

COUNCIL MEETING

TUESDAY – DECEMBER 16, 2008

8:00 P.M.

Mayor:	Martin C. Konkus
Council President:	Roger Pyrtko
Council Member:	Brian McAlindin
Council Member:	Shaun O'Rourke
Council Member:	John Kaklamanis
Council Member:	William Dikun
Council Member:	Susan Rogers
Borough Attorney:	Jerry J. Dasti

Municipal Clerk/Administrator, David A. Maffei 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, 2008 Edition of the Ocean Star.

- A. ORDINANCES – Final Reading, Public Hearing
 - 1. Creating the Position of Municipal Housing Liaison for the Purpose of Administering Borough's Affordable Housing Program Pursuant to the Fair Housing Act

BE IT ORDAINED by the Borough Council of Point Pleasant Borough in the County of Ocean and State of New Jersey that the following amendments be made to Chapter Two of Point Pleasant Borough's municipal code:

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Point Pleasant Borough's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

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

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Point Pleasant Borough.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Point Pleasant Borough to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Point Pleasant Borough.

- B. Subject to the approval of the Council on Affordable Housing (COAH) or the Court, the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Point Pleasant Borough, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:
 - (1) Serving as Point Pleasant Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in Point Pleasant Borough's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Point Pleasant Borough.
- D. Subject to approval by COAH or the Court, Point Pleasant Borough may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Point Pleasant Borough, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Point Pleasant Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison. Only the five required responsibilities outlined in C. above will be handled by Point Pleasant Borough's Municipal Housing Liaison. All other duties will be delegated to an approved Administrative Agent.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Adopted: _____, 2008

ATTEST:

APPROVED:

David Maffei

Martin Konkus

Borough Administrator

Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed by the Borough Council of Point Pleasant Borough on first reading at meeting held on December 2, 2008. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for December 16, 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, RMC, CMFO

Municipal Clerk/Administrator

MOTION: Adopt Ordinance

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

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

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

1. Establishing Rules and Regulations of Borough Parks

MOTION: ORDINANCE OF THE BOROUGH OF POINT PLEASANT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE, IN PARTICULAR ARTICLE III ENTITLED "POLICE REGULATIONS

BE IT ORDAINED, by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey that the Borough Code of the Borough of Point Pleasant Borough, in particular Article III entitled "Police Regulations", is hereby amended and supplemented to include new section 3-

18 entitled "Park Rules and Regulations". The Rules and Regulations governing all Borough parks is incorporated herein. A copy of the Rules and Regulations governing Borough parks is on file at the office of the Borough Clerk and can be reviewed during normal business hours.

SECTION 1: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 2: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid of unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 3: This ordinance shall take effect after second reading and publication as required by law.

ATTESTED TO BY:

APPROVED:

DAVID A. MAFFEI, Clerk/Administrator

MARTIN C. KONKUS, Mayor

PROPOSED PARK RULES AND REGULATIONS

Purpose.

The following rules and regulations are hereby adopted for the protections, regulation and control of parks owned and operated by the Borough of Point Pleasant, including driveways, sidewalks, paths, parking lots, buildings and all facilities located within and upon public parks.

Hours of Operation.

Public parks shall be open from sunrise to sunset each day, except that the closing time of a public park may be changed by prior permission and authorization issued by the governing body. In addition, however, the Borough skate park will be open from 9:00 a.m. to sunset only. No person shall, without permission, enter into or remain in a public park except during the hours the park is open to the general public. Nothing herein, however, shall prohibit any person from actively fishing from any public park or Borough-owned property, at anytime during the day or night, or from transversing any public park or Borough-owned property to gain access to waterways for the purpose of fishing.

Alcoholic Beverages Restricted.

No person shall be permitted to possess or consume alcoholic beverages at any time in a public park or Borough.

Refuse, Litter and Pollution.

No person shall leave or throw bottles, broken glass, ashes, wastepaper or other rubbish or litter in any public park, except in a receptacle designated for that purpose. No person shall throw or place any dirt, stone, rock, debris or foreign or waste substance in any portion of a public park, and no person shall cause any portion of a public park to become polluted or otherwise unfit or unsafe for use by the public.

Group Use; Permits Required.

No group or organization of ten (10) or more persons shall use or occupy a public park without first having obtained a group use permit. Such permit shall be obtained from the Recreation Department office of the municipality not later than seven (7) days before the proposed date of use. The granting or denial of such permit shall be based upon the rules, regulations and standards promulgated by the governing body. Group use shall be limited to designated areas. Adult supervision of children's groups shall be required at all times.

Groups of under ten (10) persons may obtain a permit in order to reserve an area. Registered groups have priority in use over non-registered groups. Non-registered groups must vacate the area if it has previously been reserved. Borough events take priority over all registered or non-registered groups.

Fires.

A. No person shall start or maintain, in any park, any outdoor fire except in designated picnic or camping areas. Fires shall be limited to cooking fires or fires in camp lanterns or heaters.

B. Cooking fires shall be started and maintained only in a stove, fireplace or barbecue pit maintained by the Borough or in a portable camp stove. Fuels which produce any noxious fumes or smoke shall not be used in such cooking fires. Cooking fires are permitted in the Riverfront Park only, unless otherwise allowed by the Governing Body. However, no propane tank greater than 1.1 pound in capacity shall be permitted within any Borough park.

C. No person starting or maintaining any fire in a park shall leave the area where the fire is located without first completely extinguishing the fire.

In the cases of prolonged scarcity of water from any cause, or upon direction by the State of New Jersey, or in the event any local water company servicing the Borough of Point Pleasant or the Borough itself advises that it is instituting water usage restrictions, the Mayor of the Borough shall have the right to declare a fire emergency. Upon issuance of a declaration, fires of any kind within the parks shall be prohibited.

Fireworks Prohibited.

No person shall discharge or set off any fireworks, firecrackers, torpedoes, rockets or noise makers of any kind in a public park.

Gambling Prohibited.

No person shall gamble or play at games of chance or use any gambling device in any public park.

Use of Vehicles; Parking.

No person shall use any portion of a public park, except those areas designated for that purpose, for the purpose of travel with or parking of vehicles, including mopeds. Footpaths and walks established for pedestrian use shall not be used for vehicle travel. The use of any unlicensed motor vehicle, snowmobile, motorized trail bike or motorized minibike is prohibited in any public park. However, non-motorized mountain bikes shall be permitted within Borough parks.

Interference with Others.

No person shall harass, obstruct, molest, assault or interfere with any person lawfully within a public park; nor shall any person resist, obstruct, molest, assault or interfere with any law enforcement officer or public official in any public park.

Prohibited Language; Nuisances.

No person shall use abusive, threatening, boisterous, insulting or indecent language in a public park; nor shall any action by any person constituting a nuisance be allowed.

Conduct in Parks and Recreation Areas.

Prohibited Acts.

A. No person in a public park and recreation area shall:

1. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
2. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person above the age of six (6) years shall use the restrooms and washrooms designed for the opposite sex.
3. Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
4. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued in this chapter.
5. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick flowers or seeds of any trees or plants, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.
6. Climb any tree, or walk, stand or sit upon monuments, vases, planters, foundations, railings, fences or upon any other property not designated or customarily used for such purposes.
7. Tie or hitch an animal to any tree or plant.
8. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, or the eggs, nest or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly, poisonous or deadly reptiles may be killed on sight.
9. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain or body of water or storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.
10. Have brought in or dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

11. Drive any motor vehicle on any area except on parking areas, or such areas as may be otherwise posted.
12. Park a motor vehicle in other than an established parking area.
13. No unregistered motor vehicle shall be operated within a public park or on paved park roads or parking areas.
14. Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park areas.
15. Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.
16. Ride a bicycle without reasonable regard to the safety of others.
17. Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by it.
18. Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulations as are herein set forth or may be hereinafter adopted; nor shall any person frequent any waters or places customarily designated for the purposes of swimming or bathing, or congregate thereat, when such activities are prohibited by the Mayor and Council upon a finding that such use of the water would be dangerous or otherwise inadvisable.
19. Frequent any waters or places designated for the purposes of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the Mayor and Council for such purposes for each individual site.
20. Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter, structure of any kind unless there shall be an unobstructed view into the tent, shelter, or structure from at least two (2) sides, nor shall any guy wire, rope or extension brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.
21. Allow himself/herself to be so covered with a bathing suit so as to indecently expose his/her person.
22. Dress or undress on any beach or in any vehicle, toilet or other place, except such structures as may be provided for that purpose.
23. Bring into or operate any boat, raft, or other watercraft, whether motor powered or not, upon any waters, except at places designated for boating. Such activity shall be in accordance with applicable regulations as are now or hereafter may be adopted.
24. Navigate, direct or handle any boat in such a manner as to unjustifiably or unnecessarily annoy, frighten or endanger the occupant of any other boat.
25. Launch, dock or operate any boat of any kind on any water between the closing hour of the park at night and the opening hour of the park the following morning, nor shall any person be on or remain on or in any boat during the closed hours of the park.
26. Fish in any area where bathing is permitted.
27. Carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or any other form of weapon potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with blank

cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

28. Picnic or lunch in a place other than those designated for the purpose.
 29. Use any portion of the picnic area or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded.
 30. Leave a picnic area before the fire is completely extinguished and before all trash is placed in the disposal receptacles where provided. If no such trash receptacles are available, then trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.
 31. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits or model airplanes, except in those areas set apart for such forms of recreation.
 32. Engage in any prohibited act or activity or violate any rule or regulation established by a resolution duly adopted by the Borough Council.
 33. Play or take part in playing baseball, basketball, football, soccer or other similar activities when the park facility is closed.
 34. Release of wild or domestic animals. However, domestic animals are allowed in the park provided they are properly leashed or caged.
- B. While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner and in particular, no person shall:
1. Bring alcoholic beverages or drink the same at any time, nor shall any person be under the influence of intoxicating liquor in the park or recreation area.
 2. Have in his possession, set or otherwise cause to explode, discharge or burn any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives of flammable material or discharge them or throw them into such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article in conjunction with any other substances or compound would be dangerous from any of the foregoing standpoints. At the discretion of the Mayor and Council, permits may be given for conducting properly supervised fireworks in designated park areas.
 3. Appear at any place in other than proper clothing.
 4. Solicit contributions for any purpose, whether public or private without a Borough issued Solicitor's License.
 5. Build or attempt to build a fire, except in such areas and under such regulations as designated. No person shall drop, throw or otherwise scatter lighted matches, cigarettes or cigars, tobacco paper or other flammable material within any highways, roads or streets abutting or contiguous thereto.
 6. Enter an area posted as "Close to the Public" nor shall any person use or abet in of any area in violation of posted notices.
 7. Gamble or participate in or abet in any game of chance, except in such areas and such regulations as may be designated by the Mayor and Council.
 8. Go onto the ice on any of the waters.

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9. Engage in loud, boisterous, threatening, abusive, insulting or indecent language or in any disorderly conduct or behavior tending to breach the public peace.
 10. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
 11. Paste, glue, tack or otherwise post any sign, placard advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a part.

BUILDINGS AND OTHER PROPERTY.

No person shall, in any Borough park, do or cause to be done any of the following without first obtaining a permit from the Borough.

- A. Wilfully mark, deface, or injure in any manner, or displace, remove or tamper with, any park building, bridge, table, bench, fireplace, railing, paving or paving materials, water line or other public utility or parts thereof, park sign, or marking whether temporary or permanent monument, stake, post or other structure or equipment, facility or park property of any kind.
- B. Wilfully dig, cut, move or remove from any park or park area any sand, wood, turf, grass, gravel, shrub or other material or make any excavation by hand, tool, equipment, blasting or any other means.
- C. Construct or erect any building or structure of any kind, whether permanently or temporarily, or run or string any public utility into, upon or across a park.

TREES, SHRUBBERY AND LAWNS.

No person shall, in any Borough park, do or cause to be done any of the following without first obtaining a permit from the Borough:

- A. Wilfully pick, saw, chop, cut, carve or remove or injure any flowers, seeds, blooms, bark, branches, twigs or leaves of any tree, plant, shrub, vine, bush or any other vegetation.
- B. Wilfully drive any nail, staple or attach or fasten any wire, rope or other device to any tree or plant or tie or hitch any animal to any tree or plant.
- C. Wilfully dig in or disturb any grass areas or in any way injure or impair the natural beauty or usefulness of any park area.
- D. Wilfully climb any tree or walk, stand or sit upon any monument, vase, fountain, railing, fence or any other park property not designated or normally used for such purposes.

MERCHANDISING, ADVERTISING AND SIGNS.

No person in a park shall:

- A. Expose or offer for sale or hire any article, thing or service or station or place any stand, cart, or vehicle for the transportation, sale or display of any article, thing or service, unless a permit has been obtained from the Borough.
- B. Announce, advertise, or call upon the public's attention in any way to any article, thing or service for sale or hire, unless done pursuant to regulations promulgated by the Borough.
- C. Paste, glue, tack or otherwise place any sign, placard, advertisement or inscription in a park, or erect or cause to be erected any sign on any public lands, highways or roads, adjacent to a park, unless done pursuant to regulations promulgated by the Borough.
- D. Offer for sale any article, food or drink during the hours of operation of any food stand or facility which is operated by a recreation department or sports organization which operates under a permit issued by the Director of Department of Recreation.

PERMITS REQUIRED.

In addition to any other provision of this chapter that requires the obtaining of a permit prior to engaging in a given activity, no person in a park shall conduct, operate, present manage or take part in any of the following activities unless a permit is obtained prior to the start of the activity:

- A. Any picnic, outing or gathering sponsored by any person or family composed of 10 or more people.
- B. Any contest, exhibit, dramatic performance, play, motion picture, radio or television broadcast, fair, circus, musical event or any similar event.
- C. Any public meeting, assembly or parade, including, but not limited to, drills, maneuvers, ceremonies, addresses, speeches or political meetings.
- D. Any use of any park facility by a certain person or group or persons to the exclusion of others.

PERMITS FOR SPECIAL EVENTS.

Application.

Permits for special events in parks shall be obtained by application to the Recreation Department in accordance with the following procedure:

- A. A person seeking issuance of a permit hereunder shall file an application with the Recreation Department stating:

1. The name and address of the applicant.
2. The name and address of the person, persons, corporation or association sponsoring the activity, if any.
3. The day and hours for which the permit is desired.
4. The park or portion thereof for which such permit is desired.
5. Certificate of liability insurance in an amount established by the Mayor and Council and naming the Borough as the insured party.

STANDARDS FOR ISSUANCE.

Standards for issuance of a use permit include the following findings:

- A. The proposed activity or use of the park will not unreasonable interfere with or detract from the general public enjoyment of the park.
- B. The proposed activity and use will not unreasonably interfere or detract from the promotion of public health, welfare, safety and recreation.
- C. The proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
- D. The proposed activity will not entail extraordinary or burdensome expense or police operation by the Borough.
- E. The facilities desired have not been reserved for other use at the date and hour requested in the application.

APPROVAL OF PERMIT.

Applications for permits shall be reviewed for approval by the Mayor and Council at any regular or special meeting.

RULES AND REGULATIONS.

A permittee shall be bound by all park rules and regulations and all applicable ordinances full as though the same were inserted in the permits.

REVOCATION.

The Mayor and Council shall have the authority to revoke a permit upon finding of violation of any rule or ordinance, or upon good cause shown.

EJECTION FROM PARK.

Any person found violating any provision of this chapter shall either be arrested or ejected from the park.

VIOLATIONS AND PENALTIES.

Any person charged with violating any provision of this chapter shall, upon conviction thereof, be fined a sum not exceeding \$1,000.00, be imprisoned for a period not to exceed 90 days and/or serve a period of community service not to exceed 90 days.

INTERFERENCE WITH OTHERS.

No person shall harass, obstruct, molest, assault or interfere with any person lawfully within a public park; nor shall any person resist, obstruct, molest, assault or interfere with any law enforcement officer or public official in any public park.

PROHIBITED LANGUAGE NUISANCES.

No person shall use abusive, threatening, boisterous, insulting or indecent language in a public park; nor shall any action by any person constitution a nuisance be allowed.

Mayor Konkus opened the meeting to the public.

Dennis Vitkauskis, Foster Road: Looking at the rules and regulations that were posted on the board today, it is totally different than what was submitted to the Recreation Commission. How come the big change?

Mr. Dasti: I think there were some minor changes but it was certainly not totally different..

Mr. Vitkauskis: The copy that was submitted to the Recreation Commission for approval and any comments was different.

Mr. Dasit: In what way, Sir?

Mr. Vitkauskis: Number one, the hours of operation. We discussed that even at a regular Council meeting and Shaun mentioned sunrise was good for the fishermen but you are saying that are parks are kind of located in neighborhoods to have the opening at a later hour to not disturb the neighbors.

Mr. Dasti: The original one said 7 a.m. to sunset.

Mr. Vitkauskis: The one posted in the lobby says sunrise.

Mr. Dasti: Sunrise is you go out tomorrow

Mr. Vitkauskis: That is tomorrow, if you go out in the summer time sunrise is a lot earlier. I just kind of wonder why

Mr. O'Rourke: Where would you like to see that be? Those numbers?

Mr. Vitkauskis: I did not bring my copy from the Recreation Commission but I know it was about 9 a.m.

Ms. Rogers: I don't think so.

Mr. O'Rourke: I don't think so.

Mr. Vitkauskis: There was a whole lot more detail then was submitted to the Rec Commission about if you bring an animal to the park like a dog you can't leave it attached to a fixed object with a leash or anything, releasing of wildlife in the park.

Mr. Kaklamanis: Mr. Vitkauskis, just because we were in the process and we did re-write the rules and regs to this. Of course as it goes through there will be fine tuning of everything. It is not as if it can only be what we said. It has been expanded upon of course. It is not anything that takes away. Basically there is more in there and it just covers more basis because in todays times everything changes and they have to be more fine tuned.

Mr. Vitkauskis: That is fine but it would have been nice if you had showed this to the Rec Commission was given a final copy to see before a final vote was made on it.

Mr. Kaklamanis: We did get input from them and I think there is nothing that they have given us that has been excluded.

Mr. O'Rourke: For example, the alcoholic beverages.

Mr. Kaklamanis: Shaun has ever fine tuned the canister propane gas tanks. Above and beyond what we did it has been even more so fine tuned.

Mr. Vitkauskis: It would have been nice if you let the recreation commission see a final draft of it before you voted on it.

Mr. Dasti: What was provided to us by the rec commission it said you cannot tie or hitch any animal to any tree or plant. That is in there.

Mayor Konkus: They get fine tuned between first and second reading. Any ordinance would.

Mr. Vitkauskis: I just thought it would be nice if the Recreation Commission could see a final draft before it got voted on.

Scott Conklin, 2207 North Road, I documented by private comments as a tax payer. December 16, 2008 public comments for proposed park rules and regulations. Dear Mayor and Council, I have had the opportunity to review the proposed park rules and regulations that is posted on the web site and this looks like a major overhaul compared to the current rules on the books. I understand the need for the rules and rules are a good start. There appears in my opinion a few issues that still need resolution. Park hours, open and close at sunrise and sunset is inconsistent with the current use of some of the law abiding residents. Community Park already has a lighted walkway. I drove past on my way home from work at 7:30 and there was someone walking on the walkway exercising. Group use, in the rule, it does not define what group use really is. A number of people but is that a group of ten children, ten adults. Is a group an organized sports group or just ten school age friends that want to have a basketball game. If it means any meeting of ten or more then pick up games will be forever lost because you have to get a permit. Conduct in park, section A, Item 3, digging in the sand, the way the rule is written children will not be able to dig at the beach nor will anyone be able to do metal detecting at any beach. Conduct in the park Section A, Item 17, bicycles, the reason there are many bicycles on the ground or against trees is because there are times that there aren't enough bike racks in parks. More racks may be needed. Conduct in the parks, Section A, Items 18 and 19, I believe beach closures and hours of operation for beaches are current functions of the recreation commission and I don't understand why these functions would be taken away from the commission and become the responsibility of the Mayor and Council. Item 6, conduct in the park section A, Item 25, boat operations at night, the rule exempts fishing at night from land so why does it not prohibit fishing from a boat at night. Number 7, conduct in the park, section A, Item 28, picnic or lunch, you have to designate where you can eat. These parks are huge, I on a nice warm day like to take my blanket and plop it in the field. I don't want to be told where I can sit in that large park. Number 8, conduct in the park, section A, Item 31, who decides where in the park recreation activities that involve throwing something will take place. Will these areas be designated with a sign. Number 9, conduct in the park, section 8, item 34 animals, the rules should address removal of pet waste in this location. As a soccer coach I remove a lot of feces from the community park on Sunday mornings. Number 10, conduct in the park, section B, item 9, not engage in loud boisterous behavior to breach the public peace. I can understand that but the question really is that public peace should be defined in the rule. What is public peace. How loud is loud. Will this prevent sports programs in town from using the parks if they are loud. I am loud. At many games I am told they can hear me a distance away. I understand the rules but I think some of the items need to be tweaked a little bit. A lot of power you are taking on a piece of land that the tax payers pay for with tax money. If closing the parks at night is an issue for vandalism then close the parks when the vandals are out there. Thank you for your time.

Chris Leitner, 804 Donna Drive, my request on the park rules is going to be that you consider tabling this at this time. I have some concerns about certain provisions. There are certain parts that seem redundant and there are certain parts that are in contradiction of each other. I think the rules need a little more work before they are ready. I ask that you table them for now.

Nancy Pazienco, 2301 Pulaski Drive, I e-mailed all of you and you know my feelings with regards to the parks. I will reiterate what the people before me have said. Now we are going against adults not being able to walk in the park. Closing the park at night not opening it from sunrise to sunset and then I hear Dennis say he doesn't want it open until 9

p.m. You are taking away time from the adults which is more ludicrous than when you took away the goals so the kids could not play on the field. That is what the parks are there for, us to use. You will limit it from sunrise to sunset is not fair. It is not right. We all depend on you to do what is best for everyone in the community. That is not what is happening here with these rules. The other thing, the groups of ten. I don't know how many of you drive by that park on a daily basis but there are at least two or three groups of five or six or ten kids out there playing basketball or soccer, now you are going to tell those kids they can't do that. That is what the park is for. I can't understand how you can say to them you cannot play here unless you have a permit. You used to be able to go out and play in the street, everybody in the neighborhood was playing in the street. You can't do that so you go to the park and now you cannot do that according to these rules. I am wondering who made up these rules. I hear John and Shaun talking about it. Who made up the rules.

Mr. Kaklamanis: We had a committee. We had input from the Superintendent of Recreation, Ms. Haycook. This has basically been nothing secretive. It has been out there. It seems like this is the final reading and the rec commission has been in on this. It is not just myself and Shaun and Brian or me and Karen have been involved with this. I don't know how long this has been in the works. There again, fine tuning these bullets it basically covers all of the basis. Times have changed. The environmental atmosphere has changed. Even as far as people enjoying themselves. I am sure the police are not going to go around on a daily basis without have other things that they are going to be involved with. If people are walking in the park from 5 a.m. or 10:30 p.m. enjoying the night I am sure go common sense and protocol unless there is trouble or vandalism. Basically, these bullets have everything covered. If there are children playing a half hour before an of course this will be further discussed, the police are not going to say if children are playing soccer, get out of here. Believe me, it is common sense that they will have to use. It is not as if every little bullet in here is going to be held in stone. We had problems with vandalism, we had input from the police about having more substance behind them if they have to enforce something. I am sure not on a daily basis.

Ms. Pazienco, Why would you make rules and regulations and say we are not going to enforce them? Are you going to target people who are not doing anything wrong? Every night, we could go out there now and there are people are walking that park. There are probably people down at Lovelandtown. There are kids on these parks. You are going to enforce it when you want to. Only enforce it when it is convenient. Then you ask the police to enforce something that they know is not enforceable.

Mr. Kaklamanis: That is why we updated this.

Ms. Pazienco: I agree you should table this. As far as it not being secretive, I was at the last meeting and there was not a copy of this available for anyone to read. Except for the copy that Mr. McAlindin gave me. If that secretive part that we all could have known what these rules said where were they. They were not on line. They were on line after the meeting. John is saying this was not secretive that they were out but they were not.

Mr. Kaklamanis: They were out there for input. The Rec Commission was involved, we had a committee set up. The Superintendent was involved. The Police were involved. We had meetings, we had updates.

Ms. Pazienco: I was at the last Council meeting two weeks ago and since then I have spoken to about 100 people. Half of them walk that park. Kids hang out here and not one of them knew anything about this rule of sunrise to sunset or this group of 10. I urge you to table this and reconsider this and if you want to tweak it make it to suit and help this community so an adult can walk the park at night. They can take the dog or if someone wants to go fish at 5 a.m. in the morning. If I want to sit at the Riverfront at 9 p.m. I can do that. There will not be a gate closed like Beaver Dam Park closes. They chase you out of that park. This should be open community parks for all of us to be at. If people are vandalizing then address that. Make it so they cannot be under 18 or 21. And the groups.

Robert, I agree with them about the park. I don't know who came up with this rule but it is stupid. Officers are not going to use judgment. How do you know that an officer will not arrest someone for being in the park at 9 p.m.

Mr. Kaklamanis: I am sure the police will use the best discretion that they have.

Robert: It is stupid, make it 10 p.m. or midnight.

Mr. McAlindin: We received a lot of e-mail and a lot of people looked at this and I am going to propose that it be 5 a.m. to 10 p.m.

Mr. Dikun: I will second that.

Mr. McAlindin: Other Council Members agree about the time.

Mr. O'Rourke: We saw the e-mails and that time is close. The police have a lot of things to do and you will not get chased out at 10:01 p.m. We all understand.

Mr. Dikun: If there are any proposed amendments we should voice them now so that the public can vote as you anticipate.

Mr. O'Rourke: I am asking that we drop the line under where prohibited acts involving snakes, the snakes are covered. Time and snakes are covered. John has been working on this a long time. You have to draw a line. You close the parks at night to cut down on the vandalism. We all know that will not cut down on the vandalism because vandals do not care what time it is. We understood that. We encourage people to be in the park in the evening because that is the only way you will discourage vandalism. The other issues is the groups. Ten is a number used by many agencies. The reason why it is used is because you do not want that disorganized group going into that park using it constantly. The reason organized group do have to register is so it is not mitigated and over used. You can see our soccer fields get over used. Even with the rules we have. We had to pick a number. If we had picked a smaller number then the girl scouts could not take a walk. If we picked a larger number then we start having things happen. Are we going to kick people off, kids playing football or soccer and there are twelve kids instead of ten, it will not happen even if the rules are written that way. But, if we see a field getting abused or something like that. We need the tools. It is a balancing act. We are trying to preserve this. We can tweak this next year.

Mr. Kaklamanis: Other towns have ordinances that are twice as thick as this. When I looked at this with the rec and the superintendent, there are guide lines and I looked at other towns.

Mayor Konkus asked if there were any other comments.

Maggie Hart, 603 Academy Drive, I would like to applaud you because anytime you try to write rules and regulations on any facility you have to try to capture as many things as you can. You have. I applaud you for that. The only thing I ask is I live on Academy Drive and Matthew, my son, plays with eleven boys everyday of his life. The other day I sent him over to Beaver Dam Park because I got tired of seeing them in the street. I just want to caution you on the 8 to 10. I have four boys. They ride bikes with ten to fourteen kids, I call them gangs, all I say is you know there will be someone in Point Pleasant that will take your ordinance and if they live near that park and there is something they believe is being violated this police station is going to get awful busy. All I am asking you is to go back and re-look it and make sure it is as clear as it can be so no one bothers the town. I do agree that we have to preserve what we have because it is all we have and I believe you are doing the best job you can and I appreciate that. If you could just take those two points I would appreciate that.

Brian Parks, 823 Trenton Avenue, I would like to express my support for the potential amendment for changing the time. As an example, I am part of the group of people who plays ultimate Frisbee in community park between 8 p.m. and 10 p.m. periodically throughout the year. In the summer most of that time is during daylight but as it gets to Fall and Winter it is dark. We are working during the day and have dinner and then it is 8 or 9 p.m. We would appreciate it if the parks were open at that time. Thank you.

Jack McHugh, 806 River Avenue, I just want to ask if there is any urgency because I know a lot of people who have worked hard on this issue so far. A lot of people in the public are just finding out about all the details of the ordinance and there is some disagreements about some things. I know the time was the big thing. But, there are a lot of things in that ordinance that needs some more work. It is a matter of urgency. There is already a set of rules in place for Community Park and Riverfront Park is a long way from being finished.

If there is no urgency I would like to reiterate what Chris Leitner said and perhaps table it and get a little more input from the public now that there are more people that know what the ordinance says.

John Roberts, 210 Guise Lane, there is one comment. John Kaklamanis has worked with the kids for a long time and I know he put a lot into this. I have three children from 11 to 21 and I know how much they use it. We as a community have the responsibility to preserve. Maybe table it tonight for a little more feedback from the public. It is nice to see a good turnout tonight.

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

Mr. Dikun: About the time, 10 p.m. is not unreasonable and I appreciate what Dennis said but my fishing expertise is solely off ESPN. Even the guys on TV are whispering and I believe the guys that are serious about doing that will take that extra effort not to chase those fish away. That is their mission. 10 p.m. is not a bad time. I can't agree more on the pooper scooper. That is a serious issue.

Mr. O'Rourke: I would like to make a motion to pass the ordinance with the change in the time from sunset to sunrise to 5 a.m. to 10 p.m. and drop the last line of A.8 involving the snakes.

SECOND: Mr. Kaklamanis

Ms. Rogers: Discussion. Are the skate park hours in this.

Mr. O'Rourke: The skatepark hours are covered in a different line in there.

Mr. McAlindin: What you are saying under Hours of Operation, public parks shall be open from 5 a.m. till 10 p.m. each day except for the closing time of a public park maybe changed by authorization of the Governing Body in addition the skatepark will be open from 9 a.m. till sunset only. That clearly identifies it. Mr. McHugh and Mr. Leitner you will have opportunities to make amendments. Nothing is perfect.

Mayor Konkus: Sometimes things just need to get off the ground. Then tweaked after that. You are shaking your head no but it seems when you don't get your way perfectly you are upset with everybody.

With all due respect Sir what is the rush?

Mayor Konkus: This is a work in progress and if Council does vote to approve this tonight it does not mean that it will remain this way. It will be amended.

Mr. McAlindin: There are some great points that are being made. One of them being the issue about groups. Groups quite frankly is to try to avoid the problems that we have had which is domination by certain groups, the exclusion of the children that live in the community. It is a tough game up here. You are dammed if you do and dammed if you don't. You are subject to criticism. It goes with the territory and some time you get it right and sometimes you get it right later. You have to try to get it right and that is what we are trying to do.

Mr. O'Rourke: You can bring your suggestions to the Rec Commission or any member sitting up here next year.

Mayor Konkus: We have a motion and a second and I will ask for a roll call.

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. Ordinance Establishing Affordable Housing Development Fee

Motion: Ordinance of the Borough of Point Pleasant Establishing Affordable Housing Development Fee of the Borough of Point Pleasant

1. Purpose

- (a) In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq, and the State Constitution, subject to the rules adopted by the New Jersey Council on Affordable Housing's (COAH).
- (b) Pursuant to P.L. 2008, c. 46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.
- (c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic Requirements

- (a) The Borough of Point Pleasant shall not impose development fees on any applicant pursuant to this ordinance until COAH or a Court has approved the Development Fee Ordinance pursuant to N.J.A.C. 5:96-5.1, except that residential fees may be collected pursuant to the previously approved fee ordinance until such time as this ordinance takes effect, and non-residential fees shall be collected in accordance with the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq.
- (b) The Borough of Point Pleasant shall not spend development fees until COAH or a Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

- (a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project, or a 100 percent affordable development.
 - ii. "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in the State.

- iii. “Development fee” means money paid by a developer for the improvement of property as permitted under N.J.A.C. 5:97-8.3.
- iv. “Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- v. “Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c.123 (C. 54:1-35a through C. 54:1-35c).
- vi. “Green building strategies” means those strategies that minimize the impact of development on the environment, and enhance health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. Residential Development Fees

(a) Imposed Fees

- i. Within all zoning districts in the Borough of Point Pleasant, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one half percent (1.5%) of the equalized assessed value for residential development, provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers shall be required to pay a development fee of six percent (6%) of the equalized assessed value (EAV) for each additional unit above that permitted by right which may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

(b) Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

- iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- iv. Nonprofit organizations which have received tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
- v. Federal, state, county and local governments shall be exempted from paying a development fee.
- vi. The owner of a residential unit who rebuilds when the owner's existing dwelling unit was destroyed due to fire, flood or other natural disaster shall be exempt from paying a development fee.

5. Non-Residential Development Fees

(a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly-improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

(b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half percent (2.5%) development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF "State of

New Jersey Non-Residential Development Certification/Exemption” Form. Any exemption claimed by a developer shall be substantiated by that developer.

- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Point Pleasant as a lien against the real property of the owner.

6. Collection procedure

- (a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the Borough’s Construction Official responsible for the issuance of a building permit.
- (b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (e) The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee, and thereafter notify the developer of the amount of the fee.
- (g) Should the Borough of Point Pleasant fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- (h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the

difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

- i) Appeal of development fees
 - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Point Pleasant. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Point Pleasant. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing Trust Fund

- (a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Borough's Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- (b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. Payments in lieu of on-site construction of affordable units;
 - 2. Developer-contributed funds to make ten percent (10%) of the affordable entrances in a townhouse or other multistory attached development accessible;
 - 3. Rental income from municipally-operated units;
 - 4. Repayments from affordable housing program loans;
 - 5. Recapture funds;
 - 6. Proceeds from the sale of affordable units; and
 - 7. Any other funds collected in connection with the Borough of Point Pleasant's affordable housing program.
- (c) The Borough of Point Pleasant shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the Township's banking institution, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- (d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or the Court.

8. Use of Funds

- (a) The expenditure of all funds shall conform to a spending plan approved by COAH or the Court. Funds deposited in the housing trust fund may be used for any activity approved by COAH or the Court to address the Borough of Point Pleasant's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase

of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- (b) Funds shall not be expended to reimburse the Borough of Point Pleasant for past housing activities.
- (c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (d) The Borough of Point Pleasant may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- (e) No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- (a) The Borough of Point Pleasant shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection

with the Borough of Point Pleasant's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.

10. Ongoing Collection of Fees

- (a) The ability of the Borough of Point Pleasant to impose, collect and expend development fees shall expire with its substantive certification or judgment of compliance unless the Borough of Point Pleasant has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned COAH for substantive certification, or brought a declaratory relief action in Court pursuant to N.J.S.A. 52:27D-313 and has received approval of its development fee ordinance by COAH or a Court. If the Borough of Point Pleasant fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification or judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (C.52:27D-320). The Borough of Point Pleasant shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or its judgment of compliance, nor shall the Borough of Point Pleasant retroactively impose a development fee on such a development. The Borough of Point Pleasant shall not expend development fees after the expiration of its substantive certification or its judgment of compliance.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council and the Borough of Point Pleasant, this Ordinance shall become effective upon final passage and publication as provided by law.

BOROUGH OF POINT PLEASANT

By: _____
Martin Konkus, Mayor

Attest:

David A. Maffei, Clerk

NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed by the Borough Council of Point Pleasant Borough on first reading at meeting held on December 2, 2008. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for December 16, 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, RMC, CMFO
Municipal Clerk/Administrator

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

MOTION: Adopt Ordinance

MADE: Mr. McAlindin

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

3. Amending Chapter VIII "Building and Housing" of the Borough Code – Subcode Fees

MOTION: An Ordinance of the Borough of Point Pleasant, County of Ocean, State of New Jersey, amending and supplementing Chapter VIII of the Borough Code Entitled "Building and Housing"

NOW THEREFORE, BE IT ORDAINED BY the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, that Chapter VIII of the Borough Code entitled "Building and Housing" in particular Subsection 8-1.2 "Fees" is hereby amended and supplemented as follows:

8-1.2 Fees.

a. Fees for construction permits shall be as follows:

1. The building subcode fees shall be as follows:

(a) For new construction: All fees shall be based on the volume of the structure and volume computations shall be made pursuant to N.J.A.C. 5:23-2.28. Use groups and types of construction are to be classified and defined as established in Articles 3 and 4 of the Building Subcode.

(1) New residential construction, alteration, or renovation:

Per cubic foot of volume	\$ 00.027
Minimum fee	\$ 75.00

(2) New construction all other use groups:

Per cubic foot of volume	\$ 00.027
Minimum fee	\$ 100.00

(ii) Structures on farms used exclusively for the storage of food or grain, or the sheltering of livestock	\$ 00.008
Maximum fee for (ii)	\$1,000.00

(iii) All others	\$ 00.009
Minimum fee for (ii)	\$ 75.00

Minimum fee for all others	\$ 75.00
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(b) Renovations, alterations and repairs, etc.:
Fee based on the estimated cost of work

	\$1 to \$50,000(per thousand)	\$	18.00
	\$50,001 to 100,000(per thousand)		
	Add \$15.00		
	Over \$100,000(per thousand)		
	Add \$7.00		
	Minimum Fee	\$	75.00
(c)	Pool Barrier:		
	Per linear foot	\$	00.20
	Minimum fee	\$	75.00
(d)	Open decks:		
	Fee based on the estimated cost		
	of work\$18.00 per \$1,000.00		
	Minimum fee	\$	75.00
(e)	Sheds:		
	Over 100 square feet	\$	75.00
(f)	Fireplace and masonry chimney	\$	75.00
(g)	Woodburning stoves and chimney	\$	75.00
(h)	Demolition:		
	Use Group R Structures less than		
	2,000 square feet and 30 feet high		
	or less	\$	100.00
	All other structures	\$	200.00
	Together with cash bond posted		
	with the Borough to ensure removal		
	of debris and to protect against damage.	\$1,000.00	
(i)	Signs:		
	Per square foot surface area, one side only		
	for double-faced signs	\$	01.20
	Minimum Fee	\$	75.00
(j)	Swimming pools:		
	Above ground	\$	100.00
	In ground	\$	200.00
	Public/commercial	\$	300.00
(k)	Elevator permits subject to NJ State permit		
	fees		
(l)	Temporary structures/other structures		
	that volume cannot be computed:		
	Each over 100 square feet	\$	75.00
	The fee for tents in excess of 900 square		
	feet or more than 30 feet in any		
	direction shall be \$100.00		
(m)	Fire permits:		
	When fire review or inspection		
	required	\$	75.00
	All other permits required by UCC ¹ in		
	which specific provision is not otherwise		
	provided herein – Minimum	\$	75.00

2. Other fees.

- (a) There are hereby established the following construction and subcode fees:
- (1) Electrical subcode fees.

¹ UCC means NJ State Uniform Construction Code Act 52:27D-119A, Chapter 23 Uniform Construction Code Regulations

Minimum Electrical Subcode Fee shall be \$75.00

Electrical fixtures and devices:

The fees shall be as follows:

- A. For from one to 25 receptacles or fixtures, the fee shall be in the amount of \$75.00, for each 25 receptacles or fixtures in addition to this, the fee shall be in the amount of \$15.00, for the purpose of computing this fee, receptacles or fixtures shall include lighting outlets, wall switches, electric discharge fixtures, convenience receptacles or similar fixtures, and motors or devices of less than one horsepower or one kilowatt, burglar, fire and communication devices, etc.
 - B. For each motor or electrical device greater than or equal to one horsepower or kW and less than or equal to 10 horsepower or kW; and for transformers and generators greater than or equal to 1 kW and less than or equal to 10 kW, the fee shall be \$15.00.
 - C. For each motor or electrical device greater than 10 horsepower or kW and less than or equal to 50 horsepower or kW; for each service panel, service entrance or sub panel less than or equal to 225 amperes; and for all transformers and generators greater than 10 kW and less than or equal to 45 kW, the fee shall be \$75.00.
 - D. For each motor or electrical device greater than 50 horsepower or kW and less than or equal to 100 horsepower or kW; for each service panel, service entrance or sub panel greater than 225 amperes and less than or equal to 600 amperes; and for transformers and generators greater than 45 kW and less than or equal to 112.5 kW, the fee shall be \$150.00.
 - E. For each motor or electrical device greater than 100 horsepower or kW and less than or equal to 1,000 horsepower or kW; for each service panel, service entrance or sub panel greater than 600 amperes and less than or equal to 1,000 amperes, the fee shall be \$225.00.
 - F. For each motor or electrical device greater than 1,000 horsepower or kW; for each service panel, service entrance or sub panel greater than 1,000 amperes; and for each transformer or generator greater than 112.5 kilowatts, the fee shall be \$450.00.
 - G. For the purpose of computing fees B thru F, all motors and devices including plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.
- (2) Fire protection subcode fees.

Minimum fire protection subcode fee shall be \$75.00.

Fire protection and other hazardous equipment: sprinklers, standpipes, detectors (smoke and heat) pre-engineered suppression systems, gas and oil-fired appliances not connected to the

plumbing system, kitchen exhaust systems, incinerators and crematoriums:

- A. The fee for 20 or fewer heads shall be \$75.00 for 21 to and including 100 heads, the fee shall be \$125.00; for 101 to and including 200 heads, the fee shall be \$229.00; for 201 to and including 400 heads, the fee shall be \$594.00; for 401 to and including 1,000 heads, the fee shall be \$822.00; for over 1,000 heads, the fee shall be \$1,050.00.
- B. For from 1 to 12 detectors, the fee shall be \$75.00; for each 25 detectors in addition to this, the fee shall be \$10.00.
- C. The fee for each standpipe shall be \$229.00.
- D. The fee for each independent pre-engineered system shall be \$150.00.
- E. The fee for each gas or oil-fired appliance which is not connected to the plumbing system shall be \$50.00.
- F. The fee for each kitchen exhaust system (commercial) shall be \$75.00.
- G. The fee for each incinerator shall be \$365.00.
- H. The fee for each crematorium shall be \$365.00.
- I. The fee for suppression systems other than sprinklers including: Co2, gas, foam, dry or wet chemical and installation of hood duct and exhaust systems shall be a minimum \$100.00.
- J. The fee for woodburning fireplace or stove shall be \$75.00.
- K. Tanks:
 - Installation, each (Review) \$ 75.00
 - Residential Removal \$ 75.00
 - Commercial Removal \$ 200.00

(3) Plumbing subcode fees.

Minimum plumbing subcode fee shall be \$75.00.

Plumbing fixtures and equipment:

The fees shall be as follows:

- A. Per fixture, piece of equipment, vent or appliance connected to the plumbing system, and for each appliance connected to the gas or oil piping system, except as listed in B below \$10.00.
- B. Per special device for the following: grease traps, oil separators, water-cooled air conditioning units, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker back-flow preventers), steam boilers, hot water boilers (excluding those for domestic water heating), gas or fuel oil piping, sewer pumps, and

interceptors \$75.00.

(4) Fees applicable to paragraphs (2 (a) (1), (2) and (3).

A. The fee for elevator devices where applicable shall be in accordance with N.J.A.C. 5:23-12.6.

(b) Plan review fee: For the purposes of N.J.A.C. 5:23-4.18(b), (i) and (j), the plan review fee shall be twenty (20%) percent of this schedule of fees. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.

(c) The fee for a permit for the removal of a building or structure from one (1) lot to another or to a new location on the same lot is five (\$5.00) dollars per one thousand (\$1,000.00) dollars of the sum of the estimated costs for moving, for new foundation and for placement in a completed condition in the new location, provided that the minimum fee shall be seventy-five (\$75.00) dollars, including a certificate of completion. Also provided that a one thousand (\$1,000.00) dollar bond shall be posted with the Borough to ensure the removal of all debris and to protect against damage.

(d) Certificates of Occupancy:

(1) Certificate of occupancy:	
Use Group R.....	\$ 75.00
All other use groups	\$100.00
(2) Continued use certificate	
Residential use groups, per unit	\$ 50.00
(3) Change of use	
Each unit	\$150.00
(4) Reinstatement of lapsed permit	
Each	Minimum \$150.00
(5) Temporary Certificate of Occupancy	\$ 50.00

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

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

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of the Borough of Point Pleasant on first reading at meeting held on the **2nd** day of **December, 2008**. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the **16th** day of **December, 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

Prepared by:

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

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

Motion: Adopt Ordinance

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. Ordinance Creating the Position of Municipal Housing Liaison for the Purpose of Administering Borough's Affordable Housing Program Pursuant to the Fair Housing Act.

BE IT ORDAINED by the Borough Council of Point Pleasant Borough in the County of Ocean and State of New Jersey that the following amendments be made to Chapter Two of Point Pleasant Borough's municipal code:

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Point Pleasant Borough's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

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

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Point Pleasant Borough.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Point Pleasant Borough to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Point Pleasant Borough.
- B. Subject to the approval of the Council on Affordable Housing (COAH) or the Court, the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Point Pleasant Borough, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:
 - (1) Serving as Point Pleasant Borough’s primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in Point Pleasant Borough’s Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Point Pleasant Borough.
- D. Subject to approval by COAH or the Court, Point Pleasant Borough may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Point Pleasant Borough, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Point Pleasant Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison. Only the five required responsibilities outlined in C. above will be handled by Point Pleasant Borough’s Municipal Housing Liaison. All other duties will be delegated to an approved Administrative Agent.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Adopted: _____, 2008

ATTEST:

APPROVED:

David Maffei

Martin Konkus

Borough Administrator

Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed by the Borough Council of Point Pleasant Borough on first reading at meeting held on December 2, 2008. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for December 16, 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, RMC, CMFO

Municipal Clerk/Administrator

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

MOTION: Adopt Ordinance

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

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

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 Ms. Rogers

SECOND: Mr. Dikun

APPROVED: All in favor

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

MOTION TO CLOSE PUBLIC PORTION: _____

Dennis Vitkauskis, Foster Road: This was added at the last minute, Resolution #290-2008 I am curious, it is not posted up there. It is the Chief of Police salary.

Mr. McAlindin: It is \$160,274 for the year 2008, 2006 and 2007

Ms. Rogers: In 2006 it graduated from \$147,000 to \$154,000 and then it graduated to \$156,000 in 2007 with a graduated scale to the final salary of \$160,274. Longevity is excluded in 2009.

Mr. Maffei: This is not a salary resolution this is a resolution to approve the contract. The resolution for salary would be on the January meeting.

Mr. Dasti: This is a resolution to approve the contract. The salary ordinance will come next year.

Ms. Rogers: It is not a percentage amount it is a dollar amount.

Mr. Vitkauskis, I was just curious, it was not posted.

Chris Leitner, 804 Donna Drive: There are two resolutions on naming things, one for Lee Sharpe for the Bandshell and one for Dick Blake for the Rec Center. I am favor of naming things to honor people but there has been some political back and forth over the years on these issues. My suggestion is we have a naming committee that is trying to do the good hard work. Maybe they are too close to the political fire and we are going to get burned by a good decision or bad decision. Maybe we should reconstitute and merge with volunteers and get it out of the process.

Nancy Pazienzo, 2302 Pulaski Drive, I hope that you name something after Lee and Dick. I hope that you do that.

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

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

ALL IN FAVOR.

C. RESOLUTIONS

1. (269-2008) Authorize Execution of a Developer's Agreement with MGM Homes, LLC

**BOROUGH OF POINT PLEASANT AUTHORIZING
EXECUTION OF A DEVELOPER'S AGREEMENT WITH
MGM HOMES, LLC**

WHEREAS, Southern Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 67 N.J. 151 (1975), cert. denied, 423 U.S. 808, 96 S.Ct. 18, 46 L.Ed.2d 28 (1975) ("Mount Laurel I") and Southern Burlington County NAACP v. Twp. of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") require municipalities to refrain from using their zoning powers to economically discriminate against the low and moderate households; and

WHEREAS, the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the regulations adopted by the Council On Affordable Housing (hereinafter "COAH"), and other applicable laws require all New Jersey municipalities to create a realistic opportunity for the provision of low and moderate income housing (hereinafter "affordable housing"); and

WHEREAS, to address part of its affordable housing responsibilities, the Borough and its Planning Board have decided to enter into an agreement with MGM Homes, LLC (hereinafter "MGM Homes" or the "Developer"); and

WHEREAS, on April 20, 2007, the Borough Planning Board granted Preliminary and Final Major Site Plan Approval per Resolution No. 2007-79 ("Resolution") with respect to the property known as Block 113, Lots 1 and 9 as depicted on the Tax Map of the Borough ("Property"), to build a 24-unit residential condominium project to be known as Willow Oaks ("Project"); and

WHEREAS, the Borough Planning Board conditioned its approval on Developer complying with the Borough's growth share ordinance, Ordinance No. 2006-12, which requires the Developer to provide a certain number of affordable units on-site in connection with this project; and

WHEREAS, in lieu of providing the required affordable units on-site, Ordinance No. 2006-12 permits Developer to satisfy its affordable housing obligation off-site, if permission is granted by the Borough Council, through the conversion of market-rate units to affordable units; and

WHEREAS, the Developer asked the Borough if it could satisfy its Mount Laurel responsibilities by providing three ("3") off-site affordable units and the Borough agreed to same; and

WHEREAS, the Borough and the Developer have negotiated an agreement memorializing a mutually acceptable means for the parties to resolve any present or future disputes; and

WHEREAS, the agreement attached hereto memorializes the approach the Developer and the Borough find acceptable; and

WHEREAS, the Council of the Borough of Point Pleasant finds the agreement attached hereto to be in the best interest of the Borough; and

WHEREAS, the Planning Board of the Borough of Point Pleasant executed the attached agreement on December 10, 2008.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey, in open public session on this 16th day of December, 2008, that the Council of the Borough of Point Pleasant is hereby authorized to execute the attached Developer's Agreement.

CERTIFICATION

I CERTIFY THAT THE FOREGOING Resolution was duly adopted by the Borough Council of Point Pleasant Borough at a regular meeting held on December 16, 2008, a quorum being present and voting in the majority.

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. (270-2008) Authorize Release of Performance Guarantee, Block 127, Lot 8 – Riback

MOTION: Authorize Release of Performance Guarantee, Block 127, Lot 8 – Riback

**WHEREAS, the Borough of Point Pleasant has required to posting of a Performance Guarantee for certain site improvements in regard to Block 127, Lot 8;
and**

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

WHEREAS, the Borough Engineer has recommended that the release of the balance of the Performance Guarantee posted by the applicant for the improvements on Block 127, Lot 8, conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond in the amount of \$3,381.00 and the posting of an additional Inspection Fee Escrow of \$500.00.

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

- 1. That the Mayor and Borough Council do hereby authorize the release of Performance Guarantee, posted for the improvements for Block 127, Lot 8, and conditioned upon the payment of all outstanding inspection fees, the posting of the required Maintenance Bond and the posting of an additional Inspection Fee Escrow of \$500.00.**
- 2. That the Borough Engineer or other Borough Officials holding said Performance Bond are directed not to release said Performance Guarantee until the Chief Financial Officer has certified that all outstanding inspections have been paid and that the Maintenance Bond has been posted.**
- 3. That a certified copy of this Resolution be sent to: Chief Financial Officer, Borough Engineer, the applicant and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: O'Rourke

Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes
Mr. Dikun: Yes

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

CARRIES: Yes

3. (271-2008) Authorize Release of Maintenance Bond, Block 225, Lot 4 – Bobowski

MOTION: Authorize Release of Maintenance Bond, Block 225, Lot 4 – Bobowski

WHEREAS, the Borough of Point Pleasant has required the posting of a Maintenance Guarantee for certain site improvements in regard to Block 225, Lot 4; and

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

WHEREAS, the Borough Engineer has recommended the release of the balance of said Maintenance Guarantee for the improvements on Block 225, Lot 4, conditioned upon the payment for all outstanding inspection fees.

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

1. That the Mayor and Borough Council do hereby authorize the release of the balance of the Maintenance Guarantee, for the improvements for Block 225, Lot 4 conditioned upon the payment of all outstanding inspection fees.
2. That the Chief Financial Officer or the Borough Official holding said Maintenance Guarantee is directed not to release said Maintenance Guarantee until the Chief Financial Officer has certified that all outstanding inspection costs have been paid.
3. That a certified copy of this Resolution be sent to: Chief Financial Officer, Borough Engineer, T. Bobowski, Construction Official and any other interested parties.

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. McAlindin

Mr. Pyrtko: Yes
Mr. Kaklamanis: Yes

Mr. McAlindin: Yes
Mr. Dikun: Yes

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

CARRIES: Yes

4. (272-2008) Authorize Release of Maintenance Bond, Block 23, Lot 54 – TCB Associates

MOTION: Authorize Release of Maintenance Bond, Block 23, Lot 54 – TCB Associates

WHEREAS, the Borough of Point Pleasant has required the posting of a Maintenance Guarantee for certain site improvements in regard to Block 23, Lot 54 and

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

WHEREAS, the Borough Engineer has recommended the release of the balance of said Maintenance Guarantee for the improvements on Block 23, Lot 54 conditioned upon the payment of all outstanding inspection fees.

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

- 1. That the Mayor and Borough Council do hereby authorize the release of the balance of the Maintenance Guarantee, for the improvements for Block 23, Lot 54 conditioned upon the payment of all outstanding inspection fees.**
- 2. That the Chief Financial Officer or the Borough Official holding said Maintenance Guarantee is directed not to release said Maintenance Guarantee until the Chief Financial Officer has certified that all outstanding inspection costs have been paid.**
- 3. That a certified copy of this Resolution be sent to: the Chief Financial Officer, Borough Engineer, TCB Associates, Construction Official and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

5. (273-2008) 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>
202-8	Colombino	1124.58	Refund '08 Tax 100% Disabled Vet
98-24 T02	Dorsett	140.00	Refund for Aux Water meter
170-18	Prima	18.14	Move '08 tax credit To '09 taxes
5-3 T02	Biggs	120.89	Refund w/s service Charges-meter

Aux meter not installed

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

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

6. **(274-2008) Authorize Release of Maintenance Bond, Block 222, Lot 23 – Christensen**

MOTION: Authorize Release of Maintenance Bond, Block 222, Lot 23 - Christensen

WHEREAS, the Borough of Point Pleasant has required the posting of a Maintenance Guarantee for certain site improvements in regard to Block 222, Lot 23; and

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

WHEREAS, the Borough Engineer has recommended the release of the balance of said Maintenance Guarantee for the improvements on block 222, Lot 23, conditioned upon the payment for all outstanding inspection fees.

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

1. That the Mayor and Borough Council do hereby authorize the release of the balance of the Maintenance Guarantee, for the improvements for Block 222, Lot 23 conditioned upon the payment of all outstanding inspection fees.
2. That the Chief Financial Officer or the Borough Official holding said Maintenance Guarantee is directed not to release said Maintenance Guarantee until the Chief Financial Officer has certified that all outstanding inspection costs have been paid.
3. That a certified copy of this Resolution be sent to: Chief Financial Officer, Borough Engineer, Mr. Christensen, Construction Official and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. McAlindin

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

7. **(275-2008) Transfer Resolution - 2008**

MOTION: Transfer Resolution

WHEREAS, The date of this resolution is within the last two months of calendar year 2008 and the first three months of the year 2009; and

WHEREAS, N.J.S.A., 40:40-58 and 59 provides for making transfers between budget appropriation accounts during the five month period starting November 1, 2008;

NOW, THEREFORE, BE IT RESOLVED, (not less than two thirds of the members of the Governing Body confirming) that the following transfers be approved and the same are hereby made between the appropriation accounts in the 2008 budget:

CURRENT: (FROM):

Municipal Court S & W	\$1,500.00
Collector S & W	2,500.00
Dept. Public Works S & W	6,000.00
<u>TOTAL</u>	\$10,000.00

CURRENT:(TO)

Police S & W	\$10,000.00
<u>TOTAL</u>	\$10,000.00

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

8. (276-2008) Authorize Release of Maintenance Bond, Block 95, Lot 2 - Uyger

MOTION: Authorize Release Maintenance Bond, Block 95, Lot 2 - Uyger

WHEREAS, the Borough of Point Pleasant has required the posting of a Maintenance Guarantee for certain site improvements in regard to Block 95, Lot 2; and

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

WHEREAS, the Borough Engineer has recommended the release of the balance of said Maintenance Guarantee for the improvements on Block 95, Lot 2, conditioned upon the payment for all outstanding inspection fees.

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

1. That the Mayor and Borough Council do hereby authorize the release of the balance of the Maintenance Guarantee, for the improvements for Block 95, Lot 2 conditioned upon the payment of all outstanding inspection fees.
2. That the Chief Financial Officer or the Borough Official holding said Maintenance Guarantee is directed not to release said Maintenance Guarantee until the Chief Financial Officer has certified that all outstanding inspection costs have been paid.
3. That a certified copy of this Resolution be sent to: Chief Financial Officer, Borough Engineer, D. Uyger, Construction Official and any other interested parties.

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

9. (277-2008) Approve Carry Over Vacation Time for Borough Employees (2008 to 2009)

MOTION: Approve Carry Over Vacation Time for Borough Employees (2008-2009)

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

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

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

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

1. The Mayor and Council hereby approves the requests of the Borough Employees to carry all the requested unused 2008 vacation time to 2009 as hereto outlined in the attached Schedule A.
2. Certified copies of this Resolution to the respective department heads, Chief Financial Officer, to all employees named in Schedule A, employee's respective personnel files and any other interested parties.

SCHEDULE A

2008 UNUSED VACATION CARRY-OVER TO 2009

NAME	REQUEST (HOURS)	ADMINISTRATOR APPROVED	COUNCIL APPROVED
-------------	------------------------	-----------------------------------	-----------------------------

Adametz, Dennis	160	40	120
Aurin, Kevin	4 days	4 days	
Belesky, Chris	8.45	8.45	
Bestine, Sharon	19.55	19.55	
Block, Judith	185.60	32	156.30
Burch, Susan	93.50	32	61.50
Burke, Kevin	41.05	32	9.05
Clayton, Catherine	3 days	3 days	
Collins, Kevin	6 days	5 days	1 day
Cook, Anne	15.0	15.0	
Costa, Ben	80	40	40
Costa, Mary	128	32	96
Crannell, Colleen	100.25	32	68.25
Daley, George	16	16	
Falke, Thomas	40	40	
Fennessy, Brian	2 days	2 days	
Fredman, John	192	40	152**
Gargani, Anthony	87.45	32	55.45
Greenan, Siveen	6 days	5 days	1 day
Griggs, David	55	40	15
Griggs, Clinton	32	32	
Gunnell, Joshua	5 days	5 days	
Haycook, Karen	162.30	32	130.30
Helmstetter, John	11.36	11.36	
Heyniger, Nicole	13.60	13.60	
Hill, Michelle	4 days	4 days	
Hilling, Raymond	5 days	5 days	
Howerton, Michael	168	40	128

**SCHEDULE A
2008 UNUSED VACATION CARRY-OVER TO 2009**

NAME	REQUEST (HOURS)	ADMINISTRATOR APPROVED	COUNCIL APPROVED
Iannizzotto, Jacqueline	3 days	3 days	
Ivins, James	92	40	52
Kavanagh, James	5 days	5 days	
Kelly, Catherine	43.60	32	11.60
Kinsley, David	208	40	168
Knecht, William	112	40	72
Kralovich, Michael	20	20	
Kretz, Alan	40	40	
Lemanowicz, Joyce	10 days	5 days	5 days
Leonhardt, Chris	2 days	2 days	
Maffei, David	147.2		147.2
McNally, Brad	5 days	5 days	
Miller, Edward	3 days	3 days	
Mullen, William	208	40	168
Olsen, Cheryl	41.72	32	9.72
O'Rourke, Maryanne	22.58	28.58	
Patterson, Stephen	6.92	6.92	
Pearce, Bernadine	185.60	32	153.60
Phillips, Christopher	4 days	4 days	
Platt, Lisa	15.15	15.15	
Popiel, Travis	1 day	1 day	
Ruppert, Michael	52.87	40	12.87
Scalabrini, David	3 days	3 days	
Sears, Dennis	232	40	192
Teague, James	6.5	6.5	
Thompson, Robert	3.3	3.3	
Thwing, Veronica	22.03	22.03	

Vaughn, Fred	80	40	40
Weaver, Paul	62.90	32	30.90
Whittles, Michael	4 days	4 days	

**** Exceeds one year allotment due to prior Council approved settlement.**

MOTION: Adopt Resolution

Mr. Kaklamanis: In regards to the adoption of this the carry over of the five vacation day is the same. There are days noted and hours that exceed five days. The 162.30 and the 185, are they hours.

Mr. Maffei: Yes, unless it is designated days it is hours. Anything under Administrator approved is at a maximum of 5 days. Anything other than 5 days get approved by Council.

Mr. O'Rourke: Dave, how do the hours get exceeded like that? What are some legitimate reasons for that?

Mr. Pyrtko: Don't take a vacation.

Mr. Maffei: There is limitations in each department on how much time people can take off, scheduling.

Ms. Rogers: Is this contractual

Mr. Maffei: Civil Service provides that they be allowed to carry over one years vacation. This is maxed out at one year.

Ms. Rogers: This is not exceeding the allowable time.

Mr. Kaklamanis: Do they get paid for this upon retirement?

Mr. Maffei: They are paid for anything that they accumulated up to the time of the vacation time. It is pro-rated for the year they retire.

Mr. Kaklamanis; Some of these hours seem extreme and I would like to see them trim these down. Some of these look well over a year.

Mr. Maffei: There is nothing over a year except for the one person you settled the grievance for.

Mr. Dasti: These are not sick days, they are vacation days. If it is Council's intent to limit it for 09 to 10 beginning next year tell everybody use them or lose them and you won't have these discussions. I think you might be pulling the rug out from some people who have known this has gone on for years. If you don't approve this tonight then they lose the hours. They will show up with pitch forks and torches.

Ms. Rogers: David is saying Civil Service provides for this.

Mr. Dasti: It is customary.

Ms. Rogers: Are these hours reflected in the budget?

Mr. Maffei: It does not effect our budget.

Mr. Kaklamanis; I would like to cut the carry over time.

Mr. Maffei: This resolution has been voted on every year. You voted on it in the past. This is the first time anyone got more than a year and you passed that.

Mr. Dasti: Next year you can limit it to X carry over.

MOTION: To approve

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

10. (278-2008) Accept CFO Report – November, 2008

MOTION: Accept CFO Report – November, 2008

WHEREAS, the Chief Financial Officer has prepared a Cash Management Report for the month of November, 2008; and

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

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

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

1. The cash management plan submitted by the Chief Financial Officer for the month of November, 2008 attached hereto is hereby approved.
2. Copies of this resolution be sent to the following:
 1. Municipal Administrator
 2. Auditor
 3. Chief Financial Officer
 4. All other interested parties

Motion: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. McAlindin

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

11, (279-2008) Accept Void Check Report

MOTION: Accept Void Check Report

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

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

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

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Point Pleasant Borough in the County of Ocean, and the State of New Jersey that David A. Maffei is hereby appointed by the Governing Body of Point Pleasant Borough as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections of Point Pleasant's Borough Code at an annual salary of \$1.00.

CERTIFICATION

I CERTIFY THAT THE FOREGOING Resolution was duly adopted by the Borough Council of Point Pleasant Borough at a regular meeting held on December 16, 2008, a quorum being present and voting in the majority.

DAVID A. MAFFEI, RMC, CMFO, Municipal Clerk/Administrator

MADE: Mr. Pyrtko SECOND: Ms. Rogers

Ms. Rogers: I would like to make a proposal on that appointment.

Mr. Maffei: You need to have the name and the compensation as part of this.

Ms. Rogers: At the last meeting we discussed putting feelers out as far as what other towns are doing for compensation. Was that done? Ha anybody established a reasonable compensation.

Mr. O'Rourke: We need a thorough discussion on who we are going to do this and I would like Mr. Maffei to do this temporarily.

Ms. Rogers: I would like to propose Carol Wolfe from Homes Now. Carol Wolfe has sat on the board of Directors of COAH just short of ten years and currently is handling Toms River and Bricktown this position and I believe she would be an asset to the Borough.

Mr. Kaklamanis: I had some questions on this myself. Salary, benefits, what the time line is going to be. How much time is involved and daily hands on, part time or full time. What is it going to cost. Who, when, where and how and the guide lines.

Ms. Rogers: The resolution has to incorporate the salary compensation?

Mr. McAlindin: What if we were to name Mr. Maffei for one dollar? Then figure it out.

Mr. O'Rourke: That is a bargain, I will second that.

Mr. McAlindin: The legislature jammed this down our throats with Round 3 COAH regulations that were adopted on August 31st. Every municipality in the State is scrambling to meet the deadline on December 31st and now they are extending the deadline. If we don't pass this stuff the penalty is forfeiture our funds in the COAH trust account which are about \$62,000. As I told people last meeting the estimate of the Round 3 regulations range from \$2 billion to \$8 billion. God only know where that money is going to come from. Till we can figure out what we are going to do maybe Mr. Maffei for \$1.00 is the best deal in the State.

Ms. Rogers: This could change in January. Look for someone and I would still like to recommend Carol Wolfe at that time.

Mr. McAlindin: That salary is payable from the COAH trust fund.

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

Mr. Maffei: Thank you.

12. (281-2008) Endorsing the Housing Element and Fair Share Plan for the Borough of Point Pleasant

MOTION: Endorsing the Housing Element and Fair Share Plan for the Borough of Point Pleasant

WHEREAS, the Planning Board of the Borough of Point Pleasant, County of Ocean, State of New Jersey, adopted the "Master Plan Housing Element & Fair Share Plan" (hereinafter "Affordable Housing Plan") on December 16, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Affordable Housing Plan is attached hereto; and

WHEREAS, the Borough of Point Pleasant wishes to endorse the Affordable Housing Plan; and to seek approval of the Affordable Housing Plan from the Court.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF POINT PLEASANT:

1. That it hereby endorses the Affordable Housing Plan as adopted by the Planning Board of the Borough of Point Pleasant on December 16, 2008; and
2. That it hereby authorizes and directs its professionals to file the Affordable Housing Plan with the Court and to seek Court approval of same subject to resolution of a settlement agreement with Point Pleasant Borough Affordable Housing, LLC; and
3. That it authorizes its professionals to submit a courtesy copy of the Affordable Housing Plan with COAH; and
4. That it authorizes its professionals to seek to maintain the temporary immunity that currently exists in conjunction therewith so that the Court can review the Affordable Housing Plan and so that the Borough can respond to any judicial concerns free from unnecessary lawsuits brought on the basis of the Mount Laurel doctrine; and
5. That notice of the application for approval of the Borough's Affordable Housing Plan shall be published in a newspaper of regional circulation and the Borough shall otherwise provide all the notice the Court deems appropriate of the date the Court sets a hearing on whether the Affordable Housing Plan satisfies the Borough's affordable housing responsibilities under applicable laws. Said notice shall give the public sufficient time to review the Borough's Affordable Housing Plan and offer any comments that individual or entity may deem appropriate.

Dated: December 16, 2008

I, David A. Maffei, Borough Clerk/Administrator of the Borough of Point Pleasant, do hereby certify that the foregoing resolution was duly adopted by the Committee of said Borough at a meeting held on Tuesday, December 16, 2008.

MOTION: Adopt Resolution

MADE: Mr. O'Rourke

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

13. (282-2008) Bills and Claims

MOTION: Approve Bills and Claims

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

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

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

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

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available to pay said bills, and has certified 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.

COMMERCE BANK

ACCOUNT

2008

2009

CURRENT

\$11,404,936.04

**WATER/SEWER
CURRENT CAPITAL**

3,769,745.95

WATER/SEWER CAPITAL

TRUST

RECREATION TRUST

RECREATION TRUST (New Account) 2,434.55

DOG TRUST

ESCROW TRUST

PUBLIC DEFENDER

PAYROLL

SPECIAL POLICE LAW ENF.

OPEN SPACE

TOTALS

\$

\$15,177,116.54

COMMERCE BANK

CURRENT:

Point Pleasant Board of Education	\$5,304,404.17
Treasurer State of N J Green Trust	9,482.93
Depository Trust BANS Principal	5,657,485.00
Depository Trust BANS Interest	138,687.22
Horizon Blue Cross Hosp. Jan.	136,729.91
Horizon Blue Cross Dental Jan.	8,146.81
Ocean County JIF (estimate)(due 1/15/09)	150,000.00
Total	\$11,404,936.04

WATER/SEWER:

Depository Trust BANS Principal	\$3,502,450.00
Depository Trust BANS Interest	88,038.94
Horizon Blue Cross Hosp. Jan.	27,638.95
Horizon Blue Cross Dental Jan.	1,618.06
Ocean County JIF (estimate)(due 1/15/09)	150,000.00

Total	\$3,769,745.95
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RECREATION TRUST:

Horizon Blue Cross Hosp. Jan	\$ 2,297.89
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Horizon Blue Cross Dental Jan.	136.66
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Total	\$ 2,434.55
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MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. Pyrko

Mr. Pyrko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

MOTION: To include the upgrade to the CAD system that it be incorporated through either the State Bid or an Open Bid

MADE: Ms. Rogers

SECOND: Mr. Dikun

Mr. Pyrko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

14. (283-2008) Authorizing the Award of Five (5) Contracts for the Additions and Alterations to Municipal Facility and Declaring a Breach and Violation of the Bid Process by Two Bidders and their Associated Bonding Companies and Rescinding Resolution No. 256-2008 – G. P. Parlamas Inc. - \$2,837,103.00, J.G. Schmidt Steel 0 \$34,200.00, Three g's Plumbing & Heating - \$207,789.00, Peterson Service Co. Inc. - \$250,504.00, Pat Maggio & Son Electric, Inc. - \$541,000.00

MOTION: Authorize the award of five (5) contracts for the Additions and Alterations to Municipal Facility and Declaring a Breach and Violation of the Bid Process by Two Bidders and their Association Bonding Companies and Rescinding Resolution No. 256-2008

WHEREAS, the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey (hereinafter referred to as the "Borough"), has solicited bids for the additions and alterations to the municipal facilities (the "project"); and

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

WHEREAS, the bids have been solicited by the Borough for the project based upon a process involving five (5) separate bids and five (5) separate contracts for the various sections of the project; and

WHEREAS, the bid tabulation for the five (5) contracts, as prepared by the Borough's Consulting Architect for the project, John J. Veisz, is attached hereto and made a part hereof; and

WHEREAS, the apparent lowest responsible bidder for the general construction work (Contract No. 1) is Ascend Construction Management, Inc.

("Ascend") and the apparent second lowest responsible bidder for Contract No. 1 was Carter Contracting Company, Inc. ("Carter"); and

WHEREAS, Ascend, by letter dated October 27, 2008 and Carter, by letter dated November 10, 2008, have withdrawn their bids after all bids were opened, claiming clerical errors and mathematical mistakes on behalf of each of the bidders; and

WHEREAS, the Borough has been advised by the Borough Solicitor that the bid bonds submitted by the bonding companies for both Ascend and Carter should be contacted in order that the bid bonds, in the amount of \$20,000.00 each, should be claimed by the Borough and forfeited by the bonding company because of the violation of the bid process by each of the aforementioned bidders; and

WHEREAS, the next apparent lowest responsible bidder for the project, G&P Parlamas, Inc., has submitted the appropriate documentation all of which has been reviewed by the Borough Solicitor and Borough Architect and found to be acceptable as to form and content; and

WHEREAS, the bids for the apparent lowest responsible bidders for Contract No. 2 (Structural Steel and Ornamental Iron Work); Contract No. 3 (Plumbing, Drainage, Gas Fittings, Sprinkler System and all Kindred Work); Contract No. 4 (Heating, Ventilating, Air Conditioning and all Kindred Work); and Contract No. 5 (Electrical Work) have been reviewed by the Borough Solicitor and Borough Architect. All of the bid documentation submitted by the lowest responsible bidders for Contract Nos. 2, 3, 4 and 5 has been found to be acceptable as to form and content; and

WHEREAS, the awarding of the five (5) bids to the apparent lowest responsible bidders, including G&P Parlamas, Inc. for Contract No. 1, is in conformance with the Borough's budgetary constraints:

NOW, THEREFORE, BE IT RESOLVED, this 2nd day of December, 2008 by the Borough Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough accepts the recommendations of the Borough Solicitor and Borough Architect and hereby awards the contracts to the following bidders:

(a)	Contract No. 1 – G&P Parlamas, Inc. -	\$2,972,103.00
(b)	Contract No. 2 – J.G. Schmidt Steel -	\$ 34,200.00
(c)	Contract No. 3 – Three G’s Plumbing - & Heating	\$ 212,289.00
(d)	Contract No. 4 – DeSesa Engineering - Company, Inc.	\$ 277,900.00
(e)	Contract No. 5 – Pat Maggio & Son - Electric, Inc.	<u>\$ 561,000.00</u>
	TOTAL	\$4,057,492.00

BE IT FURTHER RESOLVED that based upon the recommendations of the Borough Solicitor the Borough Council hereby determined that Ascend Construction Company, Inc. and its bonding company, Bond Safeguard Insurance Company, as well as Carter Contracting Company Corp. and its bonding company, Ohio Casualty Insurance Company, are hereby deemed to be in violation of the bid submission and the Borough hereby declares that each of the respective bonding companies forfeit the bid bond in the amount of \$20,000.00 each to the Borough;

BE IT FURTHER RESOLVED that the Borough authorizes and directs the Borough Solicitor and Borough Architect to undertake any and all necessary steps in order to implement the intent of this resolution, including the appropriate legal proceedings if necessary to claim the aforementioned bid bonds from the two (2) bonding companies;

BE IT FURTHER RESOLVED that the Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this resolution;

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded by the Borough Clerk to the following:

- (a) Honorable Martin Konkus, Mayor;
- (b) David Maffei, Borough Administrator/Clerk;

- (c) Jerry J. Dasti, Esq.;
- (d) Judith Block, CFO;
- (e) John J. Veisz, AIA, CSBA

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Borough Council of Point Pleasant Borough at a regular meeting held on December 2, 2008, a quorum being present and voting in the majority.

DAVID MAFFEI, Borough Administrator/Clerk

Prepared by:

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

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

15. (285-2008) Officially Designate Point Pleasant Community Park Band Shell as Lee Birdsall Sharpe Memorial Bandshell

MOTION: Officially Designate Point Pleasant Community Park Bank Shell as Lee Birdsall Sharpe Memorial Bandshell

WHEREAS, the late Lee Birdsall Sharpe was a life-long resident, volunteer, educator, councilmember and friend of the Borough of Point Pleasant; and

WHEREAS, the Borough of Point Pleasant wishes to honor the service provided by and integrity shown by Lee Birdsall Sharpe throughout her life; and

WHEREAS, the Borough Council believes it is a fitting memorial to Lee Birdsall Sharpe to honor her for her unparalleled service by naming the Point Pleasant Community Park Bandshell in her memory,

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 Borough Council authorizes and directs the naming of the Point Pleasant Community Park Band Shell the "Lee Birdsall Sharpe Memorial Bandshell in Point Pleasant Community Park"**
- 2. The Borough Council authorizes and directs the Mayor, Borough Clerk/Administrator to execute any and all necessary documents in order to Implement the intent of this Resolution.**

- 3. A certified copy of this Resolution shall be forwarded by the Borough Administrator to Mayor C. Konkus, Chief Financial Officer, the Birdsall Family and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. Pyrtko

SECOND: Mr. O'Rourke

Ms. Rogers: I know the family is present and I am glad they are here. I had conversations with Lee before she passed and that it be named the Birdsall Bandshell to incorporate not only Lee but to incorporate Jim Birdsall, her Father. I would like to amend the resolution to incorporate Lee and Jim and call it the "Community Park Bandshell in Memorial of the Birdsall Family."

MADE: Ms. Rogers

SECOND: Mr. Pyrtko

Mr. McAlindin: Arty, is that your family's wish?

Mr. Art Birdsall: Speaking for myself, I think it is fine.

MOTION: Amend motion to be in honor or Birdsall Family with communication from the family

MADE: Mr. McAlindin

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

16. (286-2008) Officially Designate the Point Pleasant Borough Recreation Center as the Richard Blake Recreation Center

MOTION: Officially Desitnate the Point Pleasant Borough Recreation Center as the Richard Blake Recreation Center

WHEREAS, the late Richard T. Blake was a life-long resident, volunteer, educator, school Principal, School Board Member, Recreation Commission Member and friend of the Borough of Point Pleasant; and

WHEREAS, the Borough of Point Pleasant wishes to honor the service provided by and integrity shown by Richard T. Blake throughout his life; and

WHEREAS, the Borough Council believes it is a fitting memorial to Richard T. Blake to honor him by naming the Point Pleasant Borough Recreation Center in his memory,

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 Borough Council authorizes and directs the naming of the "Richard T. Blake Recreation Center in Point Pleasant"**
- 2. The Borough Council authorizes and directs the Mayor, Borough Clerk/Administrator to execute any and all necessary documents in order to Implement the intent of this Resolution.**
- 3. A certified copy of this Resolution shall be forwarded by the Borough Administrator to Mayor C. Konkus, Chief Financial Officer, the Blake Family and any other interested parties.**

MOTION: Adopt Resolution

MADE: Mr. McAlindin

SECOND: Mr. O'Rourke

Mr. Kaklamanis: In regard with adding Mr. Frank Mulligan, the man who started this and built and laid block to have this recreation center there. I spoke with his daughter and would like to add his name with Mr. Blake's.

Ms. Rogers: I would like to take from within the rec center and name the gym the Richard Blake, Frank Mulligan Gymnasium.

Mr. McAlindin: I have a special place in my heart for Dick Blake and I think that the Parks Name is River Avenue Park and the building is the Recreation Center and I think it would be appropriate to call it the Richard Blake Center and if someone wants to move to name the Gym the Frank Mulligan Gymnasium maybe we will have accomplished all of that. Dick Blake, like Lee Sharpe I have great admiration for not only their civic commitment but they are both educators and that is a profession that I hold in high esteem. Without public educators we would not have the opportunities we have. In my opinion Mr. Blake deserves to have his name on the building. I think it would be wonderful to name the gym after Mr. Mulligan.

Mr. O'Rourke: The Manasquan Reservoir is named after Stanley Irwin who worked hard there in the parks. You will find that name on the sign. Naming the Rec Center after Mr. Blake will not change the name, people will still call it the rec center. There is a time to do something like this and this is one of those times.

Mr. Kaklamanis: Back with the Community Park a lot of people thought that it would be taken off and put the Christy Pearce Rampone name on the park. That was not true, the field is named after Christy Pearce. My intention is to keep it the Point Pleasant Rec Center with Richard Blake and Frank Mulligan Gymnasium.

Mayor Konkus: Right now, the motion on the floor is to name the Borough Recreation Center as the Richard Blake Recreation Center.

Ms. Rogers: So, we either need an amended motion

Mayor Konkus: We are going to vote on it as it is presented. If it fails we will entertain another motion.

Mr. Pyrtko: No

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: No

Mr. Dikun: No

Ms. Rogers: No

FAILS: Yes

MOTION: To name the Recreation Center after Richard Blake and the gym after Frank Mulligan

MADE: Mr. O'Rourke

SECOND: Mr. McAlindin

Mr. Pyrtko: No

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: No

Mr. Dikun: No

Ms. Rogers: No

FAILS: Yes

MOTION: To propose to name the renovated new gym at the Rec Center after Richard Blake and Frank Mulligan

MADE: Ms. Rogers

SECOND: Mr. Pyrtko

Ms. Rogers: I would like to rescind my motion to carry this to the next meeting when the Mulligan Family can be here.

SECOND: Mr. Dikun

Mr. Pyrtko: Yes

Mr. McAlindin: Abstain

Mr. O'Rourke: Abstain

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

17. (287-2008) Requesting Review and Approval of Borough' Affordable Housing Trust Fund Spending Plan

**RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF POINT
PLEASANT REQUESTING THE COURT TO REVIEW AND APPROVE
THE BOROUGH'S DRAFT SPENDING PLAN**

WHEREAS, the Council of the Borough of Point Pleasant will ask the Court for a Judgment of Compliance and Repose in December of 2008 to approve its Housing Element and Fair Share Plan; and

WHEREAS, the Borough of Point Pleasant has an approved development fee ordinance currently in place, and will be adopting an updated development fee ordinance by the end of December 2008; and

WHEREAS, the updated development fee ordinance will be approved shortly thereafter by the Court Master and the Court; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or funds collected in connection with the Borough's affordable housing program; and

WHEREAS, a municipality with an affordable housing trust fund should receive approval of a spending plan prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Borough of Point Pleasant has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Point Pleasant, County of Ocean, requests that the Court review and approve the Borough of Point Pleasant's spending plan.

I, David A. Maffei, Borough Clerk/Administrator of the Borough of Point Pleasant, do hereby certify that the above is a true copy of a resolution adopted by the Borough Council at a meeting held on December 16, 2008.

DAVID A. MAFFEI, RMC, CMFO Municipal Clerk/Administrator

MOTION: Adopt Resolution

Ms. Rogers: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

18. (288-2008) Requesting Review and Approval of the Borough's Development Fee Ordinance

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF
POINT PLEASANT REQUESTING THAT THE COURT
REVIEW AND APPROVE THE BOROUGH'S
DEVELOPMENT FEE ORDINANCE**

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of a Court of competent jurisdiction and that have a Court-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a

municipality to prepare and submit a development fee ordinance for review and approval by the Court that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, Point Pleasant Borough has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Point Pleasant, County of Ocean, requests that the Court review and approve the Borough of Point Pleasant's development fee ordinance.

CERTIFICATION

I, David A. Maffei, Borough Clerk/Administrator of the Borough of Point Pleasant, do hereby certify that the above is a true copy of a Resolution adopted by the Borough Council at a meeting held on December 16, 2008.

DAVID A. MAFFEI, RMC, CMFO, Municipal Clerk/Administrator

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

19. (289-2008) Appoint Liz Herschel as Secretary of Open Space Advisory Committee

MOTION: Appoint Liz Herschel as Secretary of Open Space Advisory Committee

WHEREAS, a need exists for a secretary for the Open Space Advisory Committee, and

WHEREAS, it is the desire of the Mayor and Council to appoint Elizabeth Hirschel to said position.

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

1. Elizabeth Hirschel is hereby appointed Secretary of the Open Space Advisory Committee at an annual salary at \$1200.00.
2. That said appointment is on a part-time basis.
3. Said appointment shall become effective December 16, 2008.
3. That copies of this Resolution shall be sent to the Borough Clerk, Chief Financial Officer, Appointee, Open Space Advisory Committee

and any other interested parties.

MOTION: Adopt Resolution

MADE: Ms. Rogers

SECOND: Mr. O'Rourke

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

20. (290-2008) Authorize Acceptance and Execution of Employment Agreement with Police Chief Raymond J. Hilling for the period of January 1, 2006 through December 31, 2009

MOTION: Adopt Resolution Authorizing Acceptance and Execution of Employment Agreement with Police Chief Raymond J. Hilling for the period of January 1, 2006 through December 31, 2009.

WHEREAS, the Borough Council of the Borough of Point Pleasant, County of Ocean, State of New Jersey (hereinafter referred to as the "Borough") has previously appointed Raymond J. Hilling as chief of Police of the Borough of Point Pleasant Borough; and

WHEREAS, the Borough is aware of Chief Hilling's loyalty to the Borough and its Police Department, based upon approximately twenty-eight (28 years of service; and

WHEREAS, the prior Employment Agreement by and between the Borough and Chief Hilling expired by its own terms and conditions on December 31, 2005, and Chief Hilling has continued to serve as Chief of Police without a contract; and

WHEREAS, a proposed Employment Agreement has been prepared by the Borough Solicitor and reviewed by the Borough Council and found to be acceptable; and

WHEREAS, the proposed Employment Agreement is on file at the office of the Borough Clerk and can be reviewed by the public during normal business hours;

NOW, THEREFORE, BE IT RESOLVED, this 16th day of December, 2008 by the borough Council of the borough of Point Pleasant Borough, County of Ocean, State of New Jersey, as follows:

1. The Borough accepts the terms and conditions of the Employment Agreement as prepared by the Borough Solicitor. A copy of the Employment Agreement is on file at the office of the Borough Clerk and can be reviewed during normal business hours.
2. The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute the Agreement and any and all other necessary documents in order to implement the intent of this resolution.
3. A certified copy of this resolution shall be forwarded by the Borough Clerk to the following: Honorable Martin Konkus, Mayor, Chief Raymond J. Hilling, Judith Block, CFO, Jerry J. Dasti, Esq., Damien Shammus, Esq.

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Mr. Pyrtko

Mr. Pyrtko: Yes

Mr. McAlindin: No

Mr. O'Rourke: No

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

D. RESOLUTION (284-2008) 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. To Approve Council Meeting Minutes of November 18, 2008.
2. To Approve Council Meeting Minutes of December 2, 2008.
3. To Approve Application Raffle License, Point Pleasant Foundation for Excellence in Education, off Premise 50/50 to be held March 13, 2009.

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

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

MOTION: Adopt Resolution

MADE: Mr. Dikun

SECOND: Ms. Rogers

Mr. Pyrtko: Yes, abstain on November 18, 2008 minutes.

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

E. AUTHORIZATIONS

1. Manual Checks

MOTION: Mr. Pyrtko

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. O'Rourke: Yes

Mr. Kaklamanis: Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

2. Authorize Councilmember Rogers to assist with Training Payroll Clerk in Finance Office

MOTION: To authorize Councilmember Rogers to assist with Training Payroll Clerk in Finance Office

MOTION: To table to we discuss this in Executive Session

MADE: Mr. O'Rourke

SECOND: Ms. Rogers

Mr. Pyrtko: Yes

Mr. McAlindin: Yes

Mr. Kaklamanis: Yes

Mr. Kaklamanis; Yes

Mr. Dikun: Yes

Ms. Rogers: Yes

CARRIES: Yes

F. DISCUSSION

1. Siren Warning System

Mr. McAlindin: I asked that this be put on the agenda. Over the years we have gotten complaints that are pretty much the same. The frequency with which the First Aid Siren sounded. I know how everyone feels on this. Apparently, this has not gotten any better. My suggestion some time ago remains the same. If you rely on your pagers for first call and use the alarm for second call only you would cut down the amount of second calls by about 50%. I still feel that way. The same people that are affected by the noise still have the same problem. It is not a lack of appreciation to our First Aiders. I think you do a fantastic job. It seems like the technology is sufficient to rely on the pagers. I would ask that Council consider doing that.

Mr. Pyrtko: You are basing your thoughts on one complaint. When that person was in this room I wanted to ask her but I did not want to put her on the spot. Has the First Aid or the Fire Company ever responded to that house? I guarantee you in my years that if they had that siren would not be an issue. God forbid if it ever happens but anyone that had the fire or first aid to respond to their house for a call of need welcomes that siren knowing that the volunteers are on their way. We are a volunteer and as long as I live in this town I will vote to stay volunteer. As far as what we have done to accommodate one person I think we went above and beyond. When that siren goes off more than once it means they are calling for help whether it be one time in an hour or five times in an hour. Obviously, if it goes off more than once there is either a duplicate call or a second request. If that is a second request then that should tell this public that we need more volunteers. That is all I can say about that.

Mr. Kaklamanis: I met with the Gentleman from the siren system about a year ago and what he informed me was when the siren sounded, his opinion and his expertise, whatever volume, if there was ever a disaster, a hurricane, a tornado, a major disaster and they had to be used as loud speakers, he told me the volume is not high enough. His opinion was the volume should have been increased. There again, if we had a major storm and they had to hear the volume or an announcement they would not hear what was coming out of the speakers. He wanted to increase the volume. My opinion on this is stay as it is.

Mr. Dikun: I see the First Aid Captain and the two Fire Chiefs are in attendance and I do believe it should be up to the people doing the work to make the decision on what they need to do their jobs. They are getting up during the night they should have what they need.

Mr. McAlindin: I think there has been more than one person that has complained.

G. COMMITTEE REPORTS

Mr. Dikun: At the last meeting we voted to move on with the project at the Hardenburgh well which they anticipated getting it going. We hope before Christmas the project will be completed. I know it is early but I spoke to Mr. Maffei about this, next year I plan to donate \$1800 to the three parades that we have during the year and \$500 to the High School Hockey Team and the remaining \$1000 to both fire companies. More importantly I want to commend Roger and Brian on their last meeting tonight. It takes an awful lot making decisions that affect an awful lot of people. I want to extend to everyone a Merry Christmas and Happy New Year.

Mr. O'Rourke: Merry Christmas and Happy New Year and I hope you all have a good season. We will be back here in the earlier part of the year to start this government up again. Government is a work in progress always. I am looking around the room and there are only a couple of people I don't know. You are all volunteers. One way or the other you volunteer in the Borough. That is what makes the government in the Borough work. The town runs with volunteers, whether they are First Aid or Environmental Commission. We need volunteers to make this town work well. We cannot afford to pay everyone for what we need to make everything to happen in this town. We cannot afford a paid First Aid or a paid Fire. Sometime in December I always say nice things and I am happy to see so many volunteers. Please keep doing this. I thank you. The big thing coming up is the budget. Attend the meetings. We are going to have a tough budget. We cannot increase the box and

there is nothing left to cut. We are going to be hurting people next year. Roger and Brian it has been fun. We all work hard to make the Borough the best we can make it.

Ms. Rogers: We had our Community Watch meeting last week. It was very well attended and we were scheduled to have a speaker in from the Red Cross to talk about Emergency Management and we fell subject to an emergency situation with the Neptune Sub Station that caught fire and the woman was called out to duty and was unable to attend our meeting. We improvised and got emergency management training. On top of that we had Jude Walker talk to residents about fire safety and he talked to the residents and Lt. Colwell talked to the residents about speeding on Borough streets. He also talked about some of the grants he gets to help enforcement. We did give out the American Red Cross personal emergency preparedness kit. I want to extend a big thank you to Nick and Jude and Lt. Colwell and the Chief as well as Captain Williams for supporting this program. We did not totally reach our goal to have every street on board. We are 42 streets short but we will keep working. Another thing that happened was the Borough had a situation where two gentlemen were representing themselves as public works people. It was regarding staged burglaries. There was a gentleman in the Borough where two gentlemen came to his home and one gentleman knocked on the door, they were in red truck and he said there are pressure problems and we need to get into your basement to check the pressure. The older gentleman let the guy in and the guy went into the basement and said I need you to come down here to go over the problem with you I think he did not feel comfortable with the situation. The other gentleman was out on the side of the house. If he had gone into the basement the second person comes in and goes into the home and grabs as many things as possible. It is a grab and run. The gentleman was smart enough not to go into the basement and the guy came out and left. He called the police department and they checks with DPW and there was no one out that day and there were no pressure problems and what the police want to get out to everyone is when in doubt lock them out. All Borough personnel have ID. You should ask for ID. You can get on the phone and call the Administrator or call the Police Department. They know everybody that is out there. Be very careful. Police are continuing the investigation. Open Space is scheduled for next week. I am not sure if the meeting is going to take place. Environment met last evening. I would like to wish everyone a healthy and happy holiday. Please be careful driving with all the holiday parties. I also share the sentiments of Shaun and Bill and wish Brian and Roger the absolute best. They have been wonderful, wonderful servants to the Borough and will be sorely missed.

Mr. Kaklamanis: The Riverfront Park is moving along. It has been paved. I went down Sunday after the severe rain and there was a lot of erosion. I did sent an e-mail to Bob Forsyth in regards to that. I want to thank Scott Conklin for the input on the park rules and regulations. It will not go unnoticed. As far as the rec center we are in the process, the Borough engineers did a survey for the access and the door opening and the parking for the rec center. I did note at the Riverfront Park about the picnic tables. I am glad in the new year we will put to rest the naming of the Rec Center and the Band Shell. I want to thank Brian and Roger for their dedication and service to the town. They have a lot of knowledge and experience. I wish to congratulate Jack McHugh and Chris Leitner. They will see what is involved with the budget and coming on board we can hopefully all work together. We did attend a meeting of the Municipal Joint Insurance Fund and just to let you know the items have gone up 2/3rds with the local unit workers compensation since 2000. That has taken a drastic jump. When we attend these affairs each of us save the Borough \$250.00 in insurance premiums. I wish to wish everybody Happy Holidays, Mayor and Council and all the people and I thank all the emergency services of Point Pleasant, the Police, First Aid, Fire, and all the volunteers that dedicate their time by serving the public. Thank you very much. Hopefully, 2009 will be working forward and like Shaun said it will be a tough year with the budget. Thank you very much and have a Merry Christmas.

Mr. McAlindin: Administration and Finance, the bond rating was increased to A-3. That is the good news, the bad news is due to the credit melt down, no municipal bond market anymore. There is hope and there are several that expect the market will improve going forward. It has been a high honor and a privilege to serve the people of Point Pleasant, The volunteers, as Shaun said earlier, you are the ones who make the town work. Whether it is fire, first aid, coaches, umpires, referees, that is what this town is all about. I am glad to

have dedicated much of my time to the town I love. It is the place I chose to raise my family and I don't think I could have picked a better place. Thank you all who volunteer, thank you to all of my colleagues, you have all earned my respect. I wish you all well going forward. We have had debated times and no bad decision ever comes from a good debate. Thank you for putting up with me. Thank you Mr. Maffei for your professionalism and your leadership and thank you Mr. Dasti for your expertise as our Borough Attorney. I remain convinced that you are the best in the business. Mr. Mayor is has been a pleasure to be with you for the last six years. I wish you all well and a Merry Christmas and a Happy New Year.

Mr. Pyrtko: Under Public Works, the leaves are getting picked up. Streets look good, new street sweeper. When we were getting it lettered, Mike Howerton, I told Dennis to put Mighty Mike on the new sweeper as a goof. If you see it it says Mighty Mike. It is a tribute to Mike because he does a good job. He doesn't hit anything. The Borough received a check for the recycling program from the County for the first half of 2008 for \$30,679.13. My hats off to you guys with recycling. As you know, this is my last meeting with the forced retirement that has been bestowed upon me. I have seen more people that said they voted for me. I had one guy that told me he is a staunch democrat and you are the only republican I ever voted for in my life. I am a true believer that everything happens for a reason. Number one, my blood pressure has gone down and for what I went through in the past two years has got to come down. I am going to kick ass in my business which suffered because it was show a house or attend a meeting. It was a choice I made and whatever I do I give it my all. I was trying to think of what to say today and it hit me this morning in the shower. I come up with some good thoughts in the shower. I look at this Mayor and Council and this whole set up as the Land of Oz. Therefore, Sue Rogers, your ambition in this town and what you have done in the year you are here has been nothing but good for this town. However, the way you present it is another story. But I look at you as the good witch of the east. Billy Dikun, he has skin so thick you can't imagine but inside that thick skin he has a heart of gold. Therefore, you are the Tim Man. Brian, you could think of more things than you could shake a stick at and sometimes you talk before you think so therefore, you are the scarecrow. Shaun, I don't know what the hell you say half the times but sometimes you need a little courage so therefore you are the Lion. Now the Cowardly Lion. Mayor, When I was Acting Mayor when I would sit in that seat I saw that when an irate citizen came up here to you you could just elegantly smooth them right out. You don't BS the person but you have a gift. You are the Wizard. Jerry Dasti, Borough Attorney, I left the name in my office and I don't remember it. With your direction and how you can lead us and guide us legally, illegally, whatever. You just seem to get us through it. You are the Director of the movie. You have certainly been compensated like the Director of the movie. A fine job. Chris and Jack, you won the election. You did a fine job. You two guys are the monkies. When they came in and did their job and then they are out. John K, my brother from another Mother. You were the most devoted person I have ever met. You are my Todo. Dave, Administrator Dave, who has been through thick and thin with us, who answers his e-mails and get bombarded from all seven of us at one time or another and just seems to make it okay. You are Auntie M. To the public, you are munchkin land. I am gonna follow the Yellow Brick Road and I am going home.

APPLAUSE.

Mr. Pyrtko: One more statement, under Public Works, we have salt.

Mayor Konkus: As everyone has probably noticed they are doing work on Beaver Dam Road. We have a memo from the Superintendent of Public Works dated December 5th. The County notified him they would be here on December 8th. They said it would last about a week. Roger, reported on the recycling. We have correspondence from our Board of Chosen Freeholders and it say that on Decemer 3rd they adopted a resolution strongly urging that joint legislative hearings on the State of the Barnegat Bay Estuary be held in the near future and that every effort is made to provide State Funding to restore this. The contents of their resolution is that it is a National Estuary Program Site by the US Congress on July 10, 1995. I thought it was rather interesting. They are appealing to the Governor and municipalities. Roger and Brian, Roger, you talk about the salt. I hope everybody

realizes that you are the salt of the earth. In your own ways you both approached your duties to the public in totally different way but with complete dedication. I have never seen two gentlemen accept their duties with 100% effort. Roger, you followed up on all of your committees to every degree and you made my job easy. I had no follow up to do on anything. Brian, the same is true about you. Your approach was totally different. You attacked everything from every angle and I expected you to burn out long before this. I commend you on your endurance. I am going to miss the both of you. Thank you again, for making my job easier. I wish you both the very best in moving forward. To the public, the best of this holiday season to all of you. Remember the spirit of the holiday.

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. McAlindin

APPROVED: All in Favor

Runyon Court: We are very fortunate in this community. We have over 35 volunteers in the First Aid alone. I am not sure about the Fire Companies. There are many communities in this area and in this State and across the Country that don't have the fortunate amount of volunteers that we have. Many towns and municipalities are forced to go to paid agencies because they don't have enough volunteers. We are very, very blessed. Someone said the technology is there right now, it is but we don't have it. I sit at my house ten or fifteen blocks from here and the radio I have is all static at best. I will get a page and all I hear is First Aid and requested. I don't know where I am going or what I am doing. I end up going to the building not knowing what is going on. The siren system that we currently have only 1/5th of one siren is currently working. That is the understanding that I had a couple of weeks ago. There are a few issues with this and I think this needs to be looked at some more before we take any more action. Our current system is not adequate. Not at all. Thank you.

Eli Milewski, 2401 River Road: This is John's pet peeve at the park which I live next to. I have been watching the construction going on and they move dirt from here to there and here to there. After the rain storm came and just washed all the dirt into the River. I know after I made a few e-mail complaints, the next day within hours they filled up all of the erosion so you really could not get the true perspective of what was going on over there. I feel my tax dollars and the money we got from the hospital sale is going to waste because the next storm we get all the field are going to end up in the River. They used concrete to backfill and the River is full of rocks, dirt and mud. I brought pictures of which you will never see again because they cover up their mistakes. There was a letter from the Engineer, I am not an engineer, but he did say there was filter paper over the drain. He blamed that for the occurrence that happened. I have pictures prior to the storm. There was no coverings. I don't know who is responsible for this. Is Bob Forsyth? I brought some of the letters. Chris Constantino had written. He took the initiative to look into the drain pipes. I just looked from the surface. All the mud is inside the drain pipes as well. These pictures are in black and white. They are in color at an e-mail address. They were taken with my camera on my cell phone and they came out pretty good. I will give you these and you can give them back to me. If you want me to e-mail them to you I can.

Mr. Pyrtko: Why don't you do that?

Ms. Milewski: They painted a better picture than it really was. I don't know what you are going to do about this but I feel in years to come we will be paying the price for the poor management of the park. Whatever we can do now to correct the problem, don't pay these people until we have an established park. Hold back to see how it will hold up to storms.

Mayor Konkus: The contractor is responsible for the restoration at no additional cost to the Borough. Once the proper vegetation and the sod is down along the waterway there will be natural washing in and out.

Mr. O'Rourke: Eli, I walked the Beach this morning and there is no crap on the beach.

Ms. Milewski: I didn't say crap.

Mr. O'Rourke: There is no concrete and rubble there. They didn't use that to backfill that.

Ms. Milewski: I have pictures to prove. They went back and hid the evidence. It washed down all the way to the electrical lines on that beach.

Mr. O'Rourke: I am sorry. I am talking about what I saw when I walked on the beach this morning. It was a cleaned sand beach.

Ms. Milewski: Of course, they went back on the weekend and filled everything up so you could not see it.

Mr. Kaklamanis: Sunday I went down there and a lot of it was back filled and covered by bulldozers from the boardwalk to the water's edge. There was still erosion.

Ms. Milewski: All the money we spend, I am not an engineer. This is what I see as a lay person. What a mess. The Riverfront, I have been in this town since 1968 and I brought my kids down to that beach and it has never looked in such poor condition as it does now.

Mr. O'Rourke: The bulkhead, that was dangerous with all the rocks and stones.

Ms. Milewski: That was not a bulkhead, it was the hospital parking lot.

Mr. O'Rourke: It was falling right into the river. It was a safety hazard.

Ms. Milewski: Go down there and take a better look.

Jeff Smith, 3202 River Road, Chief of Fire Co. #2: Bill Dikun, thank you again for your second generous donation. We appreciate it. Councilwoman Rogers, you have donated a portion of your salary in the past to us and our members appreciate it.

Ms. Rogers: It will happen again in 09.

Mr. Smith: Let me talk about single points of failure. Councilman, you say the technology is there with the pager system. You are right and the technology is there with the electric distribution system too. Ms. Rogers will tell you that she tried to have a meeting here and one sub-station blew up in Red Bank and took out all of Monmouth County. That is because reliability engineering and the power grid is not there anymore. Reliability Engineers will tell you that you need at least double or triple redundancy to keep your mean time between failures low. To make sure that things work. Our repeaters, whether it is a First Aid repeater or a Fire repeater is a single point of failure and make sure that things work. Our repeaters whether it is a first aid repeater or a fire repeater is a single point of failure that alerts the members of the fire companies and the first aid if there is an emergency in town. If either repeater behind the police department goes out and if the antenna is struck by lightning, an airplane whatever. We have sat in this room at meetings and members repeaters have not gone off because the repeater is out so if something does not make noise how will you get help. That is why you need a siren system that works. We can debate and argue how many times you blow it but there has to be at least double redundancy. There has to be another way to alert people that there is an emergency in town. Even failing civil defense problems, one point of failure is an electronic repeater and they have failed before. Before we eliminate the siren system as we talk about the siren system and neglect the siren system, the one over by Graziano's hardly ever works and we better think about that. The people who are dialing for help have a right to expect that

help is coming in a timely fashion. We are all volunteers and if we don't hear the call and if there is a siren system you have a chance of waking up firemen or first aid who can get to their building. If we don't know there is a fire we are not going to get there. We were here for a budget session and it didn't go off. We only have one form of failure. We really need three forms of failure. I still think you need a siren system. You saw it in Red Bank. I would like to thank the two Councilmen who are leaving. Roger, I know I am going to miss you at the budget session this year when I say I need an ax and you ask me how many axes number one has. Brian, I just hope you have come to realize we are not all bamboozlers. Have a good Christmas. Thank you.

Catherine Suskavich, Edgar Road, I guess you didn't see me here tonight.

Mr. Pyrtko: I did not see you through the flowers. I would have said what I said anyway.

Ms. Suskavich: That was untrue and dishonest that only person

Mr. Pyrtko: Not dishonest, it is my perception.

Ms. Suskavich: I want to make sure that last year residents from all three neighborhoods signed a complaints about the noise of the first aid siren. That would make your statement untrue. In some neighborhoods there were multiple complaints received by the Board of Health. Do you remember that.

Mr. Pyrtko: Yes.

Ms. Suskavich: Do you remember the article in the New York Times

Mr. Pyrtko: I don't read the Times.

Ms. Suskavich: It was 100 decibels in their back yards. It was unfair and untrue that it was one person. Maybe a backup generator for the repeaters would be a good idea. I think we have real quality of life issues. I find it disturbing that you jump to help the people at the Hardenburgh Well pump with their noise problem but this noise problem get no support whatsoever. Also, I wish the Borough would question Federal Signal on the decibel level of the FEMA use of the siren and the seven time a day very loud in my living room the First Aid siren. I feel like this whole Federal Signal thing has been a big Pied Piper experience. Don't ask me why I brought these newspaper articles tonight about the fully adjustable and fully tailorable siren system. We have really been led astray with this. It was supposed to be adjustable. Make them adjust it for a higher level. I want my hearing. I think Mr. Pyrtko forgot when Ms. Sharpe was here and the volume went up she opened a discussion by saying okay we got a lot of e-mails on that. Do you remember that?

Mr. Pyrtko: No.

Ms. Suskavich: I think we need to think about how many times it goes off and the quality of life of the people in the three neighborhoods. We have ear drums. Spend some more money on repeaters.

Steve Schwarz, 1220 River Avenue, I just want to come up and thank Councilman Dikun and Councilman Kaklamanis and Roger, I think you did a great job in summarizing the issue that we have had for the last twelve years with the siren.

Mr. Pyrtko: It comes from the heart, trust me.

Mr. Schwarz: I know it does. Three of you hit on why it is there and why it is needed. We went through all the decibel nonsense. Thank you.

Dianne Colangelo, Captain of the Point Borough First Aid Squad: I want to know what is your agenda. You are leaving and you have to put this on the agenda for today and you didn't put it on all year but you put it on tonight. I can't even believe you did that. You are going out with a real big bang. Thank you for all you support and for voicing your support plus we did address the complaints of the residents. We went from a siren to a chime. This is lower. I can tell you personally what you are saying about the technology, the technology is not there. What happens when the police desk goes down and it does go down. We need the siren or the chimes. Consider it is a life saver. Not everyone has a radio attached to

their body. I go running. I can go running to Bay Head and cross over the Bridge and come back and they will say did you know there was a first aid call? I said I was on the Bridge and I heard nothing. Even being on the street I don't even hear it and that is how much it has toned down. I ask you for your support and I ask you to reconsider and if it is going off twice in an hour that means there are two calls. People are sick. Our community is getting older and there are more calls going out. I am sorry if the chime is going off. It is a cry for help.

Steve Hanna, 2364 Bennett Avenue: I am also a member of the First Aid. On behalf of the first aid this emergency system as far as scanners and radios go there is technology out there. They do make it but we do not have it. It is unreliable at times. It sometimes goes off and sometimes it doesn't. We only can hope that the siren is working properly so that can alert you. That has failed in the past also. If anything is to be looked at with the siren it probably should be getting what we invested so much money into and get it working properly. It doesn't work properly. We are trying to turn it down. We spend a lot of money on something we are only getting a portion out of. I think for one person or whoever complains they probably have not had a call at their house and they don't wear our pagers or radios. You really need to look at what we are working with. When one thing fails the other has to work. We have to upgrade. We need the siren.

Scott Conklin, 2207 North Road, Roger, I thank you personally for your service. When I first came to the Borough the Public Works Department was pretty shabby years ago. I was there the other day and it was a pleasure to dump my own metal off and see the new vehicles. You can see your tax dollars. Thank you for serving. Brian, thank you for your service, I will miss your e-mails. The budget was the toughest.

Cindy Popiel, Curtis Avenue: I just want to make a couple of points. Our first aid squad went out on 1,206 calls for the year. On Curtis Avenue I don't hear the tones. I miss calls. I think we are up here fighting to keep a system that may save her life someday.

Charlie Wills, 1306 Barton Avenue, She was complaining about the decibels, the Board of Health came in and said there was nothing wrong with it. You got all new sirens because one or two complained out of 20,000. You put new sirens, the chimes, now you are leaving and you want to make a big deal about getting rid of the sirens so you have something under your belt. Thank you.

Mitch Remig, 2302 River Road. I just want to make a point. I am very dedicated to what I do at the First Aid Squad. After seeing all of these equipment failures and what not, I took my personal money to purchase my own equipment because I knew if someone needed help and our equipment failed that I might be able to help to save a life. One day we had a call middle of the day. I was the only one that showed up and unbeknownst to be I found out I was the only one alerted because of the equipment that I bought. I had to pick up the one and call Point Pleasant Beach and said our equipment failed is there anyway you can notify our members that we have a call. They could not do it. We had them handle to call. Please upgrade what we have or backup what we have. We really need it.

Mr. McAlindin: What did you pick up and how much did it cost?

Mr. Remig: I purchase used equipment off the internet. It was this radio here, this was \$500 used. It is compatible with the system. I purchased another one which is able to alert from wherever I am our members. That was also about \$500. We need an upgrade. Members don't stay in town all day. They go shopping etc. We should have a system that we can hear the calls. We need equipment.

Bob Sabosik, 1415 Rue Mirador: I own a construction company and beepers to not work. We have the best First Aid Squad in this town with dedicated individuals. We should be able to give them what they need to do their job. If we need a siren, let it be a siren. They are providing a service to this town by far that exceeds 99% of the towns in this State. These people work so hard for nothing. We cannot destroy their morale. They are not getting paid. They want to provide a service to the people of Point Pleasant and we should endeavor to do whatever we have to do to make them succeed. Thank you.

Katherine Suskevich: I just want to correct something that was said when the Board of Health was here, the decibel levels were not okay. The Borough loop holed their way out of it by using the FEMA siren rational. The decibels levels are not okay and the addresses are

not anywhere near the siren poles. We have the pre schooler on my street with a history of hearing loss. Move the poles to other neighborhoods for a change. Thank you.

Cathy Rowe, 2605 Spruce Street, This is the first time I have ever attended one of these meetings,

Mr. Pyrtko: Do you know Laura?

Ms. Rowe: No, but I heard that Laura lives in my neighborhood. You guys are really scarring me with this whole first aid thing. My husband works in a hospital and he is an ER nurse and it is a little frightening to think I live in this neighborhood and we have our own health issues and nobody is going to respond. I think whatever has to be done that has to be a priority on the budget for next year. It is frightening to me.

Mr. McAlindin: I was almost sorry that I put it on the agenda but I am glad I heard about all of these equipment failures. We thought we bought you the pagers that you requested. Obviously, this needs to be looked at. Nobody ever came here and said these pagers do not work.

Ms. Rowe: I would just request if you are going to budget soon that you seriously consider this.

Mr. Pyrtko: This will be taken care of. Whoever sits up here it will be taken care of. We got a \$30,000 check from the County and I think this is a good indication.

Chris Leitner: Roger and Brian thank you for your kind words from me and Jack. I just want to say thank you and we hope we can fill your shoes.

Dennis Vitkauskis: Roger, it will not be the same here without you. Tonight was like a Council Roast. It was good entertainment. Have a good time in life. Brian, hope to see you at the budget meetings.

MOTION; To close the public portion of the meeting

MADE: Ms. Rogers

SECOND: Mr. Dikun

ALL IN FAVOR.

EXECUTIVE SESSION

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

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

WHEREAS, those matters relate to the following:

1. Contractual Matters – Negotiation with Teamsters Local 496, Blue Collar, White Collar, School Crossing Guards, Communications Operator, Transport Worker Union of America, Chief of Police.
2. Personnel Matter – Finance Office Part-Time Clerk.

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

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

MADE: Mr. Pyrtko SECOND: Mr. McAlindin

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

CARRIES: Yes

Mayor and Council returned to open session.

MOTION: To consider taking disciplinary action against a particular employee who was discussed in executive session if the circumstances exist.

MADE: Mr. Pyrtko SECOND: Ms. Rogers

Mr. Pyrtko: Yes Mr. McAlindin: Yes Mr. O'Rourke: Yes
 Mr. Kaklamanis: No Mr. Dikun: Yes Ms. Rogers: Yes

CARRIES: Yes

MOTION: To authorize Councilwoman Rogers to assist in training a person in the CFO's office

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

Mr. Pyrtko: Yes Mr. McAlindin: Yes Mr. O'Rourke: Yes
 Mr. Kaklamanis: No Mr. Dikun: Yes Ms. Rogers: Yes

CARRIES: Yes

MOTION: TO ADJOURN

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

ALL IN FAVOR.

