

February 21, 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 approx. 7:31PM. 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 Vitale to approve the February 7, 2023 Council meeting minutes was seconded by Councilwoman Crowley and carried by roll call vote.

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

Councilwomen Byrnes....ABSTAIN

DEPARTMENT HEAD MEMO: AZO Savacool RE Curb Cut Request at Ocean & Lake Avenues

Councilwoman Crowley: plan was approved by the Planning Board in 2006 – she visited the site and had conversations with the Borough Engineer – will lose 2 on-street parking spots on Ocean Ave. and 7 on Lake Ave. – recommended approval with limitations on the flair/curve of the cut, per the Engineer’s advice, to minimize loss of parking.

Adam Steuerman of Sinn, Fitzsimmons, Cantoli, Bogan & Steuerman/Council for Developer Andrew Labowsky, 1620 Beacon Ln., PPB: subdivision goes back to 2006 – Mr. Labowsky developed Bay Point Dunes, across the street – he did a lot of development in that area – subdivision was approved at 4’ on each side for safety on Ocean Ave. – 2’ flair is now standard – are willing to give 2’ each side but 2’ might not be safe (Councilwoman Crowley: concerned that everything be done right – Engineer’s call – he has town’s best interest)

Mr. Labowsky: letter says 1’ flair on each side – concerned that is not sufficient (Mayor Kanitra: asked, when the Planning Bd. approves a project, if Council has any constraints; Atty. Riordan: ordinarily, Council can say yes or no to the curb cut – the fact that the Planning or Zoning Bd. has given approval for a particular curb cut (inaudible) – you can say “no”; Mayor Kanitra: loss of 2 spots is where our appetite lies – asked if 2’ flair would create loss of another space) 2 curb cuts are already in on Ocean Ave., with 4 more to be done – reducing from 2’ to 1’, will only save 8 feet – 4 more driveways x 2’ – less than half a car – were approved for 4’ and are now asking for 2’, which will give 16’ of parking space (Councilwoman Crowley: can’t lose more unnecessary spots, if safe enough to pull into driveway with 2’ and it’s not incumbent on the home).

Mr. Steuerman: it’s not 2’, it’s 1’ on each side; Mr. Labowsky: asking for 2’ on each side (Atty. Riordan: recommended letting AZO Savacool, Mr. Steuerman and Mr. Labowsky discuss and come up with a recommendation to the Governing Body as to what is safe – you believe it’s not safe – apparently AZO Savacool thinks it is; Councilwoman Crowley: if not gaining a space and not losing a space, thinks consensus would be to approve; Mayor Kanitra: could approve, pending that is worked out with the Engineer no more than 2 spaces would be lost; Atty. Riordan: time constraint – no reason to bring these guys back – approve contingent on AZO Savacool and applicant reaching an agreement with loss of no more than 2 parking spots on Ocean Ave.).

Mayor Kanitra asked about the mountain on Ocean Ave. (free fill is available for anyone who needs it – just bring a truck).

COMMITTEE REPORTS:

Councilman Vitale: gave the Police Chief’s report since last meeting – training included Mandated Canine and Street Survival – 11 SLEO II’s graduated from the Ocean

County Police Academy on Feb. 14th – included is training for school security – will begin working shifts when they complete the program: 200 kids participated in the Recreation Committee’s Show Us Your Heart event on Feb. 11th – businesses said it was one of the busiest Saturdays in a long time – thanked the Recreation volunteers and sponsor, Sweet Revenge Chocolate – are finalizing plans for the Sham Rock event on Apr. 1st, with a parade and entertainment– registration is open for the child portion – more information to come – interviews this week for Summer Camp Dir. and Asst. Dir. – Counselor interviews in the next few months – Pickleball registration opens Mar. 1st with up to 2/team – Egg Hunt is on Apr. 8th at Pleasure Park with registration opening on Mar. 1st – always looking for volunteers.

Councilwoman Testa: the Arts Committee is looking for are submissions via arts.pointpleasantbeach.org – deadline is Mar. 1th – looking for volunteers; Beautification is in the beginning stage of creating a monarch waystation and a pollinator garden at Niblick & Randall – looking for members; spoke with BA/CFO Riehl and Arts Committee about spring banners – looking at local artists and prints – working with QOL Dir. O’Rourke – hoping to have something by Fri. to get the ball rolling – a garden tour may be coming and she will be teaming up with other committees on that.

Councilwoman Byrnes: recognized the awesome turnout on the Boardwalk for the Save the Whales rally – Mayor Kanitra gave a powerful, impassioned, contagious and wonderful speech– thanked him for taking the lead – Councilwoman Crowley’s family and hers attended together; appreciates the Fire Dept. – next Sun. is their annual Fishing Flea Market & Fish Collectible show at Antrim, 8:30-4:30; Fire Co. donated gear and equipment to the 9/11 Fund; she sent the Shade Tree Commission’s list of trees for pruning and removal to BA/CFO Riehl – starting a new planting on Chicago Ave., by the ballfield – thanked them; held the Golden Gulls Zumba Gold and Chair Yoga sessions today with 14 seniors – the robocall helps – well-attended meeting last night with lots of discussion on future activities and events – next one is Ask the Experts, featuring a panel discussing senior concerns – hoping to include an elder law attorney, cardiologist and memory specialist – shooting for Mar. 16th – Mar. 21st is National Memory Day (Councilwoman Testa: asked if these things are only for PPB residents) she feels everyone should be able to join, if they don’t have someplace else to go (Mayor Kanitra: within reason).

Councilman Ramos: has no real BOE updates – this year’s musical production is Into the Woods; as for Water/Sewer, reminded residents on or off Ocean Ave., whose water is fed through Ocean Ave. and who may not be here all the time, to check their home connection to make sure they have a water – would break our hearts to finish Ocean Ave. and have to open it up again because something is wrong – important to get the word out (Mayor Kanitra: maybe we won’t do it).

Councilwoman Crowley: honored to attend the Save the Whale rally with Councilwoman Byrnes and the Mayor – phenomenal turnout – Mayor Kanitra helped organize it – wonderful speech from the heart – Assemblyman Catalano and Congressman Smith joined them to support the cause, which is near and dear to most; Budget Committee had second meeting today – working hard – thanked BA/CFO Riehl for spearheading it and helping them; spoke with Ned in DPW – blessed with no snow – nothing new to report.

Councilman Migut: Finance Committee had 2 Budget meetings – BA/CFO Riehl will present a final working Budget at a Budget Workshop on Mar. 7th at 6:30PM – should be at a 1 cent/\$100 increase on the tax rate or slightly lower – some adjustments may be made at the Budget Workshop.

MAYOR'S REPORT:

Mayor Kanitra: the PPBHS Boys Basketball Team won their first round of the State tournament this week – Councilwoman Crowley's son is part of the team – have a good match-up on Wed. and possibly a tough one on Fri. – if they get past that, they are playing Newark for the championship (Councilwoman Crowley: tomorrow is a home game at 4 o'clock) they beat Somerset Tech by almost 30 points; meant a lot for Councilwomen Byrnes and Crowley to come to the Save the Whales rally – thanked the PPB community at large – easily over 1,000 people there at one point, wrapping around Jenkinson's Pavilion, going down the Boardwalk – easily half of the crowd were PPB residents and people we know, who care about the tragedies unfolding – all walks of life – grateful to Clean Ocean Action that does a lot of beach cleanups in PPB and care about not polluting and not industrializing our ocean – have been fantastic – they spoke, along with Brick Wenzel from our seafood co-op, who brought a bucket of paperwork showing how overly-burdensome all of this is – tomorrow morning, at the Ocean County Mayor's Assoc., a couple of mayors will put forth a proclamation to call for an immediate moratorium – everyone let their voices be heard – that's what democracy looks like – white whales are critically endangered with only 200 left in the world and only 60 breeding females – it is expected, over the next 5-6 years of the project, that the species will go extinct – thinks it's gaining momentum; Planning Bd. had very minor changes to the roof and deck ordinance – Atty. Riordan put them into place – can move forward on 2nd reading.

ADMINISTRATOR'S REPORT:

BA/CFO Riehl: had a message from the Mayor last week saying about 20 people want to stand on the Boardwalk – told him to let the Chief know – went from 20 to 1,000 (Mayor Kanitra: the community cares – thanked Chief Kowalewski for the officers there); is working on a draft RFP for low speed vehicles – Arts and Recreation Committees are interested in potential sponsorship opportunities – met with both Council liaisons and let them know that this would be considered a concession and would also have to go out to bid through RFP – met with Councilmembers Testa and Vitale – will try to put together an RFP to let both entities get sponsorship opportunities – during the RFP process, can gear it somewhat towards what we are looking for, instead of having to take whatever gets thrown our way; as we are under time constraints, added to the agenda “authorization to advertise and go out to bid for Boston Ave. Road repairs and authorization for the Administrator to award the contract to the lowest responsible bidder, pursuant to Local Public Contracts Law, to be memorialized at next successive Council meeting” – have DOT money – bid this job once – going back out to bid – don’t want to put the funding in jeopardy – will not be done by Mar. 7th but Mar. 21st would be too late – if she can award that contract and memorialize at a meeting, will be good to go (Mayor Kanitra: asked if still on track for Ocean Ave. curbs and paving) are 99.8% finished with our portion – will talk to the County on Fri. – scheduled to be done before Memorial Day; there is an event calendar within the Downtown MyMobile App – open to everyone to use, including the Chamber, school, Council, any committees – Patty Kile does the input – has all the restaurants in town, links, lodging, events, parking information – very comprehensive – hasn’t been updated – didn’t feel anyone was using it, but the event calendar is on there with Council and Board meetings – could get the committees together and have a joint calendar (Mayor Kanitra: have to start planning for seasonal DPW – parking lot cleaners, waterers, etc. – asked if those job descriptions will go out in the next month or so) may have return staff – landscaper has been hired and is at work – will take any part time seasonal help.

Clerk announced additions and revisions to the agenda.

PUBLIC PARTICIPATION BEGAN AT 8:05PM

Robert Rogers, 1424 Oceanfront PPB: was at the excellent rally – complimented those involved.

Dave Cavagnaro, 118 Parkway, PPB: regarding the notice to people about whether their water is on, a lot of homes are winterized, so they can’t check for a month or 2 (BA/CFO Riehl: 253 letters went out letting them know that, if they haven’t been here, they need to come and check because we don’t want the County to pave and then have to open); thinks item 1m should be “yes” – asked how wide each curb cut will be (Councilwoman Crowley: it’s detailed in the plan AZO Savacool provided) as long as it is covered – are several occupied newer homes that have driveways and curb cuts and parking spots in front – when paving was done, it blacked out a lot of them – now, you see white lines in front of some houses – when street is repaved, it’s a blank

slate to put parking spaces wherever you want – technically, are going to lose a few more – limiting to 2 might mess things up (Councilwoman Crowley: doesn't know if we have any say on those – want to minimize aprons for new ones – will have Engineer look at that to see what's best when re-striping – thanked him for voicing his concerns: Mayor Kanitra: asked him to look at where we could gain space – restriping in and of itself is a net gain of 4-6 spots on Ocean Ave., so we have some to play with, depending on how it goes) on Lake Ave., there are no lines until the very end and Ocean Ave., when repaved, will be a blank slate (Mayor Kanitra: thanked him for his help, from the Planning Bd. perspective, on the ordinance) the thanks go to Greg Cox, the Attorney and AZO Savacool.

PUBLIC PARTICIPATION ENDED AT 8:11PM

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

CONSENT RESOLUTION 1:

- 1a Approval of payment of Payroll #3 (\$292,041.50)
- 1b Approval of professional services contracts (15)
- 1c Approval of payment of hand checks from Bd of Adj escrow accounts
- 1d Approval of payment to Riggins for no-lead diesel fuel for DPW (\$28,303.75)
- 1e Approval of payment to the State of NJ for employee & retiree health benefits (\$155,224.22)
- 1f Authorization to hire M. Fagen as temporary P/T TACO
- 1g Denial of S/E app for Walk 4 Water on the Boardwalk on 6/3/23
- 1h Approval of S/E app for PPB Rec Ukulele/Guitar on MD Ave Bch, Mondays 7/10-8/14 (rain 8/21, 28)
- 1i Approval of PPB S/E app for PPB Memorial Day Bike Parade on Arnold Ave, 5/27
- 1j Approval of payment to OC JIF for first installment 2023 (\$332,317)
- 1k Approval of Nat'l MS Society S/E app for Bike MS Coast the Coast on various streets, 5/13
- 1l Appointment of L. Miller to the Senior and Recreation Committees

1m Approval of curb cut request at Ocean & Lake Aves., contingent on Acting Zoning Officer & applicant reaching an agreement with loss of no more than 2 parking spots on Ocean Ave. – Per DH Memo

1n Auth to advertise and go out to bid for Boston Ave road repairs and auth for Administrator to award the contract to the lowest responsible bidder, pursuant to Local Public Contracts Law, to be memorialized at the next successive Council meeting – Per Administrator’s Report

CONSENT RESOLUTION 2:

- 2a Approval of payment of computer-generated vouchers (\$136,095.24)
- 2b Approval of payment to Lexipol for accreditation annual fee for PD (\$11,900)
- 2c Approval of payment to All American Ford for police vehicles (\$7,154.78)
- 2d Approval of payment to Meridian Occupational Health for Police physicals 2023 (\$4,029)
- 2e Approval of payment to IDEMIA for Livescan program renewal for the PD (\$3,930.57)
- 2f Approval of payment to Vector Solutions for Guardian Tracking Contract for the PD (\$3,628.39)
- 2g Approval of payment to M. White, PH.D. for 12 Police psych evaluations (\$6,600)
- 2h Approval of payment to Axon Enterprise for Taser, 3 of 5 payments for PD (\$2,505)
- 2i Appointment of 14 SLEO Is
- 2j Appointment of Fehily as Seasonal P/T Dispatcher

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

ORDINANCES:

Ordinance 2023-02 (REVISED Amendments to Chapter 19) was considered on second reading. Mayor Kanitra opened the public hearing with no member of the public wishing to be heard. Motion by Councilman Vitale to close the public hearing and adopt Ordinance 2023-02 was seconded by Councilman Migut and carried by roll call vote.

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

Ordinance 2023-03 (Amend Ch. 21-2.3 to Revise Dune Decking Regulations) was considered on second reading. Mayor Kanitra opened the public hearing.

Robert Rogers: asked for clarification on designators of the dune reference line and storm damage reduction easement (Atty. Riordan: ZO recommended this change – dune reference line exists on tax map – was drawn many years ago – pre-existed Superstorm Sandy – is referenced in a number of different places in the Code – things you can do on one side or the other – the storm damage reduction easement is what the Army Corps of Engineers built after Sandy – his understanding is that the reason the ZO recommended this particular change is that, prior to Sandy, folks would have a little deck to the west side of the dune reference line, because you were not allowed to build one on the east side of it – after the Army Corps built their dune, folks were building a 2nd deck on top of it – ordinance doesn't allow it – only allows one deck – ZO said the decks folks had west of the dune reference line don't work like they used to because of the new dune – used to be able to look at the ocean and can't anymore – ought to allow people a 2nd deck – shouldn't make them rip out the existing deck, west of the dune reference line, just to have a deck on the dune; Mayor Kanitra: that's the way it was explained to him); his property has a deck area on top of the dune/easement – his adjacent neighbor has similar setup – most people with oceanfront homes built a deck and followed what NJDEP said the size should be – he elected to fence it off, but not put a deck – has unobtrusive dune fencing (Mayor Kanitra: asked if he went through permitting process for the fence and if he removed dune grass) no permit – this pre-dated the dune grass – there might have been a notice that dune grass was going to be planted, so he fenced-off an area and it is ready for a deck – he and his neighbor have no problems with their nice, fenced-in areas – there are potential benefits of not having a deck – request the ordinance be rephrased to allow for that (Atty. Riordan: easy answer is to refer to ZO, Dune Inspector and CO Thulen, who is in charge of enforcing these – not something the Governing Body should do off the cuff tonight – should pass ordinance as is and send this discussion to the ZO and Dune Inspector and let them recommend – there is a lot more going on here than what this gentleman said – should leave it to the experts – asked if he received a violation) no one has come to him – recommends not passing it – if passed, he is in violation (Atty. Riordan: in violation now; Mayor Kanitra: asked if he is in violation; Atty. Riordan: Council isn't in charge of interpreting what the ordinance says – CO Thulen and the ZO are – has a suspicion that what he is about to say is how they are interpreting it, but need to find out first) need to find out before you pass this (Councilwoman Crowley: can always amend this if needed; Atty. Riordan: correct) it may be good to amend it before you approve it (Councilwoman Testa: whatever the outcome, would welcome him back for another discussion, when amendment is done; Councilwoman Crowley: this is so decks already in place are not in violation; Atty. Riordan: suggested, if no one has come to him yet, it's possible the people in charge don't view his fence as being in violation of any ordinance – if that's true, this amendment is not going to create a violation where one does not exist) as written, someone can tell him he can't go on top of the dune, even though it is in a fenced-in area and not causing any problem, because the rules are that he has to have a deck that's going to cost \$1,500 (Atty. Riordan: very possible; Mayor Kanitra: ordinance is all about “shall” – this is saying what you can have, not really what you can't) read from the ordinance, “no person shall be in the dune area, unless on an approved pathway, walkway or dune platform” (Atty. Riordan: that's been in existence forever – the only thing changing tonight is the underlying language) maybe you should change it a little more (Atty. Riordan: that's something to discuss another day; Mayor Kanitra: if you have a cleared

area with no dune, it's a pathway or walkway; Atty. Riordan: except that you are not allowed to hang out on the dune – what this gentleman is describing is actually a work-around the prohibition of hanging around on the dune – thinks the DEP discourages that because they find decks less intrusive than people – is not sure – need the experts; Mayor Kanitra: the part he is concerned about is already in the ordinance – the part we are changing isn't going to change his zoning situation – asked that Mr. Rogers speak with the ZO and if there is a major problem, can tackle that in a separate ordinance, which would have a different focus; Atty. Riordan: all of the ordinances dealt with tonight are things the ZO wrote – should talk to him before making a change on the fly; Councilwoman Crowley: he did it for the benefit of the homeowners; Mayor Kanitra: would be nice to get some clarity – asked BA/CFO Riehl to help facilitate a conversation between Mr. Rogers and the ZO, who will report back to the Administrator; Atty. Riordan: maybe Construction/Code too – not sure; Mayor Kanitra: then we'll know where we're at and if anything needs to be done – in the interim, if he gets a violation, he can come back and yell at all of us – it's good to look at and find out anyway).

Dave Cavagnaro: asked if the Easter Egg Hunt is open to just residents or everyone (Councilman Vitale: residents first and opened up to everyone after – pre-registration; Atty. Riordan – need to finish the public hearing and vote on the ordinance).

Motion by Councilman Migut to close the public hearing and adopt Ordinance 2023-03 was seconded by Councilwoman Testa and carried by roll call vote.

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

PUBLIC PARTICIPATION BEGAN AT 8:31PM

Dave Cavagnaro: asked if there is still at \$5 fee for the Easter Egg Hunt – suggested residents be free and non-residents pay – should be a benefit to being a PPB taxpayer (Councilman Vitale: everything costs money – will take it back to the Committee) if he has to pay extra in taxes, so a kid can get a free Easter egg, he would say “yes” (Atty. Riordan: asked that the Committee not turn away children, who don't show up with \$5 and send him the bill).

EJ Geiger, 115 Arnold, PPB: asked when Arnold Ave. work will begin (BA/CFO Riehl: next couple weeks – letters went out to those who might want to get in on it) might want to get in on sidewalks, but didn't respond then (BA/CFO Riehl: told him to make contact) he'll reach out to her.

Chesla Wechsler, 706 Forman Ave., PPB: asked about work at the PPBHS tennis courts – are inaccessible after school hours and not a nuisance – talking about making it a park area – hopes it doesn't become a hangout with new lighting that keeps people up at night, etc. (Councilman Ramos: would require referendum – premature conversation – Dr. Smith is very approachable – will share this concern; Atty. Riordan: asked if she went to BOE) her husband went and was told to check the newspapers for information – has spoken to Brian Savage (Councilman Ramos: it's school property to be regulated and watched; Atty. Riordan: if in touch with Brian Savage, are in

touch with BOE – they make the decision – Governing Body is not going to be able to tell the BOE what to do; Mayor Kanitra: asked if changing from a tennis court to a park would be a change of use: Atty. Riordan: school district doesn't have to get approval of the Zoning and Planning Bds. – they do an educational session and tell the Bd. what they are going to do – usually the School Bd. says they will think about it and then says “no”) is also concerned that kids knock on doors and are let in by other kids –could be anyone – can't see through the gym doors (Councilman Ramos: sounds like a safety concern – should be shared with the BOE).

Zach Morriello, 305 Lincoln Ave., PPB: met today with CEO Loder and CO Thulen about a violation notice he received about the location of his fence, which is on a ROW of Borough property – they recommended he come and discuss the topic here – CO Thulen said he'd be issuing him a summons to go to court in 10 days, if doesn't apply to relocate the fence – fence has been there for at least 40 years – his father purchased the property in 2006 and has a survey showing that location before purchase – he replaced it in 2007 and was informed by Code Enforcement that it was on the ROW – he had met with Councilman Corbally about what goes on at that location – drinking, etc. – his father always cleaned it up – when he replaced the fence, he extended it over the bulkhead to stop kids from going onto their property – Councilman Corbally recommended his father come to Council and get a fence easement to leave the fence in that location – a fence easement was authorized at the Dec. 4, 2007 meeting – his father wasn't a real estate professional and didn't understand to follow-up – now, he is being violated for it – wants to go through the proper process – hopes to have a meeting and go through the history and detail (Atty. Riordan: asked if John Hogan is his attorney) not anymore – that was for the bulkhead (Atty. Riordan: have had well over a year of conversations with Mr. Hogan about this matter, including the fence – that resulted in the violation the gentleman is talking about – this is not something for the Governing Body to get involved with at this point – each have discussed in with him at different points in the past – can talk to him, Mr. Mele or Mr. Savacool for more information – after that, will have an opportunity to evaluate what the gentleman is saying) requested several meetings on-site and still hasn't had one (Atty. Riordan: were lots of meetings with Engineer Mele) there were no meetings on-site about the bulkhead matter or the fence (Mayor Kanitra: asked if Engineer Mele can go look at it; Atty. Riordan: sure) would like Mayor Kanitra to go also (Atty. Riordan: advised Mayor to leave it to the professionals – if he feels it necessary to talk to Mr. Morriello after talking to the professionals, he can – but, at present, there is a violation outstanding and he shouldn't get involved in the violation – Engineer Mele has gone out and reported to the Governing Body – are just not connecting the two) would prefer to have a responsible member from Council as well (Atty. Riordan: the gentleman is trying to get Council to get involved in a violation – should not do that) it was a violation written last week, and something for which he has been requesting a meeting for years (Atty. Riordan: the professionals and he have been discussing it with the gentleman's lawyer for well over a year) that was on the bulkhead, not the fence (Atty. Riordan: it was on the fence) he was hired for the bulkhead matter (Atty. Riordan: he may have been hired for the bulkhead matter, but what was discussed with him was the fence; Mayor Kanitra: asked that Engineer Mele meet with Mr. Morriello personally and give Council a full report; Atty. Riordan: in closed session, sure) has had conversations with him on the bulkhead (Mayor Kanitra: have to listen to the Borough Attorney, especially in matters of zoning and violations – Engineer Mele is most objective and has no agenda; Councilwoman Testa: asked if he's been out to his property) not with him (Councilwoman Testa: understands, but Council can't go out there; Councilwoman Crowley:

asked for copy of easement; Atty. Riordan: there is no easement – asked if he has new Counsel) no – doesn't want to fight or go to court (Mayor Kanitra: asked that it be expedited with Engineer Mele; Atty. Riordan: Mr. Mele can go out as soon as he can, but you don't have all the facts) two separate matters – bulkhead and fence – first violation he received for the fence was last week (Mayor Kanitra: Engineer Mele will meet specifically on the fence) asked if summons can be delayed (Atty. Riordan: can't direct CO Thulen to issue a summons, not issue a summons, delay it – can't do any of that; Councilwoman Crowley: asked if he can request this from the Building Dept.; Atty. Riordan: can't direct him how to do it) loves this town – bought the house from his dad last year – just wants to be afforded the right to go through the proper processes, like everyone else – father had a verbal agreement with the town, with the easement not recorded – wants the right to go through the process with Borough and, after that, with Zoning for the fence height – there is no privacy with a 4' fence – kids will jump over it – it's 6' now – doesn't want to be forced to apply for fence permit in 10 days for a 4' fence (Mayor Kanitra: asked if he has the right to apply for an appeal or temporary stay through Zoning; Atty. Riordan: can appeal any conviction that might occur – at this point, there is no conviction, so nothing to appeal yet – anybody can ask for adjournment on any municipal court case at any time – that's up to the Municipal Prosecutor and Municipal Court Judge) it's not a court case yet – will be in 10 days if he writes a summons – all he has is a violation notice – met with CO Thulen here today – said it can be delayed (Mayor Kanitra: asked if Council can give him delay; Atty. Riordan: no – confirmed that he's been given a notice of violation by CO Thulen and 10 days to correct it) 10 days from today is what he verbally said – notice is dated Jan. 28, was dropped at the Post Office on Feb. 9 – 30 days from Jan. 28 is Feb. 28 – just got the letter last week (Atty. Riordan: thinks CO Thulen is doing exactly what he is supposed to; Councilwoman Crowley: is doing it out of courtesy) doesn't want to go to court – wants to work it out amicably (Atty. Riordan: this has a history of well over a year – the gentleman doesn't want the Governing Body to know – when Mr. Mele comes back from visiting the gentleman, will find out the history and will understand what's going on) asked why more people can't come, so it's not just one person telling the story (Atty. Riordan: told Mr. Morriello that, if there is some reason he doesn't trust Mr. Mele, he ought to state it on the record right now – if the Mayor would like to go into closed session, he'll explain it to him right now; Councilwoman Crowley: promised to follow up on Mr. Mele's report – he'll extend if necessary if he finds missing information when he goes on site; Atty. Riordan: cautioned the Governing Body not to interact with CO Thulen on this – Governing Body has certain responsibilities and duties and one is to allow these people to do their job without interference from the Governing Body – looks like the Governing Body is playing favorites when they interfere with the Construction/Code Dept., who is issuing violations; Mayor Kanitra: it's 5-minute limit for public comment – going on 10 minutes – will hear what we get from Engineer Mele in a day or two – suggested, if Mr. Morriello doesn't have legal representation, he talk to the Borough Attorney; Atty. Riordan: sure Mayor Kanitra: as Mayor, would like to extend all lines of communication – suggested he can videotape it and give it to Engineer Mele; Atty. Riordan: can call his office and his assistant can tell him when he is available and what he can do – he has lived here for 60 years and has been on his property 100 times – if more time is needed, talk to CO Thulen; BA/CFO Riehl: will request Engineer Mele to look into tomorrow) cannot tomorrow, but should be able to on Friday.

PUBLIC PARTICIPATION ENDED AT 9:01PM

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

Meeting was adjourned at 9:02PM.

ATTEST: _____

Eileen A. Farrell, RMC

Municipal Clerk