

COUNCIL MEETING

TUESDAY – SEPTEMBER 1, 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 Leinter
Council Member:	John McHugh Jr.
Borough Attorney:	Jerry J. Dasti

DAVID A. MAFFEI, MUNICIPAL CLERK/ADMINISTRATOR IS ALSO IN ATTENDANCE.

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

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

- A. PROCLAMATION
1. National Alcohol Addiction Recovery Month, 2009

***PROCLAMATION
NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY
MONTH
SEPTEMBER, 2009***

WHEREAS, treatment and recovery improve the community's welfare and provide a renewed outlook on life for those who struggle with substance use disorders and their family and friends; and

WHEREAS, 23.2 million people aged 12 or older in the United States needed treatment for a substance use disorder in 2007, and 5.4 million adults also suffered from a concurrent mental illness; and

WHEREAS, studies have indicated that 8.9 percent of people who made an effort to get treatment, but did not receive it, were concerned that receiving treatment might cause neighbors or community members to have negative opinions of them. However, most say they would not have a negative opinion of a relative or friend in recovery from an addiction; and

WHEREAS, resources exist online and in our community to increase people's awareness about how substance use disorders affect children, families, and our society; and

WHEREAS, such education is essential to overcoming misconceptions and achieving long-term recovery; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Point Pleasant Municipal Alliance and the Point Pleasant Neighborhood Watch Program, invite all residents of Point Pleasant Borough to participate in the 20th anniversary of **National Alcohol and Drug Addiction Recovery Month September, 2009**; and

NOW, THEREFORE, I, Martin C. Konkus, by virtue of the authority vested in me as Mayor of the Borough of Point Pleasant and on behalf of the entire Borough Council, do hereby proclaim the month of September 2009 as

National Alcohol and Drug Addiction Recovery Month

in Borough of Point Pleasant and call upon the people of Point Pleasant Borough to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "**Join the Voices for Recovery: Together We Learn, Together We Heal.**"

*Witness my hand and the Official Seal of the Borough
of Point Pleasant this 1st Day
of September, 2009.*

MARTIN C. KONKUS, MAYOR

B. OATH OF OFFICE

1. Police Chief – Lawrence Williams

Captain Williams was administered the Oath of Office by David Maffei, Municipal Clerk/Administrator to become the Chief of Police. Mrs. Williams and their children held the Bible.

2. Police Captain – Richard Larsen

Mr. Maffei also administered the Oath of Office to Richard Larsen as Captain of the Police Department.

C. 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"

**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

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS

Forked River, New Jersey 08731

Mayor Konkus opened the meeting to the public.

Jeff Smith, 3202 River Road: I am assuming this will replace the old communications tower?

Mayor Konkus: Yes.

Motion: Adopt Ordinance

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

2. Ordinance Establishing "Trap, Neuter and Release" Program in the Borough of Point Pleasant

**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**

WHEREAS the Mayor and Council of the Borough of Point Pleasant Borough (the "Borough") are aware of the problems in the Borough caused by a large feral cat population; and

WHEREAS, feral cats are cats that are significantly or completely unsocialized and not adoptable as companion animals; and

WHEREAS, there are no facilities in the Borough or the County of Ocean to address issues created by feral cats; and

WHEREAS, the population of feral cats has been increasing in the Borough; and

WHEREAS, communities throughout the United States have

determined that the practice of trapping and euthanizing feral cats is not 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 Dispositions 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

Motion: Adopt Ordinance

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Mr. O'Rourke: I read through the ordinance and the Point Pleasant Beach ordinance has quite a few loose points. I hope the suggestions I make tie those loose points up. This group does not exist yet and according to our Borough Attorney it was suggested we leave it to the next Council to look and see how things are going and if we need to make adjustments. This group does not exist yet and we will be relying on this group to do the work of this ordinance. The question I would have is this is a group that is not part of the Borough family so they would have to become a 501c to raise funds to pay for their activities. We will have to work closely with this group. We don't want any confusion about how this group operates. If it is a group within the Borough, I hope the Council and the Mayor have had a chance to read through this and would agree that this tightens up the strings.

Mayor Konkus: Shaun, I think you did a really good job of making it easier to understand. I do have a few questions. One of the most important things is I would like the effective date of the Ordinance to be January 1, 2010 or later. I spoke with our Administrator earlier today and he said our Animal Control Officer had a concern because of the rabies epidemic. He is hoping by January 1st things will show some trend as to where they are going. His recommendation was to have Mr. Dasti revisit the ordinance and get some correct termination for the shots.

Mr. O'Rourke: You really have to worry about exposing volunteers to rabies.

Mayor Konkus opened the meeting to the public concerning this ordinance.

Laura Beeden, Spruce Street: Councilman O'Rourke, have you lost your marbles. This is absolutely insane. I understand sort of, I know that you don't like cats. You like fish. A stray dog is a dog that doesn't have an owner. When I call about a dog that is running down the street I don't call about a stray dog I call about a loose dog. Especially, if it has a collar on. If there is a cat out

there that has a collar on, a lot of them do, it is not a stray. I take offense at that part. Ten days is very short to have someone trap a cat and euthanize it, which I assume you are talking about. If you are going to remove it from the colony where are you putting it? How many people come to Council Meeting complaining about cats. I don't see them at council meetings. I think you are making this much more difficult than it has to be. We do not have feral dogs. We do have feral cats. Do we have bad cat owners, yes.

Mr. O'Rourke: You don't like the words stray cat.

Ms. Beeden: You are going overboard with the vaccinations.

Mr. O'Rourke; I am looking out for the humane treatment of these cats. If they are going to be put in a colony, I want them protected from the normal diseases.

Ms. Beeden: You don't want them on your property.

Mr. O'Rourke; I want them protected from normal diseases that they would be protected from if they were in someone's home.

Mr. Kaklamanis; Ms. Beeden, instead of the ten days what would you think appropriate?

Ms. Beeden: Thirty days.

Mr. Kaklamanis; I am happy with thirty.

Mayor Konkus; I am happy with thirty.

Robert Haugh, 1207 Brown Street: The question I was going to ask informally here is if the licensing issue and this issue I have some questions about both of them and one is related to the other. I am glad that you separated them because there are some significant differences between licensing and the other issue. When you get to the point of the licensing I would like to come back up. This to me is a blast from the past. I remember back in 1984 when this issue was coming up whoever wrote this ordinance could have gone to Dan Popovitch's office got the exact wording without going through any trouble to redo it. It didn't happen back then for a simple reason because the licensing of the cats was specifically the purpose of that was the cat owner would be required to get inoculations for their animal before they could get their license and in order to obey the law that would become part of the process so that your cat would be inoculated. The thing that was disclosed at the time was people had the idea that if you inoculate your cat it would protect humans in some way and it was disclosed at that time if your cat or dog has a confrontation with a raccoon that is rabbit and they come home even though they had the

inoculation they can carry that disease to you. They dropped the idea about licensing the cats because that was the only issue. Is there another reason you want to license the cats then so be it. I am not up here to influence anybody to change what you are doing but I would like to see the public notified that just because this ordinance passes it does not mean we should have false hope that you are not going to get infected by your animal if they travel where the raccoons are. I think the public should be notified so we don't have false hope.

Mr. O'Rourke: That is a really good point. That even though an animal has been vaccinated there are certain diseases that can be persistent. If an animal that has been inoculated and bitten by another animal and the rabies virus may be present but not for a very long period of time. The vaccine will protect and kill it in the animal but for a short period and you never know when you are picking up an animal that you don't know what it is.

Mr. Haugh: The other thing is when you are talking about inoculating cats for diseases that might spread, where cat feces comes in contact with a pregnant woman she could have a serious problem with her fetus. That was a scary thing that was discussed in 1984 by Al Clericuzio. The public should know we are not giving them any false hope by adopting these ordinances. They need to know that they are still in danger.

Mr. O'Rourke: That particular think I looked up, it is not that I don't like cats, I just don't like them on my property. What you point out is important.

Mr. Haugh: Rabies is not going to go away because your cat is inoculated.

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

Ms. Rogers: Yes with the accepted amendment.

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES:

Yes

Mr. O'Rourke: I hope this works.

3. 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. The registration tag furnished by the Board of Health shall be maintained by the owner and made available for presentation upon request.
- (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. The registration tag furnished by the

Board of Health shall be maintained by the owner and made available for presentation upon request.

(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 1, 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

Mayor Konkus opened the meeting to the public.

Dennis Vitkauskis, Foster Road: Laura was right, I have been here I don't know how many times throughout the years about having cats licensed. I hope you approve it. Normally, the dog census takes place in the summer time. If we pass this are there going to be a cat census.

Mr. O'Rourke: We need to fund the TNR program and the TNR program is going to try to fund itself. This is an opportunity to buy a little sticker and help the Animal Control.

Mr. Vitkauskis: My question is will the census takers ask about cats too.

Mr. O'Rourke: This ordinance is not going to be enforced by someone knocking on the door to see if you have a cat or dog. It will be enforced by someone being responsible.

Mr. Vitkauskis: During the summer we have the dog census, are they going to ask about cats too?

Mr. Kaklamanis; If they are walking around they can ask about the cats too.

Mr. Maffei: The dog census is required to be done by statute. The cat census it is up to the Council.

Mr. Viskauskis: I just hope you pass this because it is long overdue.

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

MOTION: To approve Ordinance

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: No

Mr. McHugh: No

CARRIES: Yes

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

Ordinance No. 530. An Ordinance to establish by laws to govern the organization and

procedures of the Borough Council for meetings and deliberations. Section 5.

Public Participation. Each member of the public shall keep his or her remarks brief, pertinent to the issues being discussed and shall not exceed a time period of five (5) minutes in order to adequately provide all members of the public with the opportunity to address the Governing Body consistent with good order and efficiency.

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

SECOND: Mr. 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: I am glad to see there is a decrease in the construction project for the Borough Hall. What is the increase on Resolution (225-2009).

Mr. Maffei explained this was a structural problem with the walls.

Mr. Vitkauskis: Number 230-2009 with the Interlocal agreement with Animal Control. Are they going to contribute to the Animal Control's benefits.

Ms. Rogers: They will pay 25% of the costs up to \$10,560 for which they will get consideration of 520 hours be year use of Mr. Neary and anything over that they will be charged a per hour rate.

Mr. Leitner: His base salary is about \$36,000. The \$10,560 is more than a quarter of that.

Ms. Rogers: The Beach would make a call in to the Police Department to dispatch him and it will be recorded how many hours he is used at the Beach.

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

MADE: Mr. Leitner

SECOND: Mr. McHugh

ALL IN FAVOR.

E. RESOLUTIONS

1. (216-2009) Authorize Issuing Request for Proposals for Actuarial Services to Comply with GASB 45

MOTION: Authorize Issuing Request for Proposals for Actuarial Services to Comply with GASB 45

WHEREAS, it is necessary for the Mayor and Council to appoint an Actuary to perform actuarial services to comply with GASB 45; and

WHEREAS, it is the desire of the Governing Body to select the professional appointment under the alternate bidding process that is allowable under the current "Pay to Play" Statutes.

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 Municipal Clerk/Administrator is hereby authorized to advertise and solicit qualifications and proposals for the appointment of an Actuary to perform services necessary to comply with GASB 45
2. That copies of this resolution be provided to the Borough Auditor, all bidders and any other interested parties.

MOTION: Adopt Resolution

Ms. Rogers: I just want to clarify this for the public if you are not familiar with what the GASB 45 is. This is a new requirement coming out of the Department of

Community Affairs. We did review this, the Admin and Finance had a review meeting and this came up. It is one of the comments in the audit report and what this new requirement is to put on our books accrued and payable sick time and vacation time and other liabilities to include future pension and future obligations so it is tied to the financials. This is a requirement and we need to go out and hire an Actuary to come in to do the evaluation for us. There is a system and a formula that is put forth that gets tied into the financial statements.

Mr. Maffei: The primary purpose to the track the extended health benefits that are provided to the employees. For those that are retiring and continue to receive coverage beyond their date of retirement whether it be for life or to a certain period of time. The Actuary has to look at each employee and what their coverage I and how much it costs and what each employee's life expectancy is. That is why we have to have an outside agency. It is through the Department of Community Affairs and normally under State Mandate State Pay the State would be responsible for any new costs that are forced onto the Borough. That is not the case here we have to pay for it. Although it is being dictated to us by the Department of Community Affairs the requirement is actually coming from the Government Accounting Standards Board which is a Federal Agency so the State is just enforcing a federal mandate not their mandate so they will not pay for these costs.

Ms. Rogers: This
MADE: Mr. Leitner

SECOND: Ms. Rogers

Ms. Rogers: Yes
Mr. Dikun: Yes

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

Mr. Kaklamanis: Yes
Mr. McHugh: Yes

CARRIES: Yes

3. (217-2009) Request Chapter 159 Budget Insertion, Alcohol Education and Rehabilitation Enforcement Funds

MOTION: REQUEST INSERTION ALCOHOL EDUCATION REHAB ENFORCEMENT 2009

WHEREAS, N J S A 40A 4-67 provides that the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, THE Borough of Point Pleasant has been granted \$1,206.65 from the Alcohol Rehab Enforcement Fund and wishes to amend its 2009 budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$1,206.65 that will be available as revenue from;

Miscellaneous Revenues

Special Items of General Revenue Anticipated with prior written consent of the Director of Local Government Services:

Public and private revenues offset with appropriations:

Division of Alcohol Education Rehab Fund DWI

BE IT FURTHER RESOLVED, that a sum of \$1,206.65 be and the same is hereby appropriated un the caption of:

General Appropriations:

Salary & Wages excluded from the Cap

Public and private programs offset by Alcohol Rehab Enforcement Fund

BE IT FURTHER RESOLVED, that the Municipal Clerk/Administrator forward two copies of this resolution to the Director of Local Government Services and certified copies by sent to: The Borough Auditor, Court Administrator, Chief Financial Officer, and 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

4. (218-2009) Certifying that Each Member of the Governing Body gas read the findings and recommendations of the 2008 Audit

MOTION: Certifying that Each Member of the Governing Body has Read the Findings And Recommendations of the 2008 Audit Report

WHEREAS. R.S.52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance board has promulgated N.J.A.C.5:30-6-5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local

Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations;” and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Commends and Recommendations, “ as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolutions of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C.5:30-6-5; and

MOTION: To approve resolution

Mr. Kaklamanis requested that Mr. Frenia attend the next Council meeting to answer any questions regarding the audit.

Mr. Maffei will put that on the next agenda

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. (219-2009) Approving 2008 Audit Corrective Action Plan

MOTION: Approving 2008 Audit Corrective Action Plan

WHEREAS, The Department of Community Affairs requires that the Chief Financial Officer submit a Corrective Action Report pertaining to the annual audit; and

WHEREAS, The Chief Financial Officer has contacted each Department Head affected by the recommendations in an attempt to solicit their input as to the proposed time frame and proposed procedures to correct the findings of the audit; and

WHEREAS, THE VARIOUS Department Heads have submitted proposed resolutions to the existing problems and offered a reasonable time frame for accomplishing said corrections

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 Corrective Action Plan, as proposed, be forwarded to the Department of Community Affairs for their review; and

THEREFORE, BE IT FURTHER RESOLVED, That the 2008 Corrective Action Plan be sent to the following interested parties by the Borough Clerk.

1. Auditor
2. Chief Financial Officer
3. Borough Clerk/Administrator
4. Department of Community Affairs

**CORRECTIVE ACTION PLAN
AUDIT REPORT 2008**

DEPARTMENT: CHIEF FINANCIAL OFFICER: Judith A. Block

DEPARTMENT HEAD SIGNATURE: _____

FINDING/CONDITION: #1 – Receipts for construction code fees collected in August, 2008 were posted to insurance reserves in the General Ledger.

\$84,420 was received and deposited to the General Capital Fund for receivables set up in the State and Federal Grant Fund

RECOMMENDATION: All receipts should be properly posted to the Borough ledgers.

EXPLANATION AND CORRECTIVE ACTION: The General Ledgers which are part of the GFM System and automatically post, were not working properly. By the time this was discovered the CFO had to recreate all seven of the General Ledgers by hand. From Sept 2008 to Feb. 2009 there was a problem with the newly hired payroll clerk, which took most of my time, and therefore I was unable to properly review the posting of the ledgers at the end of the year prior to audit.

IMPLEMENTATION DATE: The corrections were made at Audit time and the GFM System seems to be working to date. .

**CORRECTIVE ACTION PLAN
AUDIT REPORT 2008**

DEPARTMENT: CHIEF FINANCIAL OFFICER: Judith A. Block

DEPARTMENT HEAD SIGNATURE: _____

FINDING/CONDITION: #2 – Two old grant receivables exist where the authorization has been expended and the monies have not been received from the state.

RECOMMENDATION: The Borough pursues collecting balances for grants previously approved by the State.

EXPLANATION: One of the grants was never formally finalized by the Borough and therefore this grant receivable will be cancelled. The second one, the Borough Engineer is aware of and is working toward a solution.

RECOMMENDATION: The one grant should be cancelled and if the Engineer is unable to establish the validity of the second grant receivable that also should be cancelled.

IMPLEMENTATION: This is presently being worked on.

CORRECTIVE ACTION PLAN AUDIT REPORT 2008

DEPARTMENT: CHIEF FINANCIAL OFFICER: Judith A. Block

DEPARTMENT HEAD SIGNATURE: _____

FINDINGS/CONDITION #3: Expenses in the amount of \$15,947.67 were incorrectly charged to the General capital ordinance #2007-11. These expenses should have been posted to the inter-local road project due from Point Pleasant Beach Borough.

RECOMMENDATION: All expenditures be properly posted to the Borough ledger.

EXPLANATION AND CORRECTIVE ACTION: The General Ledgers, which are part of GFM System and automatically post, were not working properly. By the time this was discovered the CFO had to recreate all seven of the General Ledgers by hand. From Sept, 2008 to Feb. 2009 there was a problem in the CFO's office with the newly hired Payroll Clerk, which took most of my time, and therefore I was unable to properly review the postings to the ledgers at the end of the year prior to audit.

IMPLEMENTATION DATE: The corrections were made at Audit time and GFM System seems to be working to date.

MOTION: Adopt Resolution

MADE: Mr. Kaklamanis

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. (220-2009) Authorizing Award of Contract for Reconstruction of Cohocton Avenue, Earle Asphalt Co., Total Bid \$200,913.13

**RESOLUTION OF THE BOROUGH OF POINT PLEASANT BOROUGH,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AND
AWARDING THE BID FOR A CONTRACT FOR THE
RECONSTRUCTION OF COHOCTON AVENUE PROJECT TO EARLE
ASPHALT COMPANY**

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 reconstruction of Cohocton Avenue project (hereinafter referred to as the "Project"); and

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

WHEREAS, the lowest responsible bid was received by the Borough from Earle Asphalt Company in the amount of \$149,113.13 plus Alternate Bid No. 1 in the amount of \$51,800.00 for a total bid of \$200,913.13; and

WHEREAS, the bid documentation submitted by Earle Asphalt Company has been reviewed by the Borough's professional staff and found to be acceptable as to form and content; and

WHEREAS, the Borough has been advised by its professional staff that the contract for this Project should be awarded to the apparent lowest responsible bidder, Earle Asphalt

Company, in the amount of \$149,113.13 plus Alternate Bid No. 1 in the \$51,800.00 for a total bid of \$200,913.13, which amount is in conformance with the Borough's budgetary constraints, and also in accordance with the estimate provided by the Borough's Consulting Engineer:

NOW, THEREFORE, BE IT RESOLVED, this 1st day of September, 2009, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough accepts the recommendations of its professional staff and awards the bid for the Project to Earle Asphalt Company for and in consideration of \$149,113.13 plus Alternate Bid No. 1 for and in consideration of \$51,800.00, for a total bid of \$200,913.13.

2. The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

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

- (a) Honorable Martin Konkus, Mayor;
- (b) David A. Maffei, Borough Administrator;
- (c) Judith Block, C.F.O.;
- (d) Wayne R. McVicar, P.E.;
- (e) Jerry J. Dasti, Esq.; and
- (f) Earle Asphalt Company.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Borough Council of Point Pleasant Borough at a regular meeting held on the 1st day of September, 2009, a quorum being present and voting in the majority.

DAVID A. MAFFEI, Administrator/Clerk

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

6. (221-2009) Authorize Award of Bid for Leasing Portion of Municipal Complex for Construction of Cellular Antenna to T-Mobile Northeast LLC – 5 years - \$32,100.00 year

**RESOLUTION OF THE BOROUGH OF POINT PLEASANT
BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING AND AWARDED THE BID FOR THE LEASING OF
A PORTION OF THE MUNICIPAL BUILDING COMPLEX FOR THE
CONSTRUCTION OF A CELLULAR ANTENNA TO T-MOBILE
NORTHEAST, LLC**

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 proposed leasing of a portion of the Borough property located at the Point Pleasant Borough Hall, 2233 Bridge Avenue, Point Pleasant, New Jersey (the "Property") for a the construction of a self-supporting, 5-carrier capable wireless telecommunications 120' lattice tower, and ancillary

wireless telephone support equipment and structures with simultaneous leasing and co-location up to five (5) carriers at the Property (hereinafter referred to as the “Project”); and

WHEREAS, the bids have been solicited by the Borough for the Project on the Property in conformance with the provisions of the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* and the New Jersey Local Lands and Building Law, *N.J.S.A. 40A:12-1 et seq.*; and

WHEREAS, one bid was received in response to the bid solicitation, from T-Mobile Northeast, LLC; and

WHEREAS, the bid submitted by T-Mobile Northeast, LLC, for the five (5) year term was for a rent of \$32,100.00 per year, and therefore in excess of the required minimum bid of \$30,000.00 per year for the each of the five (5) years; and

WHEREAS, the bid documentation submitted by the sole bidder, T-Mobile Northeast, LLC, has been reviewed by the Borough’s professional staff and found to be acceptable as to form and content:

NOW, THEREFORE, BE IT RESOLVED, this 1st day of September, 2009, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough accepts the bid submitted by T-Mobile Northeast, LLC, and awards the lease to T-Mobile Northeast, LLC. The initial five (5) year term will call for a lease payment of \$32,100.00 per year, in addition to a \$3,000.00 one time upfront payment to be made to the Borough prior to the construction.

2. The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

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

- (a) Honorable Martin Konkus, Mayor;
- (b) David A. Maffei, Borough Administrator;
- (c) Judith A. Block, C.F.O.;
- (d) Robert Forsyth, P.E.;
- (e) Jerry J. Dasti, Esq.;
- (f) Declan O'Scanlon, FSC Enterprises, LLC; and
- (g) T-Mobile Northeast, LLC.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Borough Council of Point Pleasant Borough at a regular meeting held on the 1st day of September, 2009, a quorum being present and voting in the majority.

DAVID A. MAFFEI, Administrator/Clerk

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

7. (222-2009) Extending Grace Period for 2009 Third Quarter Tax Payments

MOTION: Extending Grace Period for 2009 Third Quarter Tax Payments

WHEREAS, legislation has been adopted by the State of New Jersey which extends the allowable time for proper payment of tax bills which are mailed at an abnormally late date; and

WHEREAS, said legislation allows third quarter tax bills to be considered timely payment if made within twenty five days of the date of mailing; and

WHEREAS, said legislation also provides that any payment received after the aforementioned twenty-fifth day shall include interest which shall be due and chargeable at the legal rate retro-active to the statutory due date of August 1; and

WHEREAS, the Borough of Point Pleasant is delayed distributing tax bills because of the late date of the adoption of the State Budget and the failure to certify all budgets to date.

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 time period during which Borough taxpayers may pay their 2009 third quarter property taxes without penalty of interest, is extended to September 25, 2009.
2. 2009 Third quarter tax payment received in the Tax Collector's Office after September 25, 2009 shall have interest calculated and charged at the legal rate, retro-active from August 1, 2009.
3. Fourth quarter tax bills remain due on November 1, 2009, with the normal ten (10) day grace period.

Certified copies of this resolution sent to: Tax Collector, Municipal Administrator, Auditor 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. (223-2009) Authorize Salary Increase, Special Activities Coordinator
– Recreation Department

MOTION: Authorize Salary Increase for Dorothy Banner, Special Activities Coordinator

WHEREAS, the annual job performance evaluation for Dorothy Banner has been completed by the Superintendent of Recreation; and

WHEREAS, the Superintendent of Recreation has recommended a salary increase for satisfactory job performance; and

WHEREAS, it is the desire of the Recreation Commission to grant said salary adjustment.

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

1. Dorothy Banner hereby granted a salary increase for a new rate of \$14.40/hr to be paid from the Current Fund effective September 1, 2009.
2. Copies of this Resolution to CFO, Administrator, Superintendent of Recreation, Employee and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

9. (224-2009) Authorize Change Order No. 1, Three G's Plumbing,
Decrease of \$3,518.00

MOTION: Authorize Change Order No. 1, Three G's Plumbing – Decrease of \$3,518.00

WHEREAS, the Borough of Point Pleasant previously awarded a contract to Three G's Plumbing for plumbing construction on the Municipal Building addition; and

WHEREAS, the Borough Architect has recommended that a Change Order, known as Change Order #1 , an decrease in the amount of \$3,518.00 , 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 1st Day of September, 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 # 1 in the amount a decrease of \$3,518.00 is hereby authorized.**
- 2. That the Mayor is hereby authorized to execute same.**
- 3. Copies of this Resolution to: Three G's Plumbing , Chief Financial Officer, Borough Architect, Contract File, 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

10. (225-2009) Authorize Change Order No. 6, G&P Parlamus, Inc., Increase of \$6,559.00 for Addition to Municipal Complex

MOTION: Approve Change Order No.6 - 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 #6 , an increase in the amount of \$6,559.00, 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 1st Day of September, 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 # 6 in the amount \$6,559.00 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. O'Rourke

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

11. (226-2009) Accept Void Check Report

MOTION: Accept Void Check Report

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

12. (227-2009) Accept CFO Report, July, 2009

MOTION: Accept CFO Report, July, 2009

REVENUE REPORT

<u>Account</u>	<u>CURRENT FUND</u>		<u>YTD Actual</u>
	<u>Budget</u>	<u>YTD Budget</u>	
Local Property Taxes	\$		\$ 304,088.69*
Interest and Costs	\$		166,880.99
Non-Categorical Grants	\$		34,777.00
Grants with appropriation	\$		
44,213.79			
Interest on Investments	\$		97,145.32
Other			519,781.71
TOTALS:			\$1,166,887.50
Receipt Deliq. Taxes	\$		
Anticipated Surplus			
TOTAL BUDGET			

8 Months School Tax Levy and 12 months Debt Service – 1/2 County taxes and added and omitted taxes are deducted from total tax receipts (see below)

<u>WATER/SEWER FUND</u>		
Rents	\$	
\$2,265,819.65		
Interest on Rents		23,222.42
Interest	\$	28,834.63
Other	\$	29,910.20
TOTALS \$		
Anticipated Surplus	\$	\$2,347,786.90
Total Budget	\$	

\$25,559,050.75 Actual Collection Taxes to Date
 (19,364,735.01) Minus School Taxes
 (5,890,227.05) Minus County taxes
 *\$304,088.69 Toward Budget

BANK ACCOUNTS
ENDING BALANCE AS OF JULY, 2009

INVESTMENTS:

Current Cash Management	\$131,721.23
Water/Sewer Cash Management	210,353.43

CHECKING ACCOUNTS: OCEAN FIRST BANK

Current	\$ 385,823.65
Current Capital	981,820.92
Water/Sewer	610,948.95
Water/Sewer Capital	1,135,431.97
Trust	91,301.04
Recreation Trust (in the General Trust Account)	28,970.85
Dog Trust	4,235.92
Payroll	*
Public Defender	1,777.75
Escrow Trust	274,492.22
Special Law Enforcement	1,731.11
Open Space Trust	109,148.60
Recreation Trust (New)	129,920.03
COHA	76,104.58

- Not reconciled for July

Motion: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

13. (228-2009) Bills and Claims

MOTION: Adopt Resolution Bills and Claims

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

14. (229-2009) Authorizing and Directing the Study and Preparation of an analysis regarding the consolidation of the two fire companies

MOTION: Authorize and Directing the Study and Preparation of an analysis regarding the consolidation of the two fire companies

WHEREAS, there currently exists two volunteer fire companies the serve needs of the Borough of Point Pleasant with round the clock fire protection services; and

WHEREAS, current economic conditions have highlighted the urgent need to conduct a frequently discussed study regarding the consolidation of the two companies in order to achieve economic efficiencies; and

WHEREAS, such consolidation might increase efficiencies in acquisition and use of equipment as well as valuable manpower resources,

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 two fire companies work together to study and prepare the necessary analysis to determine the feasibility and cost savings of combining the current two volunteer fire companies that exist in the Borough of Point Pleasant.

BE IT FURTHER RESOLVED, that the Borough Mayor and Council will work with both fire companies to provide assistance and guidance to meet the goal of preparing a comprehensive and definitive consolidation feasibility analysis report.

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

15. (230-2009) Authorize execution of interlocal service agreement with Borough of Point Pleasant Beach for Animal Control Services

MOTION: Authorize execution of Interlocal Service Agreement with Borough of Point Pleasant Beach for Animal Control Services

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., authorizes the Borough of Point Pleasant Borough to enter into a contract for the provision of certain governmental services with the Borough of Point Pleasant Beach; and

WHEREAS, N.J.S.A. 40:8A-4 requires such a contract to be authorized by resolution or ordinance; and

WHEREAS, it is the desire of the governing body to authorize the execution of an Interlocal Government Services Agreement with the Borough of Point Pleasant Beach for Animal Control Services.

NOW, THEREFORE, BE IT RESOLVED, this 1st day of September, 2009, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

- 1. The Mayor and Borough Clerk are hereby authorized to execute an Interlocal Government Services Agreement with the Borough of Point Pleasant Beach for Animal Control Services. A copy of said Agreement is attached hereto and made a part of as Schedule A.**
- 2. A copy of the Agreement referenced herein shall be kept on file and made available for public inspection at the Borough Clerk's Office during normal business hours.**
- 3. The Borough authorized 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 Clerk to the following: Honorable Martin C. Konkus, Mayor, David A. Maffei, Borough Administrator, Chief of Police, Judith Block, C.F.O., Jerry J. Dasti, Esq., C.Riehl, Point Pleasant Beach Borough Administrator, M. Ellsworth, Point Pleasant Beach Borough Clerk, N. Heyniger, Borough Registrar.**

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Leitner

Mr. Kaklamanis: I want to make a motion to table this.

Mr. Dasti: We already have a motion to approve this.

Mr. Leitner: I only had the opportunity to read this while I am sitting up on the Dias. I might be missing something. It appears to me that the way this reads that our agreement is any hours in excess of 520 hours a year would indicate per diem. My worry is what happens if in any week Mr. Neary goes into overtime. 25% of 40 hours is ten hours. What if he works 11 hours for the Beach, we would still have to pay him overtime for that. My suggestion would be for that to change the language to reflect that overtime and if the Beach uses more than ten hours a week they would be responsible. Let's say he works 41 hours a week and that one hour is for the Beach. We would be playing the overtime until he reaches 520 hours.

Mr. McHugh: It could be stated that if the Beach uses more than ten hours a week the Beach would have to pay the overtime for that.

Mr. O'Rourke: The wording does kind of say 25% of a 40 hour work week.

Mr. McHugh: You can't refuse him to go over the hours.

Mr. Dasti

Mr. Dasti: I think I understand what you are saying. If he works for this town 40 hours a week and if he only works 400 hours a year for the Beach because they don't need him the Beach still reimburse the town 25% of his salary. We could discuss it with the Beach. Whoever uses him for the 41st hour pays him.

Ms. Rogers: Then are re going to repay the Beach if he doesn't use all the hours in one week? If he doesn't work the 25% they are still giving us the, they are also saying if he doesn't work 420 we are still giving you the \$10,500. 0 to 520 we are still getting the 520 whether he works it or not. If he goes over the 520 then they are paying for it. If he only works 200 or 400 hours they are still paying for the 500.

Mr. Leitner: What is he working now for the Beach?

Mr. Kaklamanis: This is putting the horse before the cart because I have yet to see how the Borough has a contract set up with hours worked in the Borough, what happens with overtime hours within the Borough.

Mr. Dasti: He would go by the Borough Manual, he is a Borough employee, a paid hourly wage.

Mr. Kaklamanis: Is he going to need continued education? During off hours will he be doing dog census? I have yet to see, we are giving him a job and I have yet to see his criteria of his job performance and what he has to do. Basically, we are talking about an interlocal agreement with the Beach and I haven't even seen what his guidelines are within the Borough to work.

Mr. McHugh: He is going to follow the Civil Service guideline for the position of Animal Control Officer which is really extensive. We did work up some situations including he would monitor and be prepared to report on the trap, neuter and release program.

Mr. Kaklamanis: How many hours does he have to work within the year?

Mr. Dasti: 40 hours a week for the Borough times 52. If you wish to enter into a shared service with the Beach he will work up to ten hours a week at the Beach. He might work some weeks nine hours but you are still getting that 25% of his salary. At the end of the year he will have worked up to 520 hours for the Beach. If he works 521 hours for the Beach the extra hour they reimburse his salary and his percs on a quarterly basis.

Mr. Kaklamanis; Before we get involved with interlocal services with the Beach I would like to see the Borough and his contract guidelines because if we employ him full time we are going to give him benefits, holidays,

Mr. Dasti: He will not have a contract. He will be an employee of ours.

Mr. Kaklamanis: Exactly. Don't all other employees work under a contract and guidelines.

Mr. Maffei: If they are in a Union. If they are not in a Union they follow the

Borough Code.

Mr. Kaklamanis; He is non-union, non-civil service

Mr. Dasti: He is Civil Service.

Mr. Kaklamanis: Is he going to be a Department Head?

Mr. Maffei: He is a non union civilian employee in the police department.

Ms. Rogers: Chief Williams will be his Supervisor.

Mr. Kaklamanis; They will be monitoring him, days and nights and 24 hours a day. If he works during the day 8 hours and has to be called out at night is that overtime?

Mr. Dasti: Yes, it could also be comp time.

Mr. Kaklamanis: There again I am saying I would like to see the guidelines.

Mr. McHugh: It will be based on a forty hours week and he will be dispatched and punch a card for everything he is doing to track his time and at the end of every week he is expected to be working 40 hours a week. Some of it will be at night and some of it will be during the day. And weekends.

Mr. Kaklamanis: Is the Chief aware of having to keep track of the hours?

Mr. Leitner: Yes. I think this is a very good agreement. I just think we should do it over a weekly agreement and not a yearly agreement with the Beach.

Mr. Kaklamanis; This is going to cost a lot more to the taxpayers than his fee of \$36,000 a year by the time you pay Civil Service, liability insurance, buy a vehicle and all the percs. The pension systems. There is a lot more than just giving him a pay. Without seeing all of the

Mr. Dasti: You already voted to make him an employee, that was done two weeks ago. He is already an employee as of today. This is only dealing with the sharing of his services and what you are going to get reimbursed from part of the money from the Beach.

Ms. Rogers: The Attorney's for the Borough and the Beach have consulted each other. It is a one year arrangement.

Mr. Leitner: I am sure that Point Beach has done some math to agree to this. I don't think this addresses overtime for us.

Ms. Rogers: I would suspect that Councilman Mercum and their Finance Committee would say they want a rebate back for every hour we don't use.

Mr. Kaklamanis; I have not heard to this day and thing that went on with the Beach and Borough Council or any agreements. This is the first time I am seeing this and it poses a lot of questions.

Mr. O'Rourke: There are questions any time you enter into a shared services agreement. We have not entered into an agreement with another municipality in some time. We will have to do this and see how it works. If it doesn't work out so that neither party benefits we go back and review it again. You have to try it to see if it works well. I applaud Ms. Rogers for going over there and sitting down with them and working this out and I am hoping this will solve a problem in the northeastern part of the County. You will have a person who knows what they are doing working in both towns. Hopefully, there is no gains and no loses. Everyone is neutral. You have to try it to see if it is going to work. This is not a complicated agreement. This is easy.

Mr. Leitner: Perhaps it should be a little more complicated.

Mr. Dasti: I would ask you consider Councilman O'Rourke's suggestion and let this run for a year. Either way this will not bankrupt either town if there is a couple of hours of overtime. I am sure the Chief and whomever takes care of the Borough will be coordinating with each other. Dave will be on top of it. If it gets excessive halfway through the year we will deal with it. We are talking about another municipality and we want to cooperate with them. If the scales get tipped we will talk it out and get it resolved. I would suggest you give this a shot.

Ms. Rogers: With the grant application and the potential consolidation with the building department and court system we still have latitude to incorporate that in.

Mr. Maffei: My understanding is we will be paying Mr. Neary his regular payroll and he will get over time if he generates it. We will be paying for the overtime until the end of the year.

Ms. Rogers: Yes Mr. O'Rourke: Yes Mr. Kaklamanis: Yes, to give it a try for six months or a year. The other question is who is going to be monitoring Jack? It poses a lot of questions and I will vote yes for it but I still have questions.

Mr. Dikun: Yes, more importantly I would like to take a minute. I did a lot of research on this animal control situation. We have all seen the stats and seen what the cost is. What it is increasing every year. Some small communities are paying in excess of \$20,000 for 100 calls a year. Some of the bigger communities are paying into the hundreds of thousands of dollars for animal control. I think for what we are paying the man I think we are getting a tremendous bang for the buck. Dennis brought up a great point earlier about interlocal agreements. It is an unfortunate situation. We have to be the initiator of the agreement. We can't ride everybody's coat tails, if we are going to try these things we have to step up and I think this is the time to give it a shot and try to market this a little more and see if there are other communities that want to join into our interlocal agreement and get into this situation because again if we go to a private contractor I can see this in the future of going out of control in the next five years. If you look up the stats and see the rise across the board in the last five years for small communities like Brielle and Manasquan you could see where this is going so I think we are doing the right thing by moving ahead with this not to mention moving ahead with interlocal agreements with other communities.

Ms. Rogers: Very well said.

Mr. Leitner: I do agree with you Mr. Dikun that the cost of hiring someone other than Muskrat Jack based on other towns would be excessive. We have already hired him. I also agree that shared service agreements are very much the way to go. They are clearly the way of the future and they will save us money. I am not satisfied with this particular agreement as I had said at length. I agree with Mr. Kaklamanis "the element of surprise". I am not satisfied that this properly protects the Borough and I don't think it is clear what the intent is of the two parties. I vote no.

Mr. McHugh: I thank Councilman Dikun for doing the research. It opens our eyes. People may be wondering where the savings are. What we have done here is eliminate the possibility of explosive increases in the costs of animal control in the future by keeping it relatively similar to what we were paying. Thank you Councilman Dikun for doing the research and I vote yes.

CARRIES: Yes

F. DISCUSSION

1. Cultural Affairs Advisory Committee, Historical Sites Advisory Committee

Mayor Konkus: I asked these to be put on the agenda. I do bring these up from time to time for Council's discussion. If you take a look at the September calendar that we all received today you can see what a demand there is on space in Borough Hall particularly for this room. We do have some new people on board who require space such as the Climate Committee. These are two committees that the case of the Historical Sites Committee was too heavy to get off the ground because the restrictions for membership were too exclusive and the committee could never be filled with members. With the Cultural Affairs Advisory Committee, that is a committee that years ago collapsed under its own weight. In the beginning they had some ideas and they did present some programs such as concerts and a Shakespeare in the Park presentation. The members of the committee after awhile had different ideas and they could not jell and find a direction to go in and they wintered apart. These are two committees that are on the books that if they are no longer active I would like to ask Council to consider passing the necessary legislature to remove them so they are not taking space in the code book but other committees will have space in Borough Hall and not have to worry about potential for non active committees.

Mr. Leitner: In January or February we discussed these committees and we had asked for a way to merge the committees into one in such a way it would protect their statutory ability to receive state funding for some things. We felt then and I believe it is still true that there is an active population who would like to be members of these committees and would like to see a lot of these things go forward. I did ask Mr. Dasti about a week or two ago if he could work on that to combine the two committees as one.

Mr. O'Rourke: Mr. Mayor, I read through the ordinance and I could not find anything about the Historical Sites Advisory Committee but I did find the Cultural Affairs Advisory Committee and the positions were so hard trying to fill those, it was trouble.

Mayor Konkus: There is a requirement for members of that committee to also be members

Mr. O'Rourke: If we replaced these with an advisory committee and make it just Cultural and this group working on the cabin perhaps we could do this so they are not just looking for grants and stuff.

Mayor Konkus: Here are my thoughts on that Shaun, as far as historical sites our Open Space Advisory Committee can look into sights. Environmental can apply for the grants.

Mr. McHugh: There is a group of people who have come to me a couple of times saying that we need to do better in looking after the people that are looking after the history of this town. Right now, it seems to have fallen by the wayside. I think we need to pursue this.

Mr. O'Rourke: We are going to need some people to pay attention to that Log Cabin. Those people working on it now are almost a self made committee. We might have the potential here to put a positive thing together. It was difficult last time when we could not get the bodies.

Mayor Konkus: For the sake of argument let me focus on the Cultural Affairs Committee. They are charged with, I have it in the code book, they are supposed to have Founders Day. Basically they are supposed to maintain an exhibit area within the Borough for a display of art work. Other such displays, establish concerts, series and program and bring theatrical and musical performances into the Borough. These things are already happening. We already have the concerts And through Ocean County Freeholders are already providing all of these programs through the Ocean County Library which there is a branch here in town. I am wondering whether we should fund these committees. We could not fund the Halloween Parade this year. Is this a valuable enough committee, should we include this in the funding for next year's budget.

Mr. O'Rourke: If we were going to have this again I would not include that ordinance. We just want advice. We don't want a committee that is going to cost us a lot of money. We want someone who is going to help us. The committee that put the cabin up is the committee we want. They saved us thousands of dollars.

Mayor Konkus: If the Council believes the intent of these committees is something valuable then I think we need to take a look at the ordinances and make them workable because right now they are broke.

Mr. Leinter: I agree. Would it be feasible Jerry to put an ordinance together for the next meeting?

It was decided the form a committee of Bill Dikun, Sue Rogers and Jack McHugh to work on this and come back to Council at the next meeting.

G. AUTHORIZATIONS

1. Manual Checks

MOTION: Approve Manual Checks

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

H. COMMITTEE REPORTS

Mr. McHugh: The only update I have is regarding the Bennett Cabin. Hopefully within a week maybe a little bit more, having the roof shingles put on, they are making progress and it is coming together really well. It looks like we may have to go out to bid for the chinking, which is the material that is placed in between to seal the gaps between the logs. It is a really specialized skill and up to this point all of the work has been done by volunteers or tremendously reduced rates by local contractors who are just trying to recoup some of their costs to do things and that goes for the roofing and a lot of the framing. The electric and the heat are all going to be done at extremely minimal costs. The chinking is something that nobody around here or any other volunteers have any experience with so it looks like we may have to go out to bid for that. We are in the process of reviewing what the bid spec might be with the idea that maybe we can get this done sometime before winter. It would be nice to get this thing closed in prior to the winter.

Mr. O'Rourke: Jack, has anyone contracted the Bennett family?

Mr. McHugh: Mr. Morris has been in constant contact with them and they have been coming down and offering a lot of advice and other things like some of the family has been coming with items that may have at one time been in the cabin. They are very excited. The way the chinking was done in the old days was it was wire mesh and mortar but that is subject to a constant maintenance problem. As the logs swell and shrink the mortar cracks and falls out and you have to constantly repair it. The new stuff is synthetic material and it is done with that and foam and it lasts tremendously longer but it is a very specialized skill. Nobody amongst the volunteers and so far none of the local contractors are ready to take it on. It might be critical to the preservation of it. It might be best to have this done by professionals. End of report.

Mr. Leitner: I want to extend our congratulations to our former Chief Ray Hilling on his retirement. I hope he has a very happy and very long and very active retirement. Congratulations to Chief Larry Williams and Captain Rich Larson. Our Public Safety Committee, we are working on certain road safety issues, particularly North Road. We have gotten some very interesting ideas and we have a long way to go until we get to the solutions. We have been having discussions with the Fire Departments and I want to thank Council for approving the resolution asking our fire departments of looking into the feasibility of consolidation. It is not directing them to do one thing or another but we are directing them to look into it and report back to us. Please note for those of us who have kids next week school is in session and please pay attention to those children riding bikes and crossing streets. There will be a lot more children around. Wear those bike helmets. I have said it a million times and I will keep saying it. The Police Department is writing warnings. Chief Williams showed me some of the yellow warning slips. If anybody needs a helmet the Police Department through Lt. Colwell does have helmets for those in need of one. I do suggest if you cannot get one at the bike store or if you can't afford one whatever the case may be, contact Lt. Colwell and see if they are available. There is another project that Jack McHugh, Shaun O'Rourke and I have been working on with Carl Feltz and Jim Giordano and Bob Forsyth. You may have read about it in the paper on Friday. It is downtown revitalization. We are very excited about it and we think it will do great things for

the town. I think it will do great things for the business community and we also think it will make the town a lot more walkable. A lot more bikeable and bring a lot more foot traffic to the downtown. It is in formative stages and there are still a lot more details to work out. It is in the earliest stages. We are working on the following principals. One is to make Bridge Avenue more business friendly and to increase customer traffic to our stores. The other principal is to make Bridge Avenue greener. More bike and pedestrian friendly. Other than that we don't have a lot of details. In the next few months we will have more detailed sketches. We will want to meet with business owners, land owners, home owners on a block by block basis. When we have concrete details we will present them. The Climate Action Committee is actually finalizing a grant and they have been working with Bob Forsyth on that and I believe part of their focus is going to mesh very well with our downtown green scraping plan which is nice to see those energies at work. They are also working on a preliminary energy audit of specific buildings in town. It will lead to training of people in town and I believe the Climate Action Committees plan is to make that available for municipal buildings as well as residents, first focusing on seniors. End of report.

Mayor Konkus: I am very happy about your new committee helping the business community. I think the Planning Board has done a great job and I think the business community is doing a great job. Thank you very much.

Mr. Dikun: I have no report.

Mr. Kaklamanis: I have some topics here I would like to cover. I was in contact with a Gentleman about the bocce ball court. He mentioned to me if there is any way to see if we could put a canopy or cover over the court because when it rains there is a lot of upkeep. That way it is maintained. I talked to Mr. Forsyth today and from all the feedback the park up to this point has been turned over to the Borough. When can we have a nice formal ribbon cutting to open the Riverfront Park.

Mr. Maffei: Formally the project has not been closed out. There is paper work as far as the Performance Bond and the Surety Bond. It is all paper work. Everything that was on the punch list that was required has been completed. It is now in the Borough's hands.

Mr. Kaklamanis: Let us know when we can have the ribbon cutting.

Ms. Rogers: We want to do it before the triathlon which is on the 26th.

Mr. Kaklamanis: We have the 12th or the 19th. Rain or shine.

All agreed on the 12th.

Mr. Kaklamanis: I make a motion that we have the ribbon cutting ceremony on the 12th of September at 10 a.m.

Ms. Rogers: Second.

Ms. Rogers: Yes

Mr. Dikun: Yes

Mr. O'Rourke: Yes

Mr. Leitner: Yes

Mr. Kaklamanis: Yes

Mr. McHugh: Yes

CARRIES: Yes

Mr. Kaklamanis: We had a meeting this past Monday in regards to the green field at the Riverfront Park. We had an open discussion. Pros and Cons on using that. We will set up another meeting and get Mr. Mazza and some other people from the Rec Commission to have the public address us. We will have Mr. Forsyth sit in. We have to include Pulte Homes Association and make a decision. We want everyone's feedback. There has been poor planning on past Councils and town Fathers on looking into the long term effect with sports and events. Lights are another topic. This has been my baby for the year. The taxpayers and all the residents are happy with it. I am also. I am the voice for the people and the tax payers and for the children in this town. We have to look down the future of the road. We will advertise and have another meeting. I was in contact in regards to the reval going on in town and everything is moving along. The Tax Assessor is monitoring everything very carefully. There have been a few bumps in the road but she is continuing to monitor the reval company. In regards to the skateboard park, I was in touch with Mr. Forsyth today and he is seeking prices and we are waiting for the cost factor on moving some of the equipment for the noise control. It may have to go out to formal bidding. We are attending to that issue also. As far as the Rec Center the progress in regards to the handicapped parking is moving forward. That is moving along. School is open. Drive carefully. Make sure the parents tell the children to wear their helmets. Thank you.

Mr. O'Rourke: We put up a web site last spring and we have gotten feedback since. Councilwoman Rogers and I sat down and we looked it over and did some tweaks' and stuff and we want to make sure that everyone out there understands that we are not out there running half unhogged. If anyone has any questions please talk to one of us.

Mr. McHugh: Councilwoman Rogers went over some of the changes she has been making. The site is consolidated things and categorizing things.

Mr. O'Rourke: There are a number of things on there we want to get done. We need the department heads to get us more information about their departments. I am hoping over time this site will get better and better. There are some good right ups by the Assessor and the Collector. Over time this site will get better and better.

Ms. Rogers: Shaun was concerned about things under construction. Citizens Action requires funding that we don't have available yet that we might be able to incorporate something very simplistic and create the department and the resident would be able to go to the link and say they had a question for public works. They would click on Public Works and it would go to an e-mail format that would go to the Department Head, the Council Liaison and the Administrator and they the resident could express their concerns. We would create a form.

Mr. McHugh: That sounds like it will get the ball rolling.

Ms. Rogers: I would like to create the form and send it out to everyone on Council and give me your input and they we can set it up.

Mr. O'Rourke: About the Bridge Avenue Project it going to require too many cooks to make the project work. We cannot do a revitalization of Bridge Avenue

without the business owners backing it. We have to have a concept plan. They have to go section by section and talk to the property owners. We don't have the funding and the business owners don't have the funding. The rfp's for the COAH are out. Land Use Ordinances how is that coming.

Mr. Maffei: I received a letter from the codification company and I think they are ready to go to print.

Mr. O'Rourke: The Country just lost a Senator and it was a great loss. I have a link to the Kennedy's.

Ms. Rogers: The Administration and Finance Committee met on numerous matters and we talked about the audit report. It was extensive. We also talked about the outstanding grant money that we need to collect on. One is \$600,000 from Green Acres for the park now that we are completed. There is also a Community Development Block Grant that is out there for Rosewood and some joint projects with the Beach that we have to collect on. With the overall debt factor we are in need of moving forward with a bond. This will incorporate old debt, current debt and the fire truck as well. We will be moving forward with the bond for about \$14,752,000. We are in the need of the COAH Plan to upload and the Master Plan to upload. They are two new components. On the Neighborhood Watch, we met last Wednesday. We are finishing up the National Night Out report. We are up for an award. We are gearing up for Back to School and we will be there for Back to School Night. We are taking registration for the Neighborhood Watch. We are gearing up for a holiday gathering. Families in need for Thanksgiving and Christmas. We will also do an awareness walk on September 26th. We are going to walk from the Community Park to the Riverfront Park in the morning.

Mayor Konkus: For the first time since I have been Mayor I was asked this past Sunday if I would attend the installation of a new Pastor in one of our Town's Churches. Pastor Ray Tate and his wife, Pat were installed at the Assembly of God Church here on Bridge Avenue. I have to say I enjoyed the service very much which included guitars and drums. They also expressed a desire to get involved in the community and to do something wherever there is a need. On August 20th I was asked to attend a meeting at Assemblyman Dave Wolfe's office concerning boating safety enforcement. This was brought up by a resident of Brielle. It was a round table discussion and all of the Mayor's were invited. I have correspondence from the American Red Cross which is dated today that says save the date and spread the word. Join the Jersey Coast Chapter as they ride for red and then rock and roll with the Nerds. They are a band. It will be a bike tour Sunday, September 13, 2010 at Sunset Park, Harvey Cedars on Long Beach Island. A barbeque will be held after the bike tour. Normally, I don't read blogs. I certainly don't respond to them. I don't have time. There is a blog here Laura from back in March from Animal Lover too. This is back in March and normally I don't address these things but you talk about something that was my very first rude awakening when I was a brand new Councilman. That peaked my interest and I would like to talk about this because your information is not correct and I know you want to be factual. In your third paragraph it says "A large portion of Point Pleasant's budget is comprised to the police budget. Years ago, when Mayor Konkus was only a Councilman the Mayor at the time with the help of Borough Attorney Jerry Dasti negotiated the police contracts. It was then that you started to see the police salaries escalating quickly. I have discussed this numerous times with Mayor

Konkus.” I don’t remember those discussions other than the fact that we had group meetings after the Council meetings over cocktails and it was people talking about a variety of things. Which police sometimes came up. I am sure that I expressed the same surprise and sometimes frustrations that every citizen expresses upon first learning about the difference between the private sector and the public sector. We certainly did not sit across the table and talk about police matters in a pointed way. We did have conversations in passing in group things. I want to talk about how the negotiations went in general and personally for me. You say here that at the time the Mayor with the help of Borough Attorney, Jerry Dasti negotiated the contracts. In the first year in 1995 when I was a brownie councilman I won election along with my running mate William Schroeder and Bill Fearon was elected Mayor that year. Bill Fearon asked Bill Schroeder and myself if we would be part of the negotiations committee. As a member of the Teamsters Organization, Local 877 up in Linden, New Jersey, I questioned the wisdom of that but I felt I could be completely objective and do my job as an elected official in negotiations. That very first year the negotiations were not handled with the Borough Attorney. It was Mayor Fearon, Bill Schroeder and myself. The following go around with negotiations the Council felt they wanted Mr. Schroeder who was the Mayor at the time, they wanted Mr. Schroeder to go forward solo with the negotiations which he did. The involvement with the Borough Attorney at that time was on an as needed basis. On the third go around after that, the Council decided that they wanted the Borough Attorney to do the negotiations with Council input and that is how it has been ever since. The Council’s input has varied from year to year as Council saw fit. I would like to talk about my personal experience with negotiations. When I was involved with the first negotiations committee we went through the Police negotiations and for the very first time we got them to agree to add two more levels in their longevity so that their longevity pay took longer to achieve. We felt like we made a little bit of headway that year. Then in each following negotiations the Council made more and more headway on behalf of the residents of this town. However, during the first negotiation I wound up negotiating with Public Works. Teamsters. I think they thought with me as a Teamster things would go a little more smoothly. Also, at that time negotiating for them was Fred Potter who I really didn’t know at that time. I didn’t realize he was a big player in the Teamsters International. Apparently, things were not going as smoothly as our local unions had anticipated. One day when I went to work before we went out on the job and my union president said to me that he got a call from Fred Potter and he asked what they could do to put pressure on you to affect negotiations in Point Pleasant. That was the rude awakening and the first one that I had as an elected Official. I came back to town and took time to think this through. From that Point and after as a Councilman I abstained on any negotiation matters that involved the Teamsters. Then I became the Mayor and as the Mayor in negotiations whenever the process stalls I tried to keep it moving and I provide background information and historical information as to how things went. I have taken a backseat ever since then because I felt if Mr. Potters arms were long enough to reach into the politics of the North Jersey Union which is 877 out of Linden and affect what is happening in Point Pleasant that it would be best if I took a back seat.

Councilman Leitner is outraged and left the proceedings.

Mayor Konkus: I just felt it was necessary to talk about my involvement. I did take the back seat because I was compromised by the pressure that was put on my by my Union. That is all I have to say.

OPEN PUBLIC SESSION – 5 Minute Limit Per Person

OPEN PUBLIC SESSION – 5 Minute Limit Per Person

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

SECOND: Mr. McHugh

APPROVED: All in favor

Cortland Coleman, 1233 Woods End Road: Mr. Mayor and Council, the Boating Safety and the Regional Task Force with regard to Point Pleasant. As a voter I can tell you that the upper reaches of the Barnegat Bay, not so much the Canal but the Manasquan River, during the summer times on the weekends are an absolute mad house. People who don't know the laws, people who don't care about the laws, or are too drunk to remember the laws and so any efforts that this Council can have in partnering with other communities I am certainly for and I know a lot of other local voters are for. I would draw your attention to the Borough of Brielle, they have dedicated some of their police resources to on water enforcement. I support those efforts.

Mayor Konkus: Contacting our State Officials could help.

Mr. McHugh: Three years ago I pushed for a 35 mph speed limit in Barnegat Bay. It did not go through. All of the accidents seem to come excessive speed.

Mr. Coleman: Another issue, the calendar on the web site. Each month it turns over to the current month. If I click to October none of the events are listed. Please make that change.

Mr. Maffei explained that they can put the meetings on that are scheduled in advance but not all of the things that take place in the courtroom.

Devon Lutz, 535 Crestview Terrace: In the past few weeks everything has been going on with helmets and everything. Katie's death and everything. A lot has been getting changed. A bunch of her friends and me and her family have gotten together and we have started a thing called the Katy Ventura Foundation. We are trying to raise money to get 1000 helmets for kids. I have talked with Council Member Rogers last week and what I am coming before you tonight is for your support on this. I have done all of the research and there are 530,000 bicycle accidents a year. 130,000 are for head injuries. Something needs to be changed. Especially in this town because there are a lot of accidents a year. This happens way to often and it needs to be changed. We are putting money to brain injury research but there is not too much you can do. We need to make wearing a helmet a trend. We can't leave it all up to the police. It has to be peer pressure in a positive way. You need more to bicycle safety. Riding on the right side of the road, lights on your bike, not cut in front of cars. I had my accident on a bike last year. We need to change things around. The helmets that Lt. Colwell has kids

think are weird. The kids want cool helmets.

Mayor Konkus: Chief Williams has said that bicycle safety has always been one of his pet peeves.

Mr. Lutz: This whole foundation is set aside and we want support from as many people as possible. We can't leave it all up to the police. We need to take action. You can walk down the street and fall down and have a brain injury. Helmets help.

Mayor Konkus: I think you have a great idea. What is it that you request from the Council?

Mr. Lutz: Just full support and letting us speak. Let us help with town events.

Mayor Konkus: If you have any request I would ask you to go to the Chair of Public Safety which is Councilman Leitner.

Brian McAlindin: I came here to make a comment about the rec committee, I know you had a hearing about park usage and I applaud you for that. I would urge you, the comments in the paper that I read, Councilman Kaklamanis seemed to suggest that some people said they did not get a chance to be heard. It was a full record. Anyone considering usage of the park I would urge you to review the transcripts of the tapes of all of those public meetings. There were hundreds of people that commented on that topic. It was a painful ordeal. Councilman O'Rourke lived through most of it with me. Mr. Maffei, Mr. Dasti and Mayor Konkus as well. You should review that. I would suggest to you, a decision was made by Council in the past and it was what a Citizen's Committee had recommended and instead of always throwing it back to the public or suggest that we run an election on a referendum or something like that, take requests for organizations who wish to use the park for organized use or whatever it may be, YOGA, practice and vote up or down on it and you will be doing what people elected you to do, make decisions. Exercise the authority. A couple of other things I heard, the boating safety, we can assist in the enforcement by using our radar guns, we could have police officers park at the end of some streets and if some people don't know where the hell they are because they are too drunk, if they don't know where they are, they should because they are on the water and they are responsible just like if they were driving on the street. If they are in a no wake zone and they are speeding, our radar could pick it up and we could run the tag and they would be ticketed. It doesn't cost us a lot to do that. It is not like buying a boat and putting officers on the water. I had an unpleasant experience last weekend. I was idling back to my home and a boat came within arms length of me about 55 to 60 mph. It was upset. It was a 38 foot hustler and I didn't get the name. Moments later another boat came and they were racing. You could consider a water based video based on the end of the canal. The helmet suggestion I hope we can create a reward system for those wearing helmets. Councilman McHugh I applaud your comment about hitting the reset button. I was troubled at the last meeting by the tone and it is a difficult job. You have to control your comments and overcome. Figure out a way to make it work. I am sorry I was not here to congratulate Captain Larson and Chief Williams on their promotions. As we come to the end of the year Council will change and Councilman Dikun you will be the Senior Member going into your third year. Councilwoman Rogers you will be the second most senior and we will have two rookies. I look to Chief Williams and

Captain Larson to help in the budget process in trying to present to you budgets that are lean, mean and real so that you will all agree with me. That is the most difficult thing you do and the hardest thing to learn. We need to rely on our managers that are our full time employees, the people of Point Pleasant rely upon them as career professionals to help us to the best for the town and I hope they will continue to overcome the efforts to duke inexperienced council on very critical issues that affect property taxes. I wish you all well.

Mr. McHugh: I want to thank you for the compliment. I want to make it clear that I love and encourage vigorous debate about things and I wasn't trying to say that if we all respect each other and we all try to keep the political rank outside of this room it allows us to have vigorous debate about issues and be on different sides of things without falling into those traps. Thank you for your comments.

Mr. McAlindin: Listen, I have been there. There are passionate debates that happen. Literally, a thousand times a year. Your ally changes and fluctuates. Have an agenda. Keep doing with what you are doing.

Mr. Kaklamanis: The green field is the topic of conversation. They have said to give Karen the authority to say how that green grass is used. Use it as need be. It was never clearly defined on how to use it.

Mr. McAlindin: There was loads of input. We tried to not completely rule anything out. The public elects six people to make decisions. Have the public come forward. I believe in all of you. You may reach a decision and I may not agree with it. I know it will be a decision that was reached after discussion, consideration and compromise. It will be a decision that we will have to accept. That is the way it works. I believe in you guys and believe in yourselves enough to take the responsibility and make the decision.

Frances Geroni, 1204 River Avenue: As you know I have appealed to you on several occasions in reference to this whole parking issue on the Barber Shop and the West Side. I would like to give you a little update. I wanted to again thank you for your time. Tonight Mr. O'Rourke had suggested that we apply to the Department of Transportation for signs. At that moment Ms. Rogers saw Mr. Moran come in here and she introduced me to him. As you know he is a State DOT person as well as a Point Pleasant resident. He explained to me what he had done. Three weeks ago he spoke to Larry Williams and he told him that there should be no parking on that island and that he needed to enforce those laws and that sign should be put up. He is having someone call me. I am glad to see a little progression. In reference to the next step, the construction issue at the West Side was known and overlooked. He took my number and said someone will be in touch. Mr. Dasti, I would like to tell you that I appreciate your efforts coming down to the barber shop the other day with Kevin Burke and you made mention tonight that it would work out. You weren't here the last meeting when we were and we had the woman who was the title search person who came it with the actual laws that said there are State Laws in effect right now. It is State property and the question we still had was it should be treated as such until the time it does change. We were hoping that would happen. In reference to the letters that you had forwarded to me I would like to mention that you mentioned Frank's Barber Shop. That doesn't exist anymore. It is a different name. The owner of the Pizza Shop is a new owner. Please keep me abreast.

John Mogel, 1600 Center Street: I don't know how many of you are aware of it but the activities of last week's council meeting were in the paper this morning. The Asbury Park Press, in the opinion column. An article saying decorum was absent in Point Pleasant. I don't know if you say it. Last week comments were made that other situations have taken place in these Council meetings and they are negative, all negative comments should be reduced and we should act more professional. In a week it is in the newspaper so everyone in Monmouth and Ocean County is aware of the proceedings in here. You want to put these proceedings on television then the whole State will know about it. You are always talking about pride in Point Pleasant. I am not proud to say that I come to these meetings. One of my neighbors say this article and said to me this morning what in the world goes on at those meetings. The reputation of this Council is spreading.

Mr. McHugh: I don't disagree. I just want to make some comments. That is not an article but it was a letter, an opinion letter on the editorial page written by two candidates for Council. They are entitled to their opinions.

Mr. Mogel: It is widely read. It is not just the fifty people who come to these Council meetings now it is a good portion of Monmouth and Ocean County.

Mr. O'Rourke: Except for Laura and I yelling at each other how did we do tonight?

Mr. Mogel: Much better.

Mr. Kaklamanis: I think last week's meeting was minimal. Things go a little heated but most meetings are not like that. I think everybody up here does the best for the town because Point Pleasant Borough I think the Mayor has said it, I talk to people all over and a lot of people would like to live in this town. We are moving on.

Ms. Laura Beeden, 2406 Spruce Street: Animal Lover too also. One question I have and this is to Mr. Maffei, is it a statute or regulation where mortgage holders have to notify the town of anyone that is or will be in default or foreclosure or pre foreclosure. Is that correct.

Mr. Maffei: I believe it had to do with some of the banking changes that were made, the Municipal Clerk has to be notified of possible foreclosure on specific property. They also have to let us know about the impact on any affordable housing property in that notice.

Ms. Beeden: I was not sure if it was a regulation or statute. Riverfront Park, we have a beautiful green lawn up there. Does anyone know what kind of pesticides they are using.

Mr. O'Rourke: Twice a year, once in the Spring and once in the Fall they treat it.

Ms. Beeden: With what?

Mr. O'Rourke: I don't know what they are using. As far as the weeds, I think we are pulling them by hand.

Mr. Maffei: We have had outside contractors for fertilizer and treatment of the field.

Ms. Beeden: There is one other problem, helmets. It is great if you can get the kids to wear helmets. The next problem to strap them on. I see so many with helmets that are not strapped on. I understand, it is uncomfortable.

Ms. Rogers; This will all be addressed by the Chief at back to school night.

Ms. Beeden: Planning Board, I know they are working on this for years. Oversized houses on undersized lots. Dorsett Dock Road, they just knocked down one house and put up two. They are huge. Maybe there is seven feet in between them. It is the height. We used to have houses that were 28 feet high which you could put a two story house. Now, something to do with the flood plan and you upped it to 32 feet. Why can't we put it back. We have a very over crowded town.

Mr. O'Rourke: The Planning Board has that on the list.

Ms. Beeden: It has been three or four years.

Mayor Konkus: We will bring it up at the next planning board meeting.

Mr. O'Rourke: One of the things that you bring up is the waterfront was a problem and we changed that. That also means you can have a 35 feet house. It gives the people the opportunity to build in the same footprint and height print that everyone else has.

Ms. Beeden: Then you have the smaller houses that are being dwarfed. RFP for the banks, I haven't heard anything about that.

Ms. Rogers: We have a stack of papers.

Mr. Maffei: We are ready to go.

Dennis Vitkauskis, Foster Road: We are worried about the fertilizer in the Riverfront Park. Do you know what Pulte Homes is putting on theirs.

Mr. O'Rourke: Dennis, the problem with non point pollution is there are so many points of it. It is really hard. There are a lot of storm drain rules now being placed on municipalities.

Mr. Vitkauskis: The web site computer, I don't have a computer. When are the calendars coming out.

Ms. Rogers: I got mine in the mail today.

Mr. Vitkauskis: Mr. Kaklamanis, meetings in the future on the Riverfront Park, will Mr. Mazza be on that committee.

Mr. Leitner: There was already a committee formed. We will ask Mr. Mazza who he wants from the Rec Commission on the Park Committee.

Mr. Warren Plum, 205 Hall Avenue, I was here two weeks ago and I asked the

Borough Attorney how much the litigation costs concerning Mr. Alex Vicelli and the Dairy Queen. Can you give me a figure.

Mr. Dasti: I understand the costs to the Planning Board Attorney and to my office are about \$120,000.

Mr. Plum: With \$120,000 we could outfit everybody in this town, man, woman, and child with a bicycle helmet and we could have prevented that young girl from having that terrible accident. I think the money could have been spent in better places.

Chris Constantino, 2415 Maple Street, The streetscape is great. There is a ton of money out there for this. I have heard comments and people seem to like the idea. I encourage open public comment about it. About the non point source pollution comment. Just because everyone else is doing it does not mean that we have to contribute as well. We can be a group that is doing something different that is making a mark. Whatever we do, active, passive or what to try to incorporate this.

Toni DePaola, 613 Hardenbergh Avenue, First of all, I just want to say you are all doing a great job up here. It is really hard and I have come to learn that over the last few months. I do want to say thank you. I think the streetscape is great. One thing I saw in the paper was that Long Beach Township decided an ordinance which allows their business to hold sidewalk sales on certain weekends of the year. Labor Day, Memorial Day, and the businesses that are there get the support. We will be asking a lot of them with the streetscape. I would ask you consider something like this for the businesses.

Mr. McHugh: I think that is great.

Ms. DePaola: Bike helmets and bike safety, I went to the freshman orientation at the High School and come to find out we will no longer have crossing guards at lunch time. I was very disappointed to hear that. We are talking about safety and keeping the kids safe and now we will have hundreds of children running about the town at all different hours during the day without those extra set of eyes. I don't think people give the crossing guards enough credit for what they do. They keep are kids safe, they grow bonds with the kids, they are another eye. I was very disappointed because my child is going to be heading off to the High School next week and I hope if there is anything you can do as you go forth with negotiations, I understand money is tight, but maybe two crossing guards for those few extra hours in the middle of the day would be worth it.

Mr. Leitner: Again, I do agree with you. Chief Williams had bent my ear on this very issue the other day. He suggested we as a Council do look at that and restructure some of the ways we have the hours.

Ms. DePaola: I just think those extra set of adult eyes, especially now we are putting the bike safety forth and get the kids to want to do the right thing. Parents can't be everywhere. During the day I am intrusting my kid to the school. I think it would be great if the town could be there for them.

Chris Constantino: I wasn't at the park meeting last week. Where you answering questions?

Mr. Kaklamanis: Basically, we went through the sports groups, the soccer, baseball and football and we intermingled the citizens. I did do a lot of research and talked to the schools. How much fields are used and the Board of Ed Administrator. It was a wide array.

Mr. Constantino: Is the Rec Commission in charge of the Riverfront Park. Is that how it is?

Mr. O'Rourke: They probably should have someone from the Environmental Commission, the Planning Board, the Zoning Board and Open Space.

Mr. Kaklamanis: We are going to invite them in the audience and Mr. Giordano was here last week. No one is held back from speaking. If the Planning and Zoning want to sit in the audience they are invited. They are more than welcome to give us their input.

Mr. Constantino: If we do the streetscape parking will not be an issue because everyone will be walking or riding their bike.

Seeing no hands Mayor Konkus asked Council for a motion to close the public session.

Mr. O'Rourke: So moved.

Mr. Dikun: Second.

ALL IN FAVOR.

Mayor Konkus: The Administrator and the Borough Attorney advised me they do not have anything for Executive Session.

MOTION: To adjourn

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

ALL IN FAVOR.