architect or Engineer Who designed that should have known that to start with. I know we have to do it but Enough.

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

6. (196-2009) Authorize Refund of Demolition Bond, Block 279, Lot 157 – John Garris Construction

**MOTION: REFUND DEMOLITION BOND, BLOCK 279, LOT 157 -
John Garris Construction**

WHEREAS, John Garris Construction, 2232 Foster Rd. Point Pleasant, New Jersey, did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a structure at 1709 Certainty Dr., Point Pleasant, New Jersey 08742,

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

- 1. That the proper Borough Officials are authorized and directed to return to John Garris Construction, a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a structure at 1709 Certainty Drive, Point Pleasant, N.J. 08742.**
- 2. Copies of this Resolution to: Construction Official, John Garris Construction, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

7. (197-2009) Authorize Release of Demolition Bond, Block 285, Lot 18 – McKeaver

MOTION: Authorize Release of Demolition Bond, Block 285, Lot 18 – McKeaver

WHEREAS, Evans Enterprises, 1601 Route 71, Suite 1A, Belmar, New Jersey, 07719 did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a structure at 1837 Beach Boulevard, Point Pleasant, New Jersey 08742,

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

- 2. That the proper Borough Officials are authorized and directed to return to Evans Enterprises a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a structure at 1837 Beach Blvd. Point Pleasant, N.J. 08742.**

- 3. Copies of this Resolution to: Construction Official, Evans Enterprises, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

- 8. (198-2009) Approve Change Order No. 3, Pat Maggio and Son Electric Inc., addition to Municipal Building – increase of \$11,433.00**

MOTION: Authorize Change Order No. 3, Pat Maggio & Son Electric, Inc.

WHEREAS, the Borough of Point Pleasant previously awarded a contract to Pat Maggio & Son Electric Inc. for electrical construction on the Municipal Building addition; and

WHEREAS, the Borough Architect has recommended that a Change Order, known as Change Order #3 , an increase in the amount of \$11,433.00, which defines adjustments to contract quantities and amount for such projects be authorized; and

WHEREAS, the total amount of the Change Order authorized by this Resolution is within permitted limits.

NOW, THEREFORE, BE IT RESOLVED, this 18th Day of August , 2009 by the Mayor and Borough Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey as follows:

- 1. Change Order # 3 in the amount \$11,433.00 is hereby authorized.**
- 2. That the Mayor is hereby authorized to execute same.**
- 3. Copies of this Resolution to: Pat Maggio & Son Electric Inc., Chief Financial Officer, Borough Architect, Contract File, and any other interested parties.**

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

- 9. (199-2009) Authorize Change Order No. 2, Three G's Plumbing & Heating – addition to Municipal Building, increase of \$2,358.00**

MOTION: Authorize Change Order No. 2, Three G's Plumbing & Heating addition to Municipal Building, increase of \$2,358.00

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

10. (200-2009) Appointing Travis Popiel as Special Police Officer Class II

MOTION: Appoint Travis Popiel as Special Police Officer Class II

WHEREAS, the need exists for Special Law Enforcement Officer within the Borough of Point Pleasant; and

WHEREAS, the Police Captain has recommended the appointment of the individual listed below to the position of Special Law Enforcement Officer Class II; and

WHEREAS, the below listed individual have met the necessary criteria for same.

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

1. The following individual is hereby appointed as Special Law Enforcement Officer for the Borough of Point Pleasant effective immediately: Travis Popiel.
2. Copies of this Resolution to the Chief of Police, Treasurer, Appointees and any other interested parties.

Motion: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

11. (201-2009) Accept Void Check Report

MOTION: Accept Void Check Report

WHEREAS, from time to time it becomes necessary for the Chief Financial Officer to Void checks or stop payment on checks, and;

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

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

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

<u>CHECK #</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>VENDOR</u>	<u>REASON</u>
0527	\$1,355.97	Water/Sewer	Onnovations	Req. Twice

0574	\$2,033.95	Current	Onnovations	Req. Twice
0843	\$30.00	Rec. Trust	S. Curry	Lost
0604	\$145,935.67	Current	Horizon B/C	Wrong Acct Chg.
0614 (Reissue)	\$146,701.88	Current	Horizon B/C	Reissue Corr. Amt.
0536	\$27,488.41	Water/Sewer	Horizon B/C	Wrong Acct. Chg.
0542(Reissue)	\$28,660.20	Water Sewer	Horizon B/C	Reissue Corr. Amt
0927	\$3,887.75	Rec. Trust	Horizon B/C	Wrong Acct. Chg.
0938(Reissue)	\$2,349.75	Rec. Trust	Horizon B/C	Reissue Corr.Amt.

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

12. (202-2009) Salary Resolution

MOTION: Adopt Salary Resolution

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

13. (203-2009) Authorize Refund of Demolition Bond, Block 227, Lot 4, TCB Assoc.

MOTION: Authorize Refund of Demolition Bond, Block 227, Lot 4, TCB Associates

WHEREAS, TCB Associates, LLC, PO Box 3204, Point Pleasant, New Jersey, 08742 did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a structure at 2432 Moore Avenue, Point Pleasant, New Jersey 08742,

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

- 3. That the proper Borough Officials are authorized and directed to return to TCB Associates, LLC, a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a structure at 2432 Moore Avenue, Point Pleasant, N.J. 08742.**
- 4. Copies of this Resolution to: Construction Official, TCB Associates, LLC, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES:

14. (204-2009) Bills and Claims

MOTION: Adopt Resolution Bills and Claims

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

15. (205-2009) 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>
335-14 overpayment	Rothery	1118.74	Refund- On 2009 taxes

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

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

16. (206-2009) Authorize Acceptance of an Offer to dismiss a complaint brought by Alexander Viecegli and Point Ice Cream Delights, Inc.

MOTION: Authorize Acceptance of an Offer to dismiss a complaint brought by Alexander Viecegli and Point Ice Cream Delight, Inc.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Leitner

Ms. Rogers: Discussion. I know that I think that everyone received an e-mail from Jerry Dasti. I don't know if there was consideration given to table till we go to executive session to address certain issues or if I can address them here. My understanding was that our Attorney represented to us that this was going to be released across the Board against all dependents. If CMX is remaining in the suit CMX has cross claims against the Borough and how does that effect us if we do this voluntary release to Mr. Viecelli as we are being cross claimed? I believe Planning Board Members are being cross claimed too.

Mr. Leitner: We already did this, this is just memorializing or formalizing what we already voted on so we would have to put something on to undo what we have already done.

Ms. Rogers: Was it your impression that all the dependents were being released. That was my interpretation.

Mr. Connors: if you wish to hold the resolution until after executive session we can do so.

Ms. Rogers: All I want to know is if there is any negative effect with the cross claim with CMX. I am in favor of the dismissal. I want the bills to stop. But is there any problem with the cross claims?

Mr. Connors; No. There is a pending summary judgment motion that is scheduled for August 28th. We haven't received the releases then anyway.

Ms. Rogers: Does the release incorporate the compliance with the site plan or is that outside of this release. Are you going to comply with where we are at now?

Mr. Viecelli: We are waiting to go back to the Planning Board.

Ms. Rogers: Yes

Mr. O'Rourke; Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

17. (207-2009) Consenting the Appointment of Lawrence Williams as Chief of Police effective September 1, 2009

MOTION: Consenting the appointment of Lawrence Williams as Chief of Police effective September 1, 2009

WHEREAS, it is the desire of the Mayor and Council of the Borough of Point Pleasant to promote Lawrence Williams to the position of Police Chief; and

WHEREAS, said promotion is on a provisional basis subject to the promotional procedures of the New Jersey Department of Personnel; and

WHEREAS, said promotion in contingent upon the anticipated retirement of current Police Chief Raymond J. Hilling on September 1, 2009; and

WHEREAS, Lawrence Williams has agreed to work as Chief for \$1.00 more than his 2009 base salary as Captain and said salary shall remain at that level for 2009 with negotiation to be held for a 2010 salary and conditions of employment.

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 Lawrence Williams of the Point Pleasant Police Department is hereby appointed to the position of Police Chief effective September 1, 2009.
2. That said appointment is on a provisional basis pending New Jersey Department of Personnel promotional procedures.

3. Said appointment is contingent upon the retirement of Raymond J. Hilling on September 1, 2009.
4. Annual base salary for said position is \$131,859.00 which is \$1.00 more than his 2009 base salary as Captain.
5. Certified copies of this resolution be sent to Lawrence Williams, Personnel file, Finance Officer and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Ms. Rogers

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

16. (208-2009) Authorizing Promotion of Richard Larsen to position of Police Captain effective September 1, 2009

MOTION: Authorize Promotion of Richard Larsen to position of Police Captain effective September 1, 2009

WHEREAS, it is the desire of the Mayor and Council of the Borough of Point Pleasant to make a promotion within the Point Pleasant Police Department; and

WHEREAS, Richard Larsen has been certified as eligible for promotion to the position of Police Captain; and

WHEREAS, the Captain and Lieutenants Association membership have agreed to this promotion to be made for an annual salary for 2009 only for the amount of \$115,665.00 the same amount as his current Lieutenant salary.

WHEREAS, this promotion is contingent upon the retirement of Raymond Hilling on September 1, 2009.

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

1. That Richard Larsen is hereby promoted to the position of Police Captain with the respective salary effective September 1, 2009.

Richard Larsen

Annual Base Salary of \$115,665.00

2. Certified copies of this resolution be sent to Appointee, Personnel file, Finance Officer and any other interested parties.

Motion: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. O'Rourke: Yes

CARRIES: Yes

18. (209-2009) Hire Temporary Part-time Recreation Personnel

MOTION: Hire Temporary Part-time Recreation Personnel

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

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

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

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

NAME	PROGRAM	RATE	ACCOUNT
Kathleen Krohn	Paint Crafts/Tiny Tots	\$11.70 HR	Trust
Kathleen Krohn	Biddy Basketball	\$11.70 HR	Trust
Kathleen Krohn	Music Me/Kindersports	\$11.70 HR	Trust
Terry Park	Kiddie Chorus	\$14.00 HR	Trust
Lynn Wildonger	Kindersports/Music Me	\$10.50 HR	Trust
Kathy Busacca	Story Hour	\$13.73 HR	Trust
Janet Haczewski	Biddy Basketball	\$14.00 HR	Trust
Janet Haczewski	Adventure Climb	\$11.00 HR	Trust
Kelsey MacGuire	Gymnastics/Volleyball	\$11.50 HR	Trust
Kelsey MacGuire	Movement/Adv Climb	\$10.50 HR	Trust
Brianne Smith	Gymnastics	\$13.00 HR	Trust
Brianne Smith	Movement Mania	\$10.50 HR	Trust
Beverly Puorro	Babysitting	\$90 per class	Trust
Nicole Letts	Biddy Basketball	\$11.50 HR	Trust
Ann Cook	Head Teacher	\$18.89 HR	Trust
Terry Park	Teacher	\$16.65 HR	Trust
Beverly Puorro	Teacher	\$17.62 HR	Trust
Kathy Busacca	Teacher	\$14.55 HR	Trust
Lori Rotunno	Teacher	\$10.13 HR	Trust
Teresa Morguess	Teacher	\$ 9.61 HR	Trust
Kathleen Krohn	Teacher	\$12.26 HR	Trust
Lynn Wildonger	Teacher	\$10.09 HR	Trust

1. Hiring pending the approval by Mayor and Council, effective September 13, 2009.
2. Copies of this Resolution to Treasurer, Administrator, Superintendent of Recreation, Employee, and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

(210-2009) Supporting the Provision of Proper Insurance for Firefighter Instructors and to allow County wide training.

MOTION: RESOLUTION SUPPORTING THE PROVISION OF PROPER MEDICAL AND LOST WAGE COMPENSATION INSURANCE TO VOLUNTEER FIRE INSTRUCTORS AND TO ALLOW FOR COUNTYWIDE FIRE TRAINING

WHEREAS, the firefighters of Ocean County are trained by Fire Instructors who volunteer their time, energy and experience teaching their fellow firefighters; and

WHEREAS, these Fire Instructors spent countless hours obtaining the required educational experience required to teach and maintain their instructor certifications; and

WHEREAS, these Fire Instructors volunteer hundreds of hours every year teaching, without any reimbursements for expenses that they incur; and

WHEREAS, our firefighters require continual training to protect our residents and keep themselves safe, and such training should take place in the best possible location to support the training objectives, as well as take into account the time and expense of travel on our volunteers and Fire Departments.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey do hereby request that the Ocean County Board of Freeholders supplies adequate insurance protection that includes coverage for medical care and lost wages for any Fire Instructor injured in the Line of Duty. Additionally, we request that the Ocean County Board of Freeholders set such policies that facilitate fire training at all such locations possible that provide a safe and suitable learning environment.

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

19. (211-2009) Extending Leave of Absence for V. Thwing

MOTION: Extending Leave of Absence for Veronica Thwing

WHEREAS, the Mayor and Council grant an extended leave of absence for Veronica Thwing, Senior Clerk, for the reason of maternity leave.

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 request of Veronica Thwing, Senior Clerk, to take an extended leave of absence for the reason of maternity until January 15, 2010 is hereby approved.
2. Certified copies of this Resolution be sent to Veronica Thwing, Personnel File, Chief Financial Officer, and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. Dikun

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

20. (213-2009) Appoint John Neary as Animal Control Officer effective Sept. 1, 2009

MOTION: Appoint John Neary as Animal Control Officer effective September 1, 2009

WHEREAS, the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey (the "Borough") is in need of appointing an Animal Control Officer as a Borough employee; and

WHEREAS, the Borough has previously appointed as an outside contractor John Neary to perform animal control services, and the Borough and its residents have been satisfied with those services; and

WHEREAS, the Borough has been advised by John Neary that he no longer intends to work as an outside consultant, but would agree to work as a salaried employee for the Borough in order to perform the same animal control services; and

WHEREAS, the Borough intends to employ John Neary as an animal control officer, and also discuss with neighboring municipalities a Shared Services Agreement whereby John Neary, as a Borough employee, could perform animal control services for surrounding municipalities, and furthermore that the services provided would be reimbursable to the Borough:

NOW, THEREFORE, BE IT RESOLVED, this 18th day of August, 2009 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough hereby appoints John Neary as Animal Control Officer for Point Pleasant Borough. The salary to be provided to John Neary will be in accordance with the Borough salary ordinance, as amended at \$36,000.00 base for the year 2009. The job description for the Borough Animal Control Officer will be in accordance with rules and regulations promulgated by the New Jersey Civil Service Commission.

2. The Borough authorizes its Administrator, the Administration and Finance Committee, and Borough Professional Staff to discuss a Shared Services Agreement with adjoining municipalities in order to defray the costs for the employment of an Animal Control Officer.

3. 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.

4. A certified copy of this resolution shall be forwarded by the Borough Administrator/Clerk to the following:

(a) Honorable Martin Konkus, Mayor;

- (b) David Maffei, Administrator/Clerk;
- (c) Susan Rogers, Council President;
- (d) Judith Block, CFO;
- (e) John Neary; and
- (f) Jerry J. Dasti, Esq.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Dikun

Mr. O'Rourke: I did not want to bring this up in the past. Mr. Neary and I go way, way back. Almost to the point where I probably should not vote on this. I am not getting any money out of this so I can still vote on it. I met Mr. Neary and he was half way into a very dark hole reaching after something that was screaming and yelling at him. He had a bear hand reaching in and grabbing this thing that I would not reach into do. He grabbed that raccoon by the back of his neck, dragged him out of that hole, dumped him in a bucket, through a can on it and told me to sit on it and he started grabbing at the babies. They were screaming, yelling and carrying on and trying to scratch. This man knows what he is doing and I wish we could do more for him. He is a special person. If we were to have to replace him we would not get anyone of that caliber. I have been around this guy for decades. You have to be special to reach in to a snarling raccoon, bear handed reach in and pull him out. He has all of his shots.

Ms. Rogers: Yes
Mr. Dikun: Yes

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

Mr. Kaklamanis: Yes
Mr. McHugh: Yes

CARRIES: Yes

- 21. (214-2009) Authorize Award of contract for purchase of Police & School Traffic Guard Uniforms and accessories to Atlantic Tactical, New Cumberland, PA

MOTION: AUTHORIZE AWARD OF CONTRACT TO PURCHASE POLICE OFFICERS AND SCHOOL TRAFFIC GUARDS UNIFORMS

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 Purchase of Police Officers and School Traffic Guards Uniforms; and

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

WHEREAS, one bid was received in response to the bid solicitation, as follows:

- 1. Atlantic Tactical of NJ.

WHEREAS, the bid documentation submitted by the sole bidder, Atlantic Tactical of New Jersey, has been reviewed by the Police Captain who has found the bid documentation to be acceptable as to form and content; and

WHEREAS, the Police Captain has recommended that the Borough award the contract for the purchase of Police Officers and School Traffic Guards Uniforms in accordance with the attached detailed bid.

NOW, THEREFORE, BE IT RESOLVED, this 18th day of August, 2009 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey as follows:

1. **The Borough Council accepts the recommendations of the Police Captain and awards the contract for the aforementioned purchase to Atlantic Tactical of New Jersey.**
2. **The Mayor and Borough Clerk are hereby authorized and directed to execute any and all necessary documents in order to implement the intent of this Resolution.**
3. **A copy of this Resolution shall be forwarded to Atlantic Tactical of New Jersey, Borough Auditor, Chief Financial Officer and any other interested parties.**

Motion: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Kaklamanis

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

22. (215-2009) Authorize award of contract for purchase of drinking water corrosion inhibitor to Klenzoid, Inc., Conshohocken, PA - \$9.84/gal., \$47,232.00 (2) year

MOTION: AUTHORIZE AWARD OF CONTRACT TO PURCHASE DRINKING WATER CORROSION INHIBITOR

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 Purchase of Drinking Water Corrosion Inhibitor; and

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

WHEREAS, one bid was received in response to the bid solicitation, as follows:

2. **Klenzoid Inc. - \$47,232.00 (\$9.84 unit price per gallon)**

WHEREAS, the bid documentation submitted by the sole bidder, Klenzoid Inc., has been reviewed by the Superintendent of Public Works who has found the bid documentation to be acceptable as to form and content; and

WHEREAS, the Superintendent of Public Works has recommended that the Borough award the contract for the purchase of Drinking Water Corrosion Inhibitor in accordance with the attached detailed bid.

NOW, THEREFORE, BE IT RESOLVED, this 18th day of August, 2009 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey as follows:

4. **The Borough Council accepts the recommendations of the Superintendent of Public Works and awards the contract for the aforementioned purchase to Klenzoid Inc.**
5. **The Mayor and Borough Clerk are hereby authorized and directed to execute any and all necessary documents in order to implement the intent of this Resolution.**
6. **A copy of this Resolution shall be forwarded to Klenzoid Inc., Borough Auditor, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

**Ms. Rogers: Yes
Mr. Dikun: Yes**

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

**Mr. Kaklamanis: Yes
Mr. McHugh: Yes**

CARRIES: Yes

F. RESOLUTION (212-2009) CONSENT AGENDA

Motion: To approve consent items as summarized below

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

WHEREAS, said consent items are hereby summarized as follows:

1. Application Raffle License, Ocean of Love Inc., on premise gift auction to be held September 24, 2009.
2. Application Raffle License, Ocean of Love Inc., on premise 50/50 to be held September 24, 2009.
3. Application Raffle License, Saint Barbara Greek Orthodox Church, on premise gift auction to be held November 14, 2009.
4. Application Raffle License, Men's Club at Lake Ridge, on premise gift auction to be held October 20, 2009.
5. Application Raffle License, Point Pleasant Borough Band Boosters, off premise 50/50 to be held December 5, 2009.

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

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

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND; Mr. O'Rourke

Ms. Rogers: Yes
Mr. Dikun: Yes

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

Mr. Kaklamanis: Yes
Mr. McHugh: Yes

CARRIES: Yes

G. AUTHORIZATIONS

1. Authorize Preliminary Surveillance Line of Sight Study – approximately \$3,000

MOTION: Authorize Preliminary Surveillance Line of Sight Study – approximately \$3,000

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Mr. O'Rourke: Why are we paying someone \$3000 to tell us what service they are

going to provide us and make money off us on. They will be making money on us for years.

Ms. Rogers: They are not the bidders for the security cameras or the contractor at all.

Mr. O'Rourke; Why are we doing this?

Ms. Rogers: Captain Williams, if you can also talk about some the security camera issues we have been trying to deal with and as far as the wireless connection David you can jump in. This is for the Riverfront Park and throughout the Borough.

Mr. Maffei: Part of this is we need the information for the specifications in order to get the surveillance camera equipment. We need this information on how we will be able to transmit from the park to Borough Hall. On line would not be feasible for us to do. The equipment cannot stay in there. We need climate controlled area. We don't have that. In this case the alternative was to send the wireless. There is an alternative and we are going to look into it as far as giving a signal to the Borough that would not have to eliminate the need to do this.

Mr. O'Rourke: We cannot use the equipment on site to send this through the internet.

Mr. Maffei: One of the first things we had with the original surveillance system in the Community Park was it was not in the climate controlled area. That caused a failure very shortly after it was installed. We have spoken to professionals.

Ms. Rogers: We are trying to have all of these security systems talk to each other. Right now we have several different systems that are not compatible. The goal was To try to convert to a uniform platform through Honeywell and tie into the new things that would be feasible, have longevity and have the ability for upgrades all in one system. There was significant expert input that was put into this. Captain Williams has been working a person who is a retired State Policeman along with Honeywell coordinators and a series of other experts. We have had six or eight meetings on this walk site. We brought in Comcast and a bunch of other people to do cross comparisons and this was the most viable.

Mr. O'Rourke: This is not a Line of Sight Study this is how you are going to do it. What you are saying is we want to do it this way and they are going to tell us how we are going to do it and why we are going to bid it a certain way. Is that what you are saying?

Mr. Maffei: They are going to tell us the information that we need to include into the specifications to go out for this equipment. We need this information to incorporate it into the specifications.

Mr. O'Rourke: We pretty much decided to do it this way.

Mr. Maffei: There are two alternatives out there that we are exploring. If those alternatives pan out we won't even be spending this money. We won't even need it. In the event that they don't pan out this is our only alternative.

Mr. Leitner: Would it hurt us if we wait until we check out those other alternatives and wait to spend this money.

Mr. Maffei: We would only move forward with this in the event the other opportunities don't work out. We were trying to move this along because there is a time period and we have been working on this for a while. We will have an answer to the alternatives within this week. We need to know this now so we can move forward.

Mr. O'Rourke: Is there a possibility this would not work?

Mr. Maffei: This will work.

Mr. Maffei: It is an entirely different situation. If you are paying for it is paid out of overtime and they get paid their regular police rates. If this is an outside agency they enter into a contract with the Borough to employ police officers at an off duty rate. There was no funding put into our municipal budget for that to be paid as a regular employee overtime.

Ms. Rogers: It is approximately \$1200.

Mr. O'Rourke: Do we have to reimburse the parade committee?

Ms. Rogers: No.

Mr. Maffei: They are asking for this funding over and above the police. They are asking for their contribution which they have received each year, a \$1500 contribution. Last year they were required to pay for their own police protection. They are asking for the \$1500 donation and any consideration you are giving towards the police protection.

Mr. O'Rourke: Is any of that in the budget now?

Mr. Maffei: Only what the Councilman Dikun donated.

Ms. Rogers: Which is?

Mr. Maffei: He did not donate the whole \$1500. He portioned it out towards each parade. It was approximately \$800.

Mr. O'Rourke: If it was Councilman Dikun's amount is one thing but outside the budget. You have to stick with the budget. My vote is no.

Mr. Kaklamanis: Can I make a donation for the parade. I could make a donation of \$500 for the parade.

Ms. Rogers: I will do the same and donate \$500. I presumed that was the cost of the police.

Mayor Konkus; I would like to give a little history from Ann Anastasia who ran the parade at year one. She and Lenny Arms and three other people were talking about what they could do to put some energy into the business community at that time. That was 29 years ago. According to Ann Anastasia she ran the parade for 17 years single handedly. According to her the Borough donated the police time but did not contribute any cash. Somewhere along the line the Borough began contributing cash in addition to the police. After 17 years of running it Ann had a discussion with the Chamber of Commerce. It may have been the Business Association at that time. They agreed to take it on and they took it from Ann. But, according to her originally the Borough supplied the police but everything else was self funded through donations.

Mr. Maffei: The cash contribution began about 12 years ago.

Mr. Kaklamanis: This is only a suggestion. Maybe the police would volunteer even a portion of it.

All previous votes withdrawn.

MOTION: To approve parade

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

MOTION: To provide \$1500 cash funding

effective in reducing their numbers; and

WHEREAS, a present goal of Trap-Neuter-Return (“TNR”) is to decrease the number of cats in the environment and thereby reduce feral cat predation on wildlife; and

WHEREAS, programs for the managed care of feral cat colonies that include trapping, neutering and returning such cats to their habitats have proven to be effective in reducing the number of feral cats and is more humane than trapping and euthanizing; and

WHEREAS, TNR programs are beneficial to communities and the public health because cats in managed colonies are vaccinated against rabies, which has positive public consequences, and are spayed or neutered, thereby controlling the population; and

WHEREAS the Mayor and Borough Council deem it in the public interest to amend its ordinances in order to meet these stated goals;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, and State of New Jersey, that Chapter V of the Ordinances of the Borough of Point Pleasant Borough entitled “Animal Control” be amended to add new Article II, as follows:

ARTICLE II

SECTION 1.

5-12. Definitions.

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Abandoned means that an owner or caregiver has forsaken a domesticated cat entirely, or has neglected or refused to provide care and support to the cat.

Animal Control Officer means any person employed or appointed by the Borough who is authorized to investigate violations of laws and regulations

concerning animals, and to issue citations in accordance with New Jersey law and this Code.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a cat. Domesticated cat means a cat that is socialized to humans and is appropriate as a companion for humans.

Ear Marked means a tagged, notched or tipped left ear as performed by a licensed veterinarian.

Feral Cat colony means a group of cats that congregates, more or less, together as a unit. Although not every cat in a Colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

Owner means any person, firm, corporation, partnership, association, trust, estate, or any other legal entity.

Rescue group is a for-profit or not-for-profit entity, or a collaboration of individuals with at least one of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals.

Stray Cat means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by its owner.

Suitable Shelter means shelter that provides protection from rain, sun, and other elements that is adequate to protect the health of the cat.

TNR means, Trap, Neuter and Return.

TNR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

Zoonotic Disease means those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

SECTION 2.

5-13. Responsibilities of owners of domesticated cats.

5-13.1 Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.

5-13.2 The Owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.

5-13.3 The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.

5-13.4 An owner shall not abandon a domesticated cat.

SECTION 3.

5-14. Feral Cat colonies.

5-14.1 Feral Cat colonies shall be permitted and Caregivers shall be entitled to maintain them in accordance with the terms and conditions of this Ordinance.

5-14.2 Sponsorship of Colony TNR Programs. The Point Pleasant Borough Animal Welfare Committee is approved as Sponsor. Other persons may apply to the Borough to serve as colony TNR program sponsors ("Sponsors"). Any person or entity so applying shall comply with the requirements of this article for sponsors and execute a Point Pleasant Borough Animal Welfare Committee-approved sponsor contract. Any person intending to undertake the responsibilities of sponsor shall advise the Point Pleasant Borough Animal Welfare Committee in writing and provide his/her/its address and telephone number.

5-14.3 Sponsor requirements.

It shall be the duty of the sponsor to:

- a. Review and approve of colony caregivers;
- b. Help to resolve any complaints over the conduct of a colony caregiver or of cats within a colony;
- c. Maintain records provided by colony caregivers on the size and location of the colonies as well as the vaccination and spray/neuter records of cats in the sponsor's colonies;

- d. Report annually to the Borough on the following:
 - i. number of colonies in the Borough;
 - ii. total number of cats in colonies;
 - iii. number of cats and kittens spayed and neutered pursuant to the TNR program; and
 - iv. number of cats and kittens placed in permanent homes.

- e. Use due consideration to avoid the taking of rare, threatened or endangered species under the Endangered and Non-game Species Conservation Act, N.J.S.A. 23:2A-1, et seq.

5-14.4 Feral Cat Caregiver requirements. Caregivers are responsible for the following:

- a. Registering the Feral Cat colony with the Sponsor;
- b. Taking steps that are reasonably likely to result in the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured;
- c. Taking steps that are reasonably likely to result in the spay/neuter, by a licensed veterinarian, of at least ninety percent (90%) of the colony population;
- d. Providing the sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered;
- e. Providing food, water and, if feasible, shelter for colony cats;
- f. Observing the colony cats at least twice per week and keeping a record of any illnesses or unusual behavior noticed in any colony cats;
- g. Obtaining the approval of the owner of any property, to which the Caregiver requires access to provide colony care;
- h. In the event that kittens are born to a colony cat, the Caregiver shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement;
- i. Reporting annually in writing to the Sponsor on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats that died or otherwise ceased being a part of the colony during the year; the number of kittens born to colony cats and their disposition and the number of cats and kittens placed in permanent homes as companion cats; and
- j. Obtaining proper medical attention to any colony cat that appears to require it.

5-14.5 Colony Cat requirements.

- a. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be ear tipped;
- b. An electronic animal identification device (EAID) shall be inserted into the cat by a veterinarian in accordance with professional medical standards. The Sponsor shall be the named contact for purposes of the EAID.

5-14.6 Disposition of Colony Cats.

- a. An Animal Control Officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a feral cat colony shall scan the cat for an EAID. If an EAID is found, the officer shall be responsible for contacting the sponsor or other person named as owner of the cat.
- b. If the Owner or Sponsor is not able to immediately take custody of the cat, the officer shall return the cat to the appropriate colony.
- c. If the cat does not have an EAID then the Animal Control Officer shall contact the Sponsor so the cat can be properly placed in a colony. If the cat is obviously a domestic cat the sponsor shall arrange for care for the cat until the owner is located and may determine the disposition of the cat in those circumstances where the domestic cat's owner cannot be located.

SECTION 4.

5-15. Vaccination and Disease Control.

5-15.1 The Borough Council shall adopt particular regulations from time to time concerning vaccinations, disease control, and the manner in which the TRN Program is conducted.

SECTION 5.

5-16. Ordinance Enforcement.

5-16.1 The Borough shall have the following rights:

- a. The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.
- b. The right to seize or remove a cat from a colony that is creating a nuisance as defined above and the Caregiver and Sponsor have been given 60 days to remove and relocate the cat and have failed to do so.
- c. The right to seize or remove a colony of cats when the Caregiver regularly fails to comply with the requirements of this Article and the Sponsor has not been able to obtain a replacement or substitute Caregiver within 60 days of the Borough's notice to the sponsor of the Caregiver's failure to comply with this Ordinance.

5-16.2 The requirements of this Ordinance notwithstanding, Animal Control Officers and Police Officers may investigate any Nuisance complaint.

SECTION 6.

All ordinances or parts of ordinances inconsistent with this ordinance are repealed to the extent of such inconsistency.

SECTION 7.

If for any reason any section of this ordinance shall be declared unconstitutional or illegal by any court of competent jurisdiction, the remaining sections hereof shall remain in full force and effect.

SECTION 8.

This ordinance shall take effect upon final passage and publication according to 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 **28th** day of **July, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the **1st** day of **September, 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

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS
Forked River, New Jersey 08731

Councilwoman Christine Tooker, Point Pleasant Beach and Miss Kristin Hennessy are in attendance.

Kristin Hennessy: Good Evening. I am pleased to report that the Point Pleasant Beach Trap, Neuter and Return Program is back in full swing and the Council just voted a few minutes ago to tackle the issue of the rabies outbreak in these communities very aggressively. This will be done by the way of a mass trapping. Initiative to trap, sterilize and vaccinate all the remaining cats in Point Pleasant Beach with an aggressive movement. That is the good news and I am pleased to have some professionals with us tonight to talk to all of you about a TNR Program would look like in Point Pleasant Borough. The first person is Michelle Lerner, Michelle is an Attorney and Policy Specialist from the New Jersey Animal Rights Alliance and representing the project TNR. We also have Dr. Robert Morro here, the owner and operator of the Beach Animal Hospital who is the primary Veterinarian who has worked with our program in the Beach and Dr. Morro will be available to answer questions. I know Councilman O'Rourke had some questions about vaccinations and the like. We have also asked our Animal Control Officer that we share, Muskrat Jack Neary, who is also here to offer comments on the TNR Program and answer any questions that the Governing Body or the community members would have. Thank you.

Michelle Lerner, I am an Attorney and Policy Specialist with Project TNR which is a statewide program. It is under the New Jersey Animal Rights. What I do is provide technical support to municipalities that are drafting TNR Ordinances. It is occurring more and more across the State. I believe that you already had a fairly full session with information about how TNR works. The benefits save the town money. You don't have to pay for the seven day holding euthanize of feral cats and it improves public health through mass vaccinations. It reduces the number of animals that are euthanized. It improves community relations. What I want to focus on is letting you know who actually supports Trap, Neuter and Return, the agencies and organizations and what is happening with Trap, Neuter and Return across the State and the Country. The New Jersey Department of Health and Human Services has a policy on feral and free roaming cats. It is on their web site and they encourage Trap, Neuter and Return as a part of feral cat management. It is important to know that it is listed on the web site under the Office of Animal Welfare. The Office of Animal Welfare is part of the infectious disease program at the Department of Health and Senior Services. A certification just started last year for Trap, Neuter and Return that is part of the approved Animal Control Certification Programs. The National Animal Control Organization which used to oppose Trap, Neuter and Return now supports the program. This is the trend across the Country. Governor McGreevey's Task Force on Animal Welfare in 2004 issued a report that recommended this program. Governor Corzine issued a report supporting this program. The Humane Society and the ASPCA also supports this program. In New Jersey over 120 municipalities have some sort of program implementing or allowing Trap, Neuter and Return. 25 currently have ordinances. Several others in the works.

Ms. Lerner gave some statistics of the towns throughout the State.

Mr. O'Rourke: How do they count these cats?

Ms. Lerner: They monitor the colonies and they work with the health department. The Animal Control Officer has a lot to do with this.

Mr. Kaklamanis; Do you need a lot of volunteers for this or it is on the Animal Control Officer?

Ms. Lerner: There are about 50 ways to do it. Some towns the Animal Control Officer does the trap, neuter and control with volunteers. You need more than one person trapping.

Mr. Kaklamanis: The decrease in cat population was due to the cats passing on?

Ms. Lerner: Any kittens are removed for adoption.

Mayor Konkus; About how many volunteers would you need?

Ms. Lerner: It varies a lot with different towns. I think Kristin Hennessy could answer that better. Each town is different and there are many ways to handle the different programs.

Mayor Konkus: Veterinarians typically receptive to getting involved in TNR programs and to give discount rates and not bleed the community?

Ms. Lerner: In most towns there are at least one or two veterinarians that want to be involved. It may make more sense to work with more than one vet or maybe your nearest clinic.

Mr. Kaklamanis: Does the town have to supplement funds?

Ms. Lerner: Every town does it differently. There are a lot of towns that the town committee or the nonprofit that is doing the trap, neuter and return raises all of the funds themselves. There are some town where it is paid for completely by the town. There are towns where the money is generally raised by the town committee and supplemented by the town. It depends on what the town wants to do and how quickly they want it to happen.

Dr. Bob Morrow: I have a veterinary office in Point Pleasant Beach. I can tell you my take is other than the populations control. The Public Health aspects of the TNRR, Trap, Neuter, Rabies Vaccine and Release. It is really important, I am looking at it from the rabies point of view. If we can get 70% and that is a goal. What happens in our hospital people call us and say he has 2 to 4 today and we will and test them and if they are positive we do euthanize them. If they are negative we will neuter them, we will rabies vaccinate them and ear tip them. Yes, we do it for a substantial reduction in price. We actually will recover them and Jack will come in and release them. The TNRR is only part of that rabies control. The main reservoir of rabies in our area are the raccoons. As I told Point Pleasant Beach Council they way to try and help in that situation is not trap and release of raccoons but there is an oral vaccine and last year 40,000 doses were given to the State of New Jersey all of which went to Cape May County. I think you should try and get some of that vaccine because then we can deal with the root of the problem. The rabies problem has gotten out into the cat population. The TNRR Program is to try to buffer that population. I guess the other thing I would say I recommend again from a public health point of view is to adopt a rabies licensing for cats as well. I think that is appropriate because it does so well for dogs. It should be enforced.

Mr. O'Rourke; What vaccinations do you give?

Dr. Morro: We give the rabies, it is a multiple vaccine. It includes distemper.

Mr. O'Rourke: I have seen cats die of distemper out in the words and without being fed and just ignored. That is wrong. A colony that is monitored and cared for is a far better situation rather than killing them or just feeding them out the back door. That is so irresponsible.

Mayor Konkus: I would like to take a five minute recess before we open this to the public.

The meeting is re-opened.

Mr. Konkus: If any members of the public have any questions or comments about the TNR program and the ordinance on the agenda please raise your hands. Seeing no hands I will Kristin Hennessy to come forward and give us a recap and give me advice in the event that this passes as to what I have to do.

Ms. Hennessy: One of the questions that came up that I would like to address it was asked what a committee would look like. Michelle explained there are a lot of different

forms a committee could take. The Committee that Michelle explained that is in Mount Olive is exactly what we use in Point Pleasant Beach. We have two co-chairs of the committee that basically oversee everything and we communicate and we are the liaisons between the Council Representative that is the liaison to the Committee as well as the Board of Health Officer and Jack Neary. We do have a sub committees. One of our trapping coordinators, Steve is here with us tonight. He is the trapping committee. Steve is a certified ACO who works with us and has done the majority of our trapping. Jack Neary has also helped out. Steve has done the majority of that. We have a fund raising sub-committee and a public relations sub-committee and a volunteer sub-committee, fostering sub-committee. Again, as Michelle said whatever people fit and feel comfortable is where we place the volunteers within the animal welfare committee.

Mayor Konkus: How many people are involved in the animal welfare committee off hand.

Ms. Hennessy: We have about 10 to 14 active members and some do more than others and some have come and gone. On average 10 or 14 active members. I know you were interested in what an Animal Welfare Committee would look like, the creation of one. How ours got started was once the Borough Council passed the ordinance it was advertised in the newspaper for volunteers explaining. We wanted to open Maryland Avenue Beach to dogs, we wanted to find solutions to the Canada Geese populations. We wanted to identify pet shelters for evacuation purposes. The TNR program was one of our four goals. You may want to just form a committee and call for volunteers, advertise for volunteers and you need a Councilmember to be the liaison to the committee. The Council Liaison and Chairs of the Committee can work back and forth.

Mayor Konkus: In your experience in the Beach did the Animal Welfare Committee pretty much shape itself into what it is or did someone suggest a format?

Ms. Hennessy: We got some guidance from Michelle Lerner. She has gotten a lot more involved. Alley Cat Allies is another organization that Councilwoman Tooker got in touch with. There were recommendations and guide lines for shaping the committee and certainly we would take the input from them. Once the Committee was formed everyone fell into their comfort zone. I, myself, don't go out and feed cats and trap cats but I do a lot of the public relations work. I do the communication work with the Council and a lot of press releases in the Ocean Star.

Mr. O'Rourke: How are you handling your funds.

Ms. Hennessy: Our funding, to date we have not taken anything from the Municipal Budget. With the rabies outbreak the Council is going to look for some funding through our health budget to step up the trapping and do more of a mass trapping. We have a Treasurer on the committee. One person and she works with all of the money.

Mr. O'Rourke; Is it the committees fund or a Borough fund?

Ms. Hennessy: It is the committees fund.

Mr. O'Rourke; You are looking at the Borough to operate your program somewhat.

Ms. Hennessey: That decision was just made tonight in response to the rabies outbreak. In order for the program to step up we need immediate funds now.

Mr. O'Rourke; Up until now the neutering and vaccination part has been paid for by?

Ms. Hennessy: By the Animal Welfare Committee. You should know that the colony care givers actually buy all of their own food. They take nothing from the committee. There is a lot of really generous people out there when it comes to animals. There is a gentleman that goes up to the Boardwalk every night and feeds cats. He has spent thousands and thousands of dollars of his own money.

Mr. O'Rourke; The way we have this worded we are establishing a Borough Committee and we should not be doing that. This should be a committee outside the Borough.

Ms. Hennessy: I think the term is an ad-hoc committee.

Mayor Konkus: Then you don't have to advertise that you are having a meeting, you can simply get together.

Mr. O'Rourke; I don't think we should go there now.

Ms. Hennessy: Our volunteers are all appointed by the Mayor and they are listed on our web site and our meetings are always opened to the public and they are always held in Borough Hall. It is very opened and transparent.

Mayor Konkus thanked Ms. Hennessy for attending.

Mayor Konkus: I would like to carry this ordinance until September 1st.

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

COMMITTEE REPORTS

Mr. Kaklamanis: The Skateboard Park, I have been in contact with the Borough Engineer, Bob Forsyth and the discussion over the years about closing the skateboard park down. The property owner next door Mr. VanEmburch who I have been in contact numerous times over the last three years felt he was not properly notified on the development of this. We know the problems he has had over the years. Councilman O'Rourke, myself, Bob Forsyth came up with an idea to relocate the equipment. We took the measurements and along with relocating the equipment we told Mr. VanEmburch and he has some issues with the property line. We have gone over many avenues. Mr. Forsyth is in the process of getting prices from professional organizations that use this. I am a firm believer in giving the children some place to go. We will see how much it will cost to move this equipment. I did not get any negative feedback from Mr. VanEmburch.

Mr. Leitner: Chris Constantino has expressed an interest in this project. I believe he has some contacts who are very involved in the skateboarding community. Is there still room for input from those people?

Mr. Kaklamanis; Yes. Over the three year process of doing this and keeping in touch with Mr. VanEmburch, he feels he was slighted at the start of this. It has never been a closed door. Everyone's input is welcome. Skateboarders, professionals, children. It has never been closed to anybody.

Mr. Leitner: He knows one gentleman particularly who owns a skateboard shop and may know something about sound. It might help out.

Mr. Kaklamanis: Three years later it is still an open door policy.

How does realigning the equipment change the noise level.

Mr. Kaklamanis: When this ramp is five or six feet away from his warehouse noise is bad. This would move the noise away. We just want to keep everybody happy.

Mr. O'Rourke: We understand it is noise being generated and if we can take the noise so it is not bothering the neighbor that will be an improvement.

Mr. Kaklamanis: I know there was a Drama Program put on by the Rec Center, Karen Haycook and her Assistants did an excellent job I heard. The kids had a beautiful time and I would just like to compliment her and the work of her Staff. Also, I would like to compliment Councilwoman Rogers and her staff for the Community Night Watch. I could not make it. Your hard work all paid off. Everyone did an excellent job. The Riverfront Park, I was in touch with Mr. Forsyth today and about 12 items had to be attended to and we are now down to about six of those. We are moving along with that and hopefully soon we can have an opening of the park. One thing I did like that I was reading was Eagle Construction will be held to certain requirements of their contract of the grass and the field itself for approximately an eighteen month window period. That is moving along and the Log Cabin has a roof on it and is moving along. August 24th at 7 p.m. here at Borough Hall we will have an open town meeting in regards to the issue of passive active or active passive at the Riverfront Park in regards to that beautiful green field. I know how spikes and cleats do damage. I said it before with the committees I would like to keep everybody happy. Middle of the road, whatever we decide. Next week August 24th at 7 p.m. That is my report.

Mr. O'Rourke: The log cabin, take a ride by and take some pictures, it is on its way up, the roof it up and it will be very nice. Construction department reported another drop in its permits and money we have been generating in ratable. They suggested it is due to vacations. A lot of the builders are on vacation. It came up about a planning course that our Planning Board and Zoning Board members have to have. I don't know if we have mentioned it to the new ones.

Mr. Maffei: That would be in the next budget.

Mr. O'Rourke: The League of Municipalities offers training for other members of the volunteer boards. The Environmental Commission, the Open Space Committee and the Rec Commission might be able to tap into that. I was going to add to the agenda the web site. The one thing we did ask to be fixed was fixed. I understand that we are supposed to put things on the agenda by Thursday. Anything after that can only be done by the Council President or the Borough Administrator. Things do come up at the last second and paper work needs to be added. My Mayor, I understand that the Council President attempts to remove things from the agenda this last time round. I am really sick and tired of the bullying.

Ms. Rogers: The rec budget?

Mr. O'Rourke: Now when you start bullying the Council Members as well as the public and as well as employees it is just, I am done with it. I make a motion to remove the Council President from the Council Presidency.

Mayor Konkus: On the other hand Shaun, you had additions to the agenda that were put on today. Would you like to address them?

Mr. O'Rourke: Nope, I made a motion.

Mayor Konkus: Is this legal? A Resolution is good for a year.

Mr. O'Rourke: I believe the Council Presidency is a decision of Council.

Mr. Connors: I will reserve making an opinion tonight and research it further. If I had to make a decision tonight the Borough Ordinance speaks to the reorganization of the Governing Body which is authorized under State Statute and under the power vested in the Governing Body in the Borough form of government and I believe the term is for one year. If I have to make a ruling at this point I would say that the Council President serves for a term of one year. The Governing Body selected Council President in accordance with the State Statute and the enabling Ordinance which has been adopted in accordance with the provisions of the State Statute. That law says it is one year. I

know of no mechanism to remove a Council President by vote of the Governing Body. It is done within the confines of the authorization of the statute and the enabling ordinance. If you wish me to research it I will.

Mayor Konkus: I see no reason to research it.

Mr. Kaklamanis: I do.

Mayor Konkus: Every member of Council up here has the right to address the agenda as it is forming. I don't think that anyone would entertain the possibility of asking for your removal. I would think it would be totally wrong to do that.

Mr. O'Rourke: I believe it is too.

Mr. Kaklamanis: Let me say something. Although I was away for a couple of days I know there were a lot of tempers being flared. This Council up here serves the whole town. I am sure there are a lot of hard headed stubborn people and I know Sue is a hard worker and God Bless her. Sometimes you get something in your sight and that is it. We all have to work together. Everybody has to take input from everybody else. It is a working Council of six and the Mayor is seven. If everyone steps down a notch or two and works together and I think we always have. We have all worked for the good of the town and in my three years I have worked to keep Point Pleasant moving forward. We can't get involved in politics. Just work together.

Mr. Leitner: My take on this is there has to be a mechanism by which Council Presidents or any committee person or anybody else can be removed. Whatever the constitution says about impeachment, high crimes, misdemeanors. I want to put on the record that I don't like recalls at all. They are not part of the process. We like someone in January for better or for worse. Some of our battles or legendary but we did it. I think this is the wrong road to go down.

Mr. O'Rourke; It is still a warm summer, take advantage of it and have a good summer.

Mr. McHugh: Last month I spoke about a project I was trying to work with the Chamber of Commerce and obviously our business community is facing bad times. We have an increasing number of vacant stores in Town. I felt we need to be doing things that let the outside world know that this time is welcoming to new businesses and that we are doing our very best for the businesses we have here. I have thrown around some ideas about some of the ordinances that exist. We have had a couple of meetings at the Chamber of Commerce. The idea is changing into something entirely different than I had envisioned. We were very fortunate to have a volunteer, a very talented person, agreed to spear head a project here whereby they will work sort of like an advocate for new business owners coming into town. It is intentional and important to note that this is not something where the person is working for the town. The Code Enforcement of the town has a job to do. They are professional people in charge of enforcing codes that the typical business owner doesn't have the professional input and know how to navigate those waters. It balances the playing field a little by having someone to help guide them through so they don't get in situation where a lot of them who begin the process, spend a lot of money and find out they are not a permitted use or did not know what they could or could not do. The idea is being worked up and by next month I hope we will have a full program that will be launched with the Chamber of Commerce. There have been so many great people who have contributed work on the Bennett Cabin and not to single anyone out but the roof going on over there would not have happened so quickly and professionally without the help of Ted Robinson and Bill Van Berkel who are two local great carpenters. Thank you. The controversies and turmoil that is swirling around this Governing Body does not serve any of us well. We are not doing anything to give the public confidence that we have a clear path and understand where we are going. If there is some way to hit the reset button on this and focus on what is important I am not addressing the public on this, I am addressing us up here. When we dwell on these fights we don't look good to the outside world.

Mr. Leitner: My loss for words. I guess I just want to say that there have been, never mind, I am moving on. Today I received an e-mail from the Fire Department that there are problems with the County Dispatching System. Apparently, there are communication problems coming out of County Dispatch. Some of known and some of unknown origin. This is causing the County Dispatch System to fail. I believe every member of Council was given the e-mail. I would ask that we place a resolution on the next meeting's agenda directed to the County, State and Federal Representatives asking that they assist in expediting the solution. The Fire Departments are very worried that tragedy is just around the corner due to these failures. I want to extend heartfelt congratulations on behalf of the entire Council to Chief Hilling on his pending retirement. We want to thank Chief Hilling for his years of dedicated service to Point Pleasant. I want to remind everybody that the PBA is hosting a celebration in honor of Chief Hilling on Friday, August 28th from 6 to 10 p.m. Tickets are \$65.00 a person and everyone is invited to attend. Congratulations again, Chief Hilling. Congratulations also to the Captain who is soon to be Chief Williams and we look forward to the leadership and integrity you are going to bring to your new position and congratulations again. And the same congratulations to Lt. Rich Larson soon to be Captain Larson. Many of you are certainly aware that we have had a tragic death and the hearts and thoughts of the entire family go to the Ventura family. We mourn your loss. I can't even imagine, I have two small children, and I don't even want to try to imagine what they must be going through. This is going to be an awkward segway and I want to make certain that I am drawing a very bright line between what I am about to say and what I just said. The two have no relation to each other. I have spoken from this podium before about the need to enforce bicycle helmet rules. This tragedy reinforces my resolve. Again, nobody knows and nobody could know whether a bike helmet would have saved Katie's life and it is the wrong question to ask. The right question to ask is what do we do now? What do we do in the future to make things safe? I have thanked Captain Williams who has increased the priority and the enforcement of our bicycle rules. He has made it clear to me and to the entire Council. Last Thursday night I was in a meeting here and as I got out of the meeting about 10 p.m. a group of about 20 or more High School Students rode by on their bikes and not a single one of them had a bicycle helmet on. We need to renew our efforts and recognize the solution must be a joint effort between the Police Department, citizens of our town and parents. Parents, please, please make sure to reinforce to your children how important it is to wear a helmet. Don't let them leave the house without one if they are riding a bike. Citizens as a whole we need to make it expected to wear bike helmets. We have a biking culture in this town. Everybody bikes everywhere, you see them summer, winter, spring and fall. Rain, sleet, snow and hail. Adults, wear your bicycle helmets too. Set an example. Captain, soon to be Chief Williams, has expressed to us as Council that with strict enforcement must also come education about bike helmets. The Police Department has been working with the schools in trying to get the word out about the use of helmets. Presently the students in the elementary schools know that if they are caught without their helmets that their biking privilege will be taken away. This year all police officers will be checking the Middle School and High School. However, forcing the rules of children is difficult. I am asking you despite the inconvenience that such enforcement may cause you we as parents must direct that frustration not at the police but to channel it into a learning lesson of your children. Lt. Mike Colwell, many of you may know this, he has been working with brain injury foundations and he has received a donation of about 100 helmets. I would direct any family in the need of helmets to him for more information and thank you to Lt. Colwell for his work in that area as well as many others. Again, we can't answer the question as to whether this particular tragedy could have been averted and again it is the wrong question to even ask. What can we do now to create a safer culture in Point Pleasant and I ask that you join us all in this effort. I do want to report to you Mr. Mayor that the Climate Action Committee has been working on a number of projects and had a great deal of success with their campaign to get shoppers to use regular bags and to reduce the number of plastic bags. Please remember to bring your own bags and if you forget your bag ask yourself if you really need a bag for your purchase. Climate Action Committee is also working on other programs including the local government reduction grant. I thank Council for authorizing the pre-application for this grant. Our Sustainable New Jersey representative is working with staff at Lakehurst to help us with a Energy Audit for the town. I would like to also bid Good-bye to Melissa Peace

of the Ocean Star and bid her good luck in her future endeavors. I want to place on the record that I did try to talk her out of going to law school. I want to also welcome Erica Florentine, hopefully we will get you home early for the rest of these meetings. End of report.

Mr. Dikun: The West End Drive project with regard to the sewer is becoming a small construction situation. Out of the summer months, I am still waiting on some final reports so I can report back to Council from the Borough Engineer/ I hope to get them before the next meeting. The only drawback again is the paving project on West End which will continue in warmer months. Probably the Spring of 2010. Not to be redundant, I want to broach a quick topic that John Kaklamanis brought up. On the 24th the meeting that we will be conducting, the Recreation Committee, it is again the first one in a series of meetings that we will be conducting to discuss the park. A few people have asked me if this is the only meeting that we will have and the answer is NO. We plan on having several others and move a few into next month and maybe even October. At different time so people can come in and voice their opinion. We believe that is very important. The other thing that we hope to convey to the residents is the decorum will be maintained during these meetings. Everybody will be given an opportunity to state their opinion. Whether or not it is popular in the eyes of some of the organizations it is popular to us and we hope the majority of the people that will be coming will use great decorum and respect other people's opinions because we want to hear them. End of report.

Ms. Rogers: Admin and Finance has been meeting on a multitude of subjects. One I would like to extend a thank you to Councilman McHugh who has been filling in on the Administration to get everyone together here. We have had the opportunity to meet with Scott Davenport with regards to our health care coverage and starting to look at health care costs as we head into a renewal season. We should have some spread sheets for Council to review shortly and look at some cost saving measures. At the same time, we are discussing the interlocals for the Animal Control and we will be having another meeting with Chris Riehl and Councilman Marcum from the Beach to go over again the application grant for consolidating services on the Construction Department, Municipal Services and we are in the midst of our audit on our Police Force. Once we have those we can finalize the applications. Also, I echo the sentiments of Councilman McHugh as he talked about the transparency of things and the ability to communicate is much needed and it is what we were elected to do and I definitely feel the same way as he does. One of the other things I want to bring up on the Public Safety end and the tragedy that occurred, I also agree with the helmet enforcement and I reiterate I know I do it with my own children and then thing they are untouchable and it can't happen to them. I sure Katy didn't think it could happen to her. Unfortunately, there is much sadness. Cool or not cool, it is important to wear your helmet. Make sure you reinforce that when your children walk out the door and get on their bikes. On the other end I would like to talk about putting on the agenda for September, it is something that I have been working with for many years, it is also supported by the Department of Health and Human Services, September is National Alcohol and Drug Addiction Recovery Month. This year's theme is join the voices of recovery. Together we learn and together we heal. It emphasis the use of all available in our communities, on the internet to educate the disease of addiction. Seek help and heal. We will be taking it up in the next meeting with the Community Watch. I would like to ask as like we did with Turn the Town Teal and some other things that we put this on the agenda for the September meeting to adopt this theme for this year. I will give the package to the Administrator. I would also like to congratulate Chief Hilling for all of his service and time here as well as the new promotions of Captain Williams and Lt. Larson. I am certain that you will do an excellent job as you move forward. Congratulations to you as well. One of the things I would like to thank everyone here for is we had our National Night Out on August 4th and it was very much a success. There are many people that need to be thanked. Too many to do this evening but I can tell you that the resident coordinator who is here this evening, CJ Sabosik and the outstanding job that you did along with the team is commendable for a very well run event. We did have people out from the Department of Community Affairs that night and they checked our rides and they checked a bunch of different things and they found it to be one of the best run events they have seen. Thank you for that. I also wanted to thank "Let's

Dance and Sandra Altrich who had performances that evening. These young ladies did a wonderful job and I wanted to thank them personally along with Antonella Barba who came out and did performances for the evening as well. Our Rotary, our Chamber of Commerce, Ocean First Bank and all of the sponsors that participated in the program, our vendors, our emergency services, our food, radio and performances. We had 98 participating groups. We had five towns participating that night and it was a great community, unity event. We will look forward to next year's event. I also want to thank DPW, David and your Staff, those members that have donated their time that will not be charging. The Police Department and the Officers that have donated their time, thank you. Our Board of Education for the busing and bus drivers, thank you. We are very much grateful for everyone who participated. Outside of that we have a Neighborhood Watch Meeting next Wednesday, the 26th at 7 p.m. here at Borough Hall. End of Report.

Mayor Konkus: I have an update from the Ocean County Health Department. It says on August 5th of this year the CBC changed its recommendation in the amount of time people with flu like illness should stay away from others. The new guide lines indicate that people with influenza like illness should stay home for at least 24 hours after their fever is gone. What they mean by that is without fever reducing medications. The fever is having a temperature of 100 degrees F or greater. This is a change from previous recommendations that ill persons stay home for seven days after illness on set or 24 hours after the resolution of symptoms. This applies to camps, schools, businesses and other gatherings where people are not at increased risk. If people are at increased risk they will leave the decisions up to the local community level, the local authorities and County Officials. That is all I have so at this point I will turn the meeting over to Council President Rogers for Open Public Session.

OPEN PUBLIC SESSION – 5 Minute Limit Per Person

Ms. Rogers, Council President read the following ordinance.

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

MOTION: Open the meeting to the public Mr. O'Rourke

SECOND: Mr. Leitner

APPROVED: All in favor

CJ Sabosik, Point Pleasant Community Watch Resident Coordinator, 1415 Rue Mirador: On behalf of the entire Community Watch we would like to express our sympathy to Katy's family. Also, to let you know that previous to National Night Out we had already worked with the police department and our next project is actually bicycle safety and helmets. That is our next aggressive project we will be working on. I have to statement I would like to read. I would like to personally thank Mayor Marty Konkus and the Council members Rogers, Dikun and McHugh for their non partisan support and participation with National Night Out. It was a huge success. It would have not gone off without all of the help from Public Works, David's office, the police department, Fire, First Aid, and all the volunteers and all the vendors. A little refresher for everyone on how the Point Pleasant Neighborhood Watch came about. In the Winter and early Spring of 2007 the Town of Point Pleasant Borough was experiencing a large increase in vandalism, violence and increasing problem areas. Residents of the town had come before Council to express their concerns in looking for solutions. Sue Rogers was Council Chairperson of Public Safety at that time. A Public Safety Meeting was called with the Police and Police Participation including Chief Hilling, Captain Williams, Council representation and many town residents. They discussed the issues and

possible solutions. After the public safety meeting, Public Safety Chairperson Susan Rogers contacted Sheriff Polhemus' office and their staff to see if there were any additional suggestions on how to deal with the Borough issues. She was made aware of the National's Sheriff's Department Neighborhood Watch Program. Councilwoman Rogers was made aware that Point Pleasant Beach was just starting a watch and Toms River had a Watch Program that was up and running and very successful. She was invited to both programs to see how they operated. Councilwoman Rogers then came back to our own Borough Council with all of the information and ideas. In the Spring of 2008 the council unanimously voted to adopt the National Sheriff's Association Neighborhood Watch Program. The Point Pleasant Neighborhood Watch of the PPNW was established in July of 2008. I was asked to be the resident coordinator in August of 2008. I gladly accepted after researching the program. The National Program started in 1972. It was a non partisan program of citizenship involvement. Being a registered nurse with emergency room, trauma and Red Cross Training it was a way for me to give back to my community. Imagine my disappointment in Councilman Leitner when he released his verbal at the July, 2009 Council Meeting, seven days prior to our Point Pleasant Neighborhood Watch's largest event and undertaken. You have never been to a Watch Meeting, have you Councilman? It is your job as Chairman of Public Safety, is it not?

Mr. Leitner: We have a liaison.

Ms. Sabosik: You have never contacted me directly, you do not need

Mr. Leitner: I am going to jump in here for a second.

Ms. Rogers: I would ask you let her finish her statement.

Ms. Sabosik: You do not need to jeopardize our program when you do not complete your own obligations as Chairman of Public Safety. You are a member of the Point Pleasant Neighborhood Watch, are you not? I have your signup sheet right here from Ocean Road back to school night. Prior to making all of the allegations did you think you would come to get the facts? My phone number is on the web site, the Police Department, Captain Williams has my number. I am also listed in the phone book. Since you have so many concern in your mind with all of the problems of the watch why would you have not contacted me as your resident coordinator? You are part of the program. I understand your concerns were addressed by our Mayor, some Council Members, Attorney Jerry Dasti, and Dave Maffei eleven days prior to the July Borough Council Meeting and you still did not contact me. As for Councilman Kaklamanis you have had several conversations with me about this program. I told you over and over again that I am not political and there is no room for partisan politics in this program. All residents of this community should expect to be in a peaceful community. You are a retired police officer in this town and you say you are a man of the people. Yet when Councilman Leitner went on his unfounded tirade you did not stop him. You have known me for eleven years and my husband and his family for over 30 years. Yet you failed to stand up for my integrity and I question why? The Point Pleasant Neighborhood Watch has been doing some research and so far every watch we have looked up meets in their Borough Hall due to the Police affiliation. As for the 501c application, it takes three months and it was in the process before you brought it up. As for the monies of the Point Pleasant Borough Neighborhood Watch we have full disclosure. There are three people on the account. Not one. It was opened by more than one person. Get your facts straight. Councilman Leitner, I think you owe Councilwoman Rogers, Detective Hill, myself and over one thousand families an apology.

Mr. O'Rourke: I do not think so. He did not say anything bad about the Community Watch. You should have listened to the tape.

Ms. Sabosik: I did.

Mr. O'Rourke: What he talked about was the fact that you hadn't crossed your t's and dotted your I's yet. He saved you by having this all done after the fact.

Ms. Rogers: I take exceptions that you say we haven't dotted out i's and crossed our t's.

Mr. O'Rourke: Where were your 501c discussions in your meetings?

Ms. Rogers: If you came to them you would know. You are going to give her the opportunity to finish her statement.

Mr. O'Rourke: Finish a statement that is incorrect.

Mr. Kaklamanis: Let me say something.

Ms. Rogers: Point of order, point of order.

Mayor Konkus: The Council President is running this portion of the meeting

Mr. O'Rourke: According to our ordinance a Council President can't run an open session.

Mr. Connors: Mr. O'Rourke is correct. The Mayor presides over the Public Session.

Mayor Konkus: I have been here fifteen years.

Mr. Kaklamanis: Chris brought up the subject that the organization whether it had a 501c, b, f, and all the other documents supplied, that is what he was wondering was did you have all of those things in order. I sat in on a few of those meetings in the beginning and to my knowledge I thought it was a town run organization. When Chris brought up the questions of having insurance, the proper documents

Ms. Sabosik: We had the insurance.

Mr. O'Rourke: You had the insurance the day before the program. You hadn't even applied for it until it came up.

Mr. Leitner: Let's call that a happy coincidence that when I brought up those issues they were solved.

Ms. Roger: You presume that you brought up the issues and they were solved if you paid attention or participated you would know they were done in advance. That is half the problem Mr. Leitner you make presumptions.

Mr. Leitner: Mr. O'Rourke talked about bullying before and you had brought this up CJ. Ms. Rogers had made very clear and she spoke for the entire Community Watch, whatever the date before our Council Meeting she made it very clear to my reading by an angry e-mail that there was to be no discussion and there was a subtle threat of lawsuit for anyone who dared to bring it up.

Ms. Sabosik: There are three of this doing this and if you have a problem with her come to me.

Ms. Rogers; I would like Jerry Dasti's letter read into the record verbatim on what he said so it can be clear to the public exactly the opportunity you had Mr. Leitner to ask all of these questions. Obviously, you pick and choose what you want to tell people.

Mayor Konkus: Who has a copy of Mr. Dasti's e-mail that we can read into the record? I would like to point out the report you gave Chris was not a committee report it was something you took upon yourself.

Mr. Leitner: Mr. Mayor, it was absolutely clear that there was to be no discussion as per Ms. Rogers e-mail.

Ms. Rogers: Absolutely no. That is an out and out falsehood Mr. Leitner but that is typical of you.

Mr. Leitner: Oh my goodness.

Ms. Rogers: I would like to e-mail read directly into the record.

Mr. O'Rourke: CJ make us move on and get away from this.

Mr. Leitner: Mr. Mayor, only one Councilman should have the floor at a time and that is Roberts Rules. I have the floor. Politics would have been waiting till after the event happened and waiting to see if things got done and didn't get done. I am happy all of those things happened after I brought them up into the light of day. Politics would have been bringing it up afterwards and letting problems arise.

Ms. Sabosik: It takes three months to get and you can't make the government move any faster.

Mr. Leitner: I don't want to debate with you when the paper work could have been or should have been submitted or how long it takes to get a tax ID.

Ms. Sabosik: We are also all volunteers and I work more than one job.

Mr. Leitner: There were issues of insurance, issues of permitting, there were issues of Police Department and Public Work, whether they were coming under the umbrella of the town or not. Again, I am glad, I was there with my family and I think it was a wonderful event and I commend you all. As I said to you, Councilmember Rogers made it very clear that there was to be no discussion of this. Politics as I said would have been letting the bomb fall and then after everything splatters on the ground pointing fingers. What I was trying to do was protect Community Watch. Maybe I didn't do it the way you would have liked or maybe I didn't do it the best way but that what I was trying to do and that was help solve a problem where the line of communication that Mr. McHugh and Mr. O'Rourke talked about and Mr. Kaklamanis talked about had been severed. Somebody had to restart that line of communication. I brought those issue up in the public forum which is the appropriate way to address the entire Council. Leadership, not politics, is bringing those issues up, trying to get them fixed and that is what I did. Dam the politic consequences. Bringing up the Community Watch as a well organized group into a public forum like this you have to except fallout like I am getting. The only consideration I have is not for my political welfare but for the welfare of the town and the Community Watch. There still are problems. Other towns may let their Community Watch meet in their Borough Halls. That is consideration that Council now has to address. We now know that Community Watch is not a Borough Organization. It is a private or citizen run organization. It raises certain issues as to liability. Certain issues as to whom else we have to allow into Borough Hall for meetings. Whether we want to continue that policy or change that policy. That is nothing that Community Watch did wrong but those are things that are on us. I can only suspect that this has been a lot of riling up of people over this issue. I want you to know that my heartfelt was to bring a problem to light so that it could be fixed. Again, I say if you really think it was going to be politics, politics would have been letting the bomb explode and then pointing the fingers. Can I see my application, I am curious about it. This is another thing I am not sure of, I am not sure of who maintains the Community Watch list but this was done at Ocean Road School about a year ago and it has my e-mail address and I also signed up on the web site for community watch. I have never received a single e-mail from Community Watch and I wonder if that list might have been pulled for political purposes. I hope not. I hope it was an oversight.

Inaudible.

Mr. Leitner: I only signed up twice. Be that as it may. Let's hopefully get whatever politics there may be out of this and work together towards keeping this program.

Ms. Sabosik: It is not supposed to be partisan at all. It is for all of the residents.

Mayor Konkus: Mr. Leitner pointed out that he would like the floor given to one Councilperson at a time. He was sharing the floor with Councilperson Rogers at the time. I will give Sue her time.

Ms. Rogers: First of all if Mr. Leitner truly wanted to find out the information he could have engaged Mr. Dasti. Eleven days prior to discussion there was a full e-mail that talked about the 501c, that talked about the bank account, that talked about insurance, it addressed a multitude of issues and Mr. Dasti replied "If you have any concerns, whether it be of legal issue or any other issue please do not hesitate to contact me." Chris I have known on multiple occasions you have had no problem picking up the phone and calling Jerry and asking questions. At the same time, I know Mr. Maffei has been intricately working with the Community Watch as we geared up for the National Night out. I don't think there was one issue or one concern from our Borough Administrator about whether there was insurance for the program, who was paying for the police department because that was very much discussed and all of the obligations met have been paid. We are waiting for the current bill from the Administrator to pay whatever the overtime was. There was never any real issue on that. The Community Watch has been meeting every month for the last year and a half or longer. You know when the meetings are. I dispute that whether you receive the e-mails because I could go back and pull the e-mail traffic on how many times you have been notified about it. That is traceable. I wish we could put into the record Mr. Dasti's e-mail to everyone on this Council. Chris, it was as easy as picking up the phone and asking the question. You did this intentionally for political grandstanding. You know it you had a prepared four page statement. For as much as you were struggling you did not know how to pick up a telephone. Mr. McHugh as you were saying, were you aware of what Mr. Leitner was going to read into the record that night?

Mr. McHugh: No, I was not but since you are addressing me, I said this in private conversations to CJ I know and I have known Chris a long time and I know what his intentions were. I told you that CJ. I know feelings were hurt and it is unfortunate but I know Chris's motive.

Ms. Sabosik: One week before our event.

Mr. McHugh: I know what Chris's motivations were and when he was done with that I knew he was going to take incoming fire over that and he knew before he started to speak that he was going to take that. He did it because he felt it was the right thing to do.

Ms. Sabosik: The right thing to do would be to speak to one of the police representatives or to speak to me.

Mr. McHugh: All the people from the watch worked very hard on this. After all of this, I never thought that Chris's motivations were trying to prevent any problems.

Ms. Rogers: Did you receive Mr. Dasti's e-mail that explained about the 501c and the insurance and that he knew all was in order. Did that trouble you at all or did you have to pick up the phone to call Mr. Dasti to say I was worried.

Mr. Leitner: We have different opinions.

Mr. McHugh: No, it was not something that triggered anything in my mind but like I said now and anytime forward I do not question what Chris's motivations were. I am positive they were not. There is no way anyone can say this is political grandstanding. We need to hit the reset button.

Bob Sabosik, 1415 Rue Mirador, I will keep my comments brief. Something just occurred, Councilman O'Rourke if you want to yell at someone you yell at me, you don't yell at my wife.

Mr. O'Rourke: I am very sorry Bob and CJ I do apologize.

Mr. Sabosik: She volunteered hundreds of hours on this program and she doesn't deserve to be yelled at. I wanted to de-politicize this whole evening. For this event, let's look at this as a business meeting and we are all grown up, men and women. Let's discuss this logic. This organization is not based in Point Pleasant. This organization is across the United States. Even in New England and England. People come together to create a positivity. They work together to make the town better. They have a common goal where they want to give back their energy, their time and their experience. The positivity was ruined by the Ocean Star story on July 31st. Community Watch Program questioned. Councilman Kaklamanis, I went to Saint Dennis very irate and said John, why didn't you stick up for this program and my wife. You said, Bob I didn't say anything it was Chris Leitner. You then said can I give Chris Leitner your cell phone and I said no problem.

Mr. Kaklamanis: Exactly.

Mr. Sabosik: We had numerous phone calls.

Mr. Leitner: Yes we did.

Mr. Sabosik: We had numerous phone calls where I think we talked a lot of this out.

Mr. Leitner: I thought so.

Mr. Sabosik: This evening we seem to have selective recall. Councilman O'Rourke, I am a local businessman, pretty successful. Nice house, nice life. Do you honestly think I would risk losing everything by not having the proper paper work involved. Not having the proper insurance, not having an organization that is safe. I have been in construction for 38 years. I have taken OSHA courses. Do you really have that much lack of faith in the people of Point Pleasant that we would not put on a legal, safe program for the kids.

Mr. O'Rourke: Bob, the week before I started discussing this with Sue about things I had questions about. Frankly, she never suggested that they were being taken care. They got taken care of. You guys are politically grandstanding right now.

Mr. Sabosik: No we are not.

Mr. O'Rourke: If you are not I apologize. If we

Mr. Sabosik: If you want to yell at anybody yell at me. I am not politically grandstanding.

Mr. O'Rourke: Do you understand why I was asking the animal people about their funding and stuff. I didn't want to have these questions come up with them later. I am only here to cross the t's and dot the I's.

Mr. Sabosik: Everything was done proper, safe and according to the regs and rules.

Mr. O'Rourke: It came out real good.

Mr. Sabosik: Thank you. Second point is it is an open book policy. I promise you a fiscal statement. I have it. We don't have time tonight. There are a lot of people out here who worked long and hard. Anytime you want to meet with me or my wife I will be happy to show you everything. Three checks have been written on the account.

Mr. Leitner: Bob, don't misunderstand what I was saying, I never questioned the way the money was being spent.

Mr. O'Rourke: Bob, there was a little question.

Mr. Sabosik: The appearance of impropriety, I have Fortune 500 as customers. I have a lot of people who depend on me to support them by getting them jobs in different locations in 12 states. Any sense of impropriety hurts my company and hurts my rep. I took that as a personal against my family and my name.

Mr. O'Rourke: In the past Bob we have had actions and organizations that have done things under the Borough and they made a mistake and they would have a fund they could not have and so forth. We just wanted to make sure. You are an independent organization. We don't have to know what your funds are. You are going to be a 501c and that makes it a lot easier for us.

Mr. Sabosik: This is not a political situation. This is people giving back.

Mr. Leitner: Some are Borough organizations and some are independent organizations. There are implications to each and there are certain things and certain ways we have to treat them.

Mr. Sabosik: I am quite familiar with the legalities of insurance, overhead factor, responsibility for funds. I have not been on five different boards, including a bank board and not knowing about these things and two signatures on a check, having insurance for that night. What I am shocked about is you did not have the faith in the 900 people in the program? That we would do it the right way.

Mr. Leitner: You talked about the phone conversations we have had and I want to repeat what you and I talked about many, many times. Never once did I intend to state or imply anything derogatory about any member of the group or my lack of faith in them.

Mr. Sabosik: I will take that as a modified apology to my wife and myself. That is all I ask.

Mr. Leitner: If you guys took it that way then I apologize for that. I do not apologize however for bringing these things up because

Mr. Sabosik: I think the timing could have been better. I think your faith in the people of Point Pleasant could have been higher. Really,

Mr. Leitner: It was not my faith in the people of Point Pleasant it was faith in one person in Point Pleasant particularly.

Mr. Sabosik: It was not a one person organization. I gave five trucks that night, I had personal putting up tents. I was the one who came over and gave your kids balloons. I said this is non-political let's have a great time. Jack McHugh and I gave out beach balls. That is what Point Pleasant should be. A town for the people by the people, not two political parties fighting head to head over miscellaneous things that people can take care of themselves.

Mr. Leitner: I think if you choose to paint this in terms of politics that you are unfortunately going to miss some of the truth, most of the truth, of the things that I said and those were not political statements. I would

Mr. Sabosik: One statement I have that I read in the paper was the programs off track.

Mr. Leitner: You not only read it in the paper, I e-mailed you my statement. I do believe that the way the Council has been treated by the Watch Program and I think it was up until Ms. Bee den said something about it in a blog, it was as if it were a Borough organization. That has implications for the Borough and for the Watch and I wanted to protect both. Again, I will accept the fact that all these t's were crossed and I's dotted but it was not until the day before the event that the insurance binder was written and a couple of days before the event that all of this other stuff was done. It is a happy coincidence.

Mr. Sabosik: You know about insurance. You know why it is done the day before. The costs are lower. For every day that policy is in affect they charge.

Mr. Leitner: The fact of the matter is I did what I wanted to do and that was bring issues to light and help protect the Borough and help protect the Community Watch. That was my sole intent.

Mr. Sabosik: My sole intent is I wish next year the week before the event you come out with such a positive story that it is front page news. I saw so many happy faces of little kids getting free stuff. People who could not afford to go to the boardwalk and spend \$200. People spent the whole night for \$20 and walked away with glow sticks, glow glasses, and what every else.

Mr. Leitner: I am glad I was able to solve the problem so it didn't get shut down.

Mr. Sabosik: I don't think it was a problem Councilman. If you want to go for the last word that is okay. Being a businessman I can play all night with you also. There wasn't a problem but in your mind there was. It was solved. Just like Councilman O'Rourke apologized to my wife which I appreciate. John you are a tremendous disappointment to me. Personally as a man. Let me explain why. You have been to my office for the last 25 years at least three times a week. You have not shown your face for the last month. You have not answered a phone call, you have not come to see you. The last time I saw you was at St. Dennis's Church a month ago.

Mr. Kaklamanis: I was there two weeks. My daughter is at college and I brought her down there. My son is out at college.

Mr. Sabosik: High technology is called a cell phone. John, you say you are the man of the people. I am one of the people of this town.

Mr. Kaklamanis: When I was up in Maine I got a phone call and it was questioned to me about the Community Watch and I told the caller in my belief it was a town organization. There were e-mails back and forth that it was not a town organization. All I know is in my mind and my heart without politics involved that it was a town run affair. Low and behold it isn't. Chris did his homework to make sure the town was covered. When I talked to him about it there was not politics involved. Jack believes him and I believe him and he did his homework.

Mr. Sabosik: John, what I am upset about is that you didn't have faith in my reputation.

Mr. Kaklamanis: I never questioned your reputation or your wife's. I think Sue more or less threw your wife under the bus when she said you have to check with who is keeping the books.

Mr. Sabosik: John, you were elected three years ago as a man for this Council

Mr. Kakalamanis: I still am

Mr. Sabosik: No, in my eyes you are a boy because you don't stand up for your friends.

Devon Lutz, 35 Crestview Terrace: Over the past two or three weeks we have been hearing a lot about Katy's accident and I have been around the family since her death and I know them very well. I am getting pretty sick of seeing all of these kids riding around town without a helmet. I have had it happen to me as an experience. Maybe hire a special officer to ride around on a bike and write tickets to kids not wearing helmets or being on the handle bars. Go around to all the parks and deal with this. This needs to happen. It needs to get done.

Mayor Konkus: I don't know if you were in the meeting earlier or not but a Gentleman did address the same issue. I mentioned that I had a conversation with Captain

Williams who is about to become our new Chief of Police and one of the items on his agenda is bicycle safety. He will be addressing this and the enforcement. As Councilman Leitner brought up earlier it would behoove adults to wear helmets as well to set the example. I think we can expect Captain Williams to focus specifically on this item.

Mr. Lutz: I spoke to Captain Williams about this and gave him this offer too. He brought it to you guys. I have heard from town people that this is a very good idea. These officer already have something to do and they can't always be dealing with kids riding around.

Mr. Leitner: It is a great idea Devon. I believe Captain Williams and Lt. Colwell have been bouncing the idea around. The problem unfortunately is budgetary. It is a great idea.

Mr. Dikun: Devon, also, you have a message to convey to your peers. You were in a situation not too long ago, knowing you from the Fire Company, and you have a direct line to the kids and you have a message to tell because you are a survivor of a similar incident that put you in the hospital for a week. Every time you talk to your peers it is a good thing. So continue to do what you are doing.

Ray Golden, 1002 Arnold Avenue, I want to expand on what Mr. McHugh said. When he addressed the whole Council and the one comment he made was he could not imagine what it looks like from outside. It looks pretty pathetic at times. We have a completely republican Council up here and we have had lively moments but this has sunk to a whole different level and I am embarrassed for this. Shaun, you let me down. You changed parties, you have done everything else and we always maintained a good relationship. You let me down and you let a lot of other people down. As Mr. Sabosik said, regardless of Mr. Leitner's intentions the result and about the result was the headline. Hope you learned something from that. If that was not politics it was a very naïve mistake. You don't strike me as a naïve man. Back to Mr. O'Rourke and knowing that that took place and giving away how well prepared you were and how long was it, how many years that the Council President ran the open session.

Mayor Konkus: For longer than I have been here.

Mr. Golden: To be that prepared that means that was calculated which even adds to what I consider an offense. Let me tell you what a good chance that the headline will be Council President's removal requested or something along those lines. As a resident it does no one any good to constantly have Point Pleasant referred to as something unethical at times. You take away from who we are. I have been out of the picture for a few years now but my volunteer credentials are solid. One of the things this town prides itself on was we were involved in the band, in the football games and when we went to away games our sidelines equaled or exceeded the home sidelines. It is who we are. We have no time, if we took as much energy in knocking anything that one individual lines themselves with and put it to working together. Have your disagreements, no one wants a rubber stamp. We want lively debate. Party politics, although they are a reality need to quiet themselves down once the election is over. The Gentleman in the White House I did not vote for but he is my President. Republican or Democrat up there once you are sworn in you are my Councilmen. I am asking you to start behaving like it. Stop the grandstanding, stop the negative headlines. The one thing about the time line and I will address you really quick Mr. Leitner the thing is there was an e-mail from Dasti. Pick up the phone. Do you realize the result of your statement. You had two volunteers, the Sabosiks, they gave everything. What was their reward, their event or their organization reduced to a negative headline. Be responsible. All of you. The mumbling back there is like a Kindergarten debate team. It has go to stop. The private sector is getting wacked. There are no raises, There are furloughs, there are layoffs. We are in a serious situation here. The largest tax bill in Point Pleasant history has just been passed. Where was the alternative plan. If we didn't like one plan where was the other plan? If you don't like what someone is doing where is the other plan. Give use something to choose from

instead of knocking each other off. Shaun, you disappointed me. You are better than that.

Applause.

Randy Titmas, 1117 Benedict: I came here to ask Council for help but I got a tell you, you all are scaring me. But, I am going to ask for your help anyway. You have seen me here before and you know what I am here for. It is 1025 Ocean Road. You brought up a couple of good points tonight, the skate park and the noise, the animals and the disease. I have that in my own home. The police know that kids play on the street on a ramp with the bicycles and the skateboards. Whatever is living in that house, if that house ever comes down, is going to come to live at my house. I know they have been called to court

Mayor Konkus: They are in court now.

Randy: They have been postponing because two months ago when they started going to court first they had to get a demolition permit. They did that a week before court so then they could postpone court. The following month they brought in a bobcat and a pile of dirt the week before court so they could postpone court. Now, they have the bobcat, dirt and a huge thing that knocks down houses and that is sitting there doing nothing. Now, the pool which was always my biggest thing because of the mosquitoes half of it is filled in with dirt and they have to pull the dirt out to drills in the concrete in order for the water to go out. How long will that take them. This is five years. You have to be tired of seeing me. I called Kevin, I talked to Mr. Gardner and they both just tell me they don't know. Mr. Weaver came out Sunday because Saturday night the house collapsed. The Police sent Mr. Weaver out and Mr. Weaver looks at it and says to the Officer, do you have some yellow tape to put around here. They need a fence around it at least. I don't know what I expect you to do. I don't know what I expect to gain from this. I am paying taxes and living next to this. Can you help me? Anybody?

Everyone talking at once. Tape inaudible.

Mayor Konkus: I just had a conversation with our Borough Attorney and in talking with him the legal complications of this case being in court with the possibility of the Borough actually doing the demolition and then assessing the owners. This is something we need to discuss amongst ourselves in further detail.

Randy: How many more months can this go on?

Mr. Connors: I concur with the Mayor and our office is going to look into the whole background of it and speak to the Municipal Prosecutor about the pending complaints and we will also determine if there is another remedy that will allow the Governing Body to take whatever steps are necessary. It seems from the way you are talking is it is a health, safety and welfare issue. There is a statute pertaining to unfit buildings and I have to read the ordinance.

Randy: I appreciate your help. Thank you.

Marty Murdock, 1621 Blue Herring Court: I am also a business man. I am a partner of Bob Sabosik. There are a couple of thing I want to say. Councilman McHugh, what you brought up about the Chamber of Commerce is probably the most enlightening things I have heard from this Council in a couple of years. As part of the business community I want to thank you for it. I think that is a very positive move and it is something that needs to be done. It helps to send a message that the town is friendly to business. I know that the town is friendly to business but it doesn't come off that way. Perception is reality. I am also a member of the Community Watch and I wanted to talk to Mr. Leitner about Perception being reality. I did feel a little offended. I work hard for the Community Watch and I took it personally. I spend a lot of time and I don't get paid for that. I am a volunteer. What I do pay for is I pay dearly to live in this town. I like it in this town. I hope I can stay in this town for a long time. I don't know if I can. The taxes keep going up and we need your help on that. Right now, I agree

with another thing Mr. McHugh said, you guys are acting like children. We need your help. You are not building confidence here. Help us. It used to be lively when it was just the republicans. We got some Democrats and it livens it up a little bit. I noticed that. Try to stay on point. We need you all working together. I am a republican. My son likes to say I am to the right of Attila of the Hun. I have conservative beliefs. When it comes to the town, I don't care if you are a republican or a democrat. I need you working for us. Let's drop the politics and work to make this town as good as it can be.

There is an awful lot of negative energy up here. We have a subcommittee for the Community Watch has called graffiti. Come out on a Saturday and we will let you scrape stickers off signs. Let's make it positive. Thank you.

John Morra, 81 Beaver Dam Road, I just wanted to say I am the past president of the Point Boro Rotary Club and we do a lot for the town as does the Community Watch, as does the Sabosiks. They organized this whole event. As a business man I agree with everyone else who has spoken. We need you support. I have not been to a Council meeting in years. We have already been to kindergarten. You guys have to get together and work together. We are part of the community that are supporting different organizations. If we can keep it together we can make this place a very good place. I have three little kids that I am raising. My first one is going to Middle School next year. I hope we can all set a good example. Thank you for your time.

Laura Bee den, Spruce Street: It was a tragedy when that little girl was on the bike. I talked to Larry Williams because I live by the school. I know how kids ride their bikes and I do believe helmets are important but I see them riding double on the handlebars all of the time. I almost hit one about a week before this accident. Larry Williams explained that we can't enforce anything to stop the riding double. Even if you had an Officer riding around on a bike what are you going to do. I hate to say that we need an Ordinance but they don't have a license so you can't take it away. I would suggest confiscating the bike and talking to the parents. What do you do to make it safer. Not just helmets, riding double on a bike which is really dangerous.

Mayor Konkus: Captain Williams told me he will tell the troops to stop the practice when we see it. We can't have a cop on every block.

Anita Waterson, 408 Claridge Court: I was here in May and I gave you a title report about the property, the Westside Tavern property, Frank's Barber Shop and the Law Firm. Since that time, I am sure that everyone read my report. It was very detailed. It had survey's and property lines. Since that time I have been in touch with the former owner and she has informed me there has been a letter from the State and that Mr. Dasti and the Code Enforcement Officer, Mr. Burke have been out to the property and there were some proposals that were made. A possible remedy. At this point I would like to address that because I think it is somewhat of a smoke screen. Before everybody goes off in that direction it is important that we really understand the facts. Maybe my report wasn't informative enough. Maybe I didn't drive the point home enough. If I did I am sorry for that. I will take a couple of extra minutes to explain that. What they proposed to do was to get the State to sell the abandon roadway which is not an abandon roadway. An abandon roadway is when it is given up in its entirety. This does not constitute an abandoned roadway. The property owner of Lot 1 needs it for active, the Barber Shop needs it for active. The Pizzeria has a dangerous situation. The practical aspect of getting the State to sell to the County or relinquish to the County and then the County give it to the Borough and the Borough sell it to these homeowners.

Mr. Leitner: We cannot enforce rules on State property and it is State property.

Ms. Waterson and Mrs. Geroni both explained the rest of the problems at the property and the Mayor and Council will continue to look into this with the State and the County.

Cortland Coleman, 1233 Woods End Road: I live at the end of Woods End Road and I have been the victim of a break in to my vehicle twice. One time several hundred dollars of electronics stolen, another time I had a sensor light and alarm and the alarm

went off and they ran down the road. We have an issue of criminal activity on Woods End Road and here is why. If you take a drive down Bay Avenue and turn West onto Old Farm Road, Woods End is the first right hand turn off Old Farm. We are technically a dead end for vehicles but we are not a dead end for foot traffic. Our road dead ends at the back of the Lutheran Church that faces Route 88. Folks can easily access our road and that Church property from Route 88. I feel like because we have easy access to a main thoroughfare it is an easy way to smash a window or grab something and get out to Route 88 and get away with it. I brought that issue to Councilwoman Rogers and she asked me to get involved. I have been involved and I will remain involved. I think partnerships like that are a very important part of our town. I would ask the Neighborhood Watch Group and our Police and this Governing Body as well to look at these neighborhood issues as it relates to crime and quality of life. I have a small child on my street, we have neighbors with two small children, across the street they have three small children. The thought that are cars are being broken into and that our privacy and our rights are being violated, that is how it feels. Perception is reality. We are lucky enough to share our street with an Officer from Point Pleasant Beach. He would be happy to coordinate with you to address the issue. I do want to bring up the issue because I feel it is important and every neighborhood has their own set of issues and due to the way our road is configured and the way the dead end is configured and how we back up to the Church and Route 88 we have our own unique issues and I just wanted to bring them to this Council's attention. My neighbor across the street with the three children, his Dad lives a couple of blocks down and they have had similar problems. I believe they are related to some degree. I would like to see some attention focused on this and I will still be involved with the Neighborhood Watch so we can move issues like this forward and create a safer community. I thank you for your time.

Lisa Bette, 3721 River Road, The issue of safety has come up many times tonight. We need to take it to another level. The last six months I have been driving around time more frequently than when I was working. I am finding something that aggravates me to no end. People on their cell phones, kids on bicycles talking on cell phones, texting on their bicycles. I read the paper last week and I find out that because of a \$6000 grant from the State we are having a two week police patrol. We can't do this on a regular basis? For \$500 a day if you give tickets out to people we could pay for that in no time. Let me explain to you that the cops don't even have to leave the property. They just have to come out and stand outside the door and they could be giving out tickets. I am sitting there and saying in 15 minutes they could make \$400. Where are they. I am not saying they are not doing what they need to do but apparently we are not putting enough effort into it. I am sorry you have the best tool and you probably don't even realize it. We renovated the Bay Avenue traffic light and we now have cameras. I just talked to the Police. The camera has access by the State. Why can't we. What are they using it for. They are using it to say you ran the red light and I am giving you a ticket. Please explain to me why we can't do the same thing for the people taking on the phone 24/7 with that camera going on. Let me tell you if you put a camera on Bridge Avenue and 88 or any main intersection. You could pay for those cameras in no time at all. If you want to talk about safety get off your butts, get them off their putts and do something that will pay for it. I don't want you spending any more money than you need to. But if these are things and trust me I know the \$150 ticket that somebody is talking on their cell phone, I am sure the majority of it is going to the State, going to the County and I don't know what we get out of \$150 but please tell me. If you need to raise it to \$250, there are people in certain towns that will not even bother putting their phones on because they know if they get stopped they are getting a major ticket. Raise it more. It will pay for those cameras. The other thing too is at this point you could have people, as the young boy said get people to monitor, you could pay people to stand on a corner in a 45 minute trip that I make around town to do errands I could come home with ten tickets at \$150 apiece. I could make a week's salary in a day.

Mayor Konkus: I don't know about the math but I will share this with you. You saw that we appointed a new Chief of Police.'

Ms. Betti: He better take a vacation because when he gets in the new job he will wish he did.

Mayor Konkus: Part of my conversation with him prior to this being on tonight's agenda was that we as a Governing Body unanimously don't want to hear excuses, we want enforcement. Let's give him a chance and see how he performs and what he comes up with as far as a fresh approach.

Ms. Betti: The other thing is it doesn't make anybody look good and then you advertise it so now for the two weeks while you have a \$6000 program from the State people will know stay off the cell phones, call a cab, why notify people that you are going to pull them over.

Mr. Maffei: That is actually a requirement of the State that there be public notification of the grant and what it is for. That is required.

Ms. Betti: I just cannot agree with talking on cell phones when you are driving. I am very concerned with the attitude that we are going to watch these kids talking on cell phones on their bicycles. A kid on a bike can hit someone but a car will kill someone. I have been for the last six months annoyed to drive around this town and see these kids and people driving on cell phones. What are we doing. We are not doing anything to protect the people of this town. Today I am driving over the Canal Bridge and I see a kid under the age of 14 not only no wearing a helmet but on a cell phone. I said to my Mother we are going to drive by Quick Check and if there is a cop there I am pulling in to tell him to go pull that kid over. There was no cop. This is the thing that is just annoying. I would hope that Chief Williams does a good job and puts something in place to make it . I don't care if you charge \$500 a ticket.

1301 Bay Avenue: I would like to call your attention to the intersection over by Dunkin Donuts by Ocean Road School. This is a major hazard for people riding down the hill down Route 88 towards the school. It is a nightmare.

Mr. O'Rourke: The DOT is working on it to design how to rearrange the intersection. Roger Pyrtko brought this up years ago.

1301 Bay Avenue: I had gotten an e-mail from a Girl Scout Teacher who was irate about the passing of Kate. She suggested and I wonder if instead of tickets they could be remanded to community service. I did want to comment to Mr. O'Rourke, on a statement that you made in which I believe you said in reference to the County leaving the Borough hanging by closing the inspection department I know that programs are not run in the negative. That is what occurred in the County Inspection Department with the drop in permits and fees, the salaries and operating costs exceeded what they brought in. I am sure you would not fund a negative run department. That is what occurred as well as the time frame of the notifications.

Mr. O'Rourke: The Construction Department, the fees can be raised so they pay for themselves. The County could have done that. The point I make is the shared service, the County is the Shared Service. All of the towns were sending all of that money we were collecting to them. We didn't even get our money back. All the permits we paid for that they didn't service when they made that switch. We never got our money back. They took it. Our tax dollars. The permit fees gone. Ray Golden hit it on the head, I am quiet and I am never loud and Sue really got me going last week with some of the e-mails going back and forth. When you saw this Council President garbage it was just me being aggravated. I am sorry. I usually don't let it get to me. I am sorry. It is not as bad as it seems. The last meetings have gone past twelve o'clock.

Ms. Rogers: I want to set the reset button. I want to extend to Mr. Leitner a reset button and move forward.

Mayor Konkus closed the public session. Our Administrator and our Borough Attorney are advising me that everything that is listed for Executive session tonight has been either taken care of or can wait until the next meeting.

MOTION: To adjourn

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

ALL IN FAVOR.