

COUNCIL MEETING

TUESDAY – DECEMBER 15, 2009

8:00 P.M.

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

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

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 January, 2010 edition of the Ocean Star and communicated to the Asbury Park Press.

Mayor Konkus: Before we get to the ordinances I would like to make a presentation since there is a chance that Mr. O'Rourke will not be with us for the reorganization meeting.

Mayor Konkus presented Mr. O'Rourke with a plaque.

Mayor Konkus: As most of you know Councilman O'Rourke has decided not to run for re-election. At the end of this month he will be a civilian. You and I have been around about the longest in one form or another in various capacities working for the Borough and it has certainly been a pleasure and it has been an education sitting next to you on the Planning Board as well. On behalf of the Council I would like to present this plaque to you "Presented to Shaun O'Rourke, Council Member 1996, 2004-2009, Borough of Point Pleasant in grateful recognition of his leadership and sincere acknowledgment of his unselfish efforts on behalf of our community. Mayor and Council." Shaun, thank you very much.

Mr. Leitner: There was an authorization left off the agenda and I would like to move that we add the authorization to move forward on Officer Colwell's recommendation for Old Route 88 and authorize the Borough Clerk to prepare any ordinances that are necessary to implement those recommendations. I feel it is important to do that before public session so the public can comment on that as an authorization.

SECOND: Ms. Rogers

Ms. Rogers: Yes
Mr. Dikun: Yes

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

Mr. Kaklamanis: Yes
Mr. McHugh: Yes

CARRIES: Yes

Mr. Maffei: I apologize for that I was absent at the last meeting and did not realize it was supposed to be on tonight's agenda.

- A. ORDINANCES – FINAL READING, PUBLIC HEARING
- 1. Amending Chapter III of the Borough Code Entitled “Police Regulations”, in Particular “Parks Rules and Regulations”

**ORDINANCE OF THE BOROUGH OF POINT PLEASANT
BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING ORDINANCE NO. 13-
2008 AND THE BOROUGH CODE, IN PARTICULAR ARTICLE
NO. III ENTITLED “POLICE REGULATIONS”**

BE IT ORDAINED, by the Borough Council of the Borough of Point Pleasant, County of Ocean, and State of New Jersey, that Ordinance No. 13-2008 and the Borough Code of the Borough of Point Pleasant, in particular Article III entitled “Police Regulations”, is hereby amended and supplemented to include the following as part of new Section 3-18 entitled “Park Rules and Regulations”:

SECTION 1: “Permits Required”

- A. Section A shall now read as follows:
 - A. Any practice, game, picnic, outing or gathering sponsored by any organization, person or family composed of 10 or more people.
- B. Section D shall now read as follows:
 - D. Any use of any park facility by a certain person or group of persons to the exclusion of others including but not limited to the use of grills, gazebo(s) and/or bank shell(s).
- C. New Section E shall read as follows:
 - E. The Recreation Department shall set fees for each permit, to be approved by Mayor and Council. Such fees shall be used exclusively to offset the maintenance, repair and upgrades of the parks and park facilities.

SECTION 2: “Permits for Special Events”

- A. New Section B:
 - B. The Recreation Department shall set fees for each permit to be approved by Mayor and Council. Such fees shall be used exclusively to offset the maintenance, repair and upgrades of the parks and park facilities.

SECTION 3. “Standards for Issuance”

- A. New Sections F and G:

- F. Use of the fields and facilities in the park now known as Riverfront Park for sports practices shall be limited from 3:30 p.m. until sundown and only from Monday through Friday, and shall be restricted to children ten (10) years old and younger; provided however, this limitation shall not apply to other types of activities requiring a permit.
- G. In no event shall the Recreation Department issue a permit for sport game events at Riverfront Park.

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

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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 6: 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 **December 1, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for **December 15, 2009**, at **8:00 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

DAVID A. MAFFEI, Clerk/ Administrator

Ms. Rogers: I would like to make a statement because I will be abstaining on this ordinance. I would like to enter my abstention on the records. I did take some time to prepare this because I had a lot of thought that I had put into it.

I would like to read my statement. I thought I had made my position perfectly clear at the last meeting when this ordinance was being proposed. I felt it was premature to move forward without our Borough Attorney, Jerry Dasti, issuing an opinion as to the many issues concerning the park use. My concern was whether or not we would be jeopardizing our Green Acres funding, causing additional financial hardship to the taxpayers. Especially if this ordinance is in direct conflict with the existing Zoning Master Plan, NRI or Open Space Plans collectively. I was surprised to see that at the last council meeting that it was being introduced as an Ordinance with no opinion in hand. I felt moving the motion under these circumstances put the Borough in jeopardy on many levels.

Mr. Leitner: I apologize for interrupting you Sue, I call a point of order. My understanding is when you abstain from a vote you remove yourself from the argument and move yourself from the Chambers.

Ms. Rogers: My intention Councilman Leitner I am able to put my abstention on the record and I want to continue to do so.

Mr. Leitner: You voted on the first reading.

Ms. Rogers: I am explaining my vote on that and that is why I voted no on the introduction and would do so again under these circumstances. I would like to continue to do so again

Mayor Konkus: Can we get an opinion from our Attorney?

Mr. Dasti: What is the question.

Mr. Leitner: The question is when you are going to reclude yourself from a vote shouldn't you reclude yourself from all argument on it. Also, remove yourself from the Chambers.

Ms. Rogers: My intention is to do so after my statement.

Mr. Dasti: It is my understanding is it is not open for discussion yet. It will be. My understanding is she is going to remove herself from the dais and walk outside while the matter is being considered. She has her right to an opinion and say why she is going to abstain.

Ms. Rogers: As for the ordinance being presented for second reading and approval tonight I will preface my comments by saying it is no secret that I have actively debated issues during the Riverfront Park Planning which has spanned many years. The experience was certainly a catalyst into municipal government and where I am today. I was very vocal and I made my feelings known as to the rezoning of the property, the guiding ordinance and the documents. Further, it was clear to me that previous Council Members had established intent that this park be used for passive use. My participation over the years was not because I lived across the street from it but because as a builder, developer I looked to the law and ordinance that governed its use as well as what the intent was of our professionals, governing body members and all of those who participated in the project development. This extends right down to the completion by the contractor of the subject property by the Engineering and design which was approved by Council. I believe that it is vitally important that care be given to insure that all residents have an opportunity to enjoy this tremendous asset. I also believe that this park was not intended for organized recreation which was evident by the lack of drainage, sensing, inadequate field design, environmental conditions and its final approval and development. I feel passionate about representing the residents that elected me to office and who want change in Point Pleasant. However, change does not come easy and to some my actions on various issues

has sometimes caused great debate and strong feelings. I have not let criticism deter me from doing what I feel is right. Mr. Dasti has stated to me on several times in the last two weeks that he believes that I am not in conflict in voting on this ordinance and although I have very strong feelings on this matter a year ago I told the public that I would not vote on the passive vs. active use. That holds true for me now today and into the future. I intend to keep that promise this evening. I would never want my integrity questioned nor would I allow a mere appearance or perceive notion of impropriety to cloud the issues at hand or cloud my judgment to represent the people of Point Pleasant now and again into the future. Despite Mr. Dasti's reassurances and despite my feelings and position on this subject matter I am going to abstain from this vote. I feel it has, it is and has been always the right thing for me to do. On that note I will excuse myself from the proceedings.

Ms. Rogers left the room.

Mayor Konkus opened the meeting to the public.

Joe Meyers, 2201 River Road, Before the Council discusses this I believe at the last meeting Mr. Dasti was asked to opine on whether the zoning would have to be changed or the Master Plan would have to be changed. We have not heard Mr. Dasti's opinion and I would like to ask him if he would speak on that issue. Thank you.

Mr. Clericuzio, Hyacinth Place: I would like to address Mr. Dasti. I am hoping that we will hear from you that your research has shown that a facility such as this park to a large extent funded by the State of New Jersey Green Acres Program can indeed be subject to the rules and regulations I have forth in my hand. The other concerns I have about this use as an athletic facility I have expressed at other Council meetings. The field, and I am looking at this as a profession horticulturist, was not designed as an athletic field. I was out there at one of the last major rain events and I brought this up several times that we have a definite drainage problem. I was out there again recently. As a horticulturist looking at that turf a drainage problem compounded by compaction creates an increase of the cost and maintenance of a viable turf. In addition, we also have out there an erosion problem that was much more apparent after the last rainfalls for Mr. Kaklamanis and others. If you follow our boardwalk down to where it meets the walkway along the condos take a good look. You will begin to see the collapse of a slab of concrete due to erosion. I also ask that you look at the significant erosion that has occurred under the boardwalk to the left of the fishing pier. Again, with regard to its use as an athletic facility go out after a significant rain event and take a good walk which I did over the weekend, and you will find that indeed the field is not level. It creates another issue. You have pockets where it is not drained. My concern and I have highlighted here if you intend to pass this and use it as an athletic field you better up the cost of maintenance because I looked at the field across the street and saw the impact of all of the compaction and the growth of the grass. Right now, that field is in distress. If you approve this as an athletic field you are also and I hope Mr. Dasti has looked into this, are going to increase the cost of maintenance if you wish it to be as is. My hope, again, we are not as a resident and as a professional not against the limited use of this field but it is not designed as an athletic field. You better up the cost of maintenance. Take a good look at all the sides. There is only one stretch that is flat and beautiful. There are some serious things to consider. If you would think in terms of the long run there are some real issues into allowing excessive use of this as a practice field. If this goes through, Mayor Konkus, that you also promote additional funding for proper maintenance of the turf, given the fact it is not growing under the most ideal conditions. Again, tax dollars or some fees should be allocated for not only repeated aeration but some strict rules and regulations and I would like to recommend three to four days after a major rain event no practice on that field. For example, now or in

the Spring, March in particular when the programs get active, any major rain event should shut that field down for at least three to four days unless Mayor and Council are willing to allocate x amount of dollars for very good maintenance program which includes core aeration for that field. Otherwise, it starts to look like the field you have across the street. I looked over that field very carefully over the weekend as a horticulturist. I will say that field is in very sad shape. Yes, it can be revitalized but again with a definite expenditure of a significant sum of tax dollars. Please I ask all of you to consider my input. Not only as a resident, but as a professional horticulturist. Thank you.

Betty Hughes, 2119 Evergreen Lane, Essentially a lifelong resident of Point Pleasant. I played soccer here 40 years ago and I have been an active soccer coach here in town for the last ten years. I am familiar with the need for active sports in general. I don't think it is a surprise to anyone here that we have a severe shortage of playing and practice fields here in town. Beaver Dam Park we use for games only, we have not been allowed to practice there for a number of years. We share that field with other towns. We share High School fields when they are not in use by the school teams and we share Community Park with other sports and other groups. There is a limited amount of space. We have made the best of what we have had for all of these years. The fields are over used and overcrowded. Because of that they are unsafe. When the Riverfront Park property became available it was an opportunity for us to alleviate some of the problems that we have been experiencing. There is no other open space in town to develop so we said okay here is a chance where we can get a little piece of the pie and take teams off of these crowded fields and spread it around so the fields don't get overused. They do because there is no other place to go. We have said we know we are not the only group here in town that has needs. We know that there are others there and from the very first meeting five or seven years ago we have always said we would be willing to compromise. We know there are other groups and other interests. We are not saying it is all about soccer. We are not saying give everything to us. We have never said that. We point to Community Park as the perfect example of how different groups in town benefit by that park. Organized sports, adults walking their dogs, people playing with their children, it is used by a number of different people in town and that is the way it should be. It was developed with tax payer dollars just like the Riverfront Park is and I think everyone needs to benefit from it. We are willing to share with everybody. I believe that is what is going on if the ordinance is passed. It is again it will not solve all of our problems but it goes a long way in helping some of them. Thank you.

Brian McAlindin, 1726 Bay Blvd. Thank you Councilman O'Rourke and Councilman Kaklamanis for your service to our community. I know how difficult it can be. I want to give you all credit for striking what I think is a compromise on a difficult issue. One resident once said to me no one can fight about a new park like our town. It is such a wonderful and beautiful place and it has so much to offer to so many. I think in striking the balance that you have in a very limited use non game day activity the word intent was used by Ms. Rogers explaining her recusal and I was on this Council for six years. One of the first things I remember is walking into the Council Chamber meeting room and seeing a schematic of the park and the general word we had gotten from the Riverfront Park Committee was it was a passive park. In the schematic was a soccer field. My question was if it is a passive park why is there a soccer field. Someone said that is just to give you dimensions. I kind of laughed and said no one will believe that. The fact of the matter is as Ms. Hughes pointed out you were gracious enough to reopen the debate on the issue and invite more public comment and you would all have to agree that there is a shortage of open space, not just for active use but also for passive use. 3:30 till sundown does not sound like a big deal, I think a lot more of it was made than it should be. If your experience was anything like the years that I listened to the debate you probably found that on both sides of the issue it is filled with exaggeration. The reality is the park belongs to the entire town.

I think your ordinance goes a long way in accommodating ten year old and younger children. Having witnessed the youth soccer program at that age it was even hard to call it organized. It often reminded me of a bunch of molecules bouncing off of each other. It is not game day activity, it gives them a place to practice without really putting a burden on those who just want to go there and enjoy the scenic views. I applaud you. I had always when I was on Council expressed many times that I envisioned it as a place where it might utilized for practices based on requests for authorizations. I assume the same protocol for the other properties will apply when groups want to come and try to use it for a certain practice they will have to get an authorization from Council. At the end of the day the people of the town put all of you up here to make decisions. I wish you luck in your vote.

Chris Constantino, 2415 Maple Street: I am the Vice Chair of the Environmental Commission. I understand that we have issues on every front. Whatever we decide to do tonight there are obviously things that need to be done. There are issues that need to be corrected. If we vote one way we have to take care of the fields. I ask that either way you vote, you stay open minded. We have to keep an eye on the fields.

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

MOTION: To adopt ordinance

MADE: Mr. Leitner

SECOND: Mr. O'Rourke

Mr. Kaklamanis: As the Rec Chair from day one I was down there every day as was during a certain period Al, the Environmental Group was down there when we were developing that field. That area was always going to be a green field prior diagrams showed that field and showed basketball courts and even to use above and beyond that there were prior Councilmen working there. I spoke with prior Councilmen Pyrtko, McAlindin, Ferried. The field was always there for some reason or another to be used even if minimally active and it was discussed last meeting Monday thru Thursday 3:30 till sunset. Ten year olds and below. That has been said publically before. During that development of the field many times before that sod was put there and the diagram development stages with the sprinkler system being put down and with the surveillance system eventually going to be placed there these topics could have all been discussed at that time. The drainage of that field as we were doing it was the best care we knew. Mr. Clericuzio brought up French drains. They talked about drainage under the property and that was considered due to some of the problems across the street at Community Park. The grass issues I believe is blue grass which is a good grass. It is durable. That field has to be maintained and I have talked to the Borough workers out there and they pull the weeds by hand and the edging is done manually also. That park needs a lot of time and even in the maintenance it needs time. Across the street I took recommendations from residents that the park across the street was let go a little bit and it was not being aerated and fertilized. We took it into our hands and the condition of it was raised.

Mr. Leitner: Fees from the permit fees would be used for the maintenance of those fields.

Mr. Kaklamanis: If has been said that the field is not of legal size for games and even in talking to Mr. Gasiorowski we could use it minimally for the children of the community. I talked to Mr. Snyder at Pulte Homes and he was thinking of lights and said it in his writings, baseball field and bleachers, which was never considered. Even as it is there we never and it will be properly maintained. I am sure with the beauty of that park why would we want rough spots or brown spots or decay in some areas or just brown dirt. It would

always be well maintained. In the development of that I know also Mr. Clericuzio had mentioned that underneath the grass it needed to be fluffed, it needed to be tilled, we also did that with added expense. I am sure it will be maintained and no matter what it is going to have to either way be maintained and cut. Of course, the Rec Center first and foremost has the use of that field. The priority even before any other sports would be considered. I know, I did not see Mr. Dasti's opinion yet, although I did talk to him about it in the past days that it was being discussed. He did mention that Council can change ordinances. Mr. Gasiorowski was against that. I know somebody had mentioned that we were using the Home Owners Association as the whipping people for that area. I don't believe that to be true although Mr. Gasiorowski represents the home owners there. I have lived here, I live here and I was born and raised here, I was a Police Officer here and I would not do anything in this town to ever blemish or to do something to ruin the beauty of it. Tonight Mr. McAlindin made his speech. We received a letter from former Councilman Shawn McCarthy. In his opinion and writings "Dear Council members: I am writing to you as a former Councilman of the Council, Citizens of the Borough and an Attorney to ask you to uphold the laws of the State and your Oaths of Office and not allow Councilmember Rogers to participate in the upcoming vote and discussion surrounding the proposed Ordinance authorizing the Riverfront Park to be used for recreational purposes. As you know she has long been a leader and a vocal member of the group of neighbors opposed to active recreation in any form at that park. She has gone as far as to appear with an Attorney before Council to oppose active use and threaten legal action against the Borough if it was ever allowed at the park. When he was elected to Council in 2005 he was appointed to serve as a liaison to Council on Mr. Ferrie's committee. The committee was made up of numerous representatives of the sport recreation leagues and members of the community. His function was to plan and design Riverfront Park. The end result of that committees work is the beautiful facility that we see today. Countless hours were put into the discussion and planning that went into the design. At my very first meeting Ms. Rogers appeared and voiced her opposition to the active recreation and introduced the groups Attorney, Ronald Gasiorowski. Mr. Gasiorowski voiced his opinion, the legal bases for it as a practicing attorney, I am familiar with him and the type of practice that he has. He primarily represents groups of citizens and checks into various actions taken by municipal entities. He was advised by Councilman Ferrie and I that the appropriate place to set forth his groups position was before Borough Attorney, Mr. Dasti and Council. He and Ms. Rogers did appear before us and again mentioned bringing legal action. These events are all a matter of public record. Since that time Mr. Gasiorowski has appeared with the group on numerous occasions to oppose active recreation at the park. I have recently read an e-mail from Ms. Rogers discussing the proposed ordinance and I noted that she took the liberty of copying Mr. Gasiorowski and Pulte Homes. In my legal opinion Ms. Rogers is in direct conflict and her behavior gives the perception of a serious conflict of interest that should preclude her from participating in this matter. Courts have ruled that she should remove herself from the room while the matter is being discussed and voted on. As you recall in her campaign for office at that time the Mayor weighed in and despite Mr. Dasti's written opinion and statement on the record he stated he was not sure if he violated any law his actions in participating in the vote amounted to poor judgment. I feel that to allow her to vote on this issue is wrong." Ms. Rogers at the last several meeting said she would reclude herself and not vote on it. I think there are conflicts that she should have done this last time. Abstain. With her house where it is, 200 feet from the park, it affects her property value and her home and her well being. She did say she would abstain. On record she said she would seek legal advice on this issue which relates to the Borough of Point Pleasant.

Mr. Leitner: There was a rec meeting last Thursday and at that point I explained to the Recreation Commission and I want to repeat those statement here exactly what I feel we are doing. Mr. Dasti and I have had several

conversations. We respectfully disagree on how we read the current zoning ordinance. I read it and the rec committee read it to expressly authorize active recreation at Riverfront Park. Let me rephrase that a little bit. The Zoning Ordinance calls for passive recreation and active recreation at that park. When we had those meetings our express intent was to try and find a compromise position to listen to both sides. The compromise going from what we believed to be a 5 a.m. opening to 10 p.m. closing allowing active recreation maybe on a limited scale at that park. What we are doing with this ordinance is limiting that to 3:30 p.m. to sundown. We are making it more limited that if we don't pass this at all. It allow permitting fees to offset some of the costs in maintaining the parks. It also requires permits for certain other activities should the facilities get so crowded that we need those. It sets up, I believe several layers of review. Mr. McAlindin referred to those. Council will be required to approve these permits for any of the fields. We can limit the use if it gets excessive and it can be politically responsive. I want to be clear there is a lot of both sides of what this is. There is a lot of misunderstanding as to what we are trying to do here.

Mr. McHugh: I sincerely feel that this issue has been debated extensively in various forms and I think the time to bring closure to this issue is at hand and I think it is time to get about the business of sharing that park that we are so lucky to have. I think this proposed ordinance is the closest I can see to a reasonable compromise on this. There is no better testament to that that I have talked to many, many people on this. Nobody has come to me and said that they are thrilled with this. Nobody has come to me and said they are totally opposed to it. To me that is about the best definition of a compromise I can think of it. As the input of many people tonight points out, the job of the public now is to hold this council and any future councils feet to the fire that we live up to this pledge to care for the entire park. The care that it so deserves. The two gentleman at the east end of the dais have committed a lot of energy and thought and time into this issue and I think there are no better people to be weighing in on the ultimate decision on this.

Mr. O'Rourke: As Councilman Leitner pointed out the present ordinance as it exists allows for the active use of that park. There are no restrictions on it provided permits are followed. This actually restricts the use of active recreation on that park to after 3:30 p.m. for ten year olds. Once this ordinance is passed at 3:29 p.m. nine people can be out there kicking a ball around but at 3:30 they will have to have a permit and have an adult with them to supervise them. That is as simple as it is. It is not going overboard with active recreation. It is providing a balance and a compromised approach. Mr. Dasti did provide us with an opinion on some things that we need to make some shifts on. Anytime you build a park in a small town you don't have all of your ducks lined up in a row and you have to shift some pieces of paper around. One of the things this does by restricting the full use of that field for active recreation we are getting closer to what we expect in our Open Space and Master Plan. Because Mr. Dasti did refer to that letter as an Attorney Client privilege I really don't want to get into the details of it. However, I feel this compromise is the best we can work out so that everyone get a piece of that park. Some questions have come up regarding how other things happen there, well it is the same thing as any other park, you get a little use, you find out where the wear is and you fix it. The park across the street, it was not anticipated that we were going to have significant wear because the goal post stayed in one place. It got significant wear and we fixed it. I do not want to leave the credit out for the person that is responsible for that park being there. There are a lot of Mayors on that wall that kept thing from happening in this town. Every time somebody wanted to do something it cost too much money. It would be too much trouble for the rest of us. They left us hanging and they did not serve us well. Tim Ferrie got his head handed to him for doing some of this stuff. The fact is he did us a service and he brought money into this town that got that park across the street built with almost no tax dollars. Mayor

Schroeder, Mayor Konkus and several other people worked out that deal with the hospital. Maybe we could have gotten some more money out of it. We got ourselves a park that almost cost us nothing. We had to borrow a little money from Green Acres to get it finished. We had borrowed some of the money to balance our own taxes before that. I want to give credit to Tim Ferrie for doing something for this town that really made a difference. We are finishing up with that now and I hope this vote tonight will allow for a reasonable use of that facility in a balanced approach.

Mayor Konkus: Shaun, I want to thank you for the history and for recognizing the great service that Tim Ferrie did for the town. As far as the slate change in usage that this ordinance is bringing out I have no problem. Any suggestions that I have could be light twinkling down the road. The concern that I do have after reading our Attorney's opinion, I was remembering back to the last time that the Master Plan was dealt with in a careless way and that was when the A&P wanted to build a Supermarket across the street where the Community Park now exists. Because there were violations to the Master Plan and they were not addressed properly a fight that lasted about seven years took place with about five or six years in litigation and a lot of money spent. Ultimately, the Master Plan was the document that was upheld. I think that this ordinance is being dealt with in a hasty manner and the fact that the Master Plan was bypassed and the Planning Board was circumvented I think leaves us with a weak defense going into litigation. We have been assured that the town is going to be sued if this ordinance is passed. I would rather see us, if this is what the majority of the Governing Body wants, I would rather see us go through the proper steps to make sure that we can defend ourselves from a strong standpoint rather than a weak standpoint when it is litigated.

Mr. Leitner: Thank you Mr. Mayor for bringing that up because that is something I wanted to comment on and I would ask that, again I respectfully disagree with some of the things that Mr. Dasti and I had talked about, our Borough Attorney feels that certain other ordinances need to be implemented and put on the next agenda. I think by the time that those are reviewed by Planning Board and passed by Council we could get all of that done before the park would be opened.

Mayor Konkus; Jerry, please comment on the Master Plan and on the Open Space and Recreation document.

Mr. Dasti: The Council directed me to review our existing Green Acres, CAFRA, Master Plan and all the other plans that involve the park to determine whether there is an potential risk of our Green Acres Funding or of our CAFRA permit or any other plans that we have adopted, the Master Plan, National Resource Inventory, Open Space Inventory, which are part of our Master Plan. I have indicated to the Council that in my opinion there is not a violation of the Green Acres Funding. There is no condition or in the CAFRA approval. This is not a zoning ordinance. If it were a zoning ordinance it would have to go to the Planning Board before being considered by the Council for second reading. This is a matter of how we use our parks and part of it is Riverfront Park. I don't think this ordinance per say needs to go to the Planning Board. I think fair mind would indicate it is in contradiction to the Master Plan to the wording in the Open Space Plan and the wording in the National Resources Inventory. In fact, those plans talk about in parks, active recreation but in conjunction with structures involving active types of recreation which we don't have here. We will not have here as far as I know. Withstanding that I think Council has the right to adopt this ordinance if they so please to do so. I made recommendations to the Council that I think there is a different way to build the mousetrap so to speak and I have made recommendations how I think the goal should be met in an attempt to avoid any litigation that it sounds like we can anticipate. As the Borough Attorney, I am trying to protect the Borough the taxpayers I think there is a different way to do this and best protect the

Borough from any litigation. Be that as it may, the Council has the right to go forward with this ordinance if they want to do that.

Mr. McHugh: Mr. Dasti, if a Councilmember should make a motion to make the effective date of this ordinance something like March 1st allowing time for any revisions would that in your opinion alleviate any of your concerns.

Mr. Dasti: Yes, I don't think it would be a material change because it is a practical matter if the ordinance goes forward because you will not have soccer teams out till the Spring or March anyway. Yes, that would allow the Planning Board and next year's Council to adopt a zoning ordinance and send it to the Planning Board to determine whether or not the zoning ordinance is consistent with the Master Plan. That could all be done by March 1st.

Mr. McHugh: I would make that motion.

Mr. O'Rourke: Second.

Mayor Konkus: I have a couple of short statements from our Council Members Elect that I have been asked to read into the record.

Mr. Remig: I am writing to inform you I may not be present at tonight's meeting due to a State exam that I will be undertaking in Toms River. I have had a chance to review our Attorney's opinion on the Riverfront Park and I would like to comment. I am a strong believer in waiting to hear a professional opinion before jumping the gun. I was very happy that Council voted to send this issue to be reviewed by Mr. Dasti then it seemed without a professional opinion that a premature ordinance was drafted and read at the last meeting. After reviewing Mr. Dasti's research I believe we should take his opinion into consideration and get this ordinance reviewed further before we are opening up litigation on this matter. Once again, I will urge Council to submit this for further review. I would also like to congratulate outgoing Council members O'Rourke and Kaklamanis for the dedication and determination which will not be forgotten.

Ms. DePaola: I wish to address the ordinance that is on for second reading tonight concerning Riverfront Park. Unfortunately, I am unable to attend tonight's Council Meeting due to my daughters chorus concert but I wanted to address this issue as an incoming Councilwoman. I find the Borough Attorney's opinion letter informative yet concerning. I think it is important that we yield to his advice, knowledge and expertise that this ordinance is premature and should not pass this evening. If this ordinance passes this evening this Council will be opening the Borough up to litigation which the taxpayers cannot afford. It is my opinion that the Council should heed Mr. Dasti's recommendation that the ordinance be tabled until such time that the Planning Board has an opportunity to look at it. This more cautious approach will help insure that any ordinance adopted by the Borough Council will withstand judicial scrutiny. In addition, I would like to take this opportunity to thank Councilman O'Rourke for his many years of dedicated service to the residents of Point Pleasant. He has shared his knowledge, time and experience to keep Point Pleasant a wonderful community, thank you and best wishes. Finally, I wish you all a happy and healthy holiday season and a prosperous New Year.

Mayor Konkus: I ask for the amendment to be spoken again please.

Mr. McHugh: The amendment I moved is make the effective of this Ordinance March 1, 2010 to enable time for any changes to the zoning or the natural resources inventory to be amended accordingly and to not be in conflict with this ordinance.

MADE: Mr. McHugh

SECOND: Mr. O'Rourke

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

Mayor requested that Council President Susan Rogers come back into the room.

2. Amending Chapter II of the Borough Code Entitled "Administration", Particular, "Council Committees"

MOTION: Ordinance of the Borough of Point Pleasant, County of Ocean, State of New Jersey, Amending and Supplementing the Borough Code in Particular Article No. II Entitled "Administration"

BE IT ORDAINED, by the Borough Council of the Borough of Point Pleasant, County of Ocean, and State of New Jersey, that Article II of the Borough Code of the Borough of Point Pleasant entitled "Administration" is hereby amended and supplemented to include a new section entitled "Conduct and Protocol of Council committee meetings". The new Section shall read as follows:

SECTION 1: Conduct and Protocol of Council committee meetings:

1. All committee meetings of the Council of the Borough of Point Pleasant shall be open to the public provided, however, nothing herein should be construed as to require committee meetings to comply with N.J.S.A. 10:4-6 et seq. ("Open Public Meetings Act") or similar or related statutes.

- a. In order to effectuate the foregoing, all committee meetings shall, to the extent practicable, be held in the Council Chambers at Borough Hall, and if Council Chambers are unavailable, they shall be held in a space, public or private, that shall be opened to the public for the purposes of the meeting.
- b. The Chair of the applicable committee shall inform the Borough Clerk of the time and place of the meeting to the extent possible, no less than three days prior to the scheduled meeting; provided, however, meetings may be scheduled with less than three days notice only should emergency circumstances or other good reason so require.
- c. The Borough Clerk shall post the time, date and place of the committee meetings on the Borough website.

2. Nothing herein shall prevent the Committee from adjourning into private session together with such witnesses or attendees as it deems necessary, upon providing an articulable reason for the need for such privacy.

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

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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 4: 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 **December 1, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for **December 15, 2009**, at **8:00 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

DAVID A. MAFFEI, Clerk/ Administrator

MOTION: Adopt Ordinance

MADE: Mr. Leitner

SECOND: Mr. McHugh

Mayor Konkus opened the meeting to the public.

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

Mr. O'Rourke: I believe this goes a long way in adding transparency to the municipality. It will slow things down a little bit which might be a good thing because the committee meetings will have to be held in public. People will have to know about them ahead of time. It will make things a little bit more clear when people are talking about them. They can get it right from the committee. I think this is a fantastic step forward. It will take some time getting used to this. You will still have some kinks to work out next year. I think there is enough flexibility in this ordinance to handle any emergency situation that might arrive. I am in favor of this.

Ms. Rogers: Yes
Mr. Dikun: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Leitner: There is a lot of comment on the previous ordinance. I think this will change the way we do business and make things a lot more open. I am proud to vote yes for this.

Mr. McHugh: Yes

CARRIES: Yes

B. 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. Leitner

SECOND: Mr. McHugh

APPROVED: All in favor

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

MOTION TO CLOSE PUBLIC PORTION: _____

John Wardell, 2126 Frances Drive, Point Pleasant: I would ask you to reconsider this resolution in here for #281-2010 and #282-2010 (State Health Care Benefits). First of all I am a number of the minority retirees that do not have the health insurance through the town. I could not afford it when I retired and I went with another company for my Supplement B. Now, you are not offering me my prescription plan any longer. With this here I have to get back in the medical plan which will cost me \$400 a month plus and I can no longer mail my prescriptions in free which I now pay about \$200 a month for. I have six prescriptions. My co-pay will run me on these prescriptions will run me between \$150 and \$200 a quarter. So you take another \$400 per month. That would come to \$1400 a month. I might have to come back to work for you people. I don't think it is fair and there are about five of us that this will affect. You will have more in the same position over time. I really wish you would reconsider this. I realize this would be a savings but if you did the reveal three years ago like you promised the residents maybe we would not have this problem.

Mr. O'Rourke: You are saying that you are presently buying health insurance through us?

Mr. Wardell: No. I buy health insurance through Bankers. I buy prescription through you. Under the State you do not offer a separate prescription plan. I would have to join your health program.

Mr. O'Rourke: I just got a letter from MEDCO and they are changing the plan again and there is a cap for out of pocket pay.

Mr. Wardell: But I still have to pay \$400 more and get your medical.

Fred Potter, 818 Fay Court, President of Teamsters Union. What does the resolution cover can you explain it to me.

Ms. Rogers: It open up the ability to convert to the State Health Plan should we be able to negotiate with all of the Unions for a full conversion. This is the ground work that opens up that dialog along with the other authorization that is on here to contemplate opening the existing CBA's that are under contract through 2011. It is for all employees. It is an all or nothing situation and I think we explained that to you at the educational session that we had. I think you are fairly familiar with the way the State Health Plan works. You did participate in the discussions when we had our health care review.

Mr. Potter: Ms. Rogers, I am not trying to be rude. I just want to know if this resolution is to authorize that type of activity going forward. Is that correct? What is the resolution specifically authorizing the Borough or the Council to do. I just want a clear picture of that.

Mr. Leitner: I want a clear picture of that. The only thing I ever got was the agenda and that just has the title.

Ms. Rogers: This is the ability to open up for a conversion of the State, into the State Health Plan these are required resolutions by the plan, by the State required from the municipality in order to

Mr. Dasti: There are two resolutions, Fred. One resolution is to authorize the Borough Attorney to request Local 469 and PBA Local 158 to re-open previously approved and executed agreements with the Borough that are presently not due to expire until 2011.

Mr. Potter: I am not questioning that one. I am questioning the resolution on Health Insurance.

Ms. Rogers: Scott, could you come forward? This is our broker who also is participating in this and these are required documents in order to convert to the State Health Plan.

Mr. Potter: Here is my point, you are voting on it. Someone up there should be able to tell me exactly what the resolutions is. I just want to know what it is that the resolution is accomplishing.

Mr. Dasti: The second resolution #281 is a form resolution required by the State if a municipality wants to participate in the State Health Plan.

Mr. Potter: It doesn't move anybody into that plan at this point.

Mr. Dasti: No.

Mr. Potter: Thank you, you answered my question.

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

MADE: Mr. Leitner

SECOND: Mr. McHugh

ALL IN FAVOR.

C. RESOLUTIONS

1. (276-2009) Authorize Permanent Appointment of Stephen G. Patterson as Part-time Fire Sub-Code Inspector

MOTION: Authorize Permanent Appointment of Stephen G. Patterson as Part-time Fire Sub-Code Inspector

WHEREAS, Stephen G. Patterson has been serving as the provisional appointment in the position of Part Time Fire Protection Sub code Inspector and is now placed on the Certification of Eligibles from the New Jersey Department of Personnel for said position; and

WHEREAS, it is the desire of the Mayor and Council to permanently appoint him to this position;

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. **Stephen G. Patterson is hereby appointed to the position of Part Time Fire Protection Sub code Inspector.**
2. **Said appointment does not affect the current wage rate for said appointee as established by Resolution**
3. **Copies of this Resolution to: Stephen G. Patterson, Chief Financial Officer, Personnel File, Construction Official, and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

2. (280-2009) Authorize Borough Attorney to Re-Open all Previously Accepted Collective Bargaining Agreements with the Teamsters Local 469

MOTION: Authorize Borough Attorney to Re-Open all Previously Accepted Collective Bargaining Agreements with the Teamsters Local 469

WHEREAS, the current economic environment is causing hardship on many of the Borough taxpayers; and

WHEREAS, the Borough of Point Pleasant faces continued fiscal constraints from the State resulting from CAP limitations, State and Federal mandates, Contractual obligations and the taxpayers needs; and

WHEREAS, in order to attempt to address the fiscal problems facing the Borough of Point Pleasant in the year 2010 is the desire of the Governing Body to reopen previously executed contracts with the Teamsters Local Union No. 469 membership and the P.B.A. Local NO. 158 memberships.

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 Borough Attorney is hereby authorized to request the Teamsters Local No. 469 and the PBA Local No. 158 to re-open their previously approved and executed agreements with the Borough of Point Pleasant that are presently not due to expire until the year 2011.**
- 2. That copies of this Resolution be sent to: Jerry J. Dasti, Esq., Teamsters Local No. 469, P.B.A. Local No. 158 and any other interested parties.**

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Kaklamanis: In regards to opening the bargaining agreements I know we have settled their contracts until 2011 and we have had enough time and even before the contracts were settled to discuss the future and what is going to happen and of course everybody knew at that time the fiscal problems there were and there is no need to rush or settle anything. The last thing I believe as a Councilman is to be caught bargaining in poor faith. With some of these things why and how come I am not fully aware although it is for everybody an economic hard time. When we did settle with Unions some time ago and at that time gave them the public works and the clerical workers a 4% raise. That was agreed and made motion and unanimously voted to give them that raise. We are telling the people that are loyal to our town that work for our town that they have a life time career here and now say oops we are sorry and we are taking it away from you. That doesn't settle good with me.

Mr. O'Rourke: Jerry, This resolution is only a one way resolution Right? In order to have a discussion you have to have the other party agree to it.

Mr. Dasti: It authorizes our office to speak with the Union Heads in an attempt to open the CBA to discuss the type of health insurance for the employees.

Mr. O'Rourke: If they choose not to re-open

Mr. Dasti: Look, I would not tell Mr. Potter what to do.

Mr. O'Rourke: This says we are willing to open the negotiations regarding the health care benefits. That is all it says.

Mr. Kaklamanis: Did we get any feedback from the Unions.

Mr. Dasti: The resolution authorizes the Borough Attorney to reopen all previously executed contracts with Teamster 469 and PBA 158. I don't want the Police to get nervous. You don't have an agreement yet. That is what it says. I take this to read that it authorizes my office to contact the Union reps of #469 and #158 to discuss this. That is all it says.

Ms. Rogers: The intent is to talk about health care.

Mr. McHugh: Can we amend it to simply just discuss health care?

Mr. Dasti: The Union has the opportunity to discuss what they want to discuss. If we re-open the agreement. They might want to talk about other things. If you want to dance you have to ask the person to dance. The person can say no.

Mr. Kaklamanis: I see some representatives of the PBA here.

Ms. Rogers: They are not involved in this John.

Mayor Konkus: Do we have a motion on this?

Ms. Rogers: Yes and a second.

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: No

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

3. (281-2009) Authorize Participation in the New Jersey State Health Benefits Program

MOTION: Authorize Participation in the New Jersey State Health Benefits Program

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND:

Mr. Leitner: I just want this clear on #280, 281 & 282 I have not received the copy of the actually authorizations. I want to be clear on both 281 and 282 that what we are doing is just setting it up so that we can if we so choose enter that program. I think there are a lot of questions, especially about retirees that we need to address before we move into that program. I want to be sure we are not moving into that program. I want to be sure that we are not moving into that program and that we are just setting it up so we can if we so choose.

Mr. O'Rourke; These are official forms we dealing with and this puts the cart before the horse.

Mr. Leitner: Exactly.

Ms. Rogers: Part of the forms is to get the process going. Please Scott come forward. There is a 90 day requirement and we have a certain that frame that we need to be prudent to be able to go and talk to all of the units, explore all of the positives and the negatives and the four educational sessions were very good. We have a meeting with the retirees on Thursday and then our job is to determine is this is where we need to go. Then talk with the units. We are gonna suck up that rate increase for the first quarter with the 35% rate increase. There could not be a start date until at least April 1st.

Mr. Leitner: I think what we are doing here is too expensive to get wrong. I want to make sure we are not committing ourselves at this time.

Mr. O'Rourke: This looks like a resolution that authorizes us join the program.

Scott Davenport: The representative from the State that was here for those meetings indicated to us that they have a requirement of 90 days notice to start the program. They also indicated to us that if we do not have consensus we will not be enrolled. This will start the clock. By passing the resolution you will be able to go into the State.

Ms. Rogers: If we are successful with discussions and it seems that it is a positive route to take and the units buy in, the middle of February is when the enrollment process would have to be complete to go in April 1st. That is the time frame of this window of opportunity.

Mr. O'Rourke: You were requested some information about a high deductible plan and that went to Blue Cross and Blue Shield it was a \$1500 deductible and the approximate savings was about \$180,000. Instead of an increase of \$554,000, it would be that minus \$180,000.

Mr. Kaklamanis: In reading this resolution, it says a resolution to authorize participation in the N.J. State Health Care Program also it says it elects to participate so that basically puts the cart before the horse. I did participate in the one meeting and I have notes here that Ms. Rogers stated they are going to look at the coverage and look at the costs and all the Unions have to have time to agree in or out, all of nothing. It was a time sensitive issue and to me this sounds like a force feed program. Educational sessions only. This resolution appears to sign everybody up. It opened up a can of worms because it almost through the retirees under the bus. Where this was news to me, and Mr. Wardell was here with me and I promised them I would never put them in financial difficulty. It sounds like the retirees and the seniors would be. I don't know, \$400, ten months, \$4800 and then the added costs. It would send them into a spiral effect.

Ms. Rogers: Do we have a meeting scheduled with the retirees for Thursday with possible options to handle this problem? John, it is trying to deal with the questions that came out of the meetings and this sets it up so if we can work through the problems and come up with the situation we can maximize the best benefit savings by April 1st. If we don't move forward on this and don't make that attempt every month we don't do this it is less and less of a savings.

Mr. Kaklamanis: Why can't the Unions and the towns people just look at it and if they agree with it, they know there is financial difficulty. From what I see here it is almost like a done deal and you sign them up.

Ms. Rogers: It is not even close to a done deal. There is no harm to get the clock ticking.

Mr. Kaklamanis: You want to rush it and how long before

Mr. Leitner: There are rules and there are four corners of the paper. In your opinion are we signing up for this plan by signing and authorizing these documents?

Mr. Dasti: No. The document says the resolution would take effect immediately and the coverage shall be effective as of blank. If you don't enroll the State says fine go to someone else. This is the first State form which gets that ball rolling.

Mr. Leitner: Is there any penalty for withdrawing our application?

Mr. Dasti: Not that I am aware of.

Mr. Davenport: As long as you don't submit enrollment material there is no penalty.

Mr. Leitner: If we do submit enrollment?

Mr. Davenport: If you process and submit enrollment applications and the State processes that they will charge you a premium. That is why I indicated that this just starts the clock rolling. I think the intent would be we are starting the clock

rolling and have an opportunity over the next four or five weeks to hopefully reach consensus with all of the bargaining units. If that doesn't happen we are not going to have employees filling out enrollment forms. They have to agree with this change.

Mr. Leitner: Let's say we fill this form out and an employee really likes the State Plan and they fill out the enrollment form and sends it. Are we then stuck?

Mr. Davenport: No, everything has to be processed by the town. Individuals will not have the ability to submit an application. Everything has to be done by the Borough.

Mayor Konkus: This gives us the ability to expedite the process if a decision is made to go for it with all of our Unions. If we don't further continue pursuing this it just sits in limbo. There is no action taken.

Mr. Davenport: If you don't take action now you lose the ability to go in April 1st. If you pass this resolution you have the opportunity to go in April 1st if everything else works out. If it doesn't then you are talking May 1st, June 1st or whatever first of the month after that gets done. If you wait until you have an agreement with all of your unions, then you would have to start the ninety day clock at that point. Every month that that happens the difference in premium increases about \$46,000 a month more over what the Borough is currently paying. In an effort to potentially save \$46,000 if we could work everything out that was the rationale behind the resolution.

Mayor Konkus: By having these resolutions on file the Borough can also chose to never take action on that.

Mr. Davenport: I have other clients that have passed the resolution and could not work it out and nothing happened. They rescinded the resolution and they never went to the State plan for various reasons.

Ms. Rogers: Scott, the numbers that we calculated out if we were successful to make the conversion it was a savings of approximately \$343,000 over the 2009 premium. Is that correct?

Mr. Davenport: That is correct.

Mr. Kaklamanis: Mr. Davenport, who are the towns that opted out.

Mr. Davenport: It was a Board of Education, I can get you the specific town.

Mr. Kaklamanis: This says here authorizing participation in the New Jersey State Health Program. It appears to me that it is a done deal. I have many questions here because the fact came up and you were here about the retirees and the death benefits with the spouse or husband. Also, like I said the retirees

Ms. Rogers: We have identified out of all of the retirees. There are four people that have issues and that is who we are going to look to work with and to find a solution at Thursdays meeting to address their concerns. We will come back to Council and circulate that information to everyone up here.

Mr. Kaklamanis: I just don't see what it says here that you can decide on your own. According to this it is a done deal. It is not a done deal and this is all exploratory.

Ms. Rogers: It is not a done deal.

Mr. Maffei: Scott, as the Borough Clerk, to process this, depending on what the Council does tonight I have a couple of questions. I have to certify this and send this in. The clock I understand starts ticking once this is sent to the State certified. That starts the ninety days. In the body of the resolution there are options though I as assuming they want a complete resolution when it is delivered to them. We have not gotten a determination on the options that will be in the

body of this resolution that I will have to certify and send to them tomorrow. For the Council to be aware if you are passing this tonight I need to know what the options are that you are choosing in this resolution so that I can certify it before I send it out.

Mr. O'Rourke: There are all kinds of blank spots on this resolution and without it being filled out it is void.

Mr. Kaklamanis: Have we had any feedback from the Unions? You are force feeding the issue and pushing the issue where give everyone the say in the matter and let them come and discuss it and like I said in their hearts, the Unions, the workers and the people that are dedicated to this town after given the proper opportunity to sit and talk and negotiate I am sure in good faith they will make the right decision. All the time Sue it is like you take the ball, run with it and you don't tell anyone what goes on, you do it has cocked and you have these meetings that nobody knows about.

Ms. Rogers: There is nothing about this we had multiple meetings which Councilman McHugh participated along with the Union representatives.

Mr. Leitner: The blanks that have to be filled in would have to be as good as or better than the current insurance plan.

Mr. Davenport: The blank on that resolution don't address the benefit on the current plans. That would be the negotiating plan.

Mr. O'Rourke: That means Mr. Maffei cannot file this tomorrow without these checks being done and we have to talk to the negotiating union to do that.

Mr. Davenport: When Mr. Lawry was here the information for the resolution he filled out. If you are going to start April 1st they require 90 days notice so they would have to pass the resolution in the month of December. If you don't pass it until the month of January than the earliest the State would accept you would be May 1st.

Mayor Konkus: We would have to choose one of these boxes?

Mr. Davenport: Yes. It is about taking medical, prescription, or dental, the hourly requirements. It is not about benefits. The hourly requirements which are currently subject to the Collective Bargaining Agreements are. It is not about the benefit level itself. That is something that would have to be handled through the Collective Bargaining Agreements.

Mayor Konkus: We need something more than Point Pleasant on the top and a signature on the bottom.

Ms. Rogers: What was being contemplated or thought to maximize that savings was the Prescription and Health with Dental being excluded to be maintained on the existing Horizon Blue Cross Blue Shield Plan because the rate increase on that was minimal. Chris Lowery from the State did fill out this form and I know I submitted over to David's office so I am not certain it is not filled in, the one we are looking at. We completed it the day of the session and I dropped it over to the Administrative office.

Mr. O'Rourke: I believe we all have to talk about that before it is completed.

Ms. Rogers: I understand. He gave the sample of what needed to be completed.

Mr. Kaklamanis: I never saw it. I never even saw these two resolutions until tonight before the meeting. The day I was there I never saw this. We need a fair and open opinion. They can join up tomorrow, did they read it and see it? No. You also stated that we are looking and there is no rush. It is not a done deal.

Ms. Rogers: There never was a statement from me that said there wasn't diligence needed on this and that it wasn't a rush.

Mr. Kaklamanis: Why rush it tonight?

Mayor Konkus: Are you saying that those documents were not in your agenda, John?

Mr. Kaklamanis: Exactly. No, the day of the meeting I was here, Thursday at 12:10 p.m. these items the resolutions 081 & 82 were not there I never say them until tonight.

Mayor Konkus: When did you pick your packet up?

Mr. Kaklamanis: This afternoon. I read it

Mr. Leitner: 081, Number 1 is the Town. We will be maintaining the same Dental Plan and we would take the State Health and Prescription plan. That would be checking off Box A on paragraph two.

Mr. Kaklamanis: Why are we even doing this tonight. Everyone should have a reasonable amount of time to look at it instead of force feeding the issue, look at it and fill in the boxes tonight.

Ms. Rogers: David, wasn't this disclosed on the Council package which is posted on the web site.

Mr. Maffei: Yes

Mayor Konkus: If you only picked up your package this afternoon you can't complain about how untimely it is.

Mr. O'Rourke: That is why we have the questions. This thing is blank.

Mr. Kaklamanis: I was here Thursday and I didn't see this until tonight.

Ms. Rogers: It wasn't completed it was a sample.

Mr. Kaklamanis: Why do it tonight. If it takes a day or two longer so be it.

Mr. McHugh: If this facilitates us discussing it I think the questions being asked are fairly straight forward. I do understand that we don't want to agree to a blank form. I think we can get to a point where it allows us to discuss this. This is not setting the benefit level. It is not that type of thing. That would have to be discussed with the bargaining unit.

Ms. Rogers: #2 would be A.

Mr. Leitner: If I understand this we are doing this for informational purposes only so we might as well check off the box and see how the numbers come in.

Mr. Davenport: We already have that information. The current dental plan was very competitive compared to the State Dental Plan. It is only the medical and prescription.

Mr. Leitner: By competitive do you mean better?

Mr. Davenport: Financially very similar, there was no cost savings on the dental. The cost savings was on the medical and prescription.

Ms. Rogers: Item B, we would be maintaining the Horizon Dental Plan. Correct?

Mr. Davenport: Yes.

Mr. Leitner: I want to make sure I understand. Is there any harm in checking off Box A in there incase anything changes and Council feels the State Plan is richer than the Horizon Plan or that we need to save whatever those premium dollars are.

Mr. Davenport: If you check it you would have to, you can check it and then not submit dental enrollment information and you will not be enrolled in the dental.

Ms. Rogers: The only thing I would say to that is it may catalyst into what is happening with the retirees that those who have dental would then be required to pick up the health and prescription, Scott?

Mr. Davenport: We will address the handful of retirees separately. I am comfortable that we can work something out with them.

Ms. Rogers: What about those that have individual dental and nothing else.

Mr. Davenport: I would have to take a look at those. I am not sure.

Ms. Rogers: By checking that box it might throw us into the situation with retirees.

Mr. Leitner: I would like to investigate it rather than close the door on it.

Mr. O'Rourke: If we check this off and we don't supply the paperwork don't we have to redo the resolution taking that check off the box?

Mr. Davenport: If you don't hand in any paper work you will not be enrolled for that. You probably should, if you decide not to participate in some part of it I would suggest you pass a resolution rescinding what you previously did to start the process. So if you check dental and then you decide you don't want dental then you just rescind that portion of the resolution. I am not speaking from the State of New Jersey I am speaking from practical experience with many clients in the State Health benefit plan and working with Mr. Lowery who is the representative that is historically how it has worked. If we need something beyond that I am not authorized to speak on behalf of the State.

Mr. Kaklamanis: This has to be accepted by all of the Unions in the Borough and the employees?

Ms. Rogers: Yes, John.

Mr. Kaklamanis: How do we know that they will all accept it?

Ms. Rogers: If they don't we are not enrolled.

Mr. Kaklamanis: I think it would be more beneficial to bring it to their attention first and touch base with them and get their feedback and go from there.

Mr. Dikun: My interpretation of this is we are front loading by filling out this application and making a resolution that we are considering going into this plan. If we lay off one month it retards us back to May instead of April. That one month could cost us \$46,000. To me that is a salary of one individual at least. Somewhere along the line. We are not pulling the trigger on changing anyone's health benefits. All we are doing is front loading ourselves with an opportunity that if the bargaining units ratify and agree they want to come on board, everybody, then we have that opportunity to press on. The guy with the money is \$46,000. To me we are beating a dog here. All we are doing is front loading and we are not pulling the trigger or taking anything away from anybody. We are not taking the ability for people to tell us what they want to do. If they say no, they say no and then it doesn't happen.

Mr. Davenport: We are not cancelling any current insurance policy. That will remain in effect until such time that the Borough cancels it. Again, the Borough cannot cancel that policy unless that have consensus of all of the Bargaining Units.

Mr. Dikun: We are not pulling the trigger.

Mr. Kaklamanis: Just because we have an audience tonight and so people are aware, our rising health insurance costs, is that because of on the job injuries?

Mr. Dasti: That is compensation.

Mr. Kaklamanis: Just to make people aware of why we are changing the policy. Because of our increased health costs.

Ms. Rogers: We are not changing the policy at all, we are looking into possibilities.

Mr. Kaklamanis: What is the reason for the elevated increase costs as they appear in our health insurance?

Mr. Davenport: Anything on the job is workman's comp which would not be part of the health insurance. But the primary reason for the increase in the medical portion of the plan was the claims experience of the employees and dependents that are covered by the Borough. There were a number of catastrophic illnesses. Some were over \$100,000 plus the general utilization of the plan, the claims experience of the covered individuals increased significantly over the previous year. I don't have the exact number but it was in excess of 40% above what it was the previous year.

Mr. Kaklamanis: That was due to pay out for family and dependents illnesses, prescriptions and so forth.

Mr. Davenport: Yes

Mr. Kaklamanis: It is not directly related to the individuals working for the town and injuries.

Mr. Davenport: Anything that was injury related to the Borough was Workman's Comp.

Mr. O'Rourke; Scott, you say you are going to meet with the retirees to see what you could do. There were four or five that were involved. Can you be specific about what you can do to make that an equal plan for them?

Mr. Davenport: The first thing is to find out what they do have currently. Compare it to what the State has to offer. Depending on the outcome of that there are some other things that the Borough can do. Because of the significant premium savings. There is a way to potentially use a little bit of that savings to make sure that the handful of employees are made whole so they are not in a position any worse than today.

Mr. O'Rourke: Does equivalent mean that the employees will not have to pay any more out of pocket expenses just that they are provided the same amount of service for what they pay.

Mr. Dasti: Equivalent means equivalent, it means the same as what you have now.

Mr. Kaklamanis: It has nothing to do with as good, equal to or better.

Mr. O'Rourke; Yes it does. It is straight forward, approximately what they have now.

Ms. Rogers: All of this would have to be negotiated unit by unit. It is an all buy in or nothing. One does not get to go if the other doesn't go.

Mr. Dasti: I remind you that we changed health insurance companies about six years ago. We went through the same type of thing about equal to or better than. We went from CIGNA to Horizon. We went all through different health companies and provided to the bargaining units equivalent coverage, same as or better. The only difference is now we are considering the State Health Plan.

Mr. Leitner: If I can address paragraph #4

Mr. Potter: Mr. Dasti answered my question earlier, based on that answer I am confident that this will not mandate something. I do have one comment. They called meetings with the employees. Our local Union was not notified and we found out from the members and that is not something that should be done and that does not start the process in good faith. My comment is following up on Chris Leitner. If you want the employees to consider opening this up I would check everything on that list because we are not going to sit down and you limit to us what we can bargain in these benefits. If you are going to do it and it is not mandated something we have to agree upon, I don't know whether we are going to open up the contracts or not open the contracts. I don't want to be limited. So if you are going to do this I think you should wait and see what is bargained first. I am not in support of this resolution but if you decide to do it you better check everything off. We don't want to sit there and find out there is a better benefit we could have bargained for.

Mr. Kaklamanis: I agree with you Mr. Potter. Get the ball rolling and discuss the issues.

Mr. Leitner: 32 Hours is the minimum, #6 we have to appoint someone as a certifying officer, I assume that would be Mr. Maffei or Mr. Block.

Mr. Dasti: I recommend the Administrator/Borough Clerk.

Mr. Leitner: #7 will be April 1st. I don't know that we can amend or add anything to this but I would feel more comfortable adding paragraph 8 that we can withdraw at our pleasure.

Mr. Davenport: The State will not accept this form if there are any modifications to it. That is not my rule, it is their rule. I have seen in another public entity where the Attorney prepared their own and if there is any change they will not take it.

Mr. Kaklamanis: At any time can the State change this? Does anyone have a say on it. If the State health benefits program that we enroll with wants to change something would we as the Borough have any say in the matter?

Mr. Davenport: No, if you are going to participate the State Health Benefit Commission makes those decisions. They are appointed people that are on that board and I believe there are five and they govern the State Health Benefit Plan.

Ms. Rogers: It is a five member board.

Mr. Davenport: If they decide that a co-pay is \$10 today and \$15 tomorrow everybody that participates that is what it will be.

Mr. Kaklamanis: Any appeal process?

Mr. Davenport: Not really.

Mr. O'Rourke: Can we include in this an amendment

Mr. Dasti: If you type anything else on the State form, they will reject it. It will not work.

Mr. O'Rourke: Can we pass an amendment to the resolution that somehow we are not filling out this form for the purpose of pushing this forward, we are filling it out for moving it forward.

Mr. Kaklamanis: That is what you are doing, pushing it forward.

Mayor Konkus: That is understood.

Mr. Dasti: Not only is it understood that is what your insurance consultant who is compensated by the Borough told you. This is not binding. Unless you fill out the enrollment forms.

Mr. O'Rourke: Are we done?

Mayor Konkus: We need a second.

Mr. O'Rourke: Based on all the presentations I have just heard I will second it. That this is allowing us to move in a forward direction but there is a lot to jump through yet.

Mr. Kaklamanis: There is no mandate and it is non-binding.

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: NO

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

4. (282-2009) Authorizing the Selection of a Premium delay in the New Jersey State Health Benefits Program

MOTION: Authorizing the Selection of a Premium delay in the New Jersey State Health Benefits Program

Mr. O'Rourke: What are we delaying if we are not starting until April 1st anyway? We are not delaying until May 1st, are we?

Mr. Davenport: What this is, is if you in fact go into the State Health Benefit Plan they offer the opportunity to delay a premium payment. In a sense you will always be one month behind. If you were going to leave the State you would have to reimburse them for that. It is something that they have done in the past as a cash flow issue to try to encourage groups to participate. My personal opinion from a budget prospective you have to budget for it and I don't see why you would do it but it is something groups have done in the past that have had significant financial issues. I would not recommend it. If it is an April expense it will be in that year's budget so there would not be a reason to defer a payment.

Mr. Maffei: The only reason to delay is you would be pushing it from this year's budget to the following year by one month.

Mr. Leitner: Is there a penalty.

Mr. Davenport: No.

Ms. Rogers: I think it is an option we need to consider in light of what the budget is looking like going into 2010. Would you suggest David that we take this option?

Mr. Leitner: If we decide April 1st we don't want to do this can we withdraw the resolution to delay?

Mr. Davenport: Yes

Mr. Maffei: At that point we will have a better feeling where the budget is going to be.

Mr. Davenport: There is flexibility in the premium delay. You can elect that if you don't do it now. You can elect that at a later date. You are not locked in.

Mr. Maffei: I would suggest the two months and then change it at a later date.

Mayor Konkus: Would anyone like to make a motion for two months?

Ms. Rogers: So moved

Mr. O'Rourke: For two months second.

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: No

Mr. Dikun: Yes
withdraw this later, yes.

Mr. Leitner: I want to express that I can

Mr. McHugh: Yes

CARRIES: Yes

Ms. Rogers: Thank you Scott.

5. (283-2009) Authorizing the Refund of Overpayment of an Electric Permit Fee, Block 323, Lot 8 – Aggressive Contracting

MOTION: Authorize the Refund of Overpayment of an Electric Permit Fee, Block 323, Lot 8 – Aggressive Contracting

WHEREAS, Aggressive Contracting did pay a fee for an electrical permit for work at Block 323 Lot 8 , Point Pleasant, New Jersey; and

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

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

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

- 1. That the proper Borough Officials are hereby authorized and directed to issue a refund to Aggressive Contracting, P.O. Box 712, Point Pleasant, New Jersey for the electrical permit.**
- 2. That certified copies of this Resolution be sent to: Aggressive Contracting, Michael Gardner, Chief Financial Officer, Borough Auditor 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

6. (284-2009) Requesting that the FY 2007 and FY 2008 NJ Department of Transportation Municipal Aid Grants for West End Drive Drainage and Roadway Improvements Project be consolidated

MOTION: Requesting that the FY 2007 and FY 2008 NJ Department of Transportation Municipal Aid Grants for West End Drive Drainage and Roadway Improvements project be consolidated

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY, REQUESTING THAT THE FY 2007 AND FY 2008 NJDOT MUNICIPAL AID GRANTS FOR THE WEST END DRIVE DRAINAGE AND ROADWAY IMPROVEMENTS PROJECT BE CONSOLIDATED

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 received two (2) grants from NJDOT in conjunction with the proposed West End Drive Drainage and Roadway Improvements Project (hereinafter referred to as the "project"); and

WHEREAS, the grant received for FY 2007 is \$150,000.00, and the grant received for FY 2008 is \$175,000.00, for a total of \$325,000.00; and

WHEREAS, the Borough believes, based upon recommendations from the Borough Engineer, that a consolidation of these two (2) grants would increase cost effectiveness in both construction costs and engineering services, and would therefore significantly provide additional savings in construction pricing, design and construction management for the project, thereby assisting the Borough and its taxpayers with regard to the funding for this project:

NOW, THEREFORE, BE IT RESOLVED, this 15th day of December, 2009 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough requests that the New Jersey Department of Transportation combine the two (2) aforementioned municipal aid grants for

this project in order to provide the best cost effectiveness, with regard to both construction costs and engineering services.

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

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

- (a) Honorable Martin Konkus, Mayor;
- (b) David Maffei, Borough Administrator/Clerk;
- (c) Robert Forsyth, P.E., Remington, Vernick & Vena; and
- (d) Jerry J. Dasti, Esq.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Borough Council of Point Pleasant Borough at a regular meeting held on December 15, 2009, a quorum being present and voting in the majority.

DAVID MAFFEI, Borough
Administrator/Clerk

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

7. (285-2009) Requesting a Six Month Extension of time in which the Borough Must Award a Contract for the West End Drive Drainage Roadway Improvement Project

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF
OCEAN, STATE OF NEW JERSEY, REQUESTING A SIX-
MONTH EXTENSION OF TIME BY WHICH THE BOROUGH
MUST AWARD A CONTRACT FOR THE WEST END DRIVE
DRAINAGE ROADWAY IMPROVEMENT PROJECT**

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 applied for and received grants from NJDOT in conjunction with a proposed West End Drive drainage and roadway improvements project (the “project”); and

WHEREAS, the preliminary design of the project has indicated the existence of several collapsed sanitary sewer mains along West End Drive which will impede the proposed project, and need to be resolved as part of or before the project is awarded; and

WHEREAS, the Borough has awarded a contract to Lucas Construction Company to finalize the sanitary sewer repairs which will be completed during the winter of 2009/2010, and thereafter the Borough anticipates awarding a contract for the project in or by February 2010; and

WHEREAS, the NJDOT grants for this project were to be utilized for a contract award on or before August 21, 2009, however, because of the aforementioned unforeseen circumstances and difficulties, the award will not be made until on or by February 21, 2010; and

WHEREAS, the Borough therefore needs to request from NJDOT a six-month extension within which time it will award the contract for this project:

NOW, THEREFORE, BE IT RESOLVED, this 15th day of December, 2009 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

4. For the reasons set forth hereinabove, all of which were unforeseen and could not have been reasonably contemplated or considered by the Borough when it received the NJDOT grants for this project, the Borough formally requests a six-month extension of time to award the construction contract for this project, from the New Jersey Department of Transportation.

5. The Borough formally requests an extension so as to be permitted to award the construction contract for this project on or by February 21, 2010.

6. 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.

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

- (e) Honorable Martin Konkus, Mayor;
- (f) David Maffei, Borough Administrator/Clerk;
- (g) Robert Forsyth, P.E., Remington, Vernick & Vena; and
- (h) Jerry J. Dasti, Esq.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Borough Council of Point Pleasant Borough at a regular meeting held on December 15, 2009, a quorum being present and voting in the majority.

DAVID MAFFEI, Borough
Administrator/Clerk

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. McHugh

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

8. (286-2009) Transfer Resolution – 2009 Budget Appropriations

MOTION: Adopt Transfer Resolution – 2009 Budget Appropriations

WHEREAS, the date of this resolution is within the last two months of calendar year 2009 and the first three months of 2010; and

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

WHEREAS, the Mayor and Council is desirous of making these necessary transfers; and

NOW, THEREFORE, BE IT RESOLVED , (not less than two thirds of the members of the Governing Body confirming) that the following transfers be approved and the same are hereby made between the appropriation in the 2009 budget:

CURRENT; (FROM)

Municipal Court S& W

2,000.00

Finance Office S& W	4,000.00
Police OE	2,000.00
Recycling OE	1,000.00
Construction OE	2,900.00
Aid to Community OE	1,300.00
TOTAL	\$13,200.00

CURRENT: (TO)

Finance OE	\$ 700.00
Zoning Board OE	1,500.00
Planning Board OE	10,000.00
Assessor S&W	500.00
Construction S&W	500.00
TOTAL	\$13,200.00

MOTION: Adopt Resolution

MADE: Mr. Kaklamanis

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

- (287-2009) Authorizing the Execution of shared Services with the Borough of Point Pleasant Beach to utilize their Courtroom and Police Department Facilities during Certain Phases of the Police Expansion and Courtroom Renovations**

RESOLUTION OF THE BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING SHARED SERVICES AGREEMENT WITH THE BOROUGH OF POINT PLEASANT BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.

WHEREAS, the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey (the "Borough") has entered into discussions with representatives of the Borough of Point Pleasant Beach, County of Ocean, State of New Jersey ("Beach") with regard to a Shared Services Agreement in order to best assist and protect the citizens and taxpayers of both the Borough of Point Pleasant Borough and Point Pleasant Beach; and

WHEREAS, an agreement has been reached in principle between representatives of the Borough and Beach, a true copy of which is on file at the office of the Borough Clerk and can be reviewed during normal business hours,

so that the Borough and Beach can share services, for no exchange of monies, for the services referenced in that Agreement; and

WHEREAS, the proposed Share Services Agreement involves utilization by the Borough of the Municipal Court Complex owned and operated by Beach while extensive renovations are being completed at the Borough Municipal Building; and

WHEREAS, the Borough has reviewed the proposed Agreement and finds it to be reasonable, appropriate, and in the long-term best interests of the residents and taxpayers of the Borough of Point Pleasant Borough:

NOW, THEREFORE, BE IT RESOLVED, this 15th day of December, 2009 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

- 1.The Borough approves the Shared Services Agreement with the Borough of Point Pleasant Beach, a true copy of which is on file at the office of the Borough Clerk and can be reviewed during normal business hours.
- 2.The Borough authorizes and directs the Mayor, Borough Clerk, Borough Administrator and Borough Solicitor 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 Administrator/Clerk to the following:
 - (i) Honorable Martin Konkus, Mayor;
 - (j) New Jersey Department of Community Affairs;
 - (k) Honorable Vincent Barrella, Mayor of Point Pleasant Beach;
 - (l) David Maffei, Administrator/Clerk;
 - (m) Jerry J. Dasti, Esq.; and
 - (n) Christine Riehl, Administrator/Clerk of Point Pleasant Beach

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. O'Rourke: Discussion. Is this costing us anything?

Ms. Rogers: No.

Mr. O'Rourke: We are getting the service for free and we don't have to pay for utilities or anything like that?

Mr. Dasti: The only thing you may have to pay for is if you have to use some of the Beach court personal.

Mr. Leitner: Are our Council meetings going to be held there?

Mr. Maffei: No. We made arrangements with the School Board to have the sessions held at the school.

Ms. Rogers: Not only can we use the beach facilities but their video conferencing and court equipment which should save on overtime rather than go down to the County to pick up prisoners. We should be able to be using their video conferencing system. My understanding Chief is that we will be providing our men and our ladies during the Court sessions as required.

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

10. (288-2009) Amend 2009 Salary Resolution-Deputy Clerk

MOTION: Amend 2009 Salary Resolution – Deputy Borough Clerk

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

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 annual salary of Maryanne O'Rourke to be changed from \$2,500.00 to \$5,000.00 for the position of Deputy Borough Clerk for the year 2009 only is hereby approved. Said salary to be retro-actively effective January 1, 2009.**
- 2. Certified copies of this resolution be sent to the Chief Financial Officer, Maryanne O'Rourke, Personnel File, and all interested parties.**

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Leitner

Mr. O'Rourke: I want to point out that I am not related to Mrs. O'Rourke.

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

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

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

CARRIES: Yes

11. (289-2009) Approve Carry-Over of Vacation Time for Borough Employees

MOTION: Approve Carry Over Vacation Time for Borough Employees

WHEREAS, the Borough Clerk/Administrator, David A. Maffei, has reviewed requests and is authorized to and has approved the carryover of up to five (5) vacation days for all employees who have requested same; and

WHEREAS, Borough Ordinance requires that the Council approve any vacation days to be carried over in excess of five (5) days; and

WHEREAS, Schedule A, hereto attached, specifies the names of those employees wishing to carry over said vacation days and the number of days in question.

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 Mayor and Council hereby approves the requests of the Borough Employees to carry all the requested unused 2009 vacation time to 2010 as hereto outlined in the attached Schedule A.
2. Certified copies of this Resolution to the respective department heads, Chief Financial Officer, to all employees named in Schedule A, employee's respective personnel files and any other interested parties.

**SCHEDULE A
2009 UNUSED VACATION CARRY-OVER TO 2010**

NAME	REQUEST (HOURS)	ADMINISTRATOR APPROVED	COUNCIL APPROVED
Ackerman, Charles	1 day	1 day	
Adametz, Dennis	160	32	128
Aurin, Kevin	7 days	5 days	2 days
Belesky, Chris	56.30	32	24.30
Bestine, Sharon	14.57	14.57	
Block, Judy	294.4	32	153.6 *
Burch, Susan	192.5	32	160.50
Burke, Kevin	70.15	32	38.15
Collins, Kevin	10 days	5 days	5 days
Cook, Anne	33	32	1.0

Cooper, Catherine	4	4	
Costa, Benjamin	92	32	60
Crannell, Colleen	128	32	96
Daley, George	40	32	8
English, Tiffany	34.38	32	2.38
Falke, Thomas	148	32	116
Fennessy, Brian	4 days	4 days	
Fredman, John	376	32	344
Gargani, Anthony	79.25	32	47.25
Greenan, Siveen	2 days	2 days	
Griggs, Clinton	12	12	
Griggs, David	5	5	
Grohowski, Ryan	3 days	3 days	
Gunnell, Joshua	5 days	5 days	
Haycook, Karen	166.40	32	134.40
Heyniger, Nicole	66	33	33
Hill, Michelle	4 days	4 days	
Howerton, Mike	208	32	176
Iannizzotto, Jacqueline	1 day	1 day	
Ivins, James	56	32	24
Kelly, Cathy	41.70	32	9.70

**SCHEDULE A
2009 UNUSED VACATION CARRY-OVER TO 2010**

NAME	REQUEST (HOURS)	ADMINISTRATOR APPROVED	COUNCIL APPROVED
Kinsley, David	208	32	176
Knecht, Wm.	136	32	104
Kralovich, Michael	4	4	
Kretz, Alan	24	24	
Lane, Mark	12.5	12.5	

Lemanowicz, Joyce	10 days	5 days	5 days
Leonhardt, Christopher	9 days	5 days	4 days
Lokerson, Robert	5 days	5 days	
Maffei, David	261.15		147.2 *
McNally, Brad	8 days	5 days	3 days
Miller, Edward	5 days	5 days	
Morrison, Joanne	2 days	2 days	
Mullen, William	208	32	176
Olsen, Cheryl	40.86	32	8.86
O'Rourke, Maryanne	61.78	32	29.78
Palughi, Robyn	35.2	32	3.2
Patterson, Stephen	24.92	24.92	
Pearce, Bernadine	294.4	32	153.60 *
Phillips, Christopher	3 days	3 days	
Pizzi, Michael	54.5	32	22.50
Platt, Lisa	5.45	5.45	
Radsniak, David	1 day	1 day	
Scalabrini, David	4 days	4 days	
Sears, Dennis	232	32	200
Thwing, Veronica	84.88	32	52.33
Thompson, Robert	31.3	31.3	
Vaughn, Fred	80	32	48
Weaver, Paul	59.70	32	27.70
Williams, Lawrence	5 days	5 days	

* Total Requested exceeds one year allocation.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Ms. Rogers: David, could you please clarify and tell us what the policy is on vacation time and what this carry over entails and specifically who the carry over is for.

Mr. Maffei: Mainly this is a resolution that the Council has to pass only because it is under Civil Service the employees can carry over one year's worth of accumulated vacation into the following year. This is essentially what this resolution is doing. There are a couple of exceptions, people on this list that had requested special consideration for additional time.

Those are marked on there with the exception of John Fredman who as you know is out on workman's comp who was not able to take his vacation time. He was handled a little different. Last year the Council approved him to have his time carried over since he is out on work related injury he was not able to take vacation time. The other individual were Mrs. Block, Chief Financial Officer, Mrs. Pearce, Tax Collector and myself who noted the fact that we had more than one year's time accumulated and Mrs. Block and Mrs. Pearce have put in a request to carry over that additional time and I did so also. I have lost before so whatever the Council wants to do on that. Normally, the policy is one year's time.

Ms. Rogers: What were the extenuating circumstances for yourself and Mrs. Pearce and Mrs. Block to extend past what the policy is.

Mr. Maffei: In my office as you know, I have had one employee out on maternity leave since April, another employee was out a little more than a month this past Fall. We were short handed for a year. Mind you, my office consist of three employees. Mrs. Block's office consists of a full timer and a part timer. Her full timer has been out since early in the summer and has not been back to work as of this date. Mrs. Pearce's office, her staff has been cut over the past couple of years and she felt she was short handed and because of the work load she was unable to take off.

Ms. Rogers: Jerry, extending past what the policy is does it set a precedent for anyone else moving forward that if they have an issue or especially going into a budget session that may require additional circumstances do we set a precedent to exceed the policy?

Mr. Dasti: I think we have done this in the past for extenuating circumstances. If a year from now there are extenuating circumstances you deal with them then.

Mr. Leitner: By denying it you create the incentive for people not to work, take vacation and you lose efficiency costs. It may benefit the Borough to have people work rather than take vacation time.

Ms. Rogers: As to the upcoming numbers, is this added in or it is accounted for in a budget or is it reflected on a balance statement of outstanding time that affects out budget?

Mr. Maffei: Are you talking vacation time or accumulated sick time?

Ms. Rogers: Does the vacation time impact or extending past the policy impact the 2010 budget?

Mr. Maffei: No.

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: No

Mr. McHugh: Yes

CARRIES: Yes

12. (290-2009) Authorize Refund of Demolition Bond, Block 317, Lot 15, Newline Construction

MOTION: Authorize Refund of Demolition Bond, Block 317, Lot 15, Newline Construction

WHEREAS, Newline Construction, 56 Bridge Avenue, Point Pleasant did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a structure at 2412 Minerva Street, Point Pleasant, New Jersey 08742,

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

1. That the proper Borough Officials are authorized and directed to return to

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

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

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

OCTOBER, 2009

REVENUE REPORT CURRENT FUND

<u>Account</u>	<u>Budget</u>	<u>YTD Budget</u>	<u>YTD Actual</u>
Local Property Taxes	\$11,938,574.00	\$9,948,811.70	\$12,581,448.05*
Interest and Costs	\$ 308,000.00	\$ 256,666.70	250,445.44
Non-Categorical Grant	\$ 1,543,150.00	\$1,543,150.00	1,392,242.70
Grants with appropriation	\$ 307,295.00	\$ 307,295.00	
	49,886.27		
Interest on Investments	\$ 200,000.00	\$ 166,666.67	124,608.78
Other	\$ 507,143.00	\$ 422,619.20	886,619.11

-----TOTALS:

\$14,804,162.00	\$12,645,209.27	\$15,285,250.35	Receipt Delink. Taxes
1,790,000.00			
Anticipated Surplus	971,228.00		
TOTAL BUDGET	\$17,565,390.00		

10 Months School Tax Levy and 12 months Debt Service – 3/4 County taxes and added and omitted taxes are deducted from total tax receipts (see below)

WATER/SEWER FUND

Rents	\$4,933,872.00	\$4,111,560.00	\$3,778,890.21
Interest on Rents	-----	-----	\$ 25,933.27
Interest	\$ 24,200.00	\$ 22,183.33	\$ 33,847.97
Other	\$ 150,000.00	\$ 125,000.00	\$ 48,852.72
TOTALS	\$5,108,072.00	\$4,258,743.33	\$3,887,524.17

Anticipated Surplus \$ 595,800.00
 Capital Surplus \$ 200,000.00
 Total Budget \$ 5,903,872.00
 \$42,272,262.63 Actual Collection Taxes to Date
 (23,800,587.53) Minus School Taxes
 (5,890,227.05) Minus County taxes
 *\$12,581,448.05 Toward Budget

BANK ACCOUNTS
ENDING BALANCE AS OF OCTOBER, 2009

CHECKING ACCOUNTS: OCEAN FIRST BANK

Current	\$6,483,895.65
Current Capital	212,735.87
Water/Sewer	663,338.93
Water/Sewer Capital	562,942.32
Trust	96,637.73
Recreation Trust (in the General Trust Account)	20,409.34
Dog Trust	3,699.29
Payroll	57,993.97
Public Defender	999.61
Escrow Trust	254,797.04
Special Law Enforcement	5,611.50
Open Space Trust	155,843.13
Recreation Trust (New)	66,361.03
COHA	72,514.21
Green Acres	100.00

MOTION: Adopt Resolution

MADE: Mr. O'Rourke SECOND: Mr. McHugh

Ms. Rogers: Yes Mr. O'Rourke: Yes Mr. Kaklamanis: Yes
Mr. Dikun: Yes Mr. Leitner: Yes Mr. McHugh: Yes

CARRIES: Yes

15. (293-2009) Authorize Award of Bid for Purchase of One (1)
 29 Cubic Yard High Compaction Rear Loading Body

MOTION: Authorize award of bid for purchase of one (1) 29 Cubic Yard High compaction rear loading body

WHEREAS, the Mayor and Council of the Borough of Point Pleasant, did authorize the advertisement for bids for the purchase of One (1) 29 Cubic Yard High Compaction Read Loading Body; and

WHEREAS, Dennis Sears, Superintendent of Public Works has recommended that Gran Turk Equipment Company Inc., the sole bidder, be awarded a contract of said item at a cost of \$71,057.50.

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. A contract for the purchase of One (1) 29 Cubic Yard High compaction Read Loading Body as described in the authorized specifications is hereby awarded to Gran Turk Equipment Co. Inc., for the bid set forth: \$71,057.50..
2. The Mayor and Municipal Clerk/Administrator are hereby authorized to execute and deliver a contract with the successful bidder for the aforesaid purpose.
3. Certified copies of this Resolution to: Public Works Superintendant, Chief Financial Officer, Gran Turk Equipment Co. Inc. and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Ys

CARRIES: Yes

16. (294-2009) Bills and Claims

MOTION: Adopt Resolution Bills and Claims

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

WHEREAS, the responsible department head has certified that such claims represent good and/or service which have been received by the Borough; and

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

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay said bills, and has certified that each item accurately reflects the vendor's name, corresponding check number and appropriate amount as actually appears on the respective check.

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

OCEAN FIRST BANK

<u>ACCOUNT</u>	<u>2008</u>	<u>2009</u>
CURRENT	\$	\$ 1,006,808.15
WATER/SEWER	\$	222,857.45
CURRENT CAPITAL		232,044.36
WATER/SEWER CAPITAL		2,352.08

TRUST		39,185.24
RECREATION TRUST		366.30
RECREATION TRUST (New Account)		18,420.10
DOG TRUST		78.60
ESCROW TRUST		13,929.55
PUBLIC DEFENDER		-----
PAYROLL		-----
SPECIAL POLICE LAW ENF.		-----
OPEN SPACE		3,565.06

	TOTALS	\$ 1,539,606.89

COMMERCE BANK

<u>ACCOUNT</u>	<u>2008</u>	<u>2009</u>
PAYROLL (Close account)		\$18,667.43

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Leitner

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Mr. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

D. RESOLUTION (295-2009) Consent Agenda

MOTION: To approve consent items as summarized below

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

WHEREAS, said consent items are hereby summarized as follows:

1. Application Raffle License, Wall High School Swim Team Parents Association, on premise 50/50 to be held February 25, 2010.
2. Application Membership, Benjamin Springer, Fire Co. #1.
3. Application Membership, Charles M. McKeon Jr., Fire Co. #2.
4. Application Membership, Brandon A. Cusack, Fire Co. #2.
5. Application Membership, Alex A. Kristensen, Fire Co. #2.
6. Application Membership, Kiel C. Arnone, Fire Co. #2.

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

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

MOTION: Adopt Resolution

MADE: Mr. O'Rourke SECOND; Mr. Leitner

Ms. Rogers: Yes	Mr. O'Rourke: Yes	Mr. Kaklamanis: Yes
Mr. Dikun: Yes	Mr. Leitner: Yes	Mr. McHugh: Yes

CARRIES: Yes

E. AUTHORIZATIONS

1. Manual Checks

MOTION: Approve manual checks

MADE: Ms. Rogers SECOND: Mr. McHugh

Ms. Rogers: Yes	Mr. O'Rourke: Yes	Mr. Kaklamanis: Yes
Mr. Dikun: Yes	Mr. Leitner: Yes	Mr. McHugh: Yes

CARRIES: Yes

2. Authorize Magnum Construction Company to Complete Diesel Conversion Work Necessary on One of the Public Works Underground Storage Tanks - \$3,980.00

MOTION: Authorize Magnum construction Company to Complete Diesel Conversion Work Necessary on One of the Public Works Underground Storage Tanks - \$3,980.00

MADE: Mr. Dikun SECOND: Mr. McHugh

Ms. Rogers: Yes	Mr. O'Rourke: Yes	Mr. Kaklamanis: Yes
Mr. Dikun: Yes	Mr. Leitner: Yes	Mr. McHugh: Yes

CARRIES: Yes

3. Execute Plan Instituted by Lt. Colwell for the Route 88 Problem

MOTION: To execute plan instituted by Lt. Colwell for the Route 88 Problem

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

Mr. O'Rourke; Jerry, are we going to need an ordinance regulating that parking and things?

Mr. Dasti: I am not sure but I don't think we do. We will figure it out.

F. COMMITTEE REPORTS

Mr. Kaklamanis: I have quite a lengthy report tonight being it is going to be my final. I will start off in regards to an article in the paper, "Union Bargaining Open to Public in Point Pleasant". That is by Matthew McGrath. It is unfortunate he writes in this article "as frustration mounts throughout New Jersey over waste of public money", it is unfortunate he wrote a waste of because I think with the Borough employees everyone is dedicated and it appears through contract negotiations that have been talked about and discussed, it appears the Police BPA always get targeted one way or another. Of course, I have always said I am a firm believer if you are going to put money and spend it, it is well spent with the infrastructure of the Borough employees. The Police, the Department of Public Works, the Water Department, Clerical, Management, Supervisors and the Street Department Personnel all are dedicated, all put their lives on the line every day, although I have said before that they are smart enough and aware that the town and the State are in financial difficulty. Unfortunately, if things are addressed properly as compared and things are not forced feed and are brought to the table as compared to Sue you take on these things like the shared services I to this day have never been made aware as a Council Person, I have never seen anything in writing as to what is going on. I have always said the pendulum swings both ways. Of course in this time of financial difficulties people that used to work in business corporations, Wall Street, that would make \$800,000 or \$900,000 a year, everybody was happy and nobody said anything. Not the pendulum is swinging the other way and things are tough. There are layoffs, the Federal Government is borrowing money and they are spending money and the Public Workers who now make \$80,000 or \$90,000 a year and get paid benefits are being scrutinized and looked at. Everything is to them and that they are micromanaged. The Police put their life on the line. They go with the areas no other people will do. I am sure a lot of people cannot even do their jobs. They are well deserving. Everyone carries PBA cards, everybody wants to be a Police Officers friend. People get in trouble, they get pulled over, my friend is this officer, my friend is that officer. We give them a percentage raise of 2% or 3% which is about \$1600 a year. A street department worker could get hit by a car, they could get killed. You are talking \$1600, they don't take that home.

Mr. Dasti: I would urge you not to talk salary proposals.

Mr. Kaklamanis: I am talking in general. That is the percentage.

Mr. Dasti: I would urge you not to discuss what could potentially be deemed an unfair labor practice by talking about potential raise issues with the bargaining unit that are now talking to.

Mr. Kaklamanis: Okay, strike that. They put their life and they sacrifice their life and all Borough employees are well deserving. It is disheartening that they are always picked out. Everybody when the money was good nobody said anything

and now that it is not and it is tight certain groups and people get looked at and picked on and it is just disheartening. It goes on in this article, it went well and they are dedicated employees. As far as shared services that have been talked about with the Beach like I said to this day I came in the other day and there were some Councilmen from the Beach there and I was available but I was not allowed or given the opportunity to sit in. I don't know what they were talking about but there again we have a Council of six and a Mayor of seven and we have not been given the opportunity to know what goes on in these meetings. As far as giving my time to the town, three years I loved it and I am dedicated and I live here and the new Council people coming on have said they will dedicate their salary and I hope everything gets completed with the Unions in negotiations and as far as the Professionals that work for the town I am sure they will give back also to the citizens and to the residents and take a cut on their rate and how much they make. As far as things that were done while I have been here, I know the fire truck was a big topic of discussion and spending the money on that although like I said it is truly worth it. We have had Dan Mulligan speak about it and that is something as well as the First Aid has gone over the contract to get a new rig. I am happy about what happened about the Riverfront Park. I am still waiting on the plaque for the Birdsall Family to dedicate the Band Shell to the Birdsall family. McKennan Lake dedication, the Rec Center with Dick Blake I was active and kept after certain issues. That is the way I am. The wheels of town government doesn't move like private business so it is sometimes longer than the wheels of justice. I am happy I served and who knows what the future brings. I know there has always been a little joviality, I have graded my fellow Council Members and their grade is: Bill Dikun, an individual thinker, voices his opinion when he feels the need and hopefully see him on the next campaign trail. Bill got a solid B. Chris Leitner, an inspiration and he does things individually, nonpartisan, takes and thinks about all issues, sometimes he gets stuck on voting sometimes but he does move on. He votes with his heart. Chris you get an A minus. Jack McHugh thinks about all issues, a professional, he voices his opinion, Jack gets an A. We will leave the Mayor for last. Sue Rogers, means very well for the town, like myself I have said this 90% of the time we are on base and although people always express themselves differently. They used to say in the playground "does not play well with others". She is good, I will promote her, I will not leave her back but she gets a B. Shaun O'Rourke, he is dedicated, has dedicated many years, I believe 25 years to various boards and Council. He is knowledgeable and my running mate. Just three years ago we were democrats together. I am a republican now going back to where I was. Shaun in his heart is a republican although has made promises to stay where he is. Shaun gets a B plus. Myself, I am in the A category, man of the people and I do things fairly and impartially. I never bring politics into play up here. I have a family and I worked hard for three years and I am a solid A. Marty is dedicated to the town also, he really is, Two years as Mayor, he is totally political. He is an A plus according to Shaun but he said a D before. I don't know why you said a D but I have it written down here. Toni and Mitch congratulations. Welcome on board. Hopefully, you will be individual thinkers. They have been given a grade of incomplete at this time. I am sure they will be individuals and will not be followers and do what is right for the town. Jerry has been here many years. I remember Jerry when he lived on Dorsett Dock Road, I know his family from way back when. He is a strong A also like myself. He is a little more politically involved than I am. Thank you very much. I appreciate everything I have done. Thank you. That is it.

Mayor Konkus: Thank you John. We will see you on reorganization day?

Mr. Kaklamanis: Unless I am in Greece.

Mr. McHugh: I would like to say for Shaun and John. Nobody could ever say about Shaun and John that they did this job for fame or fortune. They did it

because they believe they could make a difference for the people of this town and they have. You both provided a great example. Thank you for the inspiration. You have been great role models. For my committee report, leaf pick up is continuing and they are about on schedule. I continue to receive a lot of suggestions from people about how we may be able to tweak this a little bit in the future. Keep the suggestions coming. I will be meeting over the summer with the Superintendent of Public Works. If anyone has not been over to the Bennett Cabin over at the Riverfront Park. A lot of work has been done. It is down to the bare wood. It is moving along quickly. End of report.

Mr. Leitner: I have gotten a lot of phone calls most of which were after 5 p.m. today when I could not call our tax assessor or Certified Valuations about a lot of letters about the revals. People are having trouble accepting the value of their houses. I have had a few people getting unsatisfied answers. We had Certified in months ago and it might be time to bring them in again. I think we had discussed that. Maybe at the next Council meeting or the one after.

Mr. O'Rourke: I am one of the people that got to go to the informal meeting. Frankly, I was going to go nuts. I don't know what the law is and how it works but the informal meeting allows you to go over the card that they fill out when they come into your house and identify your bedrooms and things like that. That is basically all that they talk to you about and they refuse to tell you. The person there is incapable of telling you what houses they used to make the basis. They are incapable of telling you what basis they used to make the basis. This real number is the only number in the State that you can't hide from. You can hide income, you can cheat on income taxes but you can't cheat on property taxes. How you get there they could not answer the question. It was a simple question. No transparency at all. I came over to talk to Robyn afterwards and I was a little upset. They gave me four bedrooms instead of three and they said that would make no difference in the price anyway. Robyn said the only way you can get the so called information about how they got your number was if you go and spend money and go to a tax appeal. Why should we have to spend \$500,000 in tax appeals because people did not get the answer the first time. I don't know if we can go and say go back and start over and make sure you can answer the questions that people ask, how they go the number. You don't take a dart board and throw it at a dart board. You have to take three houses in your neighborhood and say that is what the sales were. My neighborhood did not have a house within three hundred feet of me that sold. They could not specifically say where the number came from. I don't know if we can make the people go back. We are looking at a lot of problems here. Anybody who thinks their price is good and they are not going to pay as much taxes they are fine but the people that don't we are just asking for appeals. If they just got their questions answered to begin with we would not have these appeals.

Mayor Konkus: We have a citizen in the audience Mr. Sabosik, I am going to ask that during public session that he share his experience along. It might be a little educational.

Mr. O'Rourke; I don't mind paying taxes and I don't mind having an assessment but I would like to know how I got there. There is not transparency at all.

Mr. Leitner: Thank you Mr. O'Rourke. The next thing I would like to talk about is the Safe Routes to School Program. We have had a couple of meeting on this and it is going to be a very exciting program. Ms. Cumming is very active in this and she has found for the town is that there is a local bicycle pedestrian planning assistance program. What this gives us is a planner from the DOT who will evaluate the entire town and then give us suggestions on ways to make the town safer and more pedestrian friendly and more bike friendly. This would go a long

way. What we need is town things from the municipality and that is a letter on municipal letter head saying we are interested in the program and the other is a resolution of support. I would ask that this be placed on the next agenda. The resolution of support must include a commitment to make a good faith effort to implement the recommendations of the planning study. The planner will come out and make the recommendations. I would ask that on the next agenda. I have one year under my belt and I can tell you and it killed my blood pressure. The time and effort that Mr. O'Rourke and Mr. Kaklamanis have put in is inspiring. When I came into this I was curious if battles would continue. They only see what is right for the town and I thank them for their dedication and service to this town. End of report.

Mr. Dikun: I would like to request May 30th for the date of the Memorial Parade.

MOTION: To plan the Memorial Day Parade for May 30th

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

Mr. Dikun: We will kick that off at 1 p.m. I am also liaison to the Environmental Commission. The Point Beach Environmental Commission asked that I advise everyone that they are having a Sustainable Jersey Presentation on January 20th at 7 p.m. at the Beach Borough Hall, 416 New Jersey Avenue. All are invited. We had a malfunction at the Hardenbergh Well the day before Thanksgiving. The part was immediately replaced. It is up in the air and it takes effort to change the motors out. A bucket truck has to be utilized. In the 2010 budget Dennis Sears has put in to have that motor put down at ground level to make it a little more serviceable for us to be able to get to it. It will also restrict the noise. Every year I donate my council salary to various organizations in the community and for 2010 I decided I wanted to donate \$1000 of it to the Borough High School Women's Gymnastics Team. This year was their first year. Coach Bob and the Lady Panthers were four and six with only three girls. Two Freshman and a Sophomore. Fantastic work on their part. I would also like to donate \$500 to the Hockey Team, the High School Hockey Team. \$500 to the Band Boosters for all the great work they do. \$750 to something that is kind of near and dear to me, VFW Post 4715 Charles Mull Scholarship. One of the scholarships is named after a resident of ours, Charles Mull. Charlie passed away this year. He was up in his 80's. I just want to read something. "Charles Mull due to his civilian job was offered a deferment from military service but refused it and enlisted in the US Army. He served overseas in Germany. While in Germany following an attack on an infantry unit then Private Mull and his Comrades under heavy fire in cold weather and darkness made their way through a mine field to reach men laying in the field to help them with medical aid. As a result Private Mull was injured himself by shell fragment during this mission but continued to help the wounded and successfully evacuate them. For this he was awarded a Bronze Star and a Purple Heart. After this mission he was transferred to several Army Hospitals. In June of 1946 he was married to his wife Doris and they have three children, Charles, Ilene and Patricia, four grandchildren and two great grandchildren. In 1947 they moved to Point Pleasant and he joined the VFW. He became Commander in 1952. He was the second Commander of Post 4715 following the footsteps of Bud Lomell, who had served as the First Commander. He was a life member of one of the founders of the Color Guard and he served as the Color Guard Captain for 50 years. We lost Charlie this year. I would like to donate to that this year and the last thing I want to donate to is \$450 to our three parades. Keep them going. Memorial Day, Halloween and the Spirit Parade. Now, John and Shaun. John, I will take a B. I learned years ago never to fight with the Professor. It never gets you anywhere. We go way back, back to grade school and it has been fun. You are truly a wild card. God Bless You. Shaun and I graduated from the same college, the same class and the same year. I am positive while he was trying to save the earth I was out wrecking it. I always had great respect for his love of the environment and the way he conducts himself. We have agreed on many things and we have disagreed but I have great respect for both of you and your commitment to the community and more importantly when you sit up here you get a different view of what is going on. Shaun for your two terms and John for your one, I hold you guys with great respect for taking on jobs such as this. I hope you get a little free time, get out and do

things you enjoy. Go in the kayak, go to Florida, go to Greece and have good times and spend time with your families. Merry Christmas and Happy New Year.

Mr. O'Rourke: Before I get on to a thank you I want to get on a couple of things with the budget next year. Some suggestions, some of which you might not like but oh well. Turn off the stinking street lights. If someone wants a street light let them pay for it themselves. They will keep an eye on it if they are paying for it. People will argue about safety but the fact is they cost a penny on our old tax rate. Anything you can save. We are as bad as this town has ever been with this budget. We still pay for the traffic lights at the intersections to the County. Make them pay for it themselves. They are County roads. Get our money back from the inspection fees that we never got back from the County. It is something. I have down on here to go to private garbage and recycling but I have had a lot of arguments with this with my brother. Someone has suggested fee increases for our fields. The fields do have a benefit to the whole town but most of it is for active sports and they should be paying much larger share to maintain the fields. There is a cost associated with use. I have heard that they are interested in helping with that cost. These are all small things and the hole in the budget is huge. Every bit helps. I understand that Bay Head made them pay for their own sidewalks and curbs on Bay Avenue. If we can assess people for roadway improvements maybe we should look at that. Take it off the taxpayers. Every year Dave goes and talks to the Supervisors and gives them a hard time and tells them to make a budget that is reasonable and then we get in here in January and we have to cut things from their budget. Instead of that maybe we should say do something across the board and come in this much lower. 5% down or 10% down. Taxes we are in a deep hole. I wish the new Council luck. That will be your biggest challenge next year. I want to thank everyone over the years for their support that they have given Mayor and Council and myself. It takes a village to make a town run and it takes everyone to help do that. When you don't vote you hurt the whole town. We have 19,000 people living in this town and if you look out there, there are not enough people involved. Volunteer services need help. We cannot have this town without volunteers. Councilman Dikun pointed out getting up here is an eye opener. There is a certain amount of mud in the politics. Get through it. If good people don't get involved the only people that are going to be sitting up here are people looking for themselves or people looking to take something away from you. Get involved. Mr. Mayor, thank you for all the support you have given me. You have been a Gentleman, a Scholar and bit of a partisan at times. I told you you would make a good politician and you are.

Mayor Konkus: As far as being partisan, 16 years ago Peter Marone asked me to run as a Democrat and I said I am a republican. That I am.

Mr. O'Rourke: For the most part, you have not acted in a partisan manner and you have always looked out for the best thing for everyone in town. That is why you are the first republican mayor to be elected twice. That is something to say. The personnel in the Borough I highly recommend the two newbies. Get out there and talk to our people. I will embarrass the hell out of them, why not. You should sit down and talk to Judy, talk to Bernie, sit down and talk to Dave and sit down and talk to Dennis. Those people know the heart of this town and know what it takes to make this place run. They know and they have been there. So many of us want to get in here and say we want to change the planet. There is a lot to change and it takes times. Sometimes it gets people upset with you. It takes all kinds of personalities to make this town work. Merry Christmas and a little prayer. For those moments I ought to have thought but did not think, for those points in time when I ought to have said but did not say and for those times when I should have done something and I did not do it. I ask for your forgiveness and it ain't over this it's over. Thank you.

Mayor Konkus: Thank you Shaun.

Ms. Rogers: Maybe I can bring Councilman Kaklamanis up to speed on shared services. We have been working on this since the end of May beginning of June when this Council approved a Share Grant application to be submitted to the Department of Community Affairs, Local Government Services to look at a consolidation and shared services for efficiency and stream lining costs for Court Administration, Construction and Police Services. This actually began with Councilman Dikun who took an active role talking about Court Administration and speaking with Susan Burch and with Michelle in the Beach and he was the catalyst to help facilitate this whole process. He has been participating in this since then. On top of that the Mayor working with the Mayor of Point Pleasant Beach and Councilman Mercun and myself, we have made many trips down to DCA and met with the Director and the grant department and we have been working this for the last six months. The grant has been submitted and the Beach did a presentation

this evening at 7:30 and it was power point presentation that we were going to do simultaneously here. Obviously, in the interest of time I will forgo the power point but talk the specifics. The grant was submitted for \$24,000, \$20,000 to be provided by the DCA and \$2,000 which is the 2% requirement, \$1000 a piece which was approved by resolution at the end of last May from each of the respective towns and \$2,000 of in kind contributions. That has been submitted and we had a meeting with the DCA last week. At the same time we had requested work force audits of our Police Departments from the DCA and a Gentleman, Rick Riccadella came down and completed those two work force audits for the Beach and the Borough. He did resign his position on November 30th. There is a new person involved, George Dield. The reports are completed as far as the review they have been submitted to DCA and we are hoping the Director is reviewing them now and that we will have those reports somewhere in the very near future. We have done about five months of collecting data to include staffing and costs, looking at both the Borough and the Beach. We have had preliminary review of the Collective Bargaining Agreements. We have looked at operating differentials between the towns. Significantly at the construction department because we definitely have differences going on there as far as fee structures, things they charge for that we don't, rental Co's, Mercantile licenses and the like. We have looked at redundancy of effort between the two towns. We have also done graphic trending which basically talks to the construction department between the Beach and the Borough. From 2006 to current there are significant operating losses. Probably what most people don't even realize that gets absorbed in the operating budget. Alone in 2006 the Borough Construction Department operated at a yield of a negative \$103,000 and the Beach operated at a loss of \$49,000. In 2007 the Borough operated at a negative loss of \$132,975 and the Beach had a positive trend of \$12,000. Borough in 2008, \$83,000 loss and the Beach, \$14,000 loss. Currently through October the Borough is looking at \$153,000 negative operating between collected revenues to expenditures. We find there is significant opportunity in the construction department to streamline efficiencies, streamline costs for both construction and sub code. For which simultaneously DCA is giving us a very favorable review that we will receive the grant. We will look at an implementation process of a \$200,000 additional grant. Those are some of the things that are happening and we have another meeting with the DCA on Thursday morning to confirm on the electronic filing so we will be getting that together. There has been active, active participation from both towns and we have an exceptionally good working relationship with the Beach. There is no ego, no partisanship, it is not republican, it is not Democrat, it is about how we find a way to save costs between both towns. The preliminary review for a consolidation looks to be about \$550,000 if we were successful. We are going to be able to do a test pilot very soon with the fact the court will be transitioning down to the Beach. We have an opportunity to evaluate how that will work. Because of being displaced in the Court Room here. We also are looking and have been evaluating dispatch. We have gone to the County and asked for quotes on that but we also will have discussions with the Beach tomorrow at 1 p.m. and the Chief will be participating in discussions as far as dispatch and now we could streamline efficiencies with the Beach. Chief DePaola will be participating, Councilman Dikun will be participating. The Mayor has been actively participating and anymore than three people is a violation of the Sunshine Act. We are moving along. We are hoping as early as next week we will know how we look on the grant and when we will receive it. We believe we will receive it. The budget is going to be a significant process this year and there is already indications of collection of revenues. We are anticipating loss of State Aid. We are unsure if the cap requirements are going from 4% to 3%. There is a lot to talk about. Last year I did budget round tables outside of the traditional budget sessions here. I will continue those round tables and they will begin January 9th. I want to get out and talk to as many people in the public as possible that don't seem to get to these meetings. I think it is an important factor and I think we should encourage people to attend and participate. The thing I would like to suggest for the Council Meetings is potentially for the reorganization that this Council starting these meetings at 7 p.m. vs. 8 p.m. I would like to ask whether it needs to be put on as a resolution or if David is making up the agenda for 2010 that we will vote on January 3rd. Does anyone object that is sitting here to start the meetings at 7 p.m. I know that Council Members Elect DePaola and Remig are in agreement with a 7 pm start. If that is okay with everyone here we will ask David to incorporate it into the resolution. I wish everyone a very happy and healthy holiday. As to John and Shaun it has been a very unique and distinguished pleasure to work with both of you over these last several years. You each are unique in your own way. You have brought much humor on top of seriousness that has represented the people of Point Pleasant well. Your dedication and your time you have served we owe you deep gratitude. I wish you well in all of your future endeavors and good health to both of you and to your families. Thank you very much. End of report.

Mayor Konkus: Bill Dikun mentioned the meeting that is going to take place in Point Pleasant Beach. The Sustainable New Jersey. I would like to add a little bit to that Bill. Kristin Hennessy is going to be the coordinator getting the Green Team established. Among other things it includes potentials to save money, control municipal costs, receive grants, and it is good for the environment as well. I am reading from an e-mail that came to me from Kristin. "The Point Pleasant Beach Environmental Commission will be hosting a town wide informational meeting on January 20th at 7 p.m. at the Point Pleasant Beach Borough Hall to explain the program. Mr. Fred Profetta, the Deputy Mayor of Maplewood and the Chair of the Mayors Committee for a Green Future is one of the partners of Sustainable Jersey. Mr. Profetta and an academic representative from the Sustainable Jersey Partnership will offer a presentation and answer questions from our community members." It sounds like this meeting is going to be a little more than a routine Environmental Commission meeting. Anyone that is interested I would encourage to attend that meeting.

Mr. Leitner: Mr. Mayor, I would ask that our Sustainable Jersey Liaison be informed.

Mayor Konkus: I believe he was, Kristin does mention him in her e-mail. I am sure that he knows about it. John Kaklamanis, the first time you ever came on my radar screen was when the A&P was looking to get into the Community Park. We knew at that point, those of us who were part of the Grass Roots Movement. We heard through the inner circle from other A&P's that the A&P never really planned to keep that facility open more than two years. It was going to be a tax right off in German. At one of the meetings that we had they had a young lady who described herself as an expert witness and she was an audio engineer. After giving a long list of her qualifications she was ready for questioning and you walked up to the microphone and you said I would like to address my questions to the girl. Immediately you made her lose her cool. The questioning went on and on and she expressed some dissatisfaction that you addressed her that way. Finally when you finished your questioning you said Thank you dear.

Mr. Kaklamanis; I remember the questioning and she had talked about sound in the subways.

Mayor Konkus: My wife and I went to talk with her afterwards and she mentioned you and she said that night she bit a hole in her check and it began with you.

Mr. Kaklamanis: That is what I like, never change.

Mayor Konkus: Shaun, your sense of humor I never knew if you were serious or trying to be funny at the time, it was a little tricky knowing when to laugh and when to not laugh. I want to thank you for that challenge and I want to thank you for staying on board with this Council. I never expected you would be on the other side. I am happy to have had the opportunity to have served with you here and on the Planning Board. I wish you both the very best going forth into the future. I hope you get some deserved relaxation. I hope you have a wonderful time with your family and travelling. John, I was hoping you would be here for reorganization,

Mr. Kaklamanis: I don't know because my Aunt's husband just passed away, my Father's sister. My Aunt who is bedridden and had her leg amputated and has a live in care taker is up and down with her health. You want to get to see them before God takes them. I have been putting it off because my sister was there in September. My son is graduating from Penn State on Friday. (A lot of money) My daughter is in her second year. She is North Caroline.

Mayor Konkus; If you can make please do. Everyone in this room has a special talent and I would like to thank the both of you for spending that special talent as volunteers for your community. For the rest of you, Merry Christmas, Happy Chanukah, the Very Best of the Season.

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

Mr. Sabosik: 1415 Rue Mirador: I did not know I was getting up tonight. I will just give your what happened with my assessment. Both the Councilmen are correct. I believe there can be some improvement in what is occurring. When I bumped into the Mayor I expressed what occurred with my assessment. I said one of the first things was when everyone got that letter, everybody gets upset because they are figuring the old tax rate. We have a rough idea what the new tax rate is going to be. I said any other letters that have not gone out yet I think it would be a great idea to include that in there. To make them feel a little bit better as they open it. I have been threw reassessments before because I have been around a long time, I had the knowledge to take corresponding sales in my neighborhood with me. As Councilman O'Rourke stated, when I went there quite true, they did not have any corresponding data for my house or any of the other houses. Quite frankly, one of my neighbors called me because I am on the Zoning Board and she was upset, they are a new couple in town and they just bought the house for \$500,000 and they got assessed for \$600,000. They have been in the house for three months and they have not done anything to the house. What I would probably say to do is have the assessment company send a letter out stating for our citizens to bring data with them to the first meeting so they can correspond with their data back at the office. I would also advice all of the residents to make sure how many bathrooms, how many bathrooms, how big the house is. My house grew by 20% according to what they have vs. what I built. I did go back a second time with a set of blue prints and I think that is important. You can get a second bite of the apple you don't have to just stay there and say we don't have the data we will send you a letter in February. I think that is important that they bring data with them. The date they can have is here in town Hall. There is a book that lists every sale in town for the last two years. You just have to go to the Zoning Map and get your neighborhood and get ten or fifteen sales in your corresponding area. When I went the second time what I felt would be fair and just to the town and fair and just to myself I gave them a range and I said to them I want you to prove that my range is wrong. That is when she said I would get a letter in February sometime in which I am not happy I can call their office and speak to someone higher before filing an appeal. I agree with Councilman O'Rourke, it is very expensive to file an appeal, not only for the individuals but for the town. I think if we take pro action now we can head them off at the pass and save the town some needed dollars. I really think a letter from the appraisal company would help, I think the letter should include the new tax rate, I think it should include that it is the home owners responsibility to take the date with them. Thirdly, really check what is written down about their house. The web site that I used to compare is ZILLOW. Their information is up to date and I checked 22 properties in my neighborhood and they had 22 out of 22 exactly what they sold for. You can go to that site. The last thing, the two retiring Councilmen, I wish you nothing but the best. You both deserve it. I hope you have a very peaceful retirement that you both deserve. Thank you for your service.

Tom Putnam: 303 River Avenue: I have lived here 37 years. My first issue is with you Mayor. I called this office twice, starting back on December 7th and I have been waiting for a phone call back and I have never gotten one.

Mayor Konkus: It is difficult with 20,000 people.

Mr. Putnam: I understand that but that is the career path you chose. There should have been a phone call back. This whole thing with this assessment is horrendous. Those people have no clue and they don't know where to point you. I asked tell me the formula. Show me how you calculate. We don't know. What did you use to base it on? We don't know. It is terrible. Based on this and based on the rate you want to increase my taxes 24%. It is wrong. You had ten straight years of tax increases in this town. The tax rate has gone up 46% since 1999. It is wrong. At some point the stone has no blood. What you are telling people is move and get out of town because we are not going to be able to afford to live here. That is what's happening.

Mayor Konkus: In the letter that you got did you see the new suggested tax rate?

Mr. Putnam: Yes, I called the town for it right away.

Mayor Konkus: It is approximately half of what the old rate was.

Mr. Putnam: \$1.65

Mayor Konkus: It is still 24% higher?

Mr. Putnam: It is still 24% higher. It is wrong. I didn't hear anything about stop spending, cut spending. I heard we are going to do this, this and this. We have to tighten the belt. It is all money you are spending that we don't have. That has to come from you guys.

Mr. O'Rourke; If you had gotten a straight answer about where that number came from

Mr. Putnam: I would have calculated it to make sure they had it correct. I live over near where the old hospital was. I asked them "Are you using those condos to evaluate my house. The condos that are selling at between \$750,000 and one million dollars."

Mr. O'Rourke: You would have been half as mad if you gotten

Mr. Putnam: I would have been less mad and it would have been a lot easier had someone called me back and I would not be sitting here all night waiting to say this.

Mayor Konkus; Mr. Putnam, I return the calls in the order that I get them. I get a stack of them, e-mails and phone calls. Unless it is an emergency and I get a stack of them.

Mr. Putnam: You need to do something about this, this is wrong. First off the people that are running this haven't got a clue. The other thing, please call within one week of the post mark of the letter. When I called this number they tell me you can only come here between 9:30 a.m. and 4:30 p.m. I said what about evenings. No we don't have that. What about weekends, we don't have that either. Unlike the rest of the world we all have to go to work every day and do our job and when I don't go to work I don't get paid. So I am sitting there with these people when some kind of arrangement should have been made to make it for evenings or make it for the weekends for people who have to work. Thank you for your time.

Mr. Kaklamanis; Sir, I think now when I came on board three years ago, I questioned them and Mr. Maffei can correct me. It has been about 20 years since we have been revealed.

Mr. Maffei: Yes.

Mr. Kaklamanis: Why the process was and politics get involved and people don't want to do it at certain times. How come it has not been completed ten years ago to now. Things could have been a little different. I think the Borough has bonded \$17 or \$18 million dollars in bonds that we have outstanding that we owe. Is that correct Dave?

Mr. Maffei: You are combining different bonds.

Mr. Kaklamanis; It all comes out of the same pocket. Unfortunately, I have questioned how come and that is the only way municipalities do it. I guess most of them. It is not like a private business where you have the money. In the future things that still have to continue, the water tower,

Mr. Putnam: So, this room has to be renovated, that is what you are telling me. Does the room have to be renovated? Yes or no?

Mr. Kaklamanis: Yes.

Mr. Putnam: It looks like it works pretty well to me right now.

Mr. Kaklamanis: There are some questions with the ceiling, asbestos in it.

Mr. Putnam: It is always something else that we are going to spend money on. That is what I am talking about. Somebody has to say no. Right now, we can't do it. It has to be put off. That comes from you guys. Nobody else.

Mr. Kaklamanis: Thank you.

Frances Geroni, 1204 River Avenue: I just want to say thank you. It has been nine long months of appealing to you for a personal situation and on behalf of Mom and I would like to say thank you for offering to her a peaceful coexistence in her neighborhood. Thank you for adopting our authorization tonight and I wish you all a nice holiday. Thank you.

Al Clericuzio, 1505 Hyacinth: I would like to commend Shaun O'Rourke whom I have known for 36 years who has been involved environmentally in Point Pleasant Borough for 36 years. I could go back and list all of the accomplishments that he and to some extent I have tried to achieve and in some cases have. In some times he opens his mouth and in many times he is a hero. For John I just want to offer you a word of caution. You have made it very clear that you are a tree hugger. When you go out to our new Community Park I want you to be very careful about hugging some of those trees and I will tell you why. You may hug them but don't shake them. There are a lot of dead limbs and if you shake those dead limbs you are going to get hurt.

Mr. Kaklamanis; They need to be horticulture trimmed.

Mr. Clericuzio: We talked about that but we can't afford it. You can hug them but please don't shake them. For our lovely lady, since we are at the end of the year I look forward to someday taking a lovely peaceful walk on the Canal Walk which has been in your hands for a number of years with grants and tax pennies that have accumulated. In one of my recent attempts at a walk what I am seeing is more and more encroachment and I have seen some beautiful landscaping right to the fence. Don't they know we have a Council person working very hard to developing a beautiful path and that will create an issue. I hope at some point if not this evening you will be able to Susan share with me and those behind me and those that care what has become of this beautiful project and the monies that have been collected as pennies of the tax dollar and plus the grant monies and so forth. I doubt now that I will live to see the beautiful Canal Walk. It is ironic that you have done such a good job in going after the savings of dollars. You did a number on the Rec Commission and you worked on some other groups to keep the reins intact. Never yet over the last year in the times that I have attended and what I have listened to at the Environmental Commission have I ever heard a nice healthy discussion. Except for one time I was told you should attend thus and thus a meeting. I did not think that was appropriate but I know you will address that issue in the near future. What became of all the monies and the grants and where are we?

Ms. Rogers; Do you want to know now?

Mr. Clericuzio: No, maybe at some other time. I am looking at my watch and it is past our bedtime.

Mr. McHugh: On Friday, I am having a meeting, a second meeting with the Army Corp of Engineering where we have done a complete walk of both sides of the Canal. We already had one meeting. This was facilitated by Chris Constantino. The second meeting on Friday they will see what stimulus money is left over from the repair work on the bulk heading. At the next Council meeting I will have a lot more to report on this. That is really the first step. We really need the Army Corps help for the big things to correct that we don't have the money for the access problems.

Mr. Clericuzio: If you open the park up and knowing what I do know what I would like to know is in the parks opening for recreational use can you impose specific times. Practices from April 15th to October 15th. Can you do that.

Mr. Dasti: It is up to the Council.

Mr. Clericuzio: October is an active month for turf. You might want to consider this in another way. Shaun is going to Florida to catch some fish.

Joe Myers: 2201 River Road: We do have a beautiful walk Al that you can come share with us anytime. I did not intend to speak to the Council but I felt obligated. Mr. Kaklamanis you deserve your A plus. You certainly do. Clearly, you have worked diligently. Mr. O'Rourke you have been a voice of reason. I need to set the record straight. You read Mr. McCarthy's letter in to the record. Ms. Rogers did not hire Mr. Gazarowski. The Waters Edge Homes Owners Association did. Ms. Rogers never sued the town nor did

Mr. Gazarowski: Quite frankly it was one of our former candidates for Council who sued the town and used Mr. Gazarowski. I just wanted to get the record straight. I am not an apologist for Ms. Rogers but when you read a letter that might have a little personal vendetta in it you should tell both sides. I have to change you're A plus to an A minus.

Mayor Konkus: Thank you.

Laura Beeden, 2406 Spruce Street: Did any of you read the newspaper in the last few days. Shaun, I know you didn't because you don't read the Press. Stafford is instituting an ordinance on fertilizer.

Mr. O'Rourke: They are trying to institute an ordinance on fertilizer. They will have a whole lot of trouble with that. It is a great idea.

Ms. Beeden: It seems in the paper they are doing it the right way. We have a lot of water ways and are they fertilizing the grass on the Riverfront Park? Which is right on the water. Isn't there a buffer of 300 feet where you are not supposed to use pesticides or whatever?

Mr. O'Rourke: This study funded by the Federal Government, is really hard to institute. I wish Stafford good luck but this is hard to institute.

Ms. Beeden: I think we need to be aware. Farewell to both of you. You can now go fishing 24 hours a day. You can go to Greece. It has been interesting. I will see you in the beginning of January. Everyone have a great holiday.

Mr. Kaklamanis: Thank you Laura.

Dennis Vitkauskis, Foster Road: In regard to the leaves, two weeks ago the Public Works was picking up my leaves on Saturday. Were we paying overtime?

Mr. McHugh: There was overtime paid for that day. The situation being that they had fallen quite a bit behind. They do make an accommodation in the budget for that because there were a couple of things that they were expecting, that very heavy rain that did come later with the possibility of snow. If we get snow when there are lots of leaves on the ground it does create a lot more problems with plowing. So, it was a decision made by the Superintendent to try to get caught up with some overtime on that Saturday.

Mr. Vitkauskis: We are talking money, money. The leaves are not really going anywhere.

Mr. McHugh: I questioned when other people brought it up and that is why I questioned it.

Mr. Vitkauskis: That Saturday it rained and then snowed a little bit towards the evening. There they were on a Saturday.

Mr. McHugh: You get complaints when you are a few days behind and you try to please a lot of different people. It is a decision that was made.

Mr. Vitkauskis: Mr. Dikun, it was nice to donate your salary but next year during the budget meetings maybe you will not have as much salary to donate as you think.

Mr. Dikun: We will see what happens.

Mr. Vitkauskis: Merry Christmas everyone.

Seeing no further hands Mayor Konkus asked for a motion to close the public portion of the meeting.

MADE: Ms. Rogers

SECOND: Mr. Dikun

ALL IN FAVOR.

EXECUTIVE SESSION

EXECUTIVE SESSION

MOTION: Adopt Resolution authorizing Mayor and Council to retire into Executive Session

WHEREAS, Mayor and Council are desirous of retiring into Executive Session to discuss applicable exceptions to the N.J. Open Public Meetings Act; and

WHEREAS, those matters relate to the following:

1. Contractual Matters, contract negotiations.

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

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

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Ms. Rogers: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Leitner: Yes

Mr. McHugh: Yes

CARRIES: Yes

Mayor and Council returned to open session.

MOTION: To Adjourn

MADE: Ms. Rogers

SECOND: Mr. Dikun

ALL IN FAVOR.