

COUNCIL MEETING

TUESDAY – APRIL 1, 2008

8:00 p.m.

Mayor: Martin 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: Christopher Connors

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

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

STATEMENT BY MAYOR KONKUS: Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. Notice of this meeting of the Governing Body has been posted in the corridor of the Municipal Building, published in the January 15, 2008 edition of the Asbury Park Press and Published in the January 18 edition of the Ocean Star.

A. PROCLAMATION

1. Team USA Bronze Medal 2008 World Curling Champion

***PROCLAMATION
2008 World Wheelchair Curling Championship***

Bronze Medal Winners

Team USA

WHEREAS, Team USA has earned the Bronze Medal at the 2008 World Wheelchair Curling Championship held in Sursee, Switzerland between February 1, 2008 and February 9, 2008; and

WHEREAS, this is the first time a United States team has won a medal at the World Wheelchair Curling Championship; and

WHEREAS, Point Pleasant's own Jacqueline Kapinowski was part of this five member championship winning team along with Jim Joseph of New Hartford, NY and Bob Prenoveau of Chittenango, NY; and

WHEREAS, special commendations is due to all the team members for their outstanding achievement; and

WHEREAS, the Borough of Point Pleasant is especially proud of Jacqueline Kapinowski and the renown she has brought to our community by her inspired team play.

NOW, THEREFORE, I Martin C. Konkus, as Mayor of the Borough of Point Pleasant and on behalf of the entire Borough Council and all of our citizens do hereby extend this expression of our pride in the accomplishment of Jacqueline Kapinowski and all the members of Team USA in winning the Bronze medal in the 2008 World Curling Championship.

Witness my hand and the Official Seal of the Borough

Of Point Pleasant this 1st Day

of April, 2008.

MARTIN C. KONKUS, MAYOR

Mayor Konkus will forward the Proclamation to Jacqueline.

2. MENTAL HEALTH AWARENESS MONTH

PROCLAMATION MENTAL HEALTH AWARENESS MONTH

MAY 2008

WHEREAS, Mental Illness is the most prevalent health crisis in America today, more common than cancer and lung and heart disease combined affecting one in five adult Americans in a given year regardless of age, gender, race, ethnicity, religion or economic status; and

WHEREAS, one in five children suffers from a diagnosable mental or emotional disorder which, if untreated, can lead to school failure, addiction, and even suicide; and

WHEREAS, stigma prevents many people from seeking the help they need as negativity and misunderstanding often surrounding mental illnesses creates fear and causes shame; and

WHEREAS, Mental Health recovery is a journey of healing and transformation enabling a person with a mental illness to live a meaningful life in a community of his or her choice while striving to achieve his or her full potential; and

WHEREAS, New Jersey has a lasting tradition of fostering community Mental Health resources, a fact by the passage of a State Community Mental Health Services Act in 1957 and the State's primary reliance upon community-based, nonprofit agencies for the delivery of Mental Health services; and

WHEREAS, agencies in Ocean County are committed to providing exceptional care to people with Mental Illness and have invested in addressing the needs of Point Pleasant Borough residents without distinction; and

WHEREAS, the United States Senate and the National Mental Health Association have declared the month of May as "Mental Health Month."

Now, Therefore, I, Martin C. Konkus, Mayor of the Borough of Point Pleasant and on behalf of the entire Borough Council, do hereby proclaim the month of May, 2008 "Mental Health Awareness Month" in Point Pleasant Borough, commemorating over fifty years of Mental Health Awareness, and further encourage all our citizens to learn about the ways in which they can assist in eliminating stigma and contribute toward the quality of life and in the opportunities available for all people, families, and communities who face mental illness.

*Witness my hand and the Official Seal of the Borough
Of Point Pleasant this 1st Day*

Of April, 2008.

MARTIN C. KONKUS, MAYOR

Mayor Konkus read the above Proclamation.

3. Autism Awareness Month

***PROCLAMATION
AUTISM AWARENESS MONTH***

APRIL 2008

WHEREAS, Autism is a pervasive development disorder affecting social, learning and behavioral skills of those affected by it; and

WHEREAS, Autism was once thought to be a relatively rare disorder affecting only one in 10,000 people; and

WHEREAS, as more and more health professionals become proficient in diagnosing Autism, more children are being diagnosed on the autistic spectrum, resulting in rates as high as one in 150 children; and

WHEREAS, while there is no cure for Autism, it is well-documented that if individuals with Autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, the New Jersey Center for Outreach and Services for the Autism Community (COSAC) and Autism Speaks is spearheading an awareness effort in order to educate parents, professionals, and the general public about Autism and its effects;

Now, Therefore, I, Martin C. Konkus, Mayor of the Borough of Point Pleasant and on behalf of the entire Borough Council, do hereby proclaim April, 2008 as Autism Awareness Month in the Borough of Point Pleasant and urge all our citizens to become better educated on the subject of Autistic Spectrum Disorders.

Witness my hand and the Official Seal of the Borough Of Point Pleasant this 1st Day of April, 2008.

MARTIN C. KONKUS, MAYOR

4. Earth Day

Chris Constantino, Environmental Commission Member is in attendance to accept the Proclamation.

PROCLAMATION

EARTH DAY, APRIL 19th, 2008

WHEREAS, a sound natural environment is the foundation of a healthy society and a robust economy; and

WHEREAS, human activities around the world are causing severe environmental damage that threatens human health and our planet's ability to sustain a diverse community of life; and

WHEREAS, the knowledge of ways to live in harmony with our environment and methods and technologies to accomplish this end already exist; and

WHEREAS, local communities can do much to reverse environmental degradation and contribute to building a healthy society by addressing issues such as energy use, transportation, waste prevention, and sprawl; and

WHEREAS, the environmental realities of our time require humans to make a dramatic shift in our relationship to the earth.

NOW, THEREFORE, I, MARTIN C. KONKUS, as Mayor of the Borough of Point Pleasant, County of Ocean, State of New Jersey do hereby proclaim April 19, 2008 as "Earth Day" in Point Pleasant Borough and commit our municipality to undertaking programs and projects that enhance our community's natural environment.

WITNESS MY HAND AND THE OFFICIAL SEAL
OF THE BOROUGH OF POINT PLEASANT
THIS 1st DAY OF APRIL, 2008.

MARTIN C. KONUS, MAYOR

B. PRESENTATION

1. A.L.S. WALK – Elaine Conheeney

Elaine Conheeney is in attendance. I am here tonight to talk to you about a disease that is 100% fatal. Life expectancy is two to five years. It is a debilitating and a neuromuscular disease that strikes men and woman and knows no boundaries. A persons mind is still there but their body deteriorates. Their mobility, their speech. I have a friend that her husband passed and after two years I could not even understand him. I was trying so hard to talk to him and I did not have a clue with what he was saying. Swallowing, respiratory functions, they all shut down. The disease traps a person mind in a body that totally falls apart and goes. This disease has taken the life of four people that I know of from the Borough and I have only been doing this walk for six years. Most recently Sharon Marino who was recently retired from school teaching, Tim O'Neill who was very active with the boosters and a lot of things. Mr. Airy's brother who lived in town and or Mayor's aunt. These are just people I know of. The disease is called ALS or Lou Gehrigs disease. I have a lot of posters to put out. The walk is May 17th, Saturday at 10 a.m. at Heiring Avenue in Seaside Heights. It is the sixth walk we have done. I am very selective in what I give my time to and what I give my money to. I know that this association has helped people that I know. They have helped them with doctors, medical equipment, my one girl friend needed to be in a wheel chair. The insurance company was going to give her the cheapest wheelchair they could and this organization talked to her insurance company and convinced her insurance company that it was cheaper for them to give her the one she was going to need that

would bring her to the end. They have financial aid. It is a good organization. It is an organization that has their priorities right. A major chunk of their money goes to where I think it should go to. The ALS Association helps people. I am just here to tell you about the walk and it is close to my heart. Four people in this town in six years. Four years ago we gave the Mayor a bobble head doll and this year he made the poster for April. There are a lot of people that help. Casino Pier, any child that raises \$25.00 can be on the kiddie rides for two hours for free. It is teaching our children to give back. Last year we raised \$174,000. It is Saturday, May 17th if you want to form a team or volunteer that day you can see me. The web is www.ALSphiladelphia.org. It is worthwhile. It is nothing a person can escape. Thank you for your time.

Mayor Konkus: Last year when I went for the walk they said they will do applications on line. Can you get me an application.

Ms. Conheeny: Sure will.

Mayor Konkus: I did the first walk and everyone since. I had no idea what ALS was. After I took part in that walk my wife's Aunt was diagnosed with it. She died within six months. Since then we also lost a family friend to it. It is a nice walk and it is a worthy cause. Thank you Elaine.

Mayor Konkus: We are about to move into the final reading of two ordinances however Susan Rogers who originally had these ordinances put on at the last agenda and she has made a request to address Council and give us an update on what took place on are visit to the DCA in Trenton last week and how it will effect these ordinances that are on the agenda this evening. I would like to have Ms. Rogers make the presentation prior to bringing up the Ordinances. Any objections?

No.

Ms. Rogers: I am going to come down and talk to Council and talk to the public.

Ms. Rogers: Some may or may know after our last Council meeting two weeks ago the following morning I thought it would be prudent to reach out to the DCA. I wanted to get everyone in the same room so we could all talk about what was going on and talk about our financials and present to the DCA the current situations that we were experiencing and this way everyone was together and there would not be any issue as to what was said. We could all get the same answers and clarity. We did that. We had a meeting on Thursday, March 28th. We went out to Trenton. There were eight people that went. Mayor Konkus, Councilman Brian McAlindin. The Borough Attorney, Jerry Dasti, Superintendent of Recreation, Karen Haycook, the CFO, Judy Block, the Borough Administrator, David Maffei and the Recreation Chairman, Joe Mazza and myself. We met with the Director Susan Jacobucci, the Assistant Director, Judy Tripodi, and Tina Zappicchi, who works with rec and Pat Schwartz. We went out and we had this meeting. I have to tell you it was a really great meeting. It provided a lot of clarity and it provided a lot of issues and questions we had. They found our case to be interesting because they said they never had this situation before. They never had the issues we were bringing from the Borough with any other town. By the time we were done with our meeting they said that very likely they will be looking to revamp their statute. That was important. I would like to walk through some boards with you and go over what

they started with which was clarifying the roles and responsibilities of all of the people involved. From the Commissioners to the Mayor and Council to the Borough Administrator, the CFO, the Superintendent and they ultimately told us what we need to do. Mayor and Council I gave you all sheets if you can't see the boards. The first board say Recreation Commission responsibilities. We were under very different impressions of who was supposed to do what and what those roles were. They started out with clarifying going through the statute 40:12. Basically with the Rec Commission their responsibilities are to recommend new programs, to look at existing programs and recommend enhancements of those programs. They are to look at the Municipal Budget, the capital budget expenditures and make recommendations. The Commission also has the ability to make recommendations for land acquisitions and for leases. They would then look to recommend rules and regulations for the recreation programs and the recreation properties. They would recommend personnel for hire. They are advisory to the Mayor and Council. I think part of the question was what was their overall function with that. There were issues as to whether they were to establish fees or make expenditures and basically DCA they did not have the authority to set the fees or spend the funds but to make recommendations for those fees and recommendations for the expenditures. Next came our CFO and our Superintendent of Recreation. This was a total change in defining what the responsibilities were on this end because at one point in time the CFO was doing the program allocations, was doing the accounting on that and then it went to the Superintendent. Ultimately, what DCA said was we are going to be in a transition period that the Superintendent and the CFO need to work together. Ultimately, the CFO will be the person responsible once we get through the transition on the programs for establishing budgets, program by program. The CFO will then submit that for Council approval. They will develop the fee schedule for Council approval as well and they will be maintaining accurate accounting records program by program with an audit trail showing income and expense. Once they have this, at the end of the program they need to test out the programs to see if there is any residual. They basically said we should not be making profits on programs, you should not have any major surpluses. There is no exact science to this and what you need to do it you put your budget together. If at the end of that program there is a surplus you can roll it into the next program, that specific program. Not offset it with other programs. When you roll in into the new program you can do multiple things. You can look at the enrollment and reduce fees for that program for the following year or you can do an enhancement for the program to use the residual. Now, what are they talking residual wise. We asked if there was a tolerance level for that. It is not thousands of dollars. We are talking small amounts of money and then you reevaluate you budget for the following year. The superintendent would be responsible for purchasing the products for the programs and they would go through requisitions from the Administrator then the CFO would sign off on the purchase order knowing that there is enough money in the account to make the encumbrance. The CFO would then submit a bill listing for approval and payment by the Council. The CFO would then provide to the Council program audit and performance reports. We will see them quite frequently while we are going through the transition period. We have the Administrator and the Auditor. Mr. Maffei will approve requisition and vouchers to ensure that the requirement of the Local Public Contract Law for quotes, bids and appropriate use of the funds is being taken care of. That is what he will be doing. The Auditor, and we must have discussion with him, this was not a mandate from the DCA, but I think it will be incorporated with Council is from the time, we are going to be starting the budget process for the summer programs from summer till the end of the year any program

that show a surplus or that has a roll over we want the auditor to test the performance and test the actual program to see that everything that was in order. Also, we want the Auditor to notify Mayor and Council of any gain or fund losses. Mayor and Council authorizes the budget not only for the regular budget of the Borough but also for the rider trust programs. They would authorize and approve the recreation fee schedule as presented by the Superintendent and the CFO. They would authorize the expenditures and bill listing and they would authorize the approval and hiring of personal. They would authorize and approve land acquisitions and leases. They would be responsible to review for the reports of the CFO and the Superintendent and review the reports of the Auditor and his recommendations. Then authorize and approve the final financial report which was submitted by the Auditors. DCA basically now has 2006 and 2007 financials from us. They have almost the entire first quarter of 2008. They have a detailed general ledger, charge of accounts listing of the new accounting system that we have installed to see if they want us to tweak it or they want additional information put in. They have defined the roles and responsibilities to us that day and most of all they said to us we need to have progressive action. We need immediate compliance and right now we have never seen this before and we are going to set aside any blame. We need to get you compliance. What we should be happy with is they are going to allow us to keep the money. The goal was to go to them, disclose everything, get compliance, move forward, develop how the trust is going to be used. They said to us put together a written, formal plan on how the use the trust and you will send it to us. We will approve it. The Rec Commission, the Director, the CFO, the Administrator will provide recommendations to Council. I also thing the public should seek out members of the Commission on how you would like to see the money spent and those recommendations will come to Council for a formal plan. We have two weeks to submit a plan but they are asking us to move forward and get the plan submitted. The Council will make the final recommendations. What DCA said to us because of the amount of the money we have you may include capital program enhancements, new programs, maintenance, revitalization, put in whatever you think should be in the plan and we will approve it. Whether we approve it in whole or in part. They are going to give us latitude on this time because of the amount of money on what we can spend it on. Put the plan together and send it to us. As soon as we get the approval back from DCA the funding will be allocated for approval and we will take action promptly on the use of it. That is how we ended with the meeting. I thought it was very favorable because the statute in some respects are not clear. Councilman McAlindin had many questions that day as to the statute. I think after coming through all the questions and the issues I think they are seriously going to look hard to revamp this. I am hoping good things are going to come and we are going to be able to use the money and we will put a plan together on the money and we are going to be compliant moving forward testing our programs and we are going to pay very close attention. I think DCA is going to pay very close attention to us during the next couple of years to make sure we are all in order. I think it will work out just fine.

Mayor Konkus: How does this presentation and the information related to the public, how does this affect the ordinances that we are going to open?

Ms. Rogers: What I would like to propose tonight is that we carry the motion for both of the ordinances till June 17th. We are in a restructuring mode and everyone has new assignments and give us a chance to get the assignments in order and give

us a chance to get the accounting in order and then we can review this in 30 or 45 days. That would be my motion.

Mayor Konkus opened the meeting to the public.

Mayor Konkus: The recommendation is to make a motion to table instead of carry. A motion to carry requires a specific date. That would require re-advertisement and amendments to the ordinances.

Mr. Connors: If the motion to table is to carry it kills the ordinance until it is re-introduced. This process would have to begin again for introduction and a second reading and public hearing without a specific date.

C. ORDINANCE – Final Reading, Public Hearing

1. Authorize the Abolishment of the Recreation Commission

ORDINANCE NO. 2008 - _____

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING THE ORDINANCE THAT CREATED THE BOARD OF RECREATION COMMISSIONERS IN THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY AND ABOLISHING THE RECREATION COMMISSION OF THE BOROUGH OF POINT PLEASANT

Mayor Konkus opened the meeting to the public.

Mr. Joe Mazza, Recreation Chairman, River Avenue: Mr. Mayor and Council I had hoped to come up here this evening to thank you for attending that meeting with us and move not to have any action taken on these Ordinances this evening because it is quite frankly not necessary because everything mentioned here is pretty much how local government has been operating long before our lifetimes. There are a few things here that I may not agree with here but again not having had time to review this as a member of the Commission. I had pledged almost three months ago to work with the Council on this and we shook hands Mayor and we started to move forward. To have to work now with a cloud over us that things aren't done right that maybe this will be introduced again is absurd. I can't begin to respond to these boards. I do have a prepared statement that I want to read. I could be here until next week. Unfortunately, we are now at a point where there is public reception on the part of wrong doing on the part of volunteer members of the Recreation Commission and these boards here have done nothing to clear that up. In some ways they have enhanced that feeling. I take great offense to that. This is a perception that no matter what we collectively or individually do will not totally erase those perceptions from the minds of some people. Especially, when they are incorrect and reinforced by the media. It will also not change how the reputations of our community have been tarnished nor have their professional lives affected by this action all because they volunteered to work with the Governing Body and give back to their community. To share their knowledge, time and experience and make Point Pleasant a better place for everyone. I hope that a truer picture can be painted after this that shows when you rush to judgment and allow inaccurate facts to get into the public forum innocent people can be hurt and they were hurt in this. The public must understand that we now have the undo scrutiny on us on matters

that I thought both Council and Commission had agreed to work on together and could work on together. I must further note that there will be an impact on how recreation services may be offered in the future in this town. Just by virtue of having a surplus of funds does not mean the program fees will necessarily go down nor does it mean that you were over charged and a profit was made. I challenge anyone to find programs that are offered for the dollars that are charged. There are guidelines on how these monies may be allocated. Simply this, the funds that are collected from fee based recreational programs must go back into the specific fee based program that they were collected from. Yes, there is a positive, we now have better accounting methods in place that will hopefully report a line by line accounting of each program and not the trust fund as a hole. The people have to understand that even with or without of these accounting methods at no time ever had direct access to these funds, no check book to spend from and can only expend these funds as any other department in the Borough can after requests, vouchers and purchase orders are reviewed and approved and then the fund disbursed. Dissolving the Commission now or any time in the future does nothing to do but add to the false perception that something has been done wrong on the part of good people who simply volunteer to give back to the community. Quite frankly, the Commission should be commended for not rushing to make hasty expenditures from the trust fund as many of the requests that were asked to be approved would have been acceptable by the laws that govern these very funds. Thank you.

Sal Martino, 2140 Barnegat Blvd.: I would like to congratulate Mr. Kaklamanis, Mr. O'Rourke for voting against this from the very beginning. I would also like to congratulate Mr. McAlindin because I know he only voted for it to put in the public forum and get public comment on it. The problem that we have here is we are putting blame on a Commission that has no blame. If we take these boards and we look at them the only one that would not have responsibilities for these monies and approving these monies is this commission. Everyone on Council at some point either saw the Commission's budget or had been on the Commission. Even Ms. Rogers was on the Commission and should have known. If they did not know that this large surplus was there then whoever was on this board has been negligent and they should not be disbanding the Commission without disbanding yourselves by resigning and without firing the CFO where the blame really should be because the CFO was responsible to supply all the facts and figures to the Mayor and Council and didn't. It is shameful that this had to come out in the news and be played out in the news, vilify this group of volunteers of good people who work with good programs in our Town. If you disband this board you are bringing more shame upon this town and I am telling you there will be a backlash. You cost the town money, you have cost the town its reputation and what you have done here is really disgusting and you should end it tonight and get it over with. I noticed on one of the boards it said it can include capital expenditures. I don't believe that is true. I believe as a legal matter it cannot include capital expenditures. The information being presented is really being presented tonight because someone made a mistake by picking on the commission. I am going to urge everyone up there to vote no to tabling this and vote no to the Ordinance. Thank you.

Ms. Rogers: Mr. Martino, I just want to clarify a couple of things. I did sit on the commission for a year and from the moment I got on the Commission, my first meeting I asked for information and documents that were not provided and I continued month after month to do that until I pulled my own OPRA request. Second, with regards to the capital that is listed on the boards I explained to you

that DCA said put everything on and everyone was there, put everything on and we are going to give you leniency this one time with regards to how the money can be spent. They will look at whatever capital requests we are looking at and they talked to us about refinishing the floor and that was a permissible use. That is a \$14,000 expenditure for the basketball courts. That is a capital item and it was a permissible use. They said put everything in writing they will look at it and give you latitude as to what is acceptable to us.

Mr. Martino: Let me respond quickly. As far as you being on the Commission and not getting the information you requested is shameful in itself. The CFO should be the one responsible for not providing you with information. Not the commission of which you were a member.

Ms. Rogers: I went to the CFO and did OPRA request for which she did provide me the information in July. I asked the Commission secretary and members of the Commission.

Mr. Martino: The members of the Commission didn't have it. You were a member of the commission and you didn't have it.

Ms. Rogers: I requested it several time.

Mr. Martino: Why are you picking on the commission for the same problems for the same problems that you say existed. The capital funds, you can put anything you want on that list and it is not going to happen. You let the crowd here think that it will go on the list. It is not going to happen. It is illegal.

Ms. Rogers: Ultimately, they will make the decision.

Mr. McAlindin: You are claiming it cannot be used for capital items. I was at the meeting with the DCA and there are items and if they are specifically for the generally for the fee based programs whether they are capital or operating they are permissible. I will give you an example. If you put lights in that park across the street they could probably be paid for with the surplus. That are the only ones that could benefit would be the fee based programs that are played in the dark. I don't know that there is a prescription on capital items. It has to be related to the fee based programs.

Mr. Martino: It is fee based but she is giving the impression that it is capital programs and that is not accurate and it is unfair.

Mr. McAlindin: As far as the rest of the stuff goes and I don't know how this meeting is going to go tonight. We should check the blame meter at the door. This is not about picking on the commission, it is not about picking on the Council, it is not about picking on the CFO, the Administrator. This is not all good. It is a good problem because we have money that I didn't know we had. I don't think my colleagues knew we had. I don't think the Administrator knew we had. Frankly, I don't think the Director knew we had because there were time when she would be banging a table in here looking for us to pay for something and we couldn't afford to pay for it. If I had know we had that kind of money in the rec surplus I would be trying to think outside the box how we might be able to use some of it. That is not what this is all about. I don't know about this transition comment that Susan has

come up with as to where we are right now. What I got from the meeting with the DCA was you have to follow the statute. I walked out of there with the feeling that this is not crystal clear. It is not easily understood by anybody. Even the members of the commission that were in the meeting. There were times when it was like fish on a dock. One would say yes and the other would say no. Then you can do that. I don't know how clear any of it is. In the end what we offered to do and then agreed to accept it is we will tell them what we intend to use it on and they will say yes or no and apply the law as they understand it.

Mr. Martino: I know you have done what you're supposed to do. The problem is this whole thing started with the motion to disband the Rec Commission.

Mr. McAlindin: Disbanding the rec commission to me has nothing to do with the surplus. I wish we never got to the point we are at.

Mr. Martino: That is where it started. I don't come to very many meetings and somebody asked me to come to that particular meeting and I am very glad I did. To see what happened up here that day was shameful. I serve as an Attorney in four different towns so I know it well. This is some of the worst display of tactics and attacking people that I have ever seen.

Mayor Konkus: I would like to make some comments about a few of the things from my points of view that took place at that meeting and make comment on some of the things that came from the public tonight. In a conversation recently with our CFO she told me that at one time and Ms. Rogers did cover this earlier, our CFO did state that many years ago she did keep the books for the Rec Department and the Trust account and each fee based program was reported upon separately. Prior to Mr. Maffei became our Administrator, it was either Santos or another Administrator. He had the books moved to the Recreation Department. Over the years things were done a little differently. Now, as a result of meeting with the DCA we agreed that we will be working together. I was hoping for a less bumpy road to travel than we are on tonight. But, we all agreed to work together, not to find blame, to separate this issues. I don't know how the Riverfront Park even came up in any of this. That is a mystery to me. We had a separate discussion about commissions and committees at that meeting which needs to be separated from dealing with this trust fund and getting financially back on board here. The other thing I want to mention is the Auditor's report. I spent quite awhile on the phone today with the Auditor and I talked about what they perceive as giving reports year by year. What they are giving is a snapshot on December 31st on a moving fund. The rec trust fund is in perpetual motion. You don't have a beginning balance and an ending balance. You have monies being paid out and you have monies being paid in for one year and paid out for programs in the next year. There is never a clear cut dollar amount. I mentioned that to the auditor and asked how do you account for Rodney's comment to the newspapers a couple of weeks ago when he said they are reporting to the Mayor and Council and have been doing this for years. The bottom line for us is at the very back of the audit report that is mandatory for every person up here to read that report and to sign off that we read it. That portion is called the findings and recommendations section. If our Auditor finds a red flag they let us know there is an irregularity here. All the years I have been elected through two auditors I have never seen that recommendation pop up. The fact they are telling us they are reporting on a reserve has never really been clearly made know because it is a moving account. The only way to tract it is

program by program. This is what Ms. Rogers has helped to implement. The other thing I would like to point out and I don't want to go into this a great deal. In talking about the commission it became evident that the statute that describes what the commission is was put together in 1911 and modified in 1930. We are talking about something that is a little antiquated here as far as its legislative assemblage. Since that time other legislation such as finance legislation has come into play that directly effects what people are led to believe the statute on the Commission the Commission itself says. That is confusing and that needs to be cleaned up and I hope we can get together with some of the Commission members as we move into the future and talk about how to streamline and become more efficient as an arm of government that works together for the Borough of Point Pleasant. I would like to separate the two issues of what is happening with the Commission and my personal goal is to make things better and not to make things worse. The other goal that I have is rather than placing blame find out how to move forward here in a clearly defined way without effecting any recreation program. Make sure recreation programs for children and adults alike are unaffected and become a smoother operation than ever. I will again ask for comments.

Bill Williams: I coach a local soccer team. I have never been to one of these meeting before. I work construction. Not a politician type of a guy. The Point Pleasant Recreation Department to my kids has been a blessing. It has been nothing but phenomenal. Awesome. Why can't we take that money and make it better for the kids in this town. We have no where to play and no fields. The money should go our kids.

Mayor Konkus: This money needs to be used within recreation and in a specific way. The DCA will approve or disapprove of our wish list.

Ms. Rogers: If you have recommendations please go to one of the Commissioners or go to the Superintendent or e-mail one of us with how you see the dollars being used.

Mr. Kaklamanis: I am the rec chair between the commission and the Council. I have a committee, Councilman McAlindin and Councilman O'Rourke and Council Member Rogers is the Alternate. We are going to meet with the Commission and the Superintendent and put a program together of feasibility on items and that will be submitted to the DCA. Councilwoman Rogers has set up with the Superintendent of the Rec Commission spread sheets which is now being implemented and the monies can be viewed on a line by line item. I don't know, I wasn't at the meeting but if there is a two week period that the money or monies have to be put in writing to the DCA. I do want to as the Rec Chair apologize to the Rec Commission on my behalf because I know things were said and it was so noted in the paper about criminal intent and we have professionals on the Rec Commission and I am stepping up to the plate and apologizing to them for what was said. I was not at the DCA and they in fact stated that there was no blame or criminal intent any place then that should not even be a thought. The same thing with the employees of the rec center. Basically, there are no problems. There were no illegalities according to the DCA. There were thing said about the advisory, doing away with the commission and set up an advisory board shows that we are not happy we will clean house. When I voted on the other ordinance to establish the advisory board everybody should have a say as to who gets appointed an who doesn't. I have had feedback from many people that were on the Commission that

would like to either get re-appointed to the Commission or put back on the Advisory Board. I am sure a lot of these things the Rec Superintendent does now. We have this positive cash that we are going to use for certain items in the rec and the DCA will give their approval. Ultimately I will be going to my committee and meet with the Superintendent and the Commission on how the money can be spent and we will put it in writing and forward it to the DCA. Like I said doing away with the Commission and appointing the Advisory Committee show inference and we are not happy with one. I am here on behalf of the tax payers and the residents who voted me in this position. I am loyal to everyone here. I have to hear from everybody.

Jennifer Enright, 1504 Deborah Avenue, Mayor with all due respect, notwithstanding Councilman Kaklamanis comments a moment ago. The bumpy road is fully caused by the fact that people were misdeeds and the perception was painted far and wide. When the meeting started there was no apology, no retracting of any of those statements that were made two weeks ago and have been circulated around town and that is why the road is going to be bumpier than you would like it to be. I personally know four of the Commissioners. I know them to be upstanding citizens and I thank them so much for their services. Many of us try to give as much as we can to this community. We all find our places, the people that are willing to serve. I am just so thankful for the people who have found the time in all of our busy lives into making my life better. I was a product of the recreation department. I used it as a child. I learned how to ice skate, play soccer baton twirling and probably 20 other things. I have been a participant in the rec center for the last ten plus years and have never once felt overcharged. In fact, if anything the exact opposite. I remember as the mother of a one year old finding out about the Tiny Tots program at the rec center having received a post card from Jimboree in Toms River. The exact same program for \$195.00 and my town offered at the Rec Building for \$25.00. It was astounding to me and all the other mothers. What we had available to us in this community. I have a sister-in-law who lives in Point Beach who has nothing like we have in Point Boro. I know people in Brick, Jackson, Howell they have nothing like what we have here. I have sent my children to the pre-school here for seven years and the most I have paid is \$2100 for a year. Pre-School that when my oldest son was ready to go to pre-school, I have a very good friend at Nellie Bennett, Judy Schaler who graduated high school with me, has a few older children that went to a different preschool. When it came time for her youngest son to go she sent him to the rec center. She said those kids are coming into Nellie Bennett as well prepared as any other private preschool. She said I am not wasting my money. It is an unbelievable value. It deeply offended me the accusations that were made. Particularly, Mr. Blake has been a friend of my family my entire life. He and my Father are very old friends. It was personally hurtful that he would be accused of misdeeds in this way. I just have to say that I do feel when you ask how the Riverfront Park became part of this issue and from my own opinion and consensus with people I speak to. It became part of this issue because of Councilwoman Rogers position and how she came into being a part of the town politics is perceived to be in direct relation her personal motive to keep that park passive because of her address.

Mayor Konkus: Jennifer, I would like to say that since Ms. Rogers became a candidate for Council and since became a Councilwoman I have never heard her bring up the park at all. It only comes up when other people bring it up.

Ms. Enright: I am just telling you that is where the perception is. Finally, in reference to the surplus I do have a recommendation. About 20 years ago we were supposed to get a pool at Point Pleasant High School and instead we got a Panther in the front of the building. It would be fantastic to have a pool. We spent \$15,000 a year for our Atlantic Club for our High School Swim Team plus transportation costs. The pool would be a bona fide money maker and we could offer swim lessons and it would enable every member of the community to use it. Senior Citizens could use it. We could have a \$1.00 a day to use the pool. It would be a boom to this community. I thank you for your time.

Chris Leitner, 804 Donna Drive, It gives me great pleasure to present to you this petition signed by many members of this community to save this Point Pleasant Recreation Commission. The petition says, we the undersigned as concerned citizens of the Borough of Point Pleasant, State of New Jersey call upon Councilmembers Roger Pyrtko, William Dikun, Brian McAlindin, John Kaklamanis, Shaun O'Rourke, Susan Rogers and Mayor Martin Konkus to oppose and vote against any ordinance altering, dismantling, disbanding, destroying or otherwise changing the composition of the Recreation Commission. This is signed by 251 fellow citizens but on the web site this was the number four most popular petition. That says a lot about the feelings of this town. Two weeks ago that the Council had discovered a surplus. Two weeks ago we heard the surplus was possibly illegal. What a difference two weeks can make. Now we know that the town auditors have reported the balance of the trust every year. Now we

Mayor Konkus: They reported it as a snapshot picture of a moving target. It was not an accurate reporting.

Mr. Leitner: We now know the CFO at some times made monthly report on the balance of the trust. We also know that the trust was designed to have a surplus. It is an on lapsing trust. We know that the Commission acted only in the best interest of the people of Point Pleasant and I think we all agree on that. As you stated before there is a bumpy road here. Nobody wants a bumpy road and the reason we have a bumpy road is whether intended or not Ms. Rogers, Mayor Konkus, there is a perception out there that peoples good names have been abused. One step forward in repairing that bumpy road and getting onto a smoother path would be and I appreciate Mr. Kaklamanis's comments, but I think that apology needs to come from each and every person involved. I also think the time has come that the past arguments and past disputes be buried and the hatchet be buried. It is time to get back to do the peoples business. It is time to do the right thing and save the rec commission. I urge you to vote down this ordinance. Thank you.

Eileen McCabe, High Meadow Drive, I would like to thank Councilman Kaklamanis, it was very honorable of him to apologize to the citizens of Point Pleasant and especially to the Recreation Commission. I have a quick question for Councilwoman Rogers, what do you hope to gain by disbanding the Recreation Commission and the people that are on that Commission and creating an Advisory Board.

Ms. Rogers: Prior to going to DCA, I think DCA shed new light on things, there was definitely a misunderstanding as to the rolls and the responsibility of the people when you read the statute and how it is incorporated. There was the perception had full control of the funding, that there were a multitude of things from even

when I sat on it all year long. When I started auditing the books and I could not get documentation and I found numbers that were alarming to me and I questioned them and I could not get responses. There were a lot of things that went along with questioning and not getting documentation.

Ms. McCabe: Why do you think that was?

Ms. Rogers: I am not quite sure. I would ask how do you approve a bill list without knowing what the balance was in the account. I was told on many occasions do you really think we would write checks when we don't have money for. Those were the kind of answers I was getting. I went and I pulled OPRA requests and I started going through the numbers. Then I was looking at what the processes were and they were not matching up. Part of what I do for a living ties into auditing and accounting. What I was seeing was becoming alarming to me. I brought that to the attention of the commission. I brought that to the attention of the Mayor and the Governing Body. Then we had some distributions of funds within a short period of time that was also concerning and I brought that to the attention and we took action to freeze the account until we could make evaluations. We went to DCA to get a realignment of what those responsibilities are. Mr. McAlindin was confused as to what I saying as to a transition. Walking out of that meeting we all had a new light on what the responsibilities were. I don't think until we get our final accounting in place, go through the new positions on the recommendations, determine and present the plan to the DCA to make a decision. That was my interest in carrying it. My sole interest is getting things compliant with the statute. Doing things properly with the regulatory agency, complying with the reporting factors and making sure that Mayor and Council have the right information to look at and getting things in order. Actually DCA has said to us they have never seen a town like this and we were doing things backwards in some respects. We had expenditures that were paid out that probably should not have come from the trust. We had other items that could have gone into the trust. As a matter of fact, we established several items which were not permissible.

Ms. McCabe: If the people on the Rec Commission, the volunteers are compliant with the new DCA regulations that you have would you keep them as the Advisory Board? Is that what you are thinking of doing?

Mayor Konkus: I think we are doing are very best to separate the two issues.

Ms. Rogers: I like Mr. Mazza and I like the people that are on the Commission. I had an opportunity to work with some of them for a year to the extent that we were able to work because there wasn't much that we did.

Ms. McCabe: I feel as a citizen of Point Pleasant, a Mother of three children, I am a volunteer with the Nellie Bennett PTO, I volunteer with the Point Pleasant Soccer Club and the Soccer Association and that is what I do. What my husband does is another group of volunteers. It is very, very insulting when somebody slanders your reputation as a Volunteer. I think with the citizens of Point Pleasant and the Rec Commission want to bury the hatchet is an apology from the people who slandered their reputations. Thank you.

Mayor Konkus: I have to say that the appointments to the Rec Commission are a Mayoral appointment. Everyone who has been on the Commission since I have

been the Mayor has been appointed by me. Most of you I have known for some time. Some to a better degree than others. I would remiss in my duties if I appointed someone who I thought was less than honorable in their intent and their performance of their duties as they understand them. My impression through this whole thing was there was an acceptance of a status quo that people came into by taking whatever position they did. An elected position or an appointed position. There are times when I appoint to other bodies in this town other than the Rec Commission. Are there times when I make an appointment and I kind of wish I hadn't because I find out there is a hidden agenda? It happens on occasion but not a great deal. At the last meeting I liked one of the things that Mr. Blake came up and said. He and I have bitten each others noses off on occasion. You know what some of those nose bitings were not pleasant. Especially when you are on the receiving end from Mr. Blake. He is very good at what he does. Yet, I recognize his ability and I still appointed him the Rec Commission. There is no place here for blame. There is no place here for tit for tat relationships. This is about moving the Borough forward. Sooner or later this is going to blow over. I didn't appoint any of these Commissioners because I thought they had a private agenda for their own doing or criminal activity. I think we had some misunderstandings here with the help of the DCA and sooner or later this is going to blow over. When this does blow over Chairman Mazza I personally want to get together with you can recall some of the things that were brought up about Commissions vs. Committees. Possibly just streamline the entire operation without upsetting anyones personal apple carts. A way for everyone to save face. Maybe we can move together in a new way in the same direction in a new way. We need this dust to settle before that is going to happen. The way we need to do that is to come to some sort of agreement on the financial aspect of how to move forward here.

Scott Snyder, 831 Woodwild Drive: I have two quick points and the first one involves the DCA. Councilwoman Rogers mentions a lot about her financial background. I work for government. I am a liaison between governmental departments. What surprised me most about this presentation was the fact I don't see the DCA letter head anywhere. There seems to be discrepancies and we don't have to get into it. I would caution you that in two week when you submit the plan for spending this \$220,000 that be put out in writing for the public. Also, get a written response from the DCA so it is not what you put on the boards vs. what the newspaper said or what other people think. The DCA has Attorney's and they will put anything they say in writing. That is why they exist.

Ms. Rogers: They will be doing that when they give us their approval.

Mr. Snyder: Call this a bit of advice. I have been in politics and government for ten years and I have no doubt that you are a financial genius. That is your reputation and it precedes you. But, a bit of tack, whether you meant it or not, whether it was part of an agenda or not, I will take you at your word. I can tell you that at least on this side of the room, the impression is that Ms. Haycook, Mr. Mazza, and the rest of the Commissioners were offended by your remarks. Especially at the last meeting. I was here and I felt a little offended for them. The phrase is simple. I am sorry that you were offended. I did not mean to. Beyond that we are all speaking the same language. I think the Mayor said some very good things. I think that Councilman Kaklamanis is right on point. The only thing left is I am sorry.

Mr. Kaklamanis: I said before myself and my committee are going to sit down with the Commission and the Superintendent we will draw up where things will be sent and send it out to the DCA and get a reply.

Mr. McAlindin: Any input from our Committee will come to Council and then it will go to the DCA. Not three members of the Council, six members and the Mayor are going to submit after we have had input from the Director, the CFO, the Administrator, the Rec Commission and all of us. They will get back to us in writing.

Mr. Snyder: This was an issue that drew 250 petition signatures and has packed this room two meetings in a row, to keep the road smooth would be to make sure the suggestions made by all of you be publically aired after you submit them.

Mr. McAlindin: Anything we do must be opened to your eyes.

Mr. Kaklamanis: I have one question for anyone who was at that meeting. Did at any time did the DCA say anybody did anything wrong with legalities or criminal intent.

Ms. Rogers: They out everything aside John. They said we are going to talk about rules and responsibilities and we are

Mr. Kaklamanis: Did they ever say anything was done wrong with legalities?

Ms. Rogers: They did not even talk about it.

Mr. Kaklamanis: You made mention of it in the paper.

Ms. Rogers: I said what?

Mr. Kaklamanis: Let me get it right here. "I am not saying there was any criminal intent" That inference shows that when you went to the DCA and showed them everything they had to say whether there was or wasn't.

Ms. Rogers: John, first of all, we went and we talked and what they wanted us to do, where we are at and moving forward. They took the remainder of our financial reporting which they are still looking at and they are going to get back to us. They said put it off to the side.

Mr. Snyder: I don't think the people I am working with have a problem. We are happy that things are going to be financially straight. We are happy about the \$200,000. The only thing we are not happy about is the fact that good people are offended.

Ms. Rogers: For that and if this is where we are at and I have offended the members of the Commission relative to the process of this then I am sorry for offending you. I went to DCA to get compliance and move forward. That is what we are doing. Hopefully, we are all doing that together and we will all work together from this point forward as clearly defined as Brian could say to be. Roles and Responsibilities. I think that is going to provide for a much better working

situation moving forward. DCA will show us what we can and cannot do with our funding when we present our plan.

Mr. McAlindin: They never used the word illegal. They never said anybody did anything criminal. They did say you should not have this big a surplus. I asked what is acceptable and I asked if they had guidelines. I read this Statute to many times than I cared to since this all came up. We have a member of the Legislature here. When this dedication by rider came up and I said it in the press the Director of the Division of Local Government Services of the Department of Community Affairs shall promulgate those rules and regulations pursuant to the Administrative Procedure Act necessary to effectuate the purposes of this act. When they say do something they are supposed to do it. If they had done it and they had guidelines people like the Commissioner, the CFO, the Administrator, the Mayor and Council would have a better idea of what they can and cannot do. I don't think it is too much to ask. I never heard them say they were going to revamp their statutes at that meeting. I hope they promulgate the rules and regulations. That would help. Members of Local Governing Bodies and volunteers such as Rec Commissioners address the issue in a more sound way. The same questions come up all the time. I am not blaming them. They are not patting up on the back for having the surplus but we have it and it is an okay problem to have and we have to fix it.

Ms. Rogers: They are telling us we cannot continue on the way we were doing it.

Mr. McAlindin: No, but you know what Susan six weeks ago the Council had tried to address this by going back to the Commission requiring them to follow certain procedures regarding accounting for each program. We didn't need the DCA to tell us what to do we figured for ourselves.

Mr. O'Rourke: I hope the DCA is paying attention to this because we are not unique. There are a number of towns around the State that have surpluses similar to ours or greater and they need to be addressed. They need to be addressed by the DCA establishing guidelines that are more specific than the statute says. Like Brian pointed out, in the statute is say they are supposed to establish guidelines and give us information that we can follow. All of this gray, a large part of this problem and this carrying of the fund is because it is gray. It is too gray. It needs to be more specific.

Mr. McAlindin: What you can use the money for is not clear.

Mr. O'Rourke: If you look at the statute he is referring to, it almost says you cannot spend it on some parts of the program that I would consider legitimate. If you look at the Statute it makes it not legitimate. As Sue pointed out we hope we are going to get some flexibility. Use this money for the benefit of the Recreation Program and not just have it sitting there. I suspect they will work with us. Maybe they realize they have not held themselves up to a high enough standard. They need to tell every community in the State how far you can go with these trust funds. What is a capital item? Is it an item that last more than ten years? Is it a field? Is it lights? Is it paying for rope? That needs to be spelled out. I am sure when we sent them the list I am sure they will drop one or two items off the list. I am confident we will be in good shape when we are done with this and it will be better in the future.

Mayor Konkus: I would like to follow up Mr. McAlindin's comments by saying my impression of the DCA, while it is not an exact science, they were personally and privately amused by the fact that we had such a large surplus. They in no way condoned it. In describing how they recommended how the trust be operated they said sometimes you will have a surplus that you will move forward into the next year. On other occasions you might find yourself with a shortfall from which the Borough current fund would have to make up for. They are not recommending a surplus of any degree. They recommend we run closer to the bone.

Scott Conklin, 2007 North Road: I think the first thing I would like to say is I would like the Commission not be dissolved ever in the future. The folks that deal with recreation deal with recreation. The folks that deal with the Governing Body deal with the governing of the town and don't step on other toes. It is not pretty. It is ugly. I am a former commission member who resigned as a result of this. I will continue to work with the Commission. I have been researching all kinds of stuff for them. I felt what was being done to the folks as well as myself was incorrect. It wasn't right. I was trying to do what was best for me and my family and this town. I may have picked up some labels as a result of my actions but I am who I am. One of the interesting things that I found and I shared it with the Council Members and I don't want to throw a town to the bus but the Town of Tenafly has a large surplus in their Recreation Commission. It is well over \$100,000. I read it in their minutes. It is an outstandingly run Rec Commission I mind you. They appeared they were doing things correct for quite some time. The surplus carries over a couple of years because they talk about it in their minutes and they talk about spending it on their fields and their parks. The DCA has their hands full because there are other towns like us. Maybe the books weren't done properly in the Borough but that is water under the Bridge. It really is. The money is there and the money needs to be used. We are not alone. The interesting thing I got out of reading the minutes from this other Recreation Commission was the Council of that Town was working with the Commission. There was no arguing in those minutes as to what to spend the money on. How it got to this point here it is sickening. We were trying to approve bill lists in the dark. It got threatened to be thrown out to the public. It is out in the public. The commission stood their ground. I am appalled that Council wants to take complete credit for everything. She found the money, perhaps she did. There was an incredible push to try to spend that money. That was wrong. I am sorry Susan, I believe in a lot of your views I just felt the way you went about it was incorrect. That is my personal opinion. I do believe some of the things you proposed and I thought we were going down the right road. I just thought it was handled incorrectly.

Maggie Hart Zuhowski, 605 Academy Drive, The first thing I want to say is there are probably 95% of this room I know personally. I do not believe, I was not at the last Council Meeting, I did read about it. I am a Federal Auditor and the reason I say that to you is when you hear the word audit or you hear excess funds or you hear this there is an inference. It is a wrong inference. But there is an inference. I deal with that every day of my life. I just came back from Arizona at a big Army Base I went out there to do an audit and those people did not want to see me. This, that and the other thing. All I want to say to each and every one of you, we all know and we all live in Point Pleasant, we all have to work together. There are differences of opinions, personalities, all of the above. The main thing is here, we do have a surplus and we need to figure out how to spend it and do it right. When Sue started running for Council her and I talked a lot. What I will tell you guys is, I do

read the papers and not about our town but other towns that are having some issues with things going on in their Public Works Department or this department or that department. I always say I hope that never happens here. What I mean by that is it doesn't happen here. If things happen it is because people didn't know the rules or the regulations. That is not a bad thing. Once it is brought to the right peoples attention we correct it. We implement a corrective action. That is what I do every day for the Department of the Army. I know there are a lot of personalities in here and I know a lot of you are my best friends and Sue also is one of my best friends. All I am telling you is if we all work together you guys will al figure this out. Not one time did I ever doubt our Recreation Commission members or employees in any shape or form. If I am feeling this way so are all of our constituents out there. Please do not think that your reputations are tarnished in any shape or form. They have never been tarnished. They will never be tarnished. What people right in the paper, just go ahead. Try to work together and it will work out well. I promise.

Wade Weisleder, 1512 Bel Aire Court East: On a lighter note from the Point Pleasant Boro Soccer Club we want to thank you very much for the use of the Community Park. We had about 60% and a few ties. We did very well. Sometimes it is better off having it and not needing it than needing it and not having it. We have something good here. We have a surplus of money. How it got there and Maggie I understand your accounting, but as being a past business number you have to review all of your numbers. You have money coming in and there is always working capital that overflows but if we are up to a couple of hundred thousand dollars over the last ten years or so somebody had to be picking this up and somebody was missing it. I just leave that where it is. Somewhere along the line somebody was not paying attention. It is do the right thing. Spend the money on some of the people that can't afford it in this town. Let them have the programs for free. Some of them are cheap. This town is a middle income town. If people really need it let them in for free. Help the people who really need it and spend the money wisely. The lights on the field is a great idea. I like that idea. That is awesome. Keep the Commission. Councilman Kaklamanis, you did not have to apologize you did not make any of those comments. Do the right thing. That is all we can ask.

Dick Blake, 322 Sudbury Road: As a High School Vice Principal I felt essentially to always be originated and I would like to take a few moments to do that tonight. I think we made this topic so broad we have overlooked some of the details. The first detail I would like to get to is I do remember Ms. Rogers campaign literature saying she had found \$180,000 even before the election took place. I didn't know what the budget was. I didn't know what the budget was. I didn't know what the surplus was in the Rec Department and I was a member of that 15 or 20 years. I did have a pleading thought. Wouldn't it be a shame for this thing to turn into a political fiasco. Here we are on April Fools Day, the day of fools. Doing that very same thing. I went to a meeting on Thursday and I was handed some information. I am not going to read the whole thing. It is important to read two sentences and highlight one of the words in the last sentence. I know that you had an opportunity Friday to talk with Karen about Council's recommendations relative to proposed recreation budget cuts and subsequent allocations for the Recreation Trust Account to relieve some of the budget cap issues. All the information and recommendations obviously weigh heavy on Council's upcoming budget decisions and the real potential of employee layoffs. So it is best that the Commissioners have the information as soon as possible so they can ask questions of the Mayor at Thursday

nights meeting. I went to that meeting. I looked at the information I discovered a list of things that appeared. We have been operating under legislation that we got in 2001 which clearly delineates what we can and can't spend money out of the trust account on. I understand this new trust from the State. We were working on past practice. We were working with what we had in our hand. We were working from a manual that we received when we all became Recreation Commissioners. What to do and what not to do. When Dick Blake saw these things I said we cannot act on these tonight. I know there is a budget crunch. I don't want to see people laid off. I know this guy has taken the position that we will work with Council to help but we will not put ourselves in liability or a jeopardy position as Commissioners nor will we do anything to damage the recreational department. I saw these things. Health Benefits, Day Care Teacher, cut from the line item, \$28,000 now out of trust. We thought that could possibly be so we would have probably approved that on Thursday night.

Mr. McAlindin: The DCA spoke approvingly of that.

Mr. Blake: I know that. Recreation Director, part of salary and benefits, \$33,000, the same thing. Cut from line item and take out of trust. Based on the information we had and we had been working on we said no. Playground, \$3000, we said no. Security cameras, \$63,738 for the new skatepark. Based on the stuff we read we said we cannot act on that. Signage, McKenna Lake, \$875, we said we can't do that. Dodge Durango, we are not in compliance. Re-surface the courts, we were not sure because it is a program attachment and in some cases it could be and in some cases it can't be. So we thought about that. Drinking fountains, Community Park, \$5200, no. From that point this issue has started. That is the genesis and Ms. Rogers took offense at our position of saying no to her. Yet this guy kept saying clearly we will work with you folks. We know the crunch. We know the crisis. We went from a meeting on Thursday to these ordinances being presented to us on Tuesday. What I thought was going to happen tonight I said to Joe, I hope for the good of the issue if they are going to hold us culpable and step up to the plate and withdraw these ordinances. Not to delay them so we have to get people out again in June. So you hope when you get here in June there is nobody here. That is not the way the game should be played. I thought that was going to happen. I suddenly discovered that somehow I have a group of people that I really respect being led around by one of your Council people. I can't understand that. This all could have, would have and should have been worked out as you know right here in town. There was no need to get to the DCA when you go down there like we did you know they are going to look over our shoulders for a couple of years. I was not at the meeting. I was told some other interesting things that did occur. Just ever so slightly down there. For example, we have two other secretaries that we have always taken out of the trust account. Someone represented to me at that meeting they said no that has to come out of your account. Someone said to me it was discussed about certain programs and if they are not self sustaining we can no longer take money from some other program in the recreation department and fund the programs that are not self sustaining financially. I will tell you what. Maybe you should ask your recreation director what that really means in this town. We have programs and the public should know this that don't pay for themselves. We take money from the account and we take money from other programs yes. We make those programs run because the community wants them. By going to the DCA now we will have an outside group resolve the issue for us. They have no idea what we need. It will be that wonderful bureaucratic system that we see in this State of New Jersey and we all

know the state of the State of New Jersey with regard problems. I can't understand we have said from the get go that we understand a crunch. Marty knows this. We said from the get-go we are going to work with you but we will not put ourselves in jeopardy. Because we were unwilling to put ourselves in jeopardy on these issue and a few other issues now all hell has broken lose. We are celebrating the Day of Fools in a magnanimous way. Thank you.

Mayor Konkus: Mr. Blake, I want to thank you for your comments but I do want to point out that at the second meeting of the Recreation Commission yes Council was looking for possibilities to have capital things funded from Rec through the trust. If that were possible it could have helped out the entire picture for the Borough but as far as the situation that broke out that night once again I would like to point out that Ms. Rogers was not dancing alone. The public needs to know that.

Mr. Blake: I will say this publically, you know exactly what I am like, you know exactly what I am like on the issues, I am not ducking anything. I was equally as bad in my performance as your Councilperson was. You are right but you know what I can't do, I can't convince you people obviously in four days to strike those ordinances. I can't convince you people in four or five days to get a meeting down in the DCA but that Council person did. Yeh, I will take the blame for what I did at that meeting gladly. It is no different than what you guys did when you were in school. I am not embarrassed of it. I don't have the authority to pick up the phone when I am out and make the phone calls and somehow convince people that I have always respected to follow suit. I expected some of you people to step up to the plate, two of you gentlemen excluded. I expected some of you people to say we have a great town we love it. We have a great recreation department. We have a woman who spent 22 ½ years who knows it inside and out and I don't think Ms. Rogers knows a dam thing about recreation except what she put on her campaign literature for what she can do to get you guys in line. I take exceptional offense to that. You can call me anything. A lot of people in this room already have. I take no offense to that. I do take offense that the rest of you guys. I know all of you guys and it breaks my heart. If this is where we are now where will we be a year from now with this kind of crap.

Ms. Rogers: Mr. Blake, I would like to address you if you have a moment that you can face me. I take offense to the fact that one you say I know nothing about recreation. I run multiple basketball programs in this town. I support soccer and every other program. Next, Mr. Blake

Mr. Blake: I think the public should realize that we have never given out two championship trophies for a team that came in second. Because someone we know couldn't make the championship game that may have been a friend of yours, you put us in a situation

Ms. Rogers: Is that in your by-laws?

Mr. Blake: Are you denying you did that?

Ms. Rogers: That's in your by-laws?

Mr. Blake: Are you denying you did that?

Ms. Rogers: Is that in your by-laws?

Mr. Blake: did you make phone calls convincing these people to hand out two trophies?

Ms. Rogers: I have multiple questions for you, can you answer mine?

Mr. Blake: We wanted to follow past practice of having a championship.

Ms. Rogers: Then you should follow your by-laws and form your committees and do what you are supposed to do.

Mayor Konkus: We are about to create more harm.

Nancy Paziienza, 2301 Pulaski Drive: We could go on here all night. We are here tonight you need to vote down having to disband the Recreation Commission. Ms. Rogers you did not answer the first question of Ms. McCabe. Why do we need to do that? What is the whole point? There is no point. You make all your cute little pictures and your posters, they are really nice. Explains it all. But, we still have not gotten to the bottom. Why? We don't. The Mayor and I had a conversation and we can agree to disagree. We disagree with the way you are handling things and we disagree with the way you are handling things. Now it is up to this Council to stand up and back that up that there is no reason to disband that commission. They did nothing wrong. The money was not mismanaged. You used three words in the last few weeks. Mismanagement, pre-meditated and criminal. They did not need to be said but they were said and let's let them go under the Bridge. Even if you apologize it is not going to be sincere. That doesn't really matter. Let's move on. You all have to still vote. Vote no, not to disband. The only reason is because she wants it. Everyone else can continue to get up here and if you vote to disband it let's see what happens next. As you said to us at the Recreation Meeting that is not a threat it is a promise. Every single one of you will be up for election at some point or another or will nicely go off into the sunset. Thank you for your time you have given us.

Mr. Dikun: You would be doing me a favor, Maam. Honestly.

Ms. Paziienza: to go off into the sunset.

Mr. Dikun: Tremendous. I have listened

Ms. Paziienza: I am so happy to hear you speak. Mr. Dikun has spoken.

Mr. Dikun: I have to stand up. If I could do anything in this room tonight you know what I would do. I would vote to buy a new chair. This is painful. The problem that I have here and I have sat quiet because I like to analyze things. I like to listen. 90% of the people in this room I know and respect. I have to go back to a few comments that have been made. Offense is in the eyes of the beholder. I am offended that I have been a target of the e-mail traffic. If any of you want to dispute that I will pull it out of my briefcase. I have been called a lot of things via e-mail but I respect people who stands up here and do the discourse in person and not behind the shroud of an e-mail and make commentary about the people who are trying to make a positive impact. Mr. Martino made a great comment, the typical

Attorney and the typical politician that he is, he hits, he runs and he is out the door. I am looking for you and I want to see where you are. Sal, let's talk about this. In the 2.5 months that I have been on Council I have go a lot work here. I will tell you what. I did not know anything about any trust funds or anything like that. I didn't have the opportunity to get that far. The problem that we have here and Mr. Blake, I apologize. You are a target of opportunity. But for the majority of the people my age and for most of the people here you are one of those individuals that we always look back to and look up to. I got more dents in my head from your college ring I have to say that. I remember an important thing, I was in seventh grade and it was the day that Bobby Kennedy got killed. I got in a little fist fight with a classmate unfortunately my seventh grade social studies teacher got in the middle of it. He got cracked in the head and I got cracked in the head. The bottom line here was Mr. Blake said shake hands and say you're sorry and that is it. It was over and done with. The problem that we have here is I was not at any of these meetings. I hear it was very heated. I can't see the point that heatedness becomes a point of personal attacks. It is time that we meet at mid field like you soccer people. Both sides have been wrong here. Shake hands and let's move forward. I am not going to sit here anymore and listen to this.

Ms. Pazienza: Are you telling me you are going to vote no.

Mr. Dikun: I am not telling you anything. I am not done. I want to tell you a secret, if you had a problem out there and you wanted stuff solved the person you want on your team tracing down that problem is Susan Rogers. You have a right to your opinion and I have heard the e-mail traffic. Let me say one thing where is Mr. Leitner? He escaped too. No, he didn't.

Mr. Leitner: Sal had to go watch his kids.

Mr. Dikun: I appreciate your comments and I like to see a fact to the e-mail. You and I have had a little discourse back and forth. It was very positive. I think this has gone a little too far and I think it is time to meet at half field and shake hands and move forward. That is what we are here for. Where are the kids in the room? Stand up.

They went home.

Mr. Dikun: Allegedly, this is what it is all about and a bunch of adults are here banging heads. Let's put this behind us and move forward.

Ms. Pazienza: I am going to follow one thing. I have said this to other people that there may come a day in the next few months or next year that we may say thank you to Ms. Rogers because if this account is that screwed up that one account, what about the rest of the account. You don't even know how much that is, is it \$220,000, is it \$120,000 what is it. Who is in charge of it. Is our money where it is. We depend on all of you to look at those records and you are depending on your people whether it be Mr. Maffei or Mrs. Block. If you don't know what money is in there how are we to know. That has to get straightened out. If it means redoing all of the accounts and finding the better way to do it just like you did for the Commission then it needs to be done on every commission. Maybe you will find more money. I hope you find more money and not less money. It needs to be all looked into. I agree with you, let's move on. Vote no.

Tom Szmanski, 1411 Joseph Street I have two issues tonight. I feel we will never get to the second public session I just wanted to come up and get it over with now. Regarding the vote on my Eagle Scout project last week, I want to thank you all. April 12th will be the construction of that platform at the end of Bayberry. I thank you all for supporting myself and Troop 16. Second, I am 17 years old and I can't even vote and I am trying to keep up with all this that is going on. It just seems kind of silly to me. I don't know Ms. Rogers if you had the intent when you went to the DCA of having them look onto what the Recreation Commission is going to do from now on or if you just wanted to find out the guidelines. It seems silly to me that we would go to the DCA and they are going to be looking at us for years down the road to observe the towns activities. This is a failing bureaucracy here and they are going to be telling us what is best. This is a surplus. Not a deficient. Like Mr. O'Rourke mentioned it is a very gray area. It doesn't say you can only \$50 or a \$100,000. Mr. bottom line is the citizens of Point Pleasant should have as much influence as possible. Not Trenton. Thank you.

EJ Leahy, 2420 Dwight and 225 Ida Drive: Some folks prepared an awful lot to come up here and speak. I think the idea is to speak until you all vote no. All of the point have been made. Here is one question. Did the township expose itself to any liability by not spending the money. I mean liability from lawsuits. Is there someone who ran down the field and twisted an ankle who will come back and look at these records and say these folks didn't do their job, hold them liable. No good deed goes unpunished. You are all volunteers. I am going to hold you accountable for this not the rec commission. You look at the books. In all due respect we do know an income statement or an expense statement is a snapshot. Debits on the left, credits on the right. Is there something an employee of this town did or you folks as elected officials didn't do that would expose us to a liability. Keep that in mind going forward. Do we have any answers to that.

Chris Connors, Borough Attorney: I think the question raises is there any liability to the municipality for failure to expend funds for improvements that may have been required or desired. Anybody can sue anybody for anything but in my opinion there would be no liability to the Municipality.

Mr. Leahy: Has anyone been appointed that didn't; decline first and they dragged you here. No good deed goes unpunished. These folks over here, same idea. Thank you for the apology to them. As a person who did not read the paper and wasn't here I was offended after some of the e-mail traffic I saw. Perception is a real lot. I don't want to pay to defend silly law suit. Have a nice day.

Jim Amici, 1405 Buckner Street, Mayor and Council, I love this town and I think the fact that we have a surplus is a testament to what a special town we have. What I am hearing here is we want code compliance with the State. That is fine. Go through DCA and make sure we are in code compliance. I understand that. What I don't understand is how it is going to be effective, any one that deals with management, I don't see how we have an established system that has run for years. Our daughter has been using the system and she is going to be 11 years old and she goes to Ocean Road and as some of my neighbors have stated it is an effective system and we really get a good bang for our buck. My question is with regard to the management we have an efficient system and an effective system that is going on. How in the world anyone who has gone through management courses, how in

the world is abolishing the Recreation Commission going to save us money. Anybody who has dealt with management, if you are going to put another system in place that is going to cost money and that is going to cost training. For the life of me I don't understand, we have an effective, efficient system in place that we want code compliant. Let's make the system in place that is already existing code compliant so we won't have to bring in another system costing the taxpayers money.

Mayor Konkus: I don't know that updating anything is going to cost any money. There were things that were discussed at the DCA meeting that I really don't want to go into. My aim is to get through the financial aspect of this and then talk about other directions for the Commission to go into that I want to discuss with Mr. Mazza. We were both at the same meeting and I asked very specific questions about Commissions vs. Committees. There doesn't have to be any changes that anybody even recognizes. This is something that I want to discuss with Mr. Mazza and some of the other Rec Commission members as we move forward. I believe the dust needs to settle before that is even possible to think of and talking in a productive way. I would like to talk. I want to explore possibilities. As for right now, I would like to get through settling this financial aspect of what we are dealing with tonight. Ms. Rogers said she will amend her intention for a carry of the vote to tabling of the vote. If she intends to change her opinion on that and remove the ordinances from the agenda entirely I am comfortable with that. I do believe we need time whether it is two months or five months. Whether it is more than that. I am totally comfortable with whatever time it takes for everyone to get over this trauma that we have all been through and to get our feet back on the ground. Begin discussion to see if there is a way to streamline the process without hurting the recreation program. Having proper public input in what takes place in Recreation. That is my intention. If the ordinances are I am comfortable with that but the discussions will take place.

What does removal mean?

Mayor Konkus: Instead of having the ordinances tabled if the motion made is to simply drop them and take no action.

Ms. Rogers: I would like to remove the Ordinance for no further action. Just so you know what the intent is and then you can continue on with your open public session.

Mr. Mazza: I would like to move forward here. I would make a gesture to you that I have made to you at public meetings. I will say it one more time and I hope we move forward from this. As long as we still are a Rec Commission and as long as I am still representing that Rec Commission we are dedicated to working with you Sir.

Mayor Konkus: We all did agree at the DCA to work together Council and Commission to get through this.

EJ: I want lights at Riverfront Park.

Seeing no hand Mayor Konkus closed the public portion.

MOTION: To deny Ordinance to Disband the Rec Commission

MADE: Mr. McAlindin

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. ORourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. Establishing the Recreation Advisory board of the Borough of Point Pleasant

**AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN,
STATE OF NEW JERSEY, ESTABLISHING THE RECREATION ADVISORY BOARD
OF THE BOROUGH OF POINT PLEASANT**

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

SECTION 1: Establishment and Composition; Terms

- A. There is hereby established a Recreation Advisory Board in the Borough of Point Pleasant, which shall consist of up to seven regular members. Each regular Board Member shall be a resident of the Borough and be appointed by the Borough Council for three-year terms on a staggered basis, except that of the members initially appointed, three of the regular members shall be appointed to serve for a term of three years, two regular members shall be appointed to serve for a term of two years, and the remaining two regular members shall be appointed to serve for a term of one year. Thereafter, all appointments shall be made for a term of three years. Appointments to fill vacancies shall be made in the same manner as original appointments, and all such appointments shall be for the unexpired term only. The members shall serve until their respective successors are appointed and qualified. The members shall receive no compensation for their services. The legal size of the Board shall be that number of regular members actually appointed and continuing to serve up to the maximum of seven.
- B. The Borough Council may appoint alternate members in the same manner as specified for regular members: one alternate shall be designated at the time of appointment as Alternate No. 1 and the second alternate as Alternate No. 2. Said alternates shall serve three-year terms. A vacancy occurring in the alternate's position shall be filled by the Borough Council for the unexpired term only. Alternate members may participate in the discussion of the proceedings, but may not vote except in the absence or disqualification of a regular member of the Recreation Advisory Board. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate is to vote, Alternate No. 1 shall vote.

SECTION 2: Organization and officers.

The Board shall reorganize at its first regular meeting. The first regular meeting of the Board shall be heard in the month of January of each calendar year. At the reorganization meeting, the voting members shall elect one of the voting members to serve as Chairperson of the Board for the calendar year in question. The Chairperson shall serve for the calendar year in question, or until a successor shall be elected and qualified.

SECTION 3: Duties; responsibilities

- A. The Recreation Advisory Board shall, from time to time, report and/or make recommendations to the Mayor and Borough Council as to any matter involving all lands, playgrounds and recreation places acquired or leased by the Borough. The Board shall, when necessary, consult with the Police Department of the Borough and/or the Borough Engineer as to such matters. The Board shall, in addition, investigate and report on any questions involving public recreation as may be from time to time requested by the Mayor and Committee.

- B. The Recreation Advisory Board shall, from time to time, report and/or make recommendations to the Mayor and Borough Council as to any matter involving recreation programming and activities, including any fees to be charged for sponsorship of or participation in any recreation programs and events.

- C. The Recreation Advisory Board shall, from time to time, report and/or make recommendations to the Mayor and Borough Council as to the proper staffing of recreation programs and events, including the duties and qualifications of the individuals to be employed in these programs.

SECTION 4: Records and annual reports.

The Recreation Advisory Board shall keep records of its meetings and activities and shall make an annual report to the Borough Council in December of each year.

SECTION 5: Recreation Trust Fund.

Pursuant to N.J.S.A. 40:48-2.56 there is established a Recreation Trust Fund to be used to collect fees and pay the expenses of recreation programs and activities.

SECTION 6: Repealer.

All ordinances inconsistent or in conflict with the provisions set forth herein are hereby repealed, but only, however, to the extent of such conflict or inconsistency, it being legislative intent that all Ordinances or parts of Ordinances now existing or in effect, unless same be in conflict or inconsistent with any provisions of this Ordinance, shall remain in effect.

SECTION 7: Severability.

The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, or phrase thereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sub-sections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 8: Effective Date.

This ordinance shall take effect immediately upon final passage and publication in accordance with law.

ATTESTED TO BY:

APPROVED:

DAVID A. MAFFEI, Clerk/Administrator

MARTIN KONKUS , Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of the Borough of Point Pleasant on first reading at a meeting held on the 18th day of March, 2008. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the 1st day of April, 2008, at 8:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

DAVID A. MAFFEI, Clerk/Administrator

Mayor Konkus opened the meeting to the public.

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

MOTION: To deny the Ordinance to establish the Recreation Advisory Board of the Borough of Point Pleasant

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

D. OPEN PUBLIC SESSION – (Resolutions and Authorization)

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: _____

Scott Conklin: 2207 North Road, I was privied to different trusts and the recreation riders and there are quite a few trusts. I have some questions about Resolution #087-2008 "Rescindign Resolution #097-2000 Dedication by Rider for Recreation Trust Account for Non-Recreation Commission Municipalities

Mr. McAlindin: When we met with the DCA they are aware that we have more then one and they recommend we rescind one.

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

MADE: Mr. McAlindin SECOND: Ms. Rogers

ALL IN FAVOR.

E. RESOLUTIONS

1. (083-2008) Authorizing Refund of Planning Board Exempt Site Plan Application Fee and Related Escrow Fees, Block 221, Lots 1 and 3

MOTION: Authorize Refund of Planning Board Application Fee and Related Escrow Fee, Block 221, Lots 1 and 3 – HSU

WHEREAS, Helen Hsu has paid the necessary Planning Board application fee for Block 221, Lots 1 &3 and the related escrow fee; and

WHEREAS, the application was subsequently withdrawn.

WHEREAS, the Point Pleasant Planning board has approve the refund of said application and escrow fees to Helen Hsu.

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 refud to Helen HSU, 63-33 Waterole Street, Rego Park, New York 11374, the amount of \$100.00 for the application fee and \$185.00 for the escrow fee.
2. Certified copies of this Resolution to Helen Hsu, Planning Board Secretary, Chief Financial Officer and any other interested parties.

MOTION: Adopt Resolution

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

- 3. (085-2008) Authorize Hiring Part-Time Seasonal Personnel – Recreation Dept.

MOTION: Authorize Hiring Part-Time Season Personnel – Recreation Dept.

WHEREAS, a need exists within the Recreation Department for additional personnel on a seasonal basis; and

WHEREAS, the following individual has been recommended by the Superintendent of Recreation, Recreation Personnel Committee and confirmed by the Board of Recreation Commissioners, as indicated by a duly authorized Resolution adopted on March 13, 2008; and,

WHEREAS, it is the desire of 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, State of New Jersey as follows:

- 1. The following individual is hereby appointed on a part-time seasonal basis to the position with the salary and account listed:

<u>NAME</u>	<u>POSITION</u>	<u>RATE/ACCOUNT</u>
Melanie Woods	Pre-School Instructor	\$9.10/Hr.Rec. Trust

- 2. Hiring to be effective March 13, 2008.
- 3. Copies of this Resolution to employees, Treasurer, Municipal Administrator, Superintendent of Recreation 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

- 4. (086-2008) Authorize Release of Demolition Bond, Block 297, Lot 8 – Taylor

MOTION: Authorize Release of Demolition Bond, Block 297, Lot 8 – Taylor

WHEREAS, Jeffrey D. Taylor, 513 Spring Valley road, Bridgewater, New Jersey did deposit with the Borough of Point Pleasant a Demolition Bond in the amount of \$1,000 to guarantee satisfactory demolition of a single family dwelling at 2144 Beach Boulevard, Point Pleasant, N.J., Block 297, Lot 8.

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 Jeffrey D. Taylor, demolition bond in the amount of \$1,000.00 deposited as security for the satisfactory demolition of a single family dwelling at 2144 Beach Boulevard, Point Pleasant, N.J. 08742.
2. Copies of this Resolution to: Construction Official, Jeffrey D. Taylor, Chief Financial Officer and any other interested parties.

MOTION: Adopt Resolution

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

5. (087-2008) Rescinding Resolution NO. 97-2000 Dedication by Rider for Recreation Trust Account for Non-Recreation Commission Municipalities.

WHEREAS, on March 21, 2000 the Mayor and Council did adopt Resolution No.

097-2000 requesting permission for the Dedication by Rider for Recreational Purpose at the recommendation of the Chief Financial Officer; and

WHEREAS, said Resolution No. 097-2000 was subsequently approved by the Division of Local Government Services; and

WHEREAS, the Division of Local Government Services has now advised that a prior Resolution adopted in 1994 had been approved and that Resolution No. 097-2000 was not necessary since the action taken in the year 2000 was meant for the implementation by municipalities without Recreation Commissions; and

WHEREAS, it is now the desire of the Governing Body to rescind Resolution No. 097-2000 in accordance with the direction of the Division of Local Government Services,

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 Resolution No. 097-2000 requesting permission for a dedication by Rider for Recreational Purposes is hereby rescinded.

2. That Resolution No. 254-1994 requesting a Dedication by Rider for Recreational Program Income remains in effect.

3. That certified copies of this Resolution be sent to the Director of the Division of Local Government Services, Borough Auditor, Chief Financial Officer, Recreation Superintendent, Recreation Commission, and any other interested Parties.

MOTION: Adopt Resolution

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

6. **(088-2008) Authorize Adjustment and or Refund on Certain Tax or Water/Sewer Accounts**

MOTION: Authorize Adjustment and or Refund on Certain Tax or Water Sewer Accounts

WHEREAS, the Municipal Tax Collector, from time to time, submits a schedule of adjustments and/or refunds due for various reasons; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments and/or refunds as recommended by the Tax Collector.

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

1. Formal authorization is hereby given to adjust as necessary the accounts listed herein.

<u>BLOCK & LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
217-17	Bierbrauer	\$1154.50	Refund '08 Tax due to overpayment

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

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

7. (089-2008) Emergency Temporary Appropriations - 2008 Budget

MOTION: Emergency Temporary Appropriations – 2008 Budget

WHEREAS, N.J.S.A.40:A-20 authorized Municipal Governing Bodies to make Emergency Temporary Appropriations in order to fund operations prior to introduction and adoption of the budget; and

WHEREAS, the establishment of Emergency Temporary Appropriations is necessary to provide the funds needed to pay the operating expenses of the Borough of Point Pleasant until the Municipality's budget is approved; and

WHEREAS, said Emergency Temporary Appropriations will be included as part of the annual budget upon adoption;

NOW, THEREFORE, BE IT RESOLVED , by the Mayor and Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey that the following Emergency Temporary Appropriations be and are hereby approved upon the adoption of this Resolution by a 2/3rds vote of the full membership and that a copy of this Resolution shall be filed with the Director of Local Government Services.

<u>Current Account</u>	<u>Salary & Wages</u>	<u>Operating O/E</u>
Aggressive Driving Enforcement Grant		\$7000.00
Body Armor Replacement Fund		3546.60
Drunk Driving Enforcement Fund		7239.78

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamamis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

Carries: Yes

**8. (090-2008) Opposing Senate Bill Number S-1454 and Assembly Bill No. A-2203 –
Water Consumption Fees**

**MOTION: Opposing Senate Bill Number S-1454 and Assembly Bill No. A-2203 – Water
Consumption User Fees**

**A RESOLUTION OF THE BOROUGH OF POINT PLEASANT OPPOSING SENATE BILL NUMBER S-
1454 AND ASSEMBLY BILL NUMBER A-2203**

WHEREAS, Senator Bob Smith recently sponsored proposed legislation under Senate Bill No. 1454 that includes the imposition of a new water tax, in the form of water consumption user fees and water diversion user fees, at the rate of forty (\$0.40) cents per thousand (1,000) gallons, for all water delivered to a consumer; and

WHEREAS, Assemblyman John P. McKeon recently sponsored proposed concurrent legislation under Assembly Bill No. 2203 that includes the imposition of a new water tax, in the form of water consumption user fees and water diversion user fees, at the rate of four (\$0.04) cents per thousand (1,000) gallons, for all water delivered to a consumer and/or otherwise diverted for consumptive use;

WHEREAS, the imposition of the proposed water consumption user fees will have a profound negative impact upon the ratepayers of the Borough of Point Pleasant; and

WHEREAS, the already high cost of living in the State of New Jersey has placed great financial strain upon the ratepayers of the Borough of Point Pleasant; and

WHEREAS, the proposed legislation represents shell game politics in an attempt to shift costs from state government to the Borough of Point Pleasant and its ratepayers; and

WHEREAS, the proposed new water taxes are also being proposed at a time when the Governor and public officials have announced their intention to levy and impose additional tax increases to close State budget deficits; and

WHEREAS, experience has taught us that supposedly nominal taxes, like the proposed new water taxes, do not remain nominal for long and/or become re-apportioned for unintended purposes and the provisions of the proposed legislation would merely add to the ever increasing pattern of indirect taxation that is spiraling out of control in the State of New Jersey; and

WHEREAS, the provisions of the proposed legislation would make the Borough of Point Pleasant the Legislature's tax collector for these new water taxes and establish the Borough of Point Pleasant as an insulting buffer between the tax-paying residents of New Jersey and those legislators who are planning to impose those taxes; and

WHEREAS, New Jersey residents will simply be unable to afford these ever-increasing tax levies;
and

WHEREAS, the Borough of Point Pleasant believes that the proposed legislation is not in the long-term best interests of the Borough or its ratepayers, and will exact substantial economic burden upon the Borough and its ratepayers:

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

1. We hereby steadfastly state our opposition to the legislation proposed pursuant to Assembly Bill No. 2203 and Senate Bill No. 1454 and to the imposition of the water consumption user fees proposed therein as the imposition of these fees will have a severe and profound negative impact upon the ratepayers of the Borough of Point Pleasant.
2. We urge all Legislators of the State of New Jersey, all Counties and Municipalities, and all County, Municipal and Regional Utilities Authorities and Municipal Water Districts, as well as their constituents and ratepayers, for their support in opposition to this proposed legislation.
3. We further urge all Legislators to not only vote against the adoptions of these and any other companion or concurrent bills, but to vigorously and aggressively opposed the enactment of any such or similar legislation; and
4. That Certified Copies of this Resolution be forwarded to:
 - a. Honorable John S. Corzine, Governor, State of New Jersey
 - b. Honorable Richard Codey, Senate President
 - c. Honorable Thomas H. Kean, Senate Minority Leader
 - d. Honorable Joseph J. Roberts, Speaker of the Assembly
 - e. Honorable Alex DeCroce, Assembly Minority Leader
 - f. Honorable Andrew R. Ceisla, Senator 10th District
 - g. Honorable James W. Holzapfel, Assemblyman 10th District
 - h. Honorable David W. Wolfe, Assemblyman 10th District
 - i. Honorable Joseph H. Vicari, Freeholder Director
 - j. Ocean County Utilities Authority, Attn: Richard M. Warren, Exec. Director
 - k. Alan W. Avery, Jr., Ocean County Administrator
 - l. Honorable Martin Konkus, Mayor of Point Pleasant
 - m. David Maffei, Borough Administrator
 - n. Jerry J. Dasti, Esquire

MOTION: Adopt Resolution

MADE: Mr. O' Rourke

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

9. (091-2008) Bill List

MOTION: Adopt Bills List

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 by signature on each page of the attached schedules that each item accurately reflects the vendor's name, corresponding check number and appropriate amount as actually appears on the respective check; and

WHEREAS, as means of internal control a designated Borough Employee has cross checked each schedule and has certified by signature on each page that each item accurately reflects the appropriate vendor's name, corresponding check number and appropriate amount as actually appears on the respective check; and

WHEREAS, the Chief Financial Officer shall list on said schedule all void checks created as a result of the computer bill list run and that any other variations are appropriately noted in said schedules.

MOTION: Adopt Resolution

MADE: Mr. Kaklamanis

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

F. RESOLUTION (092-2008) 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, Guild of Ocean Medical Center, On Premise 50/50 to be held June 3, 2008.

2. Application Raffle License, Marine Trades Association of New Jersey Foundation, On premise 50/50 to be held April 24, 2008.
3. Application Raffle License, Sacred Heart Church, On premise 50/50 to be held May 22, 2008.
4. Application Raffle License, Point Pleasant Lions Club, Off Premise Gift Auction, to be held June 1, 2008.

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. 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

G. AUTHORIZATIONS

1. Manual Checks

Motion: Approve Manual Checks

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

2. Application for Special Permit for Social Affair – Society of St. Vincent DePaul, St. Martha; Church, April 12, 2008

MOTION: Application for Special Permit for Social Affair – Society of St. Vincent DePaul, St. Martha's Church, April 12, 2008

MADE: Ms. Rogers

second: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

3. Request to extend licensed premises, Cuisines South, Inc. T/A Forte Restaurant, June 1, 2008 (Raindate June 8, 2008)

MOTION: Approve request to extend licensed premises, Cuisines South, Inc. T/A Forte Restaurant June 1, 2008 (Raindate June 8, 2008)

4. Request for Block Party, Pearce Avenue 8/30/08, Noon to 10:00 p.m.
Kovalewich (Rain Date 8/31/08)

MOTION: Approve block party, Pearce Avenue

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrkto: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

5. Request for Block Party, Pearce Avenue 5/24/08 11 a.m. to 10 p.m. Kovalewich
(Rain date 5/15/08)

MOTION: Approve block party, Pearce Avenue

MADE: Mr. Dikun

SECOND: Mr. O'Rourke

Mr. Pyrkto: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

6. Set Budget Workshop Dates

MOTION: To set budget workshop dates for April 29th and 30th at 7 p.m.

MADE: Mr. Dikun

SECOND: Ms. Rogers

Mr. Pyrkto: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

7. Request from Open Space Preservation Advisory Committee for Improvements
to Osborne Cemetery

MOTION: Authorize request from Open Space Preservation Advisory Committee for
Improvements to Osborne Cemetery

MADE: Mr. Pyrkto

SECOND: Mr. O'Rourke

Mr. Pyrkto: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

H. COMMITTEE REPORTS

Mr. Kaklamanis: The Park is moving along. The trees are growing. I did sit in last week with the BTMUA about their rate water increase. It if going up 5.5%. They sell 15,000 gallons per quarter is what each resident uses. The bill will go up about \$9 or \$10. The increase in the water rate is for the operating costs. The reduction in revenue has gone up. End of report.

Mr. O'Rourke: We had a Land Use Committee meeting earlier and the biggest thing we talked about was the fact that we are working on shared services for the inspectors. It would be Lavallette and Point Beach. We will be raising our fees for the building department. We have been talking about the tree ordinance and we have not gotten our feedback from the Planning Board or the Environmental Commission.

Mr. McAlindin: No report on Administration and Finance. I commend the people who spoke tonight. Democracy is sometimes and untidy process people speak and people listen, people make decisions and we all move on. It is hard to argue with the quality of the recreation that we have here in town. In the last years we did a lot. We added the park across the street, we have broken ground for the Riverfront Park. We run a lot of good programs. People who came out tonight and spoke from the heart it is because they understand those things are available and their families enjoy them. Sometimes we could probably argue a little nicer with each other. We are all in search in the same perspective and I think that is to provide the best possible things for everybody.

Ms. Rogers: I just want to report that the Environmental Commission did their first training session with Ocean Road last week with the fourth and fifth graders. There were a couple of hundred kids and the program was very successful. We are working for the 10th to do the Nellie Bennett School. I believe they found the GEO thermal maps for the Police Department which will help doing test pits for the soil boring. End of report.

Mr. Dikun: I want to thank Councilmember Kaklamanis for attending the meeting with the BTMUA on behalf of the water and sewer committee and bringing back some important information from them. Also, we are still drilling on Memorial Drive with the Well over there. We expect in the next two or three weeks our round the clock operations will cease and it will go back to daytime operations. End of report.

Mr. Pyrtko: Under Public Works the leaves are being picked up and we still have a lot of salt. End of report.

REPORT OF MAYOR

Mayor Konkus: The Planning Board is requesting that Jerry Dasti attend a special committee meeting to discuss some zoning issues.

MOTION: To authorize Jerry Dasti to attend a special meeting on April 9th at 6:30 p.m.

MADE: Ms. Rogers

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

I. 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. O'Rourke

APPROVED: All in Favor

EJ. Leahy, 2420 Dwight Avenue, How much does it usually cost to draft Borough Ordinances.

Mr. Connors: It depends on how much research is required to draft the ordinance.

EJ Leahy: How much were the last two ordinances?

Mr. Connors: I don't know but that information can certainly be given to you.

Mr. Maffei: If you call my office tomorrow I can give you that amount.

EJ Leahy: Thank you. Great town, Great Rec Program.

Greg Zyry, River Road, I want to thank the Mayor and Council for approving the Open Space for the Osborn Cemetery that myself and a few other fellows cleaned up. Thank you for that. John, I hope you get that tree ordinance in place. It breaks my heart to look at that park and seeing everything wiped out to make a field.

Nancy Paziienza, Pulaski Drive, the part that was taken out was the parking lot. It is interesting to hear his comments about the trees. I know Councilman Kaklamanis talked about saving the trees on the outside part of it. Our question is what is the next phase of the park. I have heard there is not the money to do the park.

Mr. O'Rourke; They will probably tear up where the old bulkheading was. They have to remove everything from that park before putting anything into it. There is money. Drainage goes next.

Ms. Paziienza: Who and when should we be addressing in regards to what is going to be going there since we have had numerous conversations about it being active or passive. When will it be completed?

Mr. McAlindin: The estimated complete date is November, 2008. I think realistically I don't think it would be available to be used until the Spring. That is the date in the contract.

Mayor Konkus; When we gave an estimated date for the park across the street it was a lot longer than that. We took a lot of heat.

Ms. Paziienza: I think it is important to do it the right way so if it takes a little longer it is worth it.

Scott Conklin, North Road, I just wanted to say a couple of things about public safety that I have seen in town. I would like to thank Susan and the Police Department for the increased activity on the roadways with the officers pulling over folks that do not appear to be driving at the appropriate speed limits. I sent an e-mail and maybe we could be one or two more crosswalks painted on Beaver Dam Road in that school zone. There is a road, Pulaski Drive where a lot of the students cross from the east side over to the west side. There are not sidewalks.

Dennis Vitkauskis, Foster Road, It was interesting tonight to see what it takes to get Councilman Dikun up and active.

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: Mr. Pyrtko SECOND: Mr. O'Rourke

Mr. Pyrtko: <u>Yes</u>	Mr. McAlindin: <u>Yes</u>	Mr. O'Rourke: <u>Yes</u>
Mr. Kaklamanis: <u>Yes</u>	Mr. Dikun: <u>Yes</u>	Ms. Rogers: <u>Yes</u>

CARRIES: Yes

Mayor and Council returned to open session.

MOTION: To authorize Administrator to take personal action as discussed in Executive Session.

MADE: Ms. Rogers SECOND: Mr. Pyrtko

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: Ms. Rogers SECOND: Mr. Pyrtko

ALL IN FAVOR.