

January 17, 2023

Council Meeting Minutes

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Held in-person at Borough Hall Council Chambers, 416 New Jersey Avenue, Point Pleasant Beach.

Live streamed via <https://www.youtube.com/channel/UCflODKbSFakXUEKiYxSYdUA/live>

The Governing Body reserves its right to amend and supplement the purposes of executive session by motion at the public meeting.

Mayor Kanitra called the regular meeting to order at 7:30PM. The Municipal Clerk read the notice indicating compliance with the Open Public Meetings Act: “Adequate notice of the time and place of this meeting was given under the provisions of the Open Public Meetings Act and was posted and sent to the officially designated newspapers in compliance with the law.” Present were Councilmembers Vitale, Testa, Byrnes, Ramos, Crowley and Migut.

FLAG SALUTE, INVOCATION

APPROVAL OF COUNCIL MINUTES:

Motion by Councilman Ramos to approve the December 13, 2022 Council meeting minutes was seconded by Councilman Vitale and carried by roll call vote.

VOTE: Councilmembers Vitale, Testa, Byrnes, Ramos, Crowley, Migut....YEA

Motion by Councilman Vitale to approve the January 2, 2023 Council meeting minutes was seconded by Councilman Ramos and carried by roll call vote.

VOTE: Councilmembers Vitale, Testa, Byrnes, Ramos, Crowley, Migut....YEA

DEPARTMENT HEAD MEMO: AZO Savacool Memo RE: Curb Cut Request at 209 Forman Avenue

Councilwoman Crowley: this is from the last agenda – had said she has no problem with it because the Engineer said there would be no loss of parking spots – was recommended to be postponed because the Engineer advised them not to start work prior to getting approval.

Elizabeth Micheletti, 209 Forman Avenue, PPB: (Mayor Kanitra: as he remembers, the curb was built prior to approval and wound up taking away a parking space) wasn't finished – they had it re-lined, so Ray said it was not going to remove a spot (Mayor Kanitra: part of the issue is why it was done without approval from the Council).

Brain Martin, representing the builder, Dolphin Homes: applied for and were granted a permit, so they kept building (Mayor Kanitra: only the Governing Body can grant the permit) was not in the package (Atty. Riordan: in PPB, when you want to do a curb cut, in addition to everything you do in every other town, you have to come to the Governing Body and get permission because of the parking problem, especially close to the ocean – we ask that, as soon as you get you are done with the Zoning Bd. and get Zoning approval, come to the Governing Body and ask for approval to do your curb cut before...) typically, if something is missing from the permit package, they won't grant permission to build the home – that is where confusion lies (Mayor Kanitra: probably because they are separate entities – Code/Building Dept. and Governing Body; Atty. Riordan: maybe we should tell Code to tell folks they have to come here first; BA/CFO Riehl: should be checked; Mayor Kanitra: just want to ensure, going forward – parking is at a premium, especially east of the tracks – can't afford to lose one spot every couple months; Atty. Riordan: one day, a curb cut will be built without permission, that takes away parking spaces and we are going to say "fix it" and the homeowner and builder are going to scream and it's going to cost a bunch of money; Mayor Kanitra: a couple meetings ago, someone built a curb cut larger than what would have been approved and it cost a parking space, so we denied it, and they had to, presumably, take away part of the curb cut) Toms River has a similar issue – as long as we never lose a spot, we never assume we have to be granted special permission (Mayor Kanitra: just wanted to have the conversation and make sure everyone understands where we are at – we like the homeowner, are happy the homeowner is here, and want to make sure the homeowner has no issues – but it wasn't the homeowner's decisions to put in the curb cut without proper permission from us; Councilwoman Crowley: you build nice homes – just want to be sure we are all happy in town and don't lose parking spots) – added to agenda as Item 2L.

COMMITTEE REPORTS:

Councilman Vitale: acknowledged employee anniversaries for January – Eileen Farrell 19 years, Derek O’Neill 24, Tom Branch 1; gave the Chief’s report since last meeting – training topics included Mandated Canine, New Concealed Carry Laws, Open Source Intelligence Social Media, Bias Crimes, Methods of Instruction, and Ethics – reminded residents to be aware of surroundings and lock vehicles and homes at all times – on Monday, an unlocked, unoccupied vehicle was entered while the driver entered Dunkin Donuts – it is unknown if the suspects were looking to steal the vehicle or the belongings inside – suspects fled north on Rte. 35 – Officer Briana Marchetti will begin her new position as School Resource Officer and Juvenile Officer on Jan. 25th, taking over for Det. O’Neill, who will be retiring on May 1st – she will be a great resource for the school and community; the Recreation Committee will be holding the Show Us Your Heart scavenger hunt on Feb. 11th, and is planning the Shamrock event for Apr. 1st – Summer Camp job openings have been posted online – looking for Director, Asst. Director and all levels of Counselors – always looking for more people – adding 2 big events this year.

Councilwoman Testa: the Arts Committee’s spotlight artist, Sheila Evans’ work is hanging in Town Hall, on new hangers, which look nice and neat – the Juried Art Show will be Feb. 1st through Mar., with application online – finalists will be announced on Apr. 1st, with winners announced following that – Party by the Sea will be on May 18th – the Art Walk will be on Apr. 29th with 18 businesses so far; the Beautification Committee holiday decorations were taken down and put away – thanked all the volunteers – the sheds have been a blessing – they will be putting in their flower order for plantings and gardens and are coming up with different ideas – the next meeting is Tuesday – invited new members; there will be Building and Zoning meeting tomorrow with Dept. Heads, with information to follow.

Councilwoman Byrnes: the first meeting for new officers was held a couple nights ago – adjusting to new leadership roles, assigning tasks and creating a training schedule for the new year – thanked them all; Shade Tree Commission is once again announcing the Nominate Your Block Program, which gives residents the opportunity to participate in the aesthetic improvement of their block – are accepting nominations until Feb. 18th; the Golden Gulls met last night – discussed many new activities – thanked the outgoing volunteers – next up is a Mozzarella Making Demonstration and Tasting on Feb. 7th, presented by one of the members – asking for advanced registration and payment by Feb. 5th – \$20 per person – Zumba Gold and Chair Yoga was held today with the best attendance yet – thanked all committee volunteers, in anticipation of another great year.

Councilman Ramos: the Environmental Commission meets on Jan. 29th; the Bd. of Education had a kick-off meeting with architects – hope to have something to put out to voters in December regarding District improvements and a possible referendum – Dr. Saffioti just won a \$16K STEM grant to fund Project Lead the Way, a top-tier STEM engineering curriculum that the District is looking forward to implementing – the District was recognized by College Board with

the AP Computer Science Female Diversity Award, which they won the last 2 years as well – the Administrative Team was invited to North Jersey last week to work with Apple at a roundtable on School Organizational Culture – also discussed the District’s popular Wellness Initiative, featured in the February issue of School Business Affairs magazine.

Councilwoman Crowley: wished all Happy New Year and thanked all who were at the Reorganization Meeting, a great event – congratulations to Council President Vitale and Councilwoman Testa on their new terms; DPW is prepping for winter and snow – everything is moving smoothly.

Councilman Migut: it’s Budget season – asked BA/CFO Riehl to set the date for the first Budget Committee meeting – suggested Jan. 26th at 10AM (Councilman Vitale and BA/CFO Riehl will get back to him; BA/CFO Riehl: the Budget binders are pretty much ready) confirmed that Budget Committee members could pick up the binders by the end of the week.

MAYOR’S REPORT:

Mayor Kanitra: whales are washing up on the beaches – rare to have 1 or 2 – there have been 7 (up to 10) – is absurd for the State and Federal Government to say it’s a coincidence – the echolocation that whales use is clearly being affected by the sonar in the offshore wind project – the fact that the Government hasn’t put a moratorium on this to look at the effects is atrocious – he signed a letter today, with other Mayors from Ocean County and up and down the coast, to ask for a moratorium until we can figure out why and how it’s happening and the repercussions – as a shore municipality, marine life is part of our livelihood – having massive, intelligent whales dying and washing up on our shores is not good – encouraged all to write the appropriate Government officials to find out what’s happening – in addition, there continues to be more momentum to find solutions to having off-shore wind right off the visual horizon – in southern Ocean County, are looking at 9-10 miles offshore – it continues to be a problem and we are starting to coordinate with Mayors from other States – was on a conference call with the Mayor of Ocean City, MD and has been in touch with Mayors and a group off of Long Beach Island; had a call with the Coast Guard regarding the Coast Guard Station – archaeological study has been signed-off – they didn’t winterize the building, so it now has water damage – we don’t own it yet – someone else will have to fix it before it gets turned over – the 2 years of government bureaucracy has been infuriating – he and BA/CFO Riehl were told we should be entering into cost negotiations in a month or so; the study on redevelopment and rehabilitation is spurring more growth, in terms of cleaning-up buildings – talked to 3 developers in the last couple weeks – 2 are looking at different projects on Rte. 35N and Rte. 35S, an area in need of TLC – met today with a developer, who is looking to fix-up the Ocean First building on Arnold Ave., to

recreate the Art Deco façade – everything is going in a good direction; (Councilwoman Testa: asked about the whales – is glad he signed off on that) marine mammal groups have had autopsies done – some are inconclusive – some say they’ve been struck by boats, which is not out of the realm of possibility because they can’t navigate properly – the source of the boat strikes has not been identified – it’s just way too many.

ADMINISTRATOR’S REPORT:

BA/CFO Riehl: are ready to start the 2023 Budget – binders are 98% done – will schedule a date to start – going into Budget Season on good footing – revenues were fairly well, if not better than anticipated; is closing out Central Ave. and St Louis Ave. Projects – getting paperwork in for final reimbursements to and grants; the Water Valve Exercising Project was supposed to start this week – they were pulled off today to tend to a water main break at Arnold & Chicago; are working in conjunction with the County on Ocean Ave. and Arnold Ave. Curb and Sidewalk – letters will go out to residents with a reminder that the project is underway; County is working on the light at Ocean & Broadway, putting in cameras, burying some wires and neatening it up; County plans to start paving of Ocean and Arnold in March and be done before Memorial Day Weekend; Water Tank Painting is in design and moving quickly – working with the Boro on an inter-connect, so we can provide water to residents (Mayor Kanitra: looking at the feasibility of relocating unsightly cell towers) infrastructure is pretty deep – seeing if carriers will pick up relocation costs – engineering estimate is \$800K-\$1M – Governing Body will have to vote on it (Mayor Kanitra: some cost to them anyway, as they have to be taken off the towers to be cleaned and put back on) was written into their contracts that, if and when we should re-paint, they have to remove their equipment; need to re-bid the Boston Ave. Project to see if we can cut costs; Water Plant and Pleasure Park improvements are underway; doing preliminary engineering on our portion of Rte. 35 Drainage Improvement – we will do infrastructure and the State will do the final; almost ready to go out to bid on Lincoln Ave. Outfall; pending is Channel Dr. Revitalization, Scope & Budget for Dartmouth, Richard & Arbutus, Bikeways Grant, Safe Routes to School Project, Inlet Access (waiting to hear if we are getting bioswale grant for the parking lot), Coast Guard Station, NJ Transit Lot Paving and Restriping – NJ Transit sent a proposal for some art design – will forward it (Mayor Kanitra: puts nice murals on bus station glass) questioned the safety of it – they said it was transparent enough – a \$10K project, paid for by NJ Transit.

Clerk announced additions to the agenda.

PUBLIC PARTICIPATION BEGAN AT 8:02PM

Dave Cavagnaro, 118 Parkway, PPB: asked about item 1e and why the in-house Engineer doesn't do it (Mayor Kanitra: passed a study naming the Channel Dr. area in need of redevelopment and the Rte. 35 corridor in need of rehabilitation – study must be done by a Certified Planner – Debbie Lawlor is one, John Mele is not (BA/CFO Riehl: spoke with the Engineering Firm and were able to cut the cost in half); asked about item 1o (Chief Kowalewski: date was in conflict with another event, so one was denied – believes they will apply for another date); asked for explanation of Ordinance 2023-01 (Mayor Kanitra: no changes to zoning – just creates the map; Atty. Riordan: Borough Engineer said there's an updated Zoning Map and asked him to get in enacted – he check with the Engineer, who said there are no changes).

PUBLIC PARTICIPATION ENDED AT 8:05PM

Motion by Councilwoman Testa to close public participation and approve the items listed below was seconded by Councilman Vitale and carried by roll call vote.

CONSENT RESOLUTION 1:

- 1a Approval of payment of Payrolls #26 (\$288,546.52) and #1 (\$322,224.37)
- 1b Approval of payment to BTMUA for December bulk water usage (\$70,442.45)
- 1c Approval of bulk pick-up & drop-off dates and rates for 2023
- 1d Approval of payment of insurance opt-outs for Jul-Dec 2021 (\$34,470.70)
- 1e Approval of payment to Colliers Engineering for Redevelopment & Rehabilitation Investigation and Plan Proposals, subject to 1/23 Atty. review (NTE \$40K)
- 1f Auth for Mayor & Clerk to execute Federal Aid Agmt w/NJDOT for Channel Dr, subject to Atty. review
- 1g Approval of payment of hand checks from Planning Bd., Bd. of Adj. & Developer escrow accounts
- 1h Approval of payment to Driving Academy for Balzano & Strong CDL Class B 120 hours (\$7,920)
- 1i Approval of banner permit app for OC Columbus Day Parade banner, Rte 35S, 9/16-10/2
- 1j Amendment to Res. 2022-1129/2I-1 to add J. Fitzsimmons as Rec Basketball Referee, retro to 12/17/22

1k Amendment to Res. 2023-0102/3D, increasing the 2023 mileage reimbursement rate to 65.5 cents/mile

1l Re-appointment of P. Ritchings to a 5-year term on the Environmental Commission

1m Amend Resolution 2023-0102/2W (reaffirm increase in bid threshold) from \$40K to \$44K

1n Approval of payment to the Borough of PPB for credit card fees-parking meter (\$84,429.50)

1o DENIAL of S/E App for Multiple Sclerosis Coast the Coast Bike Ride on 5/13/23

1p Approval of payment to Premier Electronic Solutions for CDVI Door Controllers (\$6,852)

1q Approval of Clean Ocean Action Beach Sweeps at Maryland Ave Beach on 4/1 and 10/21

1r Approval of pymt to the State of NJ for employee & retiree health benefits for January (\$156,549.11)

1s Approval of pymt to All Points Printing & Graphics for winter newsletter (\$4,880.09)

1t Approval of pymt to Detcon for 40 yd roll off containers for DPW (\$16,493)

1u Approval of W/S relief request

1v Approval of pymt to Cherry Valley Tractor Sales for 4wd tractor loader backhoe (\$94,648.96)

1w Authorization for Borough Attorney to draft ordinance to update zoning map

1x Approval of PO to Foley Caterpillar for Caterpillar wheel loader for DPW (\$89,006.31)

1y Approval of 2-year renewal of Delta Flagship Dental Plan

1z Authorization to hire Brittany Rempfer as temporary P/T TACO

CONSENT RESOLUTION 2:

2a Approval of Chamber S/E app/fee waiver for Battle of the Bands at the Bandshell, 6/10 (rain 6/17)

2b Approval of S/E app for Chamber info table on the Bdwlk, Memorial Day-Labor Day

2c Approval of S/E app for Alzheimer's Association Memory Walk-Arnold & Baltimore, 9/23

2d Approval of S/E app for PPB Rec Easter Egg Hunt at Pleasure Pk, 4/8

- 2e Approval of S/E App for ACS Making Strides Against Breast Cancer Walk on Bldwk, 10/15
- 2f Approval of S/E app & fee waiver for Chamber Christmas Tree Lighting on 11/24 (rain: 11/25)
- 2g Approval of S/E app & fee waiver for Chamber Festival of the Sea 5K in the Bldwk area on 9/16
- 2h Approval of S/E app & fee waiver for Chamber Downtown Sidewalk Sale on 5/18 – 5/20 & 8/17-8/19
- 2i Approval of payment of hand checks from various accounts (\$284,836.89)
- 2j Authorization for Special Counsel to execute Consent Order re 301 Trenton litigation
- 2k Authorization to award Landscaping Services to Clean Cut Lawn Care (NTE \$20K)
- 2l Approval of 13' curb cut request at 209 Forman Ave, per recommendation of AZO – per DH MEMO

CONSENT RESOLUTION 3:

- 3a Approval of payment of computer-generated vouchers (\$420,446.63)
- 3b Approval of payment to ERS Fleet Repair for Fire Co. 1 Engines 4201, 4211 & 4203 (\$6,112.95)
- 3c Approval of payment to CDWG for 2 computers for the Police Dept (\$4,220.56)
- 3d Approval of payment to CDWG for 4 computers & 3 monitors for the Police Dept (\$6,098.96)
- 3e Approval of pymt to Fireflow Services for annual hose & fire pump testing for the Fire Dept (\$5,397.50)
- 3f Approval of pymt to Solutions II for annual service contract for the Police Dept (\$6,492)
- 3g Approval of pymt to Skyland Area Fire Equip for gloves for Fire Co 2 (\$3,949.88)
- 3h Approval of pymt to Hutchinson Plumbing for air conditioning for the PD garage (\$10,611)
- 3i Approval of pymt to All Covered for IT/maintenance for Dec, including for the PD (\$4,934.55)
- 3j Authorization for Ocean Fire Company No. 1 to donate various equipment

VOTE: Councilmembers Vitale, Testa, Byrnes, Ramos (except 3b, 3e, 3g, 3j), Crowley,
Migut (except 3b, 3e, 3g, 3j)...YEA

Councilmen Ramos (3b, 3e, 3g, 3j), Migut (3b, 3e, 3g, 3j)...ABSTAIN

PUBLIC PARTICIPATION BEGAN AT 8:06PM

Linda Buckwalter, 204 Parkway, PPB: showed a picture of construction at 307 Baltimore – she and neighbors are concerned that the landscape of the community has dramatically changed from when she purchased the home in the last 2 years – concerned about property values and privacy – doesn't understand how this was approved – appreciates a call she received from the Building Dept. – CO Thulen answered a lot of her questions – when this started, she found a resolution online, from many years ago, talking about this property that runs from Baltimore to Chicago – it was sub-divided – a lot of issues they thought would come up were addressed in the resolution – there was an area deemed a conservation easement – no trees or shrubs were to be removed by purchaser (Mayor Kanitra: was told that's been addressed and they have to put those trees back) they were termed "substantial trees" – doesn't know how you put back substantial, grown, matured, healthy, large trees – the Board determined that since the lots were so large, homes were to be built consistent with the Baltimore Ave. streetscape – does not blend in with the community – asked if they can be required to put some planting along her and her neighbors' properties (Atty. Riordan: not by Council – supposed to have been taken care of by the Zoning Bd.) CO Thulen explained that this project was presented and denied multiple times by the town – were told they had to go before the Zoning Bd. – they did not want to do that, so they whittled down the plans until it could be approved by the Building Dept. (Atty. Riordan: asked when it was approved, and if the Building official mentioned if the homeowner had an attorney working with him) believes it was approved within the past 6 months – did not say if there was an attorney – thinks renderings are on Zillow (Atty. Riordan: the Zoning Bd. and the Zoning Officer in the Building Dept. approve construction – the Governing Body write and pass Zoning ordinances, but can't interfere with the Zoning Bd., a separate quasi-judicial body, so they can't tell the Zoning Bd. what to do, nor change something the Zoning Bd. has already done, such as require more plantings, more trees, things like that; Mayor Kanitra: this doesn't look like anything in town – can't fathom how somebody allowed this – even if it is allowed, clearly there is stuff we need to change) needs to be more cohesiveness with the community – a real estate professional said her property value has gone down, based on that alone – resolution said the home should not exceed 3,500-sq.-ft. – it is very high – would like something addressed, so someone else doesn't end up in her position (Atty. Riordan: the issues are not unknown to those on the dais – he and the Mayor have discussed them on numerous occasions – have been working on it for a very long time – not nearly as easy as it looks; Mayor Kanitra: empathized – Governing Body is rule-abiding – want to be sure things are done the right way – tried to tighten-up ordinances and react to people exploiting loopholes, if that is what is happening – asked Counsel, in a 2-week period, go get independent assessment as to what happened every step of the way, including conforming to the lot and what is in the resolution; Councilwoman Testa: also about replacing trees; Mayor Kanitra: should get a fine if replacing a 30-year-old tree with a 5-

year-old tree; Atty. Riordan: the right thing to do is refer the citizen's complaint to the Administrator to do the investigation and not discuss it in public – she will report to Council about what took place and make suggestions about how it can be fixed – this is not a property that is unfamiliar to him – he lives down the street – one problem is that Sandy and FEMA have made it so houses are much higher; Mayor Kanitra: can't legislate taste) when she moved in, she followed the rules – asked if she can go to a Building Dept. meeting (BA/CFO Riehl: suggests she let her get this all together – if they want to have a meeting, she can schedule one) asked that plantings be suggested to soften her and her neighbor's view (Mayor Kanitra: thanked her for coming and being so thorough – resonated loud and clear; Atty. Riordan: should see if the owner is invested in the community).

Dave Cavagnaro, 188 Parkway, PPB: lives across the street, so is very familiar with it – curb cut was approved – no CO issued until trees go back; asked if flapper valve on Randall was fixed or replaced (BA/CFO Riehl: yes); all new people in the Building Dept. need to know about the curb cut process; asked if the town ever got to rent at the train lot (Mayor Kanitra: it's in legal review; Atty. Riordan: was never able to swallow the first offer from NJ Transit and has been working with them since; Mayor Kanitra: wants to make sure we issue a counter); the flat roof on the house just discussed would require a variance.

PUBLIC PARTICIPATION ENDED AT 8:27PM

ORDINANCE:

Ordinance 2023-01 (Amend Ch. 19-8.2 to Adopt Revised Zoning Map) was introduced on first reading. Motion by Councilman Vitale to approve Ordinance 2023-01 on first reading was seconded by Councilwoman Crowley and carried by roll call vote. The public hearing will be held on February 7, 2023.

VOTE: Councilmembers Vitale, Testa, Byrnes, Ramos, Crowley, Migut....YEA

Motion by Councilman Vitale to adjourn was seconded by Councilman Migut and carried by consent of Council.

Meeting was adjourned at 8:28PM.

ATTEST: _____

Eileen A. Farrell, RMC

Municipal Clerk