

COUNCIL MEETING
JANUARY 15, 2008
8:00 P.M.

Mayor:	Martin C. Konkus
Council President:	Roger Pyrtko
Council Member:	Brian McAlindin
Council Member:	Shaun O'Rourke
Council Member:	John Kaklamanis
Council Member:	William Dikun
Council Member:	Susan Rogers
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 Meeting 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, 2008 editions of the Ocean Star and communicated to the Asbury Park Press.

PRESENTATION

Golden Elks Pee Wee Football Team

They completed the season undefeated. 12-0
They won the 2007 Sea South Division Championship, the Jersey Shore Championship and the Easter Regional Championship.

The Coach and the players were presented a proclamation by Mayor Konkus and Mr. Pyrtko, Council President.

PROCLAMATION

**HONORING GOLDEN ELKS POP WARNER PEE WEE
FOOTBALL TEAM - 2007**

WHEREAS, the Golden Elks Pop Warner Pee Wee Football Team successfully completed the 2007 football season undefeated; and

WHEREAS, the Golden Elks Pop Warner Pee Wee Football Team fought to win the 2007 C-South Division Championship; and

WHEREAS, the team's skillful play won them the 2007 Jersey Shore Championship; and

WHEREAS, the Golden Elks Pop Warner Pee Wee Football Teams' hard work also earned them the 2007 State Championship; and

WHEREAS, their hard work and team spirit also won the Golden Elks Pop Warner Pee Wee Football Team the 2007 Eastern Regional Championship; and

WHEREAS, all their championship wins capped a hard-fought and exciting season and we are proud of the undefeated record, the championship titles and the renown they have brought to our community with their team play.

NOW, THEREFORE, I, MARTIN C. KONKUS, by virtue of the authority vested in me as Mayor of the Borough of Point Pleasant, and on behalf of our entire Borough Council

and all of our citizens, do hereby extend to the Golden Elks Pee Wee Football Team this expression of our pride in your accomplishments and do hereby recognize and commend each team member and the coaches for your good sportsmanship and team play.

**WITNESS MY HAND AND THE OFFICIAL
SEAL OF THE BOROUGH OF POINT
PLEASANT THIS 15TH DAY OF JANUARY,
2008.**

MARTIN C. KONKUS, MAYOR

2. Eagle Scout Project - Dan Coviello

Mr. Coviello: I am a life scout from Troop 16. About a month and a half ago I went to the Environmental Commission seeking an Eagle Scout Project. They suggested many things and the one that stood out was the Treeneedle Triangle which is located next to the Colonial Ranch Market. It is on the intersection of Bridge Avenue and Treeneedle. A while back the Garden Club did take care of it and they did give it back to the town. I would like to beautify that piece of land. My goal is to make it a recreational area where people can relax. I want to make it as maintenance free as possible. In the back of the land I plan to mulch the area and put in two benches. I also want to put in some pavers and I have been talking to a landscaper and as if right now he is happy to donate some pavers. I also plan a picnic table. I have been talking to the Environmental Commission and I plan to meet with the Garden Club. I am backed by my Troop Committee and I am backed by the Environmental Commission. I am seeking your approval.

Mayor Konkus: It seems like a great idea.

Mr. Maffei asked that he contact Dennis Sears at Public Works.

Mike Kern stated that Troop 16 will continue to maintain this piece of property after it is completed.

B. ORDINANCE - INTRODUCTION

**AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND
SUPPLEMENTING CHAPTER IV OF THE CODIFIED ORDINANCES
OF THE BOROUGH OF POINT PLEASANT ENTITLED "GENERAL
LICENSING, IN PARTICULAR SECTION 4-3, "MASSAGE PARLORS"**

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

SECTION 1. Chapter IV of the Borough Code of the Borough of Point Pleasant entitled "General Licensing" in particular Section 4-3, "Massage Parlors" is hereby amended and supplemented as follows:

Subsections 4-3.1 through 4-3.7 are hereby amended and supplemented in their entirety to insert the following in their place and stead:

Subsection 4-3.1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MASSAGE – Systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such application may include, but is not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, explaining and describing myofascial movement, self-care and stress management as it relates to massage, bodywork, and somatic therapies.

MASSAGE ESTABLISHMENT – Any massage establishment or place of business wherein massage as to all or any one or more of the above-described subjects and methods of treatments, as defined under “massage therapist,” are administered or used.

MASSAGE THERAPIST – Any person who practices or administers as to all or any of the following-named subject matters and who has made a study of the underlying principles of anatomy and physiology as generally included in a regular course of study by a recognized and approved school of massage: the art of body massage, either by hands or with a mechanical or vibratory apparatus for the purpose of body massaging, reducing or contouring; the use of oil rubs, heat lamps, salt glows, hot and cold packs and tub, shower or cabinet baths. Variations of the following procedures are employed: touch, kneading, vibration, percussion and medical gymnastics. Massage therapists shall not diagnose or treat classified diseases or practice spinal or other joint manipulations or prescribe medicines or drugs.

Subsection 4-3.2. License requirements.

It shall be unlawful for any person or persons to engage in the practice of or attempt to practice massage, whether for a fee or gratuitously, or to conduct massage without a license issued pursuant to the provisions of this chapter.

Subsection 4-3.3. Application for license.

An applicant for a license shall submit the following information:

- a. The applicant’s full name and address.
- b. The applicant’s height, weight, and color of eyes and hair.
- c. A current photograph.
- d. The massage or similar business license history, if any, of the applicant, including whether such person, in the previous operation, in this or another area, has had his or her license revoked or suspended, the reason therefor and any business activity or occupation subsequent to the action of suspension or revocation.
- e. All criminal convictions and the grounds therefor.
- f. A certificate from a medical doctor designating that the applicant has, within 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable diseases.

- g. A current certificate as a massage therapist from the State of New Jersey pursuant to the Massage, Bodywork, and Somatic Therapist Certification Act, N.J.S.A. 45:11-53 et seq.

Subsection 4-3.4. Application procedure; fee.

- A. Any person desiring to obtain a license to operate a massage establishment or to perform massage services shall make application to the Borough Clerk, who shall refer all such applications to the Chief of Police for an appropriate investigation.
- B. Each application shall be accompanied by a license fee of \$500.00.
- C. Any employee desiring to be licensed as a massage therapist pursuant to Section 4-3.9 of this chapter shall pay a fee of \$200.00 and otherwise comply with the application requirements of this chapter, where applicable.

Subsection 4-3.5. Approval by Borough Council Required.

Each application for a license that is in compliance with the requirements of Subsection 4-3.4, or the renewal of a license thereof, either to operate a massage establishment or premises or to engage in the business of or to be employed as a masseur or masseuse, which is submitted to the Borough Clerk, shall be approved by the Borough Council before any license is issued. The Borough Council shall not approve such application if, on the basis of the past criminal record of the applicant, or of the principals thereof, or on the basis of other evidence of bad character or morals, it shall determine that the granting or renewal of such license would tend to encourage or permit criminal or immoral activities within the Borough.

Subsection 4-3.6. Issuance or denial of license; appeals; nontransferability; duration.

- A. Upon payment of the application fee, submission of all information required by the application and upon proper inspection, a license shall be granted immediately if all requirements described herein are met and unless it appears that any such applicant has deliberately falsified the application or the record of such applicant reveals a conviction of a felony or a crime of moral turpitude or a vice, drug or gambling crime or offense.
- B. Any person denied a license pursuant to these provisions may appeal to the Borough Council, in writing, stating reasons why the license should be granted. The Council may grant or deny the license. The Council may also review any determination of the Chief of Police granting or denying a license on its own motion.
- C. All licenses hereunder are nontransferable; provided, however, that a change of location of a massage establishment may be permitted pursuant to the provisions thereof.
- D. All licenses pursuant to this chapter shall be for a term commencing on January 1 of each year and terminating on December 31 of each year. The license fees provided for in Section 4-3.4 of this chapter shall not be prorated in the event that an application for a license is made at any time after January 1 of any year.

Subsection 4-3.7. Display of license.

Every person to whom a license shall have been granted shall display said license in a conspicuous place at his or her place of business.

Subsection 4-3.8. Signs; lighting.

No license to conduct a massage establishment shall be issued unless an inspection discloses that the establishment complies with each of the following minimum requirements:

- A. A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment; provided, also, that all such signs shall otherwise comply with the general sign requirements of the Borough of Point Pleasant.
- B. Minimum lighting shall be provided in accordance with the applicable ordinances of the Borough of Point Pleasant; and, additionally, at least one artificial light of not less than 15 watts shall be provided in each enclosed room or booth where massage services are being rendered.

Subsection 4-3.9. Change of location.

A change of location of the massage premises shall be approved by the Chief of Police, provided that all applicable ordinances are complied with and the change of location fee of \$100 is first paid.

Subsection 4-3.10. Licensing of employees.

It shall be the responsibility of the holder of the license for a massage establishment to ensure that each person employed as a massage therapist shall first have obtained a valid license pursuant to this chapter.

Subsection 4-3.11. Inspections.

At least four times each year, an inspection of each massage establishment may be made for the purpose of determining that the provisions of this chapter are met.

Subsection 4-3.12. Procedure for revocation of license.

- A. No license shall be revoked until after due notice and a hearing shall have been held before the Borough Council to determine just cause for such revocation.
- B. Notice of such hearing shall be given in writing and served at least ten (10) days prior to the date of the hearing thereon. The notice shall state the grounds of the complaint against the holder of such license and shall designate the time and place where such hearing will be held.
- C. The notice shall be served upon the license holder by delivering the same personally or by leaving such notice at the place of business or residence of the license holder in the custody of a person of suitable age and discretion. In the event that the license holder cannot be found and the service of such notice cannot be otherwise made in the manner herein provided, a copy of such notice shall be served by certified mail, return receipt requested and by regular mail, addressed to the licensed holder at his or her place of business or residence at least ten (10) days prior to the date of such hearing.

Subsection 4-3.13. Grounds for revocation of license.

The license of a massage therapist and/or massage establishment may be revoked upon one or more of the following grounds:

- A. The licensee is guilty of fraud in the practice of massage or fraud or deceit in his being licensed to the practice of massage.
- B. The licensee has been convicted in a court of competent jurisdiction of a felony. The conviction of a felony shall be the conviction of any offense

which, if committed within this state, would constitute a felony under the laws thereof.

- C. The licensee is engaged in the practice of massage under a false or assumed name or is impersonating another practitioner of a like or different name.
- D. The licensee is addicted to the habitual use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate such person for the performance of his or her professional duties.
- E. The licensee is guilty of fraudulent, false, misleading or deceptive advertising or that he or she prescribes medicines or drugs or practices any other licensed profession without legal authority therefor.
- F. The licensee is guilty of willful negligence in the practice of massage or has been guilty of employing, allowing or permitting any unregistered person to perform massage in his or her establishment.
- G. The licensee has violated any of the provisions of this chapter, including allowing an unlicensed person to perform massage.
- H. The licensee knew of or allowed acts of prostitution upon the licensed premises.

Subsection 4-3.14. Exceptions and restrictions.

The requirements of this chapter shall have no application and no effect upon and shall not be construed as applying to physicians, surgeons, chiropractors, osteopaths or any nurse working under the supervision of a physician.

Subsection 4-3.15. Violations and penalties.

Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be subject to the penalties as provided in Chapter 1, Section 1-5 entitled "General Penalty."

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

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

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

C. 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. McAlindin

SECOND: Mr. O'Rourke

APPROVED: ALL IN FAVOR

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

MOTION TO CLOSE PUBLIC PORTION: _____

Daniel Popovitch, 1601 Bay Avenue, I am here tonight as a spokesman for Frank O'Brien, the owner of O'Brien's Florist as well as certain other flower shop owners in Point Pleasant. Mr. O'Brien could not be here tonight because of another commitment. He asked me to appear and I would like to read into the record a letter that he and the other owners have prepared. Perhaps some of you got this letter which was delivered here today. "This letter is being written in response to Fire Co. #2's fund raising campaign on Valentine's Day. Poor quality roses will again be sold at low prices. This fund drive may be a success for the Fire Department but it is an appalling infringement on local florists' business. The roses being sold are provided by an outside vendor whose only overhead is a delivery truck. The roses sold are the lowest grade available from the growers. Many customers don't understand the difference in the quality and when the flowers wilt within a day or two it leaves them with a bad taste, unwilling to try a high grade rose from a local professional. Grades of roses can be compared to fine wines. There is a complex process involved starting with the grower and ending with the florist. Proper packaging, refrigerated shipping, special treatment in cleaning and processing the rose all contribute to a quality product. There are steps in the process that can be omitted that reduce the cost, but they also reduce the quality of the rose. Every time a sale is made by the Fire Department it is a disservice to local florists and to the customer. It is certainly understood that volunteer organizations have expenses and must raise money to pay those expenses, but there are ways raising money without taking business away from local merchants. A coin collection container is one option and we would be pleased to display one in our store. We at Flowers by Roz and O'Brien's Florist are often called upon to make donations for gift auctions and other events that raise funds for charitable associations. We are always willing to make donations when the requests are from local organizations, especially our First Aid and Fire Departments. A special point is made in our business to take care of those who take care of us. We need to come together as a community and support each others' interests without stepping on each others' toes. We request that copies of this letter be given to all town committee members. Flowers by Roz & O'Brien's Florist." I think that expresses the sentiments and I believe it addresses an authorization that is on your agenda tonight. I would ask the Mayor and Council to consider it in making a determination on that authorization and perhaps there are other flower shop owners who also wish to be heard. Mr. O'Brien I know personally as a friend, and I know that he does make donations to all of the local volunteer organizations. He has not hesitation doing that. A lot of times it is through those donations from local businesses that help support these organizations. We understand that they can't be totally tax payers supported at times. Please recognize this.

Erica Simpson, Owner of Flowers by Roz, 2319 Bridge Avenue, I am right around the corner from where these flowers are sold. I have no problem with raising money for the fire department. I will do anything for the community. I just feel the community needs to give us back. This is one day that we so hard

work for. It helps us through the time between Christmas and our next holiday and we rely on this and when it is taken away it affects every florist in the area. I just want you to consider and think about this.

Ken Melson, owner of Bloomin Ideas Florist in Point Pleasant Beach and I am a member of the Chamber of Commerce and a resident in town. I have to agree, I feel that the firemen are courageous people. A lot of my friends, relative, customers, are members of the fire company but there are ways to raise money without taking food out of the mouths of the flower shop owners. For a lot of the flower shops I think Valentine's Day makes or breaks their year. I wish that council would take that into consideration when they make their decision. Thank you.

Mr. Popovitch: I thank the Mayor and Council for their time and I am sure you will take this into consideration. These business owners are not against the fire companies. They are in support of the fire companies and they are willing to help in other ways to raise money for Fire Co. #2.

Kevin McLaughlin, President of Fire Co. #2, We are the company that asked to authorize our fundraiser. Mr. O'Brien says we sell an inferior product. We don't. Some of you bought our product last year. I hope you were all very happy with it. My flowers lasted into March. The product isn't the problem. Two people stood up here and said there are other ways to raise money. Tell us how to do it. We got the same amount of responses from the residents this year that we did last year. We had \$12,000 less. The response is about 35%. There are 431 businesses we sent to and we got responses from 21. It is very difficult to raise money. It is difficult to sell motorcycles, it is difficult to sell boats, we give up our Labor Day weekend to stand in the street and collect money. I don't know what else to do. We think this is a viable fundraiser for us and I understand the business owners. I am friends with several of them. Flowers by Roz is in the same plaza that I am in. I am a business man also. I used to sell to all the schools and now they all have a school store. They buy their stuff from out of County and out of Town. They buy from state vendors and this is the way business works. We are not the enemy, we are friends and customers of Flowers by Roz and O'Brien's, Purple Iris. We are hear volunteering our time and our energies. I will not get into the amount of man hours but one guy spent 252 hours on the computer for our mail out fund drive. I don't know what to say. We are a department in this town and we provide a service for all of the residents whether we know you or not in a very timely fashion and a very professional manner. We are well trained and training costs money which you don't always provide for. Equipment costs money which you don't always provide for. If someone has a fund raising idea I will be glad to listen to it. A can on the counter will not raise the funds that we need to be able to do what we have to do. I don't have a complaint with them coming up here and arguing. I would do the same thing if I was in the flower business. I ask you to approve our request. It is also a request for our annual fund drive. We are \$12,000 down from where we were last year. I can give you a computer print out to show you those facts. The coin toss, once again Labor Day. The guys are going to give up their Labor Day Weekend to stand out on Bridge Avenue and have people throw coins in the bucket. It is becoming more and more difficult to raise money. There are more organizations. You just gave a Proclamation to a group of fine young men. When Councilman Dikun and I were young they had two teams, now they have five or six and four or five girls teams. Everybody needs money. I don't know where it is coming from. In a couple of weeks you guys will have budget hearings. We are one of the first ones to get cut and I don't know how to make up that money. Our last heat bill was \$656.00 for one month. Our electric bill was \$459.00. These things don't go down. We don't have an extravagant building, we don't have top of the line stuff. We don't give stuff to the members. The members buy their own jackets. We don't hand out stuff. I will leave you with that.

Mr. O'Rourke: Do you sell flowers at any other time of the year?

Mr. McLaughlin: The Ladies Auxiliary sells them at Easter time. They have been doing that for about 20 years.

Mr. O'Rourke: What about pumpkins, Christmas trees, fruit baskets,

Mr. McLaughlin: No, Christmas trees came up. I have been resisting the idea myself. They wanted to do it the past two years and I put them off. Herbertsville Fire Co. sells Christmas trees and does very well.

Mr. Pyrtko: Why did you put them off.

Mr. McLaughlin: First of all, it is very labor intensive. You have to have people out there to sell them. Most of our guys work very hard and some guys have two jobs, some guys have three jobs. To get the membership and the labor out there we have problems. Even on Labor Day weekend. It is supposed to be an off weekend and we do it on Saturday. We have 25% of the guys put an excuse in. They are working, they can't make it. This flower sale last year was run by three of us. Between the three of us we had about 160 hours. I am not going to be able to put the time in this year that I did last year. I had

about 62 hours in last year and if I can do 20 hours this year it will be a lot for me. Trying to find fund raisers, we tried copying the Rotary with their very successful raffle. We had \$100 a ticket and sell 100 tickets, we were hoping to give away \$10,000 and we gave away \$5500. If there are ideas out there for fund raising I would be glad to listen to any of them. We found this at a convention in Wildwood and besides the tents with the trucks and equipment there were vendors there for fund raising ideas. We found this and thought it was viable and it is not an inferior product and the guy gets his flowers from Columbia. They come wrapped and they are refrigerated and it is a quality product. We would not sell it if it was not a quality product. We are not here to sell crap and make money. It is our name.

Mayor Konkus: Kevin, are flowers being sold at the Fire co. #2 location on any other holidays such as Easter or Mothers Day.

Mr. McLaughlin: Easter, the Ladies Auxiliary sells them. They have been doing it for 20 years.

Mr. Pyrtko: Did we authorize that?

Mr. McLaughlin: They are their own entity. I don't know.

Christine Rozman and I am the Manager of Flowers by Roz, 2319 Bridge Avenue, We certainly do not consider Kevin or the Fire Co. to be our enemy. We understand their need to raise funds. We feel the financial crunch also. Valentine's Day is a very big holiday for us and we depend on it. It is critical for our financial well being. I do not know of other ways to raise money to answer Kevin's question. I can only say that I don't live in town but I would do more if the opportunity was made available. If I knew there was a coin toss and I was asked to go out there and hold a bucket I would gladly give up my weekend. I believe in what they do and it is an important community service. The only thing I can do it a coin collection container on the counter. Anything we can do to help them out. They have to in turn help us. It is extremely unfair to take away from a local business. I don't understand how they can do it. We have difficulty displaying signs to bring customers into our stores. On holidays and everyday. Yet, the Fire Department is allowed to put out the fire trucks with lights all over town directing traffic to the Fire Co. to buy roses. It is directly taking business from every flower shop in this town. Thank you.

Mr. Pyrtko entertained a motion to close the public portion of the meeting.

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

ALL IN FAVOR.

D. RESOLUTIONS

1. (032-2008) Authorizing the Release of Performance Bond, Block 154, Lot 7.01, J. Van Breeman

MOTION: Approve Release of Performance Bond, Block 154, Lot 7.01 – J. Van Breeman

WHEREAS, the Borough of Point Pleasant has required posting of a Performance Guarantee for certain site improvements in regard to Block 154, Lot 7.01; and

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

WHEREAS, the Borough Engineer has recommended that the release of the balance of the Performance Guarantee posed by j/ Van Breeman for the improvements on Block 154, Lot 7.01, conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond.

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 Borough Council do hereby authorize the release of Performance Guarantee, posted for the improvements for Block 154, Lot 7.01 conditioned upon the posting of the required Maintenance Bond.

2. That the Borough Engineer or other Borough Officials holding said Performance Bond are directed not to release said Performance Guarantee until the Chief Financial Officer has certified that all outstanding inspections have been paid and that the Maintenance Bond has been posted.
3. That a certified copy of this Resolution be sent to: J. Van Breeman, Chief Financial Officer, Borough Engineer and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. (033-2008) Authorizing the Release of Maintenance Bond, Block 37, Lot 40 – GMP Office Park LLC

MOTION: Authorizing the Release of Maintenance Bond, Block 37, Lot 40 – GMP Office Park LLC

WHEREAS, the Borough of Point Pleasant has required the posting of a Maintenance Guarantee for certain site improvements in regard to Block 37, Lot 40; and

WHEREAS, the Borough and Borough Engineer have inspected the site and have determined that it has been satisfactorily maintained in substantial compliance with Board approvals; and

WHEREAS, the Borough Engineer has recommended the release of the balance of said Maintenance Guarantee for the improvements on Block 37, Lot 40, conditioned upon the payment for all outstanding inspection fees.

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 Borough Council do hereby authorize the release of the balance of the Maintenance Guarantee, for the improvements for Block 37, Lot 40 conditioned upon the payment of all outstanding inspection fees.
2. That the Chief Financial Officer or the Borough Official holding said Maintenance Guarantee is directed not to release said Maintenance Guarantee until the Chief Financial Officer has certified that all outstanding inspection costs have been paid.
3. That a certified copy of this Resolution be sent to: Chief Financial Officer, Borough Engineer, GMP Office Park LLC, Construction Official and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

4. (034-2008) Award of Contract for the Purchase of One (1) Truck Mounted Pot Hole Patcher – Trius Inc., \$46,995.00

MOTION: Authorize Award of Contract to Purchase One (1) Truck Mounted Pothole Patcher

WHEREAS, the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey (hereinafter referred to as the “Borough”) has solicited bids for the Purchase of One (1) Truck Mounted Pothole Patcher; and

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

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

- 1. Trius Inc., 5049 Industrial Road, Farmingdale, N.J., Bid Amount \$46,995.00.**

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

WHEREAS, the Borough Superintendent of Public Works has recommended that the Borough award the contract for the purchase of One (1) Truck Mounted Pothole Patcher for and in consideration of \$46,995.00 representing the amount of the bid.

NOW, THEREFORE, BE IT RESOLVED, this 15th day of January, 2008 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey as follows:

- 1. The Borough Council accepts the recommendations of the Superintendent of Public Works and awards the contract for the aforementioned purchase to Trius Inc. for and in consideration of \$46,995.00.**
- 2. The Mayor and Borough Clerk are hereby authorized and directed to execute any and all necessary documents in order to implement the intent of this Resolution.**
- 3. A copy of this Resolution shall be forwarded to Trius Inc., Borough Auditor, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O’Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

- 4. (035-2008) Authorizing Refund of Demolition Bond, Block 322, Lot 34, Cleaver Construction**

MOTION: Authorize Refund of Demolition Bond, Block 322, Lot 34, Cleaver

WHEREAS, Cleaver Construction, 537 Princess Street, Toms River, N.J. 08753 did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a single family dwelling at 1620 Calamus Place, Point Pleasant, N.J. 08742, Block 322, Lot 34.

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 Cleaver Construction a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a single family dwelling at 1620 Calamus Place, Point Pleasant, N.J. 08742.**
- 2. Copies of this Resolution to: Construction Official, Cleaver Construction, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. O'Rourke

**Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes**

**Mr. McAlindin: Yes
Mr. Dikun: Yes**

**Mr. O'Rourke: Yes
Ms. Rogers: Yes**

CARRIES: Yes

5. (036-2008) Authorizing Refund of Demolition Bond, Block 306, Lot 14 – DeStefano

MOTION: Authorizing Refund of Demolition Bond, Block 306, Lot 14 – DeStefano

WHEREAS, Richard and Gail DeStefano, 1668 West end Drive, Point Pleasant, N.J. 08742 did deposit with the Borough of Point Pleasant a demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a single family dwelling at 1668 West end Drive, Point Pleasant, N.J., Block 306, Lot 14.

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 authorized and directed to return to Richard and Gail DeStefano a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a single family dwelling at 1668 West end Drive, Point Pleasant, N.J. 08742
2. Copies of this Resolution to: Construction Official, Richard and Gail DeStefano, Chief Financial Officer and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Pyrtko

**Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes**

**Mr. McAlindin: Yes
Mr. Dikun: Yes**

**Mr. O'Rourke: Yes
Ms. Rogers: Yes**

CARRIES: Yes

6. (037-2008) Accept Void Check Report

MOTION: Accept Void Check Report

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

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

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

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

<u>CHECK #</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>VENDOR</u>	<u>REASON</u>
700	\$1000.00	Escrow	D. Ribeck	Wrong Acc't
Reissue Check 8949	\$1000.00	Trust	D.Ribeck	Right Acc't

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

7. (038-2008) Authorize Interlocal Services Agreement with Point Pleasant Beach Borough for K-9 Unit Program

MOTION: Authorize Interlocal Services Agreement with Point Pleasant Beach Borough for K-9 Unit Program

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

WHEREAS, N.J.S.A. 40:9A-4 requires such a contract to be authorized by Resolution or Ordinance; and

WHEREAS, it is the desire of the Governing Body to authorize the execution of an Interlocal Government Services Agreement with the Borough of Point Pleasant Beach for the purchase of a dog for the Police K-9 Unit of Point Pleasant Beach to be utilized as needed by the Point Pleasant Police Department:

NOW, THEREFORE, BE IT RESOLVED this 15th day of January, 2008, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Mayor and Borough Clerk are hereby authorized to execute an Interlocal Government Services Agreement with the Borough of Point Pleasant Beach for the purchase of a dog for the Police K-9 Unit and subsequent use of it as needed.
2. The Borough authorizes and directs the Mayor, Borough Clerk and the 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. Kevin Starkey, Attorney for Point Pleasant Beach
- B. Chief Hilling
- C. Judith Block
- D. Jerry Dasti

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. McAlindin

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

8. (039-2008) Authorize Refund of Demolition Bond, Block 336, Lot 5 – TFM Builders, LLC

MOTION: Authorize Refund of Demolition Bond, Block 336, Lot 5, TFM Builders, LLC

WHEREAS, TFM Builders, LLC, 2390 Riverside Terrace, Wall, N.J. 08736 did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a single family dwelling at 1328 Sleepy Hollow Road, Point Pleasant, N.J., Block 336, Lot 5.

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 TFM Builders, LLC a demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a single family dwelling at 1328 Sleepy Hollow Road, Point Pleasant, N.J. 08742.**
- 2. Copies of this Resolution to: Construction Official, TFM Builders, LLC, Chief Financial Officer and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

9. (040-2008) Approve Part-Time Seasonal Recreation Employee

MOTION: Approve Part-Time Seasonal Recreation Employee

WHEREAS, a need has arisen in the Recreation Department to hire additional personnel on a seasonal basis; and

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

WHEREAS, the following individuals have been recommended by the Superintendent of Recreation and the Recreation Commission.

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

1. That the following personnel be hired in accordance with the Salaries and Account listed below:

NAME	TITLE	RATE	ACCOUNT
Nicole Letts	Asst. Bidy Instructor	\$10.50 HR	Trust
Kristen LaCour	Asst. Gymnastics Instructor	\$10.50 HR	Trust

2. This is to be effective January 10, 2008 and they are paid from the trust account at the Salary listed above according to the Salary Guide.
3. Copies of this Resolution to Administrator, Treasurer, Superintendent of Recreation, employees, personnel files and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

10. (041-2008) Approve Salary of Recreation Commission Secretary

MOTION: Approve Salary of Recreation Commission Secretary

WHEREAS, a need exists within the Recreation Department for the hiring of the Commission Clerk; and

WHEREAS, the following individual has shown an interest in part-time, temporary employment with the Borough of Point Pleasant; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council to confirm said recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Point Pleasant, County of Ocean and State of New Jersey that the following individual be hired to the position of Commission Clerk at an annual rate of \$1,685.00 to be paid from the S&W Account effective 1/10/08.

Kim Welsh

\$1,685.00 Annually

S&W Account

1. Copies of this Resolution to Chief Financial Officer, Superintendent of Recreation, Employee, Personnel File and any other interested parties.

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

11. (042-2008) Bills and Claims

MOTION: To Table until after Executive Session

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

12. (044-2008) CFO Report – December, 2008

MOTION: Approve CFO Report for December, 2008

WHEREAS, the Chief Financial Officer has prepared a Cash Management Report for the month of December, 2007; and

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

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

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

1. The cash management plan submitted by the Chief Financial Officer for the month of December, 2007 attached hereto is hereby approved.
2. Copies of this resolution be sent to the following: Municipal Administrator, Auditor, CFO and all other interested parties.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

E. RESOLUTION (043-2008) 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, The Society of St. Vincent DePaul, Church of Saint Martha, off premise 50/50, to be held April 12, 2008.
2. Application Raffle License, Ocean County Columbus Day Parade Committee, Inc., off Premise 50/50 to be held June 26, 2008.
3. Application Raffle License, Point Pleasant Foundation for Excellence in Education, Inc., off premise 50/50, to be held March 14, 2008.
4. Application Raffle License, Ocean Road School Calendar Raffle, to be held 3/7/08, 3/24/08, 3/21/08, 3/28/08, 4/4/08, 4/11/08, 4/18/08, 4/25/08, 5/2/08, 5/9/08, 5/16/08, 5/23/08, 5/30/08.
5. Approve Council Meeting Minutes of December 4, 2007.
6. Application Raffle License, Ocean Road School PTO, on premise 50/50, to be held February 29, 2008.
7. Application Raffle License, Ocean Road School PTO, on premise 50/50, to be held April 12, 2008.
8. Application Raffle License, ocean Road School PTO, on premise gift auction, to be held April 12, 2008.
9. Application Raffle License, Ocean Road PTO, on premise gift auction, to be held February 29, 2008.
10. Application Raffle License, Wall High School Booster Association, on premise 50/50 to be held February 21, 2008.

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

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. Pyrtko

SECOND: Mr. McAlindin

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

F. AUTHORIZATIONS

1. Manual Checks

MOTION: Approve manual checks

MADE: Mr. Pyrtko

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. Request to Conduct Annual Fund Drive, March & July, 2008, Fire Co. No. 1

MOTION: Authorize request to conduct annual fund drive, March & July, 2008 for Fire Co. #1

MADE: Mr. McAlindin

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

3. Request for Sponsorship/Advertisement – Point Pleasant Chamber of Commerce Leadership Awards

MOTION: Authorize request for sponsorship/advertisement – Point Pleasant Chamber of Commerce Leadership Awards – Full page ad

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

4. Application for Membership, Fire Co. No. 2 – Michael Marquis

MOTION: Approve application for membership, Fire Co. No. 2 – Michael Marquis

MADE: Mr. Dikun SECOND: Mr. McAlindin

Mr. Pyrtko: Yes Mr. McAlindin: Yes Mr. O'Rourke: Yes
Mr. Kaklamanis: Yes Mr. Dikun: Yes Ms. Rogers: Yes

CARRIES: Yes

5. Request for Block Party, Ida Drive, July 12, 2008 (Rain Date July 13, 2008)

MOTION: Approve request for block party, Ida Drive, July 12, 2008 (Rain Date July 13, 2008)

MADE: Mr. Pyrtko SECOND: Ms. Rogers

Mr. Pyrtko: Yes Mr. McAlindin: Yes Mr. O'Rourke: Yes
Mr. Kaklamanis: Yes Mr. Dikun: Yes Ms. Rogers: Yes

CARRIES: Yes

6. Request for Block Party, Dwight Avenue, July 19, 2008 (Rain Date July 20, 2008)

Motion: Approve request for Block Party, Dwight Avenue, July 19, 2008 (Rain Date July 20, 2008)

MADE: Mr. McAlindin SECOND: Mr. Dikun

Mr. Pyrtko: Yes Mr. McAlindin: Yes Mr. O'Rourke: Yes
Mr. Kaklamanis: Yes Mr. Dikun: Yes Ms. Rogers: Yes

CARRIES: Yes

7. Set Dates for Budget Workshop Sessions

MOTION: Approve dates of January 30, 31, February 7, & February 12 at 7 p.m.
For Budget Workshop Sessions

MADE: Mr. McAlindin SECOND: Mr. Dikun

Mr. Pyrtko: Yes Mr. McAlindin: Yes Mr. O'Rourke: Yes
Mr. Kaklamanis: Yes Mr. Dikun: Yes Ms. Rogers: Yes

CARRIES: Yes

8. Request to conduct annual Fund Drive, August & November, Flower Sale and Coin Toss for Fire Co. #2

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

Mr. Pyrtko: Yes, except for flowers, No for flower sale.
Mr. McAlindin: Yes
Mr. O'Rourke: Yes
Mr. Kaklamanis: Yes
Mr. Dikun: Abstain
Ms. Rogers: Yes

CARRIES: Yes

G. COMMITTEE REPORT

Mr. Kaklamanis: In regards to the Rec Commission, we had a meeting on the 10th and one of the items I discussed the following day, I met with the Borough Engineer, the County, Traffic Investigation Unit and myself in regards to the handicapped parking at the Rec Center. We are looking for a spot for the handicapped parking. They will get back to us in regards to the guidelines with the roadway. It will either be on River Avenue or on Maple Street. The County felt this was very important and they were putting it on the front burner to address the issue. Also, at the Rec meeting, the Commission made a motion that they bring to Council for research for having a billboard or some advertisement to accept private donations or sponsorships for the maintenance of the field improvements. Dave Maffei, Roger Pyrtko and Chris Constantino met to discuss keeping some of the trees at the Riverfront Park. We will research that. We are looking into the rules and regs and we should have them the next meeting. The tree ordinance is still being researched. End of report.

Mr. Dikun: On Saturday the 12th I had the opportunity to go out with Dave Kinsley, our Water Plant Operator and view the various water and sewer facilities in the Borough. I was astounded at the size of the operation we have. I publically thank Dennis Sears and Dave Maffei for their patience with me with the many questions I had about the facilities. I also contacted the Court Administrator and the Board of Health. End of report.

Ms. Rogers: I think we are all aware that we are heading into a difficult budget season. The new mandate is a 4% cap. I look forward to working with everyone to find solutions and alternatives. I believe there will be one department that will fare well this year based on their profitability skills which were implemented over many years. That is the Rec Commission. During my candidacy I had an opportunity to analyze both the 2007 budget and prior budgets and I had a chance to do some auditing. I look forward to cross referencing the numbers with the Auditors at the end of January to finalize the number for the surplus in the recreation trust account. It appears to be about \$221,000. I would like to commend Karen Haycook for providing affordable programs which have realized profits and will now provide an opportunity to utilize that surplus. I would like to support the soccer programs that are in need of fields and investigate alternatives for those fields. Maybe renting land outside of the Borough. I would like to offer new programs at reduced premiums and restoring the Senior busing and providing for our Seniors. I think our children and Seniors will fare well in 2008. A job well done to Karen and her staff. I also met with Chief Hilling on Public Safety and Captain Williams. We discussed the status of the Police Department renovation. They asked me to convey to the public to please lock your car doors. They are experience thefts and breaking in of cars. During the inclement weather there are a lot of calls for parking problems at the Middle School. I am in the process of scheduling meetings with Chief Smith, Fire Co. #2 and Chief Mulligan, Fire Co. #1 and the First Aid. I would like to tour their departments and go over their budget needs. We had an opportunity to schedule quarterly meetings with them and then go to a monthly basis. The Environmental Commission is scheduled for their reorganization meeting on Monday, January 21st at 7 p.m. Earthy Day is April 19th. A grant application will be filed this Friday through the Environmental Commission and in conjunction with the NellieBennet School. This is the Barnegat Bay Estuary Education Grant. I will file the application for \$5000. I would ask the Mayor and Council to endorse this application tonight. If we are successful in obtaining the grant it will allow us to put together in class training for both the fourth and fifth grades in the program and have a poster contest for Earth Day.

MOTION: To have Council give a letter of endorsement to go ahead with the grant application and the program

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

Ms. Rogers: The Open Space Advisory Reorganization Meeting will be on January 28th. In December I filed a DEP Trails Grant Application for \$25,000 for the development of the Canal Walk. The announcement of the grant will be sometime in June. We will also be filing for the ANJEC Smart Growth Grant for Open Space. I will spend my Birthday next Thursday at my first Juvenile Conference meeting with Detective Miller. I am looking forward to that. End of report

Mr. McAlindin: I do apologize for missing the reorganization meeting. I went in for a routine medical procedure. Apparently, I was sick and I had some complications. I wound up in the emergency room twice and I don't think you can beat it with a stick. It is almost like our own personal hospital. It is good to have in town. It is a sad thing that we lost Point Pleasant Hospital but the satellite emergency center if you have an urgent need I do recommend that you take advantage of it. There is very little waiting. There is every diagnostic testing capacity there. People take real good care of you. I say the same for MCOC, I was treated well and we are lucky to have such quality medical facilities in our area. I did not get a chance to formally welcome Ms. Rogers and Mr. Dikun. Welcome aboard. Best of luck and I look forward to working with you. It is going to be an interesting budget year because we will be dealing with uncharted territory. I agree with what the legislature is trying to accomplish and the method has a disconnect between Trenton and local government and they don't quite understand that things would be a lot easier if we did not have a lot of unfunded state mandates. The bottom line of the cap is to keep us within our spending capabilities and certainly I favor that. I am happy to announce there was a resolution for Dairy Queen and our co-defendant has agreed to reimburse half of our legal fees and it was a very professionally handled matter. It was well handled by our Borough Attorney. Within the last month we settled two cases and we have gotten \$80,000. Thank you Jerry Dasti. That is more than a half of a cent on the tax rate. Forty thousand here and forty thousand there helps. That is all I have to say. I am glad to be back and glad to be healthy again.

Shaun O'Rourke: We got a League of Municipalities magazine this month and there is an article in there about light standards. It is a good article. Lighting and sound are always an issue before the Planning Board. There is a group in Eatontown that has come up with a lot of good ideas. Cathy Kelly sent a note from the Construction Department about the annual summary for construction and everyone knows when you have new construction your assessments change and we have about \$6 million dollars of value of construction in the last twelve months. That helps with the budget. They are trying to pull their weight too. End of report.

Council President Prytko: Public Works, everything is going fine. We did take delivery on the new front end loader. I would like to schedule a Public Works Meeting with Mr. Dikun and Shaun O'Rourke and Dennis Sears with the new engineers. We will have a good year. I can't wait for the budget season. End of report.

Mayor Konkus: I have two items of correspondence. The first is from the Salvation Army. "I am writing to inform you that on January 29, 2008 Ocean County will be participating in project homeless connect. We want to make you aware that services to the homeless will be provided at the following locations. Salvation Army, 1738 Route 37 East, Toms River, Masadonia Baptist Church, 143 John Street, Lakewood, King of Kings, 1000 North Main Street, Manahawkin, and Hungary Leaf, Route 166, Toms River. If you should see any homeless person it would be helpful if you encourage them to visit one of the above locations so that we may be able to interview and assist them with needs associated with homelessness. Captain of the Salvation Army."

The other item I have is from the Alliance of Ocean County Historical Society and Museums. If you are interested in the history of Ocean County you can visit the Toms River Branch of the Ocean County Library and experience the Wheeler room. This room features the library's local Ocean County and New Jersey Historical collection. Linda Monroe, the Librarian who oversees the collection, has offered to talk about and demonstrate some of the resources in this collection. Following the presentation we will discuss developing a travelling history program that can be taken to our local schools in Ocean County. We will

explore how such a program could feature hands on interactive presentations using a trunk of materials and artifacts. This can unlock history and generate student interest in the history of their communities. That will be held Tuesday, January 29 at 7 p.m. Please RSVP at 732-929-4779.

H. OPEN PUBLIC SESSION

5 Minute Limit Per Person

Council President Pyrtko read the following Ordinance.

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

MOTION: Open the meeting to the public Mr. McAlindin

SECOND: Mr. O'Rourke

APPROVED: ALL IN FAVOR

Eli Milewski, 2401 River Road, I am here again about the trees and hopefully when you make another visit you will contact me. I know there are a lot of trees down at the Riverfront and we are trying to save the white cedar. Across on Maxson Avenue there is a large Oak tree, a pine and a holly and hopefully we can keep those as well. Please give me a call and we will go through some of the trees together.

Mr. Kalamanis will meet with Ms. Milewski and Mr. Forsyth in the near future.

Ms. Milewski: There is a fence around the property and I know you were going to take that down, can you leave it up permanently. The fence is nice.

Mayor Konkus will look into keeping the fence.

Alison Ingenito, 1101 Gowdy Avenue, I am here to introduce myself to the new members of the Council. I am the founder and the President of "Yoga and You Foundation". This is a non-profit organization that does community service work. A lot of people think Yoga is exercise and it is not. I want to let you know what our plans are for the upcoming year and what we accomplished last year. Last year I moved both of our organizations from Bricktown after being there for 8 ½ years to Point Pleasant Beach. I live in the Borough but the business is in the Beach. The community really came out for us for all of the things that we did. We were able to donate more than \$10,000 in infant care items and baby gear. Thousands of pounds of food to families in need. More than \$20,000 in clothing to local organizations and churches. We provided hundreds of hours of donated exercise classes. Wellness centers and senior programs. Hundreds of backpacks to the children attending Boyd Elementary School, new backpacks, a year's worth of school supplies, an educational tour of the Cape May County Zoo to fifteen local foster children. This past Christmas season we wrapped 1400 holiday gifts for the same foster children, 30 senior citizens, 25 mentally ill adults and more than 700 children in need from Ocean Health initiative. The community really came out and we did great things. The thing I really wanted to come here and tell you guys about was our scholarships that we are offering this year. \$2500 to a Point Pleasant Borough High School Senior and \$2500 to a Toms River High School South senior. I am a graduate of Toms River High School South. Our vice President is a graduate of Point Pleasant Borough High School. It is based on community service. It is something we are very proud to offer the community. I have a package for you of scholarship applications. We are here for the recreation department. I know that the budget is tight this year and we are more than able to help.

Mr. Pyrtko: We will need swings for the new park.

Ms. Ingenito: We could put a fund raiser together to help.

Mayor Konkus: Can you tell us the criteria for the scholarship and how the students will be selected.

Mr. McAlindin: The address and how the student will get the application.

Ms. Ingenito: They can go right to the guidance department. That has been supplied. A Toms River High School South or a Point Pleasant Borough High School senior who are legal US residents, it is selected by the Foundations Board of Directors and the Scholarship committee and the recipients are selected by community and volunteer service hours, volunteer leadership awards and honors, appraisal form completed by volunteer supervisors and leader and an essay on volunteer service and a grade point average of 2.0 or higher. Financial needs are also a consideration. We have had a great response from the community since we moved to Point Pleasant.

Mr. Pyrtko: Thank you for your work.

Dennis Vitkauskis, Foster Road, Time clock,

Mr. Maffei: The technician was over at the Department of Public Works and they went to put it in and it was not compatible with the computer system. They ran the wire today and hope by the end of this week.

Mr. Vitkauskis: Rules at the recreation department. Are we ever going to enforce the rules at the skateboard park about helmets. Did the kids win? Did we give up?

Mr. Pyrtko: Everytime a kid has his picture in the paper he get a summons.

Mr. Vikkauskis: You can ride by there and give out a book of summons. Somebody is going to get hurt over there and everybody is going to say why didn't we enforce it. It would be nice to see the rules enforced. Don't wait till someone has to go to the emergency room.

Mr. McAlindin: One of the possibilities would be if we can possibly fund it, video cameras. That would be good enough for conviction and it would put an end to it.

Mr. Vitkauskis: If I can see it from 88 why can't the people who can enforce it not see it.

Mr. Kaklamanis: I have had a lot of calls about children not having helmets. I have relayed it to the Chief. He is aware of it. I have been out of town and on the boardwalk walking and I was down in Atlantic City and I had call about children not having helmets on. I made a call to the Police Department and I did relay my feelings to the Chief about riding by and being able to see them without helmets. He is aware of it. If anyone sees anything and if there are children there without helmets please call the police. Hopefully, as Mr. McAlindin said, we can get surveillance cameras down the line.

Mr. Vitkauskis: Mr. McAlindin, you were speaking about a settlement about the Dairy Queen issue.

Mr. McAlindin: One of the co-defendants paid half of our legal fees.

Mr. Vitkauskis: Can I ask who the co-defendant was?

Mr. McAlindin: Our Engineer.

Mr. Vitkauskis: I was at the Planning Board meeting last week and I thought the issue was still going on.

Mr. McAlindin: They are appealing it.

Mr. Vitkauskis: How can we settle?

Mayor Konkus: It is not settled with the Dairy Queen. The settlement was with the co-defendant.

Mr. McAlindin: We contended we were entitled to indemnification for our expenses and I felt it was handled in a very professional way and half of our legal fees were paid by our Engineer. I thought that was a very professional way of dealing with it and they stepped up to the plate.

Mr. Vitkauskis: I thought the case was still ongoing.

Mr. Dasti: The case is still ongoing and our fees to date are what they are and we had discussions with CMX people and they have agreed to pay half of the fees that we incurred to date. We believe the litigation will be resolved soon.

Mr. Vitkauskis: May I ask what the dollar amount was?

Mr. McAlindin: I mentioned it. It was \$40,000.

Robert Fritz, 2604 Beech Street, I am a local framing contractor in town. The reason I am here my wife thought I was crazy being the only one to address the skateboard park but someone beat me to it. I am not here to complain. I am a participant in the park. I am 33 years old and I have skateboarded all my life. I agree with the Gentleman about the helmets. The helmets should definitely be enforced. What I was basically looking for was I have two young boys and I don't have a lot of time to use the park and I find it strange that it is not opened on the weekends until 1 p.m. I am bringing my sons and my nephew up to Long Branch to use their park because it opens at 8 a.m. in the morning. Beyond 10 a.m in the summer and 1 p.m. during the school year I don't know what determines the 1 p.m. I would like to see it open at 10 a.m. on the weekends. I certainly think the helmets should be enforced. When I am there I would be the first one to call and say we have a lot of kids and nobody is wearing a helmet. I am thirty three years old and I have my helmet on.

Mr. Pyrtko: We appreciate that.

Mr. Fritz: The other issue being I would like to see it used more. When the gate is locked the kids are skateboarding somewhere else. They are over at the rec center, tennis courts, basketball court. That just generates more phone calls. The fact it is left up to the police to decide if it is too wet or too dry, we don't close the soccer field when it is wet. The ramps there dry almost instantly when the air hits them. The kids spend a lot of money on their boards and they spend a lot of time with what they do. I would appreciate it if you would take into consideration about opening it at 10 a.m. on weekends.

Mr. Pyrtko: Mr. Kaklamanis is in charge of rec and I am sure his committee will take it under consideration.

Mr. Kaklamanis: I know I have been talking about the helmets and we will take this into consideration. We are trying to settle with Mr. VanEmburch, Custom Kitchens about the noise. I have had some ideas about redirecting some equipment. That is another issue. I will get your number and I will give you my number.

Mr. Fritz: Thank you very much.

Seeing no further hands Mr. Pyrtko entertained a motion to close the public portion of the meeting.

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

ALL IN FAVOR.

I. EXECUTIVE SESSION

RESOLUTION

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 – Labor Negotiations, Teamsters Union No. 469
2. Personnel Matter – Police Staff
3. Item Resolution (042-2008) Bills and Claims which was tabled earlier in the meeting.

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.

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

Mayor and Council returned to open session.

MOTION: Approve Resolution (042-2008) Bills and Claims

MADE: Mr. McAlindin

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

MOTION: To adjourn

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

ALL IN FAVOR.