

April 18, 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 Councilwoman Crowley to approve the April 4, 2023 Council meeting minutes was seconded by Councilman Vitale and carried by roll call vote.

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

PROCLAMATION: National Library Week, April 23-29, 2023

Mayor Kanitra presented the proclamation to Matt Willbergh, Branch Manager-Point Pleasant Beach, Ocean County Library, who spoke about library services and upcoming events.

Mayor Kanitra: changed order of the agenda to allow Recreation Committee (Rec) members to speak – welcomed all – what democracy is about – will say a few words, turn it over to the Borough Atty., open up public comment for this issue, then figure out a solution (Councilman Vitale: would like to speak after Mayor to give background and clarity; Atty. Riordan: Mayor can choose order of presentation – can have Council input on order of presentation) Council will speak after public comment – doesn't want to go back and forth with residents – intention is to work out a solution tonight – wants to bring both sides together – he was only made aware of this issue at the end of last week when Councilman Vitale called him – believes that goes for everyone up here – an email was sent out blaming Councilwoman Testa, himself and Atty. Riordan for targeting Rec, which is insanity – as soon as Councilman Vitale called him last week, he emailed the Borough Clerk, Borough Administrator and Borough Atty., clearly stating he didn't want to put any undo burden on the Rec and that he didn't think the filling out of this form was necessary – his stance is that it has always been a committee and nothing has changed – was told after he sent the email that Rec had passed a \$100 financial incentive, in the form of credits to Rec events a few months ago and, as a result, now fall into commission status – he didn't know that happened – the agenda item for that evening didn't mention the benefit, and he messed up by not seeing it deeper in the agenda – Council might still have passed it – not a fan that Rec member names were sent to State without his or the Governing Body's approval – wants answers as to why it was done without Council approval – would like to know how changing of committee members to commission members requires Council approval – also wants to hear the legal side – Atty. Riordan has been adamant that he is trying to protect Rec members by the rule of law – he deserves the opportunity to explain that, as easy as it is to crucify people just with Facebook

comments – the Governing Body can't just do whatever they want – there is a ton of legal insanity that goes with being an elected official – if legally constrained, that needs to be taken into consideration – this is the first Council meeting since most were alerted to this issue – wants to hear from everyone – can't be objective if he doesn't point out gross and selfish political posturing he has seen this past week by a few people who are trying to win an election – a technical issue needs to be addressed – this is plain and simply about a form and a legal interpretation, not about politics – a form the Rec members don't want to fill out – sympathizes – Borough Atty. thinks they should fill it out – gets that as well – is sure a solution will be found, if this is kept peaceful and cordial – he is the one who wanted to revitalize Rec – he brought the town Bonfire and asked Ryan Simunovich to help bring it from a committee with 1-3 people attending meetings to a committee that now has 50+ people – he loves Rec and its members – goes to as many events as he can and will continue to – speaks about how proud he is of all of them at every public opportunity – will continue to – is not politically naïve to target a committee with 50+ members and family members who vote – has a copy of the emails he sent when alerted to this – while working towards a solution asked all to take the political grandstanding out of the equation – asked for the Borough Atty.'s interpretation (Atty. Riordan: is on Rec's side – is not working against them – the idea that he has given them an order that they must fill out this form or can't be a member of Rec is untrue – he doesn't give orders – he gives advice – in this case, he did not give advice to any members of the Governing Body because they don't vote on who goes on the roster – it's not their job – it's the job of the administration, with his advice, to fill out the roster – been doing it every year for the 15 years he's been sitting in the chair, without any input from the Governing Body, which is why none of them were told about it – nobody, except Councilman Vitale knew anything about it because it is his job to liaison to Rec – it's unfortunate he didn't ask him what this is all about, because he could have saved all a lot of trouble – said it is not his decision whether or not one should fill out the form – it is each's own decision – State puts the obligation on you – have to read Local Finance Notices (LFNs) 2023-06 and 2023-08 – if have a good faith reason to disagree with him, don't fill it out – will still be a member of Rec – eventually the Division of Local Government Services (DLGS) will tell you that you violated – can say why you don't believe should fill out the form – they will decide whether you are wrong or not – he encouraged all to listen to why he thinks they should be on the roster – he is not always right – he is trying to prevent folks from being fined, not trying to get them fined – if you're right and don't have to fill out the form, you won't be fined – he's been asked why just Rec – read N.J.A.C. 5:35-2.1 – there is a list of 33 titles – title 24 is Board of Recreation Commissioners – has heard that Rec is not a commission, but a

committee – committee is no different – read the Attorney General’s (AG’s) Opinion #91-0093 – boils down to the function, not the name – read the functions that require filing: “control the use of places of recreation, establish rules for the use of places of recreation, regulate the conduct of persons who use places of recreation, and to appoint and fix the salaries of recreation directors, custodians, supervisors and assistants” – while the boards exercise considerable powers, they do not operate or act independently of the municipality or the county, rather, the boards are essentially a dept. of the municipality or county – has been asked why now – the answer is clear – the rules changed in 2017 – that’s when Recreation Commissioners were added – the Rec Committee we had in 2018 and 2019 was very different than what we had in 2020, 2021, 2022 & 2023 – it is improved immensely – the only time he and the committees have a problem is when they don’t want to follow the rules – there was a situation a while back when cash and fees were not being deposited within 48 hours – he had to bring it to their attention that they have to be deposited in 48 hours – that’s the Local Finance rule, not his – the idea that recreation commissioners and recreation committees have to file is not his rule – it’s the rule of the State – it is possible you don’t fit the definition, but asked what they don’t do that a recreation commission does – thinks functions are identical and get more identical every day, as they improve – his advice to Rec is that they should file – it’s designed to protect them from being fined – if they don’t want to file, don’t – if they are right, they won’t get fined – if they are wrong, they are going to say they had a good faith basis, and the fine will be excused – the only way they would have been fined is if they never knew anything about this and DLGS got a complaint, came to us and decided they should have filed – then, they would have said they didn’t know about it and then they would have been fined – is sorry all were taught to believe he was attacking them – he was trying to protect them – if they don’t want that protection, don’t follow it) no one here wants to deal with a fine or appealing it (Atty. Riordan: it’s not a fine – it’s a Notice of Violation and there is no fine until after an appeal) asked, if the \$100 benefit didn’t exist, if things could be brought back to where they were (Atty. Riordan: the question for DLGS is the function of the committee, and providing compensation is one element that would lead DLGS to conclude that this is the type of entity that should file) it’s a guestimate, if the bucket tips one way or another (Atty. Riordan: is trying to predict what DLGS will do – better to be safe than sorry – left a sample copy of the form – there are no numbers on it – you do not tell anybody how much money you make or how many assets you have – have to give the State your name, address, who you are employed by, who you get your compensation from, any gifts you get over \$400 and any fees you get for speaking and things like that over \$2K – design is to prevent any conflicts of interest – not nearly as intrusive as it sounds) asked, if the

bucket tips one way, if there is recourse to task the Clerk to take the names out of the database and say they were submitted in error (Atty. Riordan: it's the administration's obligation fill out the roster and to be inclusive, not exclusive – should not kick anyone off any committees, which you were not going to do in the first place, and should let DLGS tell us the right answer – no one should do anything until DLGS tells us the right answer) asked if the Governing Body has the ability to task the Clerk or to write a letter to rescind names from the State (Atty. Riordan: no – you don't have the power to do that; Councilman Vitale: has done a lot of research – read that the Clerk can take people off the list and deem them not active – that means they don't have to fill out the disclosure form and are not subject to violations or scrutiny by the State; Atty. Riordan: the Municipal Clerk and Administrator have the obligation to fill out the roster correctly – they cannot take people off simply because the Governing Body asks them to; Councilwoman Crowley: they can if they are inactive – inactive would mean they are not a volunteer though; Councilman Vitale: cited recreation committees in Cranford, Emerson, Manchester, and all over the State that are triple the size of ours, and run events, and they are not listed – the only thing he sees for recreation is a paid board member – asked for an explanation; Atty. Riordan: in municipalities with a paid Recreation Dept., they often have Advisory Recreation Commissions, who don't have the powers ours do – it's simply a question of function – in municipalities where this a paid recreation director, they are the people who make the decisions he read from the AG's opinion – our municipality doesn't have a paid recreation director – instead, we have a group of volunteers, who operated just like a recreation commission – recreation commissions, by statute, are volunteers and not allowed to have any compensation at all – that statute also prohibits fees for children under 12) asked why we couldn't have just written DLGS a request for interpretation, or gotten a legal interpretation from them, rather than it hinging on everyone here having to appeal (Atty. Riordan: can do that now) asked how long they have to fill out the form (Atty. Riordan: Apr. 30th; Councilman Vitale: got notified on Thurs. from Clerk Farrell, who emailed he and Lauren saying Rec has to fill out this Financial Disclosure (FDS), and questioning some of the members – at no point did Rec members get notified, unless it was from him – so, on Mon. they got a letter addressed "Dear Local Government Officer (LGO)" – you have to fill this out – here is your PIN – there was no notification made to Rec – Atty. Riordan works for Governing Body and provides legal counsel – he could have come to him to let him know – when the incentive was implemented, and these men and women work their tails off for our town, residents and taxpayers, so they deserve every cent of whatever they are getting, and it's only for Rec events – asked why neither he nor Lauren were told they would now be subject to this; Atty. Riordan: for the same

reason the Mayor didn't tell him – he didn't know; Councilman Vitale: it was on the agenda on Dec. 13th; Atty. Riordan: the agenda item said “approval of recreation committee membership criteria;” Councilman Vitale: there was a whole paragraph in the packet ; Atty. Riordan: there was and we all missed it – what Councilman Vitale did by voting himself compensation is entirely unethical – you take an oath when you became a Councilman; Councilman Vitale: he didn't take the credit – has documentation to show, saying he does not want the credit, said not to try telling him he is violating his oath; Atty. Riordan: what the oath requires is that no LGO votes himself a benefit that's not open to all – so that vote should never have taken place – is disappointed; Councilman Vitale: he is not taking the credit – the men and women who are working are taking the credit – brought up another issue – rule changed in 2017 – in 3 years, have had a thriving Rec committee with 35-40 members, running 35 events – it's odd that, during election season, are all of a sudden implementing this rule – the timing is very suspect – only gave these folks 2 weeks to fill out this online form – there are people who work in regulated industries – they have obligations to go to their employer and let them know that now they are on the State list) that's a fair question – asked if anything changed in N.J.A.C. 5:35-2.1 between 2018 and now (Atty. Riordan: no – in 2020, the Committee was no different at the beginning of the year, when this is done – there was a change in 2021, but there was no examination of the roster by him – in 2022, he was asked to examine certain titles on the roster – Code Official P/T Zoning Officer and the Business Improvement District (BID) Trustees, requiring him to re-read and research the law – did not read Section 5:35-2.1 in 2021, but did in 2022 – the fact that Bd. of Rec Commissioners is included, jumps right out) Rec has been told that Atty. Riordan's recommendation is they fill out the form – asked if the Governing Body has any liability if their names were not submitted or pulled back, or if they didn't fill out the forms (Atty. Riordan: would be responsible for them being fined, but outside of that, no) knows that his legal opinion is we can't do that – asked if he, himself, has the power to call for a vote to say we want the names rescinded from the database and what would happen (Atty. Riordan: sure – would be up to the administration whether or not they did that – they don't have to – and he would recommend that they don't) asked Councilwoman Crowley, a former Clerk (Councilwoman Crowley: worked as a Municipal Clerk in 2 municipalities – it is not a political form – it is a roster that is given to us and has to be mailed out, by law, or the municipality is held accountable, not the Governing Body – they are not involved in it – we received our form the same day her daughter received one – she worked as a liaison for the Facebook page when she was a senior – wasn't surprised to receive it because she knows that it happens – was not sure why it changed – then she realized that she also was not aware of the \$100 – they are more than

entitled to that, but it changed the criteria, which is probably what triggered the list to change this year – that being said, she would abstain from a vote – thinks all are worthy and nobody is looking to make trouble – it’s an honor the volunteers serve our community, but it’s also an honor that our Mayor appoints them to serve – supposed to be a team) Council votes on them (Councilwoman Crowley: believes that would be asking the administration to do something they shouldn’t – should ask the Local Finance Board (LFB) to review it, and maybe they’ll find that we don’t need to do this and we can rescind; Atty. Riordan: likes that) asked how quickly DLGS would respond, how long until notices are received, and how long from getting the notice, in theory, they would get fined (Atty. Riordan: the earliest a Notice of Violation would go out, assuming DLGS is on top of their game, would be Jun. – nobody gets fined when they get a Notice of Violation – they get an opportunity to say they don’t belong on the roster – can ask DLGS to make the decision for the municipality) suggested a motion to have Atty. Riordan draft an opinion request to DLGS tomorrow and getting it out ASAP.

Motion by Councilman Vitale to authorize the administration to remove all Rec members from the Roster, was seconded by Councilman Ramos – **NO VOTE AS TALKING ENSUED.**

Councilman Vitale: can’t play around with these people – it’s 2 weeks away – we didn’t give them enough notification time – doesn’t want to wait for the Atty. to figure it out and them going back and forth, and before we know it, it’s Apr. 30th and maybe they get a violation (Atty. Riordan: DLGS, because of what we’ve done here tonight, is going to have this issue on their desk within a week, and they are going to decide whether or not these guys should be fined, and if they decide these guys should be on the roster and should be fined, there’s nothing that we’re going to be able to do about it – when we put them on the roster and they appeal, they have a shot to avoid the fine; Councilman Vitale: is not putting them through that, and he spoke with several members at the State – the LFB and Ethics groups, who said Rec should not be on there, if it’s a volunteer committee – they said he had to take it up with the Clerk and the Atty. – said if Rec members get fined, he will pay all of their fines).

Motion by Councilman Vitale to authorize the administration to remove Rec and BID from the roster was seconded by Councilwoman Testa – **NO VOTE TAKEN AS TALKING ENSUED**

BA/CFO Riehl: we keep saying “the administration” – she has nothing to do with it – thinks that the Clerk is personally held responsible with personal fines (Clerk

Farrell: doesn't know about personal fines; Councilwoman Crowley: it puts her in a terrible position; Atty. Riordan: it says the Clerk is responsible for insuring the LGO Roster is fully and accurately updated on or before Apr. 1, 2023 – Clerks who do not update the roster may be subjecting some LGOs to violations of the filing requirement and the Local Government Ethics Law (LGEL) – a Notice of Violation for non-filing will be generated after the filing deadline, based on the roster created by the LGE representative – similarly, new LGOs who are required to be listed on the roster, but whose names have not been added, are also required to file) asked, before voting to take the names off, about any repercussions, personally, for the Clerk (Mayor Kanitra: asked if she can be indemnified – if the motion can be to take the names off the list, for the BID and the Rec and indemnify Clerk; Atty. Riordan: can make the motion – doesn't think any of it is effective; Mayor Kanitra: if we pass this, he is also going to make a motion to get a legal opinion too, so we are all on solid footing – gets where Councilman Vitale is coming from – has been fairly calm discourse, but we need a legal opinion from the LFB as well – and they'll probably do both at the same time; Unrecognized Person in Attendance: asked why they weren't notified on Apr. 1st; Mayor Kanitra: asked if the names were supposed to be put on Apr. 1st; Atty. Riordan: doesn't know – he issued his opinion on March 30th and that's the last he heard of it until the recent eruption – is not sure what happened between March 30th and when Rec got noticed; Clerk Farrell: she was updating the roster and was told by the State we were not to send out notices until we got LFN #8, which arrived in her inbox on Wed. at 4PM; Mayor Kanitra: this notice hasn't changed since 2017 or 2018, so the timing of this is horrible – the fact that we didn't do it 5 years ago, seems to not warrant it now; Atty. Riordan: are missing the change in the Rec between 2017, 2018, 2019 and now – it has improved immensely, but it does a whole lot more).

Councilman Vitale amended his motion to authorize the administration to remove all Rec members and the BID from the roster, and indemnify the Clerk – **NO**

SECOND

Councilwoman Crowley: asked if changing the monetary, as that's what triggered this all (Councilman Vitale: are not changing the monetary) thinks they deserve way more, but that's not the point – are putting everyone in an unethical situation.

Kristen Hennessy (unrecognized from the floor): are making a motion and getting ready to vote to put Clerk Farrell in very compromising position (Councilman Vitale: are indemnifying her) it's unethical – you're indemnifying her – you're making a decision to override State law (Councilman Vitale: not State law; Local Finance Law) public has a right to comment on that before a vote – is all for protecting members

of the Rec and volunteers – she volunteered for almost every committee in town – but you don't make up rules from the dais in PPB that override State law and put the Clerk in a compromising position where she could be sued – that is illegal and unethical at the very least (Councilman Vitale: read from the FDS web site – “if after review, it is determined that some divisions of the local government are not deemed to be LGOs,” which he feels the Rec and BID are not, “and therefore not required to file an FDS, please update the LGO roster and notify those individuals of your determination” (Councilwoman Crowley: the LFB has to deem them – that's what she's asking for – let them review it – let them deem them not; Councilman Vitale: it says the Municipal Clerk can send that in; Atty Riordan: what he's instructed the Municipal Clerk is she should write a letter to DLGS and say our Governing Body disagrees with our lawyer about the BID and the Rec Committee – that's what we're going to have to do at this point; Mayor Kanitra: asked if there are any special sessions blocked off on the calendar; BA/CFO Riehl: yes; Mayor Kanitra: asked Atty. Riordan, if we could give this one week to get a legal interpretation; Councilman Vitale: that would give everyone 5 days to file, but people have to disclose to their jobs that they are going to show up on some State list; Councilwoman Crowley: want to make everyone happy not put the professional on the line, which is wrong; Mayor Kanitra: asked about giving it one week, getting a decision from DLGS, and calling a special session for Apr. 25th to knock it out – trying to cover both sides – Councilwoman Crowley, a former Clerk, is saying she's not going to support it and that we are hanging her out to dry – Rec is upset, and Councilman Vitale has made some good points – have to treat all 3 aspects fairly, because it doesn't seem like it's cut and dry; Atty Riordan: his suggestion is that the Clerk write the letter to DLGS and say that the Governing Body does not believe that the Rec Committee and BID have to fill out this form – doesn't see much analysis on the BID issue disagrees with the analysis on Rec, but those are things that ought to be put before DLGS – doesn't know how quickly they're going to respond – but is hopeful that will respond to the question of what do we do about the fact that the Governing Body has asked the Clerk to remove people, even though the lawyer says they should be there – that's something that he'd like to hear from DLGS about (Councilwoman Crowley: if it's pending, they won't fine them – if monetary is removed, have a better chance but, agreed they deserve well more than that, and they should attend every event for free, for all they give and do, but at the same time, it becomes a different bracket; Atty. Riordan: that's up to Rec – however they want to go to the DLGS – agrees with Councilwoman Crowley that they improve their chances by dropping that; Mayor Kanitra: if an opinion comes back within a week, asked if all can agree that we want it taken off – if that can be done without the Governing Body meeting; Atty. Riordan: yes; Councilman Vitale:

asked if we will get ample notification from DLGS or somebody; Mayor Kanitra: former DLGS Dir. Cunningham lives in town – maybe he can call in a favor; Atty. Riordan: he has consulted with Mr. Cunningham already, but can certainly ask him to push them into giving an opinion ASAP; Mayor Kanitra: if we get to next week and don't have the opinion, assumes Councilman Vitale is going to want to make a motion again to remove them; Councilman Vitale: yes; Mayor Kanitra: let's put on the calendar a special session for next Tues. night – can cancel at the last minute, if needed; Atty. Riordan: will make sure that DLGS is informed that you folks are against having these people on – will be clear to them why he thinks they're on; Councilwoman Crowley: that we think they shouldn't be; Mayor Kanitra: asked if anyone on the Governing Body is not ok with that – it might involve coming in for 20 minutes next Tues.; none; Councilwoman Crowley: professionals put their license on the line – she knows what that is – all have our careers – so, it's unfair to do that to somebody; Clerk Farrell: clarified what the motion is; Mayor Kanitra: to call a special session for next Tues., and to request an opinion from DLGS on this; Clerk Farrell: have a motion to remove the Rec and BID from the roster (Councilman Vitale: rescinded it; Mayor Kanitra: are asking for a special session to be put on the calendar, if needed, for next Tues. night, and for an immediate letter to be drafted for an opinion from DLGS, letting them know that we have a 1-week deadline – if they don't respond in that time, we're having the session, and Councilman's going to make the same motion he made; Clerk Farrell: is confused; Mayor Kanitra: if DLGS says they don't need to be on there, or we have the power to remove them, are all agreed they're coming off, so we won't need to meet; Atty. Riordan: if DLGS says they don't have to be on there or says the Governing Body can overrule, there will be no need for another meeting and they'll be off the roster – if they say, no, they have to be on the roster or no, the Governing Body can't override it, then there will be no need for a meeting – if they give us no answer, there will be a meeting; Mayor Kanitra: asked, conversely, about making the motion now to stipulate that if they don't respond in a week, that we're requesting her to do it; Atty. Riordan: it's the same thing, because we're going to tell DLGS that you've requested her to do it – it won't change what happens, but, yes, you could do that. **NO SECOND**

Motion by Councilman Vitale to remove the Rec and the BID, if we do not hear back from DLGS and indemnify the Municipal Clerk. **NO SECOND**

Councilwoman Crowley: it's her license on the line, not the fees (Mayor Kanitra: asked if we can't indemnify her and she is personally liable, if that's tied to the motion – Mayor Kanitra: if we can't safeguard Clerk Farrell, the motion will not be valid): when acting as the Clerk, she's indemnified anyway (Atty. Riordan: right)

whatever she does as Clerk, she's protected – let's give it a week and hope for the best – think we can persuade them that they're a committee, not a commission and can work on that and can move to just keep it off the roster for this year and continue it that way – have to present why we feel they're strictly a committee; Mayor Kanitra: let's give them a week – will personally call them tomorrow)

Unrecognized Person: asked why this wasn't done before (Atty. Riordan: as Clerk Farrell pointed out, the State did not let her notify anybody until LFN 2023-08 came out and that was last Wed.; Mayor Kanitra: it's disingenuous for anybody to say we could have done anything before this –absurd.

Motion by Councilwoman Crowley to have the Clerk write a letter to the LFB, ASAP, requesting they revisit the committee stance vs. the commission and try to remove all the members of the Rec Committee and the BID, was seconded by Councilwoman Byrnes and carried by roll call vote:

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

PUBLIC PARTICIPATION BEGAN AT 8:32PM

Mayor Kanitra: 3 minutes per person

Chesla Wechsler, 706 Forman Ave., PPB: credit was used for Pickleball sign-up for those running it – there are voting and non-voting members – doesn't know if that makes a difference if considered a commissioner (Atty. Riordan: non-voting members should not be included; Councilman Vitale: most are not on the list) thinks she's a non-voting member, but still got a letter – her name was spelled wrong.

Janet George, 318 Broadway, PPB: an inactive, but a voting member – asked the benefit/intent of getting their financial information (Atty. Riordan: part of LGEL, designed to prevent conflict) she joined make friends, meet people, better the community – her information should not be necessary – disgrace – people are donating their time and money – this is jeopardizing a lot of great programs people have worked hard on, by potentially having people leave the Rec – were decisions made to put them on the list by Atty. Riordan, without their consent, and make

them have to fight – he put them all at risk by not giving them the option to become a non-voting member – did not apprise them – unethical – an atrocity – if decision is that they must file by Apr. 30th, they should be notified by certified mail to allow them to decide to become a non-voting member and elect to be off the list, while still being a participant (Mayor Kanitra: asked, in letter, to have DLGS delineate between a voting and a non-voting member; Atty. Riordan: this is not something he does with joy – the law is clear – read the language again – it’s about function – Rec has changed radically in 2021 and 2022 and now it’s clear they are acting like a commission and should file – it wasn’t as clear to him in 2021 and 2022 – in 2021, no one asked him to look at a single title – in 2022, was asked to look at certain titles – he re-read the Administrative Code and LFN 2023-06 – Bd. of Recreation Commissioners jumped out – looked for difference in commission vs. committee – was none – was a question of function and our Rec functions identically as a Rec Commission – he and Councilman Vitale have discussed this enumerable times; Councilman Vitale: have had discussions about how the Rec has grown and runs events – doesn’t remember commissions being part of that – asked why the Environmental Commission (EC) is not listed on the roster; Atty. Riordan: they are not listed in the code, nor the Shade Tree (STC) nor Historic Commissions; Councilman Ramos: is a former Rec Vice Chair for 7 years – dynamic group – all appreciate what they do – decision was made to make a massive change to very dynamic and energetic group and no one on the dais had the courtesy of being notified – has an issue with that – are in a political season – understands they don’t have to be notified, but it seems common sense, so they could be able to deal with it and understand it and not get people upset; Councilwoman Testa: 100% agrees; Councilwoman Crowley: husband served on Rec – her daughter got a notice and is in South Carolina for the past 8-9 months, but received it for helping with Facebook as a senior at PPBHS – that’s the first she heard of it also – it’s really not supposed to be a political thing at all – LFB is meant to cover that your assets are not intertwined with businesses or function – doesn’t believe there was ever an intention to hurt anyone on Rec – political season or not, this had nothing to do with that – this is a professional’s job – it’s out of our hands – it’s the State – begs to have this changed – hopes we will win – are an amazing asset to the community; Councilwoman Testa: commends all the volunteers do – to think anyone would think she doesn’t appreciate them or is targeting them is horrendous – moved here when her son was 2 – he is 20 – didn’t have committees like this then, so she couldn’t get involved until she should joined the PTO – was PTO President for 2 years – ran the Cooks Tour for 2 years – takes 10 months to put that together – ran the Spring Carnival for 3 years – was Booster President for 4 years – she brought back the Golf Outing and they raised \$17K – knows what goes into giving

back to the community and volunteering – volunteers are the backbone of this town – has friends here who have known her since 1st grade – they know her integrity and character – she is not here to target anybody, but to come up with a solution and get this done the right way – thanked them for all they do – without volunteers, the town goes down – don't have great events – that's the last thing she wants to see happen – will come to a solution).

Kristin Hennessy, 604 New Jersey Ave., PPB: this is the forum where this should have been debated and decided – disheartening as a 56-year resident to have witnessed this over an issue that is a legitimate concern for all – have volunteers and a Governing Body and administration that has to follow the law – this group didn't make the rules – NJ DLGS makes the rules – Governing Body can't override them – disheartened that this turned into a political football – has been privy to emails about a private meeting at Councilman Vitale's house – Facebook posts are putting a stain on PPB – told whoever is stirring the pot to knock it off – putting a black mark on PPB – should not have become a political issue – doesn't want it perceived that she disagrees with the benefit, but she served on the First Aid Squad for 10 years, Open Space (OS), EC and Animal Welfare Committee (AWC) and never got any benefit – was a spirit of volunteerism – willing to give of yourself without compensation – doesn't disagree with the small benefit – they deserve it – asked if other committee/commission members get to play Pickleball for free, etc. – all give a lot of their time – no one gives more time than the First Aid and Fire Dept. (FD) – noted that, if she wants to join Rec and is not voted on, she can't be afforded the same benefit – slippery slope – devil is in the details – appreciates the volunteerism – if giving benefit to some, it must be available to the many – everyone should have the fair, ethical opportunity to derive that benefit, if they choose to volunteer (Councilman Vitale: Rec gives FD and First Aid free access to Summer Camp – when incentive was put in place, were told it was a committee decision – if OS wants it, they should bring it up at the next meeting – it's specific to Rec of all the work Rec members do – not taking away from the other committees – Rec voted on this – are constantly asked to do more and more events – want to keep members – can't tell you how hard these members work – the other committees should figure out an incentive that works best for them; Councilwoman Crowley: problem is, when a committee does that, they become a Commission; Mayor Kanitra: wants to ask, in the letter, if this compensation changes anything; Atty. Riordan: absolutely can – in his discussion with other attorneys, everyone has said they think it's unethical; Mayor Kanitra: Councilman Vitale and Ms. Hennessy are both right – should ask for clarification and tackle that – rules should be fair for everybody).

Bill Schule, 326 Richmond Ave., PPB: Lauren Schule is his wife – thanked Councilman Vitale for stepping up for them and Mayor Kanitra for making them a priority – is curious why Atty. Riordan cited the AG opinion instead of going to the LFB – is telling, based on the precedent of Rec’s interactions with him – feels like an attack – can talk down to them, but they are and have been calm, as Atty. Riordan continues to take *an expletive* on them (Atty. Riordan: unfortunate that people who have never spoken to him and have no idea what he opined concerning Rec should have such opinions – must be getting information concerning his opinions from somebody, and whoever that is, is not telling them the truth).

Erica Susko, 701 Richmond Ave., PPB: Atty. Riordan: admitted he spearheaded this (Atty. Riordan: his job to give the Clerk his opinion, based on the law) asked where he got the list submitted to the State (Atty. Riordan: the question submitted to him is who is required to file, not individual names –doesn’t know the names of who is on Rec) asked who submitted the list to the State (Atty. Riordan: the Clerk is responsible for doing it – Clerk has the names of people who are on all of the committees because, when the Governing Body appoints people to committees, the Clerk is the one who keeps track of who’s added, who’s subtracted) asked the Clerk where she confirmed that the list was accurate on the date when she submitted the names to the State (Clerk Farrell: Doug and Lauren) believes the email to Doug and Lauren came after the names were submitted (Councilman Vitale: got the email from Clerk Farrell that Wed. at about 4PM – asked Clerk Farrell if that’s when she received the notification from the State; Clerk Farrell: received the notification from the State on Wed. at about 4 o’clock (Councilwoman Crowley: her daughter’s on the list – they are not updated – her job is to send in the roster and if you are not active, you don’t have to fill it out; Mayor Kanitra: on the first of the year, we vote in all Rec members and they get added to the Clerk’s roster – names only come off if Lauren or someone emails us to take them off; Lauren Schule/Unrecognized: a few of them weren’t taken off in the beginning of the year – is a volunteer – does not have the ability to answer an email on Thurs. that was sent to her on Wed. – submitting the name on Thurs. and placing the blame on her to respond; Clerk Farrell: never blamed anyone; Councilwoman Crowley: if an inactive member, you do not have to submit and will not get fined) it’s not the form itself, it’s the whole process – Clerk Farrell has put her job in jeopardy by submitted her name – she didn’t get any notice and where she works and what she does needs pre-clearance if she is listed as an LGO – she goes through pre-clearance with her job to be able to be assigned as an LGO – egregious illegal actions happened here and need to be addressed – up to the Council to decide if we are a committee or a commission (Atty. Riordan: AG has decided that the bodies may be referred to as

either commissions or committees, and what determines whether or not they have to file, is the factual determination, based on their function – the deciding factor is not whether you call yourself a committee or a commission, the deciding factor is whether you do what a Commission does and, unfortunately, you do) we don't – she declined the \$100 credit because she joined in Dec. and believes she didn't earn it – but she is being told that she has acted like a legal officer, an LGO – story keeps changing (Mayor Kanitra: brought up a valid point that needs to be addressed) she is a regulator for a bank and it's a conflict of interest – needed to disclose this – her job is currently in jeopardy because of Atty. Riordan's actions (Mayor Kanitra: is putting it on his calendar to call DLGS tomorrow and say we need it expedited; Councilwoman Crowley: non-voting and voting is probably a big factor too; Atty. Riordan: if her employer has questions, they can call him – he can help).

Anne Lightburn, 307 New Jersey Ave., PPB: is on 2 commissions – are under State guidelines on how many members they can have and how many alternates – they have filed FDSs in the past – have lost one member who did not want to file – can understand Rec not wanting to share their information – asked for a clear definition of commission and committee – people here want to be a committee – some husbands and wives don't want them to have to file FDSs because of their jobs – it's an important issue (Councilman Vitale: asked the last time she had to fill it out; Atty. Riordan: correct – at one time, a number of different PPB bodies were required to be on the roster and then DLGS changed who has to be on the roster and who doesn't – since the law was enacted, they have gone back and forth and up and down – in 2017, was an attempt to codify a bunch of different AG opinions that had been issued over a period of about 20 years; Mayor Kanitra: so the form used to have STC; Atty. Riordan: not that particular codification, but different opinions of the AG, which were removed before that was codified – it has always been very confusing, which is why Clerk Farrell has to ask him virtually every year, but not in 2021, who is on and who is off – DLGS changes their opinion every year) Clerk Farrell is very thorough (Atty. Riordan: extraordinarily thorough – folks who are thinking she did anything wrong are just simply wrong – this is all him; Councilwoman Crowley: she's done a great job – hate to put her in jeopardy) Atty. Riordan needs to give Council a very detailed this is how a committee functions and this is how a commission functions, and if it's the benefit or something else they're doing, they can decide whether they want to be a commission with the benefit and the financial forms, or whether they want to be a committee – but it has to be clear (Mayor Kanitra: goes back to the bucket – need to codify the elements, so they are a committee: Councilman Vitale: Council votes on hiring Counselors; Mayor Kanitra: asked if they fire Counselors; Councilman Vitale: never have – would like that from

the LFB; Atty. Riordan: it's pretty clear in the statute – the more control you have over Rec, the more you are like a commission, the less control you have over Rec,, the more you are like a committee).

Ryan Simunovich, 809 W. Laurel Ave., PPB: thanked Council for staying so late and hearing them – are passionate about being thrust into a political situation they don't want to be part of – have a loyalty to Councilman Vitale but don't want to be part of any political situation – there's a lack of transparency from the Atty.'s guidance, if Rec should be considered a committee or not – asked for clarification – that is a critical point – his job is also at risk by his name being listed without his approval or ability to opt-out – defers to our Atty.'s judgement and expertise on whether his name should have been added without his consent – he has put him and his family in a situation he doesn't want to be part of – seems deadlines were missed – no notification – we were put in a position we don't want to be in – appreciates the patience and advocating for Rec – something is broken – doesn't want to be fined or put in a situation where he has to appeal or interpret – just wants to volunteer – is here until 9:30PM – this is not where they want to be – just want all to work together for the town.

Kim Allen, 146 Ocean Ave., PPB: called the State today – got 2 different options – one that they don't apply and one that it's up to the town to decide – they said if the BID is non-profit, it does not fall their jurisdiction – she quit the Arts Committee because of the last round of papers they were supposed to sign a year ago – she was very involved as the treasurer – she and Atty. Riordan have had many discussions – was told they had to follow the rules – doesn't think anyone here has been handed a manual, guideline, anything from the town with the rules for being on a committee (Mayor Kanitra: BA/CFO Riehl made a guidebook and gave it to everybody: BA/CFO Riehl: last year – all had to sign that they read them) it also said they were employees of the town – sat in Joining Forces meetings to try and get this document to make sense for committee members – it was a guidebook of what somebody used for something else and it was put together to make it look like it was something they needed to sign – she didn't sign it – she resigned – some didn't sign and are still on committees – others signed and are begrudged by it – there are not processes in place as to how to run an event – she volunteered to help write it – it gets glazed over because there is too much else to do – committee members are expected to do so much in this town – are supposed to be thankful for that, not to keep throwing new regulations out without notice and expecting everyone to jump when told to – frustrating – being on committees is supposed to be fun and get you to know your community, not filling out FDSs and signing your life away so you are

not liable if something happens while you're on the committee – you (Atty. Riordan) need to make it feel like you're on our team – her biggest pet peeve is, once again, we didn't do the research or the homework – never fix ordinances – change the way a committee operates with no notice – it is a 6-year-old ordinance – she called the State to confirm – asked why this wasn't on Atty. Riordan's radar in Jan. – asked what he is being paid to do – spend so much money paying the Atty. – ridiculous – continue to spend money on broken ordinances – have an ordinance that says a Certificate of Occupancy expires on Dec. 31st, but you can't apply for a new one until after the calendar year and have none until it's inspected – has rentals with illegal people in their houses now because the town is so backed up (Councilwoman Crowley: let's fix that; Mayor Kanitra: if what Kim said is true, we want to fix that; Atty. Riordan: that's not true – at least not according to the Construction/Code Dept.) call the Build. Dept. because she's heard it many times (Councilwoman Crowley & Mayor Kanitra: we'll follow up on that; Atty. Riordan: with respect to the idea that he doesn't meet his deadlines, he was asked the question at the end of Mar., he responded at the end of Mar. – that's all he can do – it is not his job to tell Rec – that's the Clerk's job – and it's not his job to tell the Governing Body either – it's his job to tell the Clerk – the Clerk asked the question – it's his job to answer the Clerk, and then for the Clerk to notify Rec – had he anticipated this type of reaction, he would have notified Rec in some way that this was going to happen – there is nobody, that he has ever heard of, on the roster, who has had their employment at all adversely affected by being on the roster – is not saying it can't happen – is saying it never has happened; Mayor Kanitra: certainly have to believe what they're telling us; Atty. Riordan: I certainly believe they're concerned about it – doesn't believe their employers are, but he could be wrong).

Joseph Seickel, 201 New York Ave., PPB: reiterated what Mr. Simunovich said – since 2019, has the privilege of working with some of the hardest working, selfless people in town – they give everything that's asked, and then some, with nothing in return – loves what he does on Rec – has fun with these people – that's what it should be for all – got a confidential notice in the mail on Fri. made out to a LGO, saying he now has to submit financial information, with no idea why or what is going on, but he is going to stay on Rec because that's what he does in town – left Clerk Farrell voicemails for 2 days to find out why he got this letter – did not get a return phone call – upsetting – if she has the right to submit his name to the State, she also has the right to call him back and let him know why (Mayor Kanitra: hope that everyone in Town Hall is getting back to residents in a timely manner).

Lauren Schule, 326 Richmond Ave., PPB: is sure most here have seen her posts – fully stands by what she says – feels they are being personally attacked – have done nothing but jump through hoops that they have been served by Mr. Riordan to try to make things work for the town – all the events asked for – countless hours – with every event, it changes – get approval from BA/CFO Riehl and then are told the Board never knew, Council never knew – a shame – embarrassing – have tried to ensure everything they've done as a committee has been by the book – continuously put through the ringer – especially something like Summer Camp – if the town wants to run it, have at it – ridiculous, the amount of work that it takes – horrible to be targeted like this – as a citizen, she has every right to post on Facebook – have tried to get clarification – have emailed Clerk Farrell saying that names need to be taken off, and got nothing back (Clerk Farrell: not true) check your email – you have not responded to me (Councilwoman Crowley: should not be addressing her like that – she's a professional – she did her job; Clerk Farrell: doesn't appreciate being attacked – is here to work) she did not do her job (Clerk Farrell: said Mrs. Schule does not even respond to her – goes through her Deputy because she refuses to speak to her; *all speaking over each other*; Mayor Kanitra: Clerk Farrell is a tenured employee of the town) should bring up her emails as public record of how she's responded (Clerk Farrell: please do; Mayor Kanitra: need to try and keep it cordial – can't have people attacking people) feels like she was attacked, so asked why she can't defend herself – as a citizen, she has a right to Freedom of Speech and to come here and defend herself (Mayor Kanitra: always have the right to come here and address us) will send everything she needs to send to Mayor Kanitra – every email she sent me that went unanswered (Mayor Kanitra: would like to see all the communication; BA/CFO Riehl: has been copied on them – went to Councilman Vitale, asking who sent the last email, because she is going to shut it down, because it was so obnoxious and unprofessional to Clerk Farrell, who is asking a lot of questions because she's being asked a lot of questions – knows Mrs. Schule doesn't like to be asked a lot of questions – Clerk Farrell is not doing it to offend or trouble anybody – she's got to get it right for the record) said she and BA/CFO Riehl sat in a meeting and she apologized on Clerk Farrell's behalf for her email and behavior (BA/CFO Riehl: the apology was the constant questions; Mayor Kanitra: we treat the resident like the customer in PPB, but we have to be respectful to our Borough Atty., Administrator & Clerk as well) volunteers don't feel respected – has spent countless hours – jumped through hoops and now her family is being thrust into this (Mayor Kanitra: is clear there is a rift – there are a ton of things he expects from Rec and they do a ton of work and he expects a ton of work out of all – what he doesn't want to come out of this meeting or next, after the DLGS opinion, is an unspoken rift – suggested a meeting or series of meetings – doesn't want it to

feel that it's Rec vs. Town Hall – need a re-set – Maybe Councilman Vitale, Mrs. Schule, himself, Clerk Farrell and BA/CFO Riehl, and maybe someone from Council – wants to see the emails in the interim – let's clear the air – are all passionate – are all doing this for the kids in town – the worst thing that can happen is we go back to where we were 4-5 years ago when we weren't doing events – wants to make sure we are still pushing forward – will make sure no one is feeling disrespected and that everybody's valued and taken care of and we don't have animosity) has already asked for that – if there was disrespect, it was in response to someone saying something to her (Councilwoman Crowley: in defense of Clerk Farrell, if she gets messages or emails on a Mon., she has to prepare for this meeting – it's a lot of work on her – it's one person – she's a small office with an assistant – she should have many more employees – she does a lot of work to get us here and it's all on her – if it takes a day or 2 before a meeting to get back to you, that is the reason; Mayor Kanitra: great point – have to be respectful of everybody – our job to look out for best interests of all; Councilman Ramos: pointed out that the public is speaking to Council, not the employees – if the Mayor decides he wants to ask them a question, he can do so – need to stop the questions to them – keep the questions here – that's what we are elected to do and that's what we're here for).

Mike McGee, 811 W. Laurel Ave., PPB: for the past 12-15 years, has had the pleasure of teaching civics to the children of almost everyone on the dais – has used this and the previous administration as examples of transparency in government and how lucky we are in this town to have the kind of transparency we do – if he has questions, he can call the Mayor or a Councilmember – has always been proud of that – there seems to be a hiccup in transparency that we've always been able to hang our hats on- requested that the Governing Body do what needs to be done to ensure that continues, so he can continue to tell his kids this is a model throughout the State (Councilwoman Testa: can reach out to all of us anytime).

Joanne Oleske, 211 Atlantic Ave., PPB: recently moved into town and joined Rec – concerned that her name was submitted without consent – she was identified as an LGO, which she is not – doesn't agree with the definitions listed – doesn't believe she is a match – asked what happens next time this comes up – if they will get notification prior and the option to consent or not (Mayor Kanitra: can vote that, if there is any change in status, that commissioners get 7 days' notice – want to go forwards not backwards; Councilwoman Testa: this is why we are here, to address these issues – when you have barriers and there are great questions, we come together to find solutions – want to go forwards, not backwards – hopes we would

never have to have this discussion and that there would be transparency and clarification and good communication, so we are all on the same page and everybody knows what's going on – that is very important; Councilwoman Crowley: are going to try and get a committee; Councilman Vitale: would say 15 or 30 days – as much notice as we can – most folks have to clear it; Councilwoman Crowley: she just got noticed the day before she sent them, so our hands are bound; Councilman Vitale: that would have been around 15 days) asked if there are any other reason their personal information would be shared with the State or other organizations (Atty. Riordan: name and address as a committee member is public – the form doesn't require address; (Councilwoman Crowley: doesn't get distributed – just the LFN; Atty. Riordan: the way the procedure is designed, when the Clerk sends the notice, that's the notice to the LGO – they certainly can say to the Clerk that they don't think they belong there, but it's the Clerk who has to make the final decision – the Clerk gives the notification as soon as she can, based on the State guidelines; Councilman Vitale: but the notification is just a letter with a PIN, with no explanation as to why they're selected – there's got to be a better notification process; Mayor Kanitra: asked if they can get a different kind of notification or if there is any way to get more notice; Atty. Riordan: asked Clerk Farrell, when she notifies the State, if she can notify the Committee members at the same time; Clerk Farrell: is not notifying the State, is putting names on a roster – Clerks were sent an email from the State saying do not notify anyone that they have to file until we get the LFN; Atty. Riordan: and that notice was late this year – it did not come until Wed. afternoon – so, the Clerk's hands were tied – she could not notify anybody; Clerk Farrell: she emailed the State, asking if the deadlines were going to be extended and when she'd be getting the notice; Councilman Vitale: confirmed that when he spoke to the Clerk, even though you said Rec should go on this – *inaudible*; Atty. Riordan: that's his understanding – is going to research this key issue – is learning as we speak – knows that the State tells the Clerk when she can send notices – did not know that they held it up this year; Councilman Vitale: asked if even a heads-up is violating a State statute – just to let them know it's coming down the pike – the Clerk will formally notify you when she gets approval from the State; Atty. Riordan: based on what Clerk Farrell is telling him, can't do that, but he is going to research it; Councilwoman Crowley: when they changed to a commission, if we felt changes were substantial, we could have notified; Councilman Vitale: he is the liaison to Rec – never knew they changed from a committee to a commission – there was no notification to him; Atty. Riordan: there was no notification to him either – when the issue came up this year, and he read the Administrative Code and it said Recreation Commissioners, that triggered the research into what commissioners and committees are and that left the answer to be, it's a question of function not name

- that's the key issue - and the more you do, the more you become indistinguishable from the statutorily-defined Recreation - *inaudible*; Councilman Vitale: still challenges #24, Bd. of Recreation Commissions - in his research, he found that if it's a paid Rec Dept., then that head is called a Recreation Commissioner - saw that in several towns; Atty. Riordan: actually, no, because the Recreation Commissioners, by Statute, cannot be paid - so, a Recreation Dir. is a paid municipal employee - a Recreation Commissioner is an unpaid individual who advises the Governing Body and tells them how to use Recreation facilities, which is what the committee does; Mayor Kanitra: it's very clear that this is pretty politically-nuanced, so getting an opinion from DLGS; Atty. Riordan: the right way to go; Mayor Kanitra: this could be interpreted a bunch of different ways).

Rob Mercado, 1002 Chicago Ave., PPB: fundamentally disagrees with the interpretation of what an LGO is related to him - doesn't fit any of the definitions - did not like that his name was submitted - understands why the notice didn't go out until the day it did, but it should have been done prior to his name being submitted to this roster - doesn't know the difference between committee and commission - the form he is being asked to fill out is not terribly invasive - same form everyone here is probably subject to completing annually, which makes sense considering their function/roles - his major responsibility on Rec is the inflation and deflation of a giant seagull - appreciates the discussions tonight and the actions that, hopefully, will result in a good outcome - at the beginning of this meeting, were advised not to fill out this form, get a notice and then fight the notice - asked what they should do if they go a week's time and get an opinion that is not in their favor (Mayor Kanitra: at that point, are talking about having a motion to just remove the names; Councilwoman Testa: were going to do that and decided to look into this and feel positive that we won't have to go that way; Mayor Kanitra: also depends on whether or not we can indemnify the Clerk; Councilman Vitale: at that point, it's up to the individual Rec members to either sign the form or move to a non-voter status or resign; Mayor Kanitra: maybe that's an easy third option - at that point, if we can't indemnify the Clerk, and nobody wants to hang her out to dry either, maybe we just have the nuance of a non-voting member; Councilman Vitale: if Rec comes back and says they are all non-voting, asked if they can be removed from the list; Atty. Riordan: you don't remove them, DLGS does; Mayor Kanitra: technically, a non-voting member of a committee is just a volunteer; Atty Riordan: the Clerk writes a note at that point to the DLGS and says so and so is no longer - *inaudible*; Mayor Kanitra: getting hung up on the definition of what a Rec member is - doesn't think anyone is doing this because they are an official Rec member, who was voted in by Council - in theory, 75% could say they want off Rec - can still show

up at the meetings, volunteer, and do everything except vote, and are still a Rec member by that definition) read all the LFNs that were referenced in the letter and disagrees with the notion that the Municipal Clerk cannot take these names off because, in 2023-06, which is directed to Municipal Clerks, it clearly states, "if after review, it is determined that some individuals are not deemed to be LGOs and, therefore, not required to file and FDS, please update the LGO roster and notify those individuals of your determination" (Councilwoman Crowley: she can't make that determination) the local government can; Councilman Vitale: it says the Clerk can do that) this is the notice that is intended for Municipal Clerks (Councilwoman Crowley: if someone says they don't do anything on the Board, she can remove them) doesn't think anyone here thinks they are LGOs - this intended for the Municipal Clerks - it states it right on the front of the document and it is addressing Municipal Clerks and anyone with administrative responsibilities (Clerk Farrell: it also says they need to seek Counsel's advice, which she does every year) he said he wasn't consulted last year, which was no different from this year - this is addressed to the Municipal Clerk, with clear instructions on what to do in that circumstance - think she should act on it - it clearly gives her the authority - that's his interpretation - common courtesy would suggest that those who are going to be impacted would be notified - would expect common courtesy from his government.

Atty. Riordan: was just pointed out to him that when the volunteer form it signed, there is a part of the form that notifies people that their information may be provided to the State; Mayor Kanitra: so, when we make somebody a member, there's a volunteer form that says that your information may be - *inaudible*; Clerk Farrell: "you may be subject to file a Financial Disclosure;" Mayor Kanitra: it can't be all just one-sided here - that's a pretty valid thing - if the volunteer form says that you may be subject to some of this, that's a fair thing - then you've been notified - let's all be fair and not have blinders on here, because we're up here trying to listen and be objective.

Barbara Palumbo, 115 Forman Ave., PPB: doesn't think anyone is questioning whether it's on the form, but why it was only directed to Rec and if someone is making a conscious decision to change them from a committee to a commission, they could have been notified before doing anything else - work hundreds of hours a year for the Mayor (Mayor Kanitra: we ask a lot of Rec and agree totally) feels like a target, like they got in the middle of a some political argument - just want to make the town better - should have called us before the route continued (Mayor Kanitra: to the Borough Clerk's defense, there's probably no one in Town Hall who

is less political – the Clerk’s whole job is to transcend political administrations – whether he is the Mayor or someone after him, or another Council – no one can even hire or fire her because her role is to be politically independent) asked whose decision it was to make that distinction and get the ball rolling (Atty. Riordan: it’s his job to answer the Clerk when she asked him who should be on the roster and who’s not and, he read the law and it was clear – he was not in a position where he could announce the opinion to the world – his client is the Clerk and when the Clerk asks him a question, he gives her the answer – he can’t broadcast his opinions to other people – he is ethically prohibited from doing that – he can’t reveal his client’s confidences to everybody else – he’s not allowed to; Mayor Kanitra: the Point Pleasant Beach Volunteer Application that all have to fill out before we vote on you in online – at the bottom of this form, it say “Certification,” and before you sign it and put your name in, it says, “I understand that I may be subject to the NJ Local Government Ethics Law and, depending on the authority, board or commission, I understand that I may have to file a brief Financial Disclosure Statement each year, as mandated by the State of NJ”– this is pretty definitive – everyone gets notice when they fill out that form – it’s disingenuous to say they weren’t noticed – we’ve been objective and listened to everybody, but it’s literally on the form; and you sign right under it – maybe not the BID, but if you’re on a committee, you have to sign this; Councilwoman Testa: in their defense, most people probably didn’t realize that; Mayor Kanitra: all sign a bunch of things every day and don’t know what’s on there but that’s on us; Councilman Vitale: it’s a blanket statement; Councilwoman Crowley: once duties changed, we should have alerted them; Mayor Kanitra: correct – but it is on the form; Councilman Vitale: “committee” is not on there – doesn’t apply; Mayor Kanitra: but it’s the volunteer form; Councilman Vitale: doesn’t matter – it doesn’t state “committee;” Atty. Riordan: if a volunteer read that and didn’t understand that it applied to them, his question would be “why did sign it?”; Councilman Vitale: does not specifically say committee; Mayor Kanitra: but everybody signs it – is not taking sides – is just trying to read what’s on the form; Councilman Vitale: people sign it and don’t think their information is going to be submitted because it doesn’t say committee; Mayor Kanitra: this isn’t changing any of our stances, but it’s important to be on the record that there’s a statement).

Lou Vassalotti, 115 Forman Ave., PPB: there are volunteers who do everyday work and people who run for office and take responsibility for more work – secretaries, chairmen, treasurers – asked if there is a different definition for volunteer vs. elected, appointed, executive committee – he worked at the Tug of War, Bonfire, Bags on the Beach, Winter Wonderland, picking up trash, etc. – as a volunteer in no position of authority, there is no need for financial disclosure – asked if there is a

differentiation in function within the group – and if, going forward, those who choose more responsibility will come with having to file an FDS (Councilwoman Crowley: that would be the voting vs. non-voting; Councilman Vitale: no – that’s executive members – there’s a chair, a treasurer and a secretary; Mayor Kanitra: his understanding of the executive members of all committees is that it’s just a construct of the committee – unofficial: Councilman Vitale: not formalized; Atty. Riordan: are talking about what we think DLGS is going to do – all he is doing is giving advice – not saying definitively what the answer is, because he is not in charge – DLGS is – the rules are designed to prevent any possible conflict of interest – thinks, as long as you vote, the State is probably going to be concerned about your conflict of interest – if all you do is follow directions – a note goes out saying we need volunteers to put up an inflatable seagull, and you show up to do the inflatable seagull, and you don’t vote and you don’t do anything but put up the inflatable seagull, he can understand why the State might make that distinction and say you don’t have to file, whereas the people who actually vote and make the decisions do have to file – is a little more uncomfortable when talking about voting vs. non-voting member – certainly, if a voting member, you are in a decision-making group and that’s going to make you covered – if you’re a non-voting member, and you just show up to do the inflatable seagull, thinks that’s also kind of a clear case – if you’re a non-voting member and comes to the meetings and has a lot to say about what should be done and you’re influencing the people who vote, think you’re going to have to file – is predicting what he thinks DLGS is going to do, based on their purpose, which is go get any information to ferret out conflicts of interests; Councilman Ramos: they are voting as a group to make recommendations to Mayor and Council as to what event would benefit the town – they’re not voting and executing the event; Atty. Riordan: he looked at that – the problem with that in each and every situation, you have minutes from Rec and minutes from the Governing Body, and the Governing Body has virtually never discussed, let alone voted against Rec’s, what you call recommendation, so it’s pretty clear that their decisions are the ones that are made – the Governing Body is simply rubber stamping them; Councilman Vitale: but it’s on the agenda and in the packet, so someone could certainly disagree; Atty. Riordan: the problem is that nobody ever has – it’s possible – and that’s something DLGS may be interested in – but it’s always been his advice that it’s function, so when you constantly rubber stamp Rec’s recommendations, they are in fact making the decisions; Councilman Ramos: they’re making good recommendations that make sense for the town – what he’s hearing is that the Governing Body has to disagree with them once in a while and smack ‘em down – doesn’t make sense; Atty. Riordan: you didn’t even discuss them – it’s clear that Rec makes the decisions on these facilities – that’s

what the opinion says is the crucial point – it's whose decisions get implemented and it's Rec's; Councilman Ramos: have the opportunity to discuss them, but don't have questions – it makes sense – not discussing in public – but he gets a packet and reads the packet and doesn't have an objection) there have been plenty of times when Councilman Vitale has brought things to Council verbally and was told it won't fly, so it doesn't get put on (Atty. Riordan: if what Councilman Ramos is saying is that DLGS could go the other way, yes they could, but if looking at all of the evidence objectively, it's at least 50/50, if not more likely that they're going to decide these folks have to file – it's his job to try and make sure that these folks are not hung out to dry and make sure they're aware of the issue and make a conscious, informed choice – they weren't able to do that until they were informed – and, obviously, the volunteer form isn't enough – what they do is something that the Code requires file; Councilman Vitale: asked Mayor Kanitra for meeting or conference call with DLGS; Mayor Kanitra: is all for a call; Councilman Vitale: said that all need to be represented on this call because, respectfully, you guys don't really know how Rec works, so if there is any ambiguity or questions, he could answer those questions; Mayor Kanitra: if they'll have a meeting with us in the next week, let's do it; Councilman Vitale: ok – just wants to be present; Mayor Kanitra: assumes they're not going to want to meet in person but, if they'll have a phone call, let's do it, that way we can all do it, no matter if we're at work or whatever; Atty. Riordan: encourages all that; Mayor Kanitra: instructed the Clerk to request that in the request going to DLGS for clarification and all the things added – to ask for either clarification or a phone call within a week).

John Dosch, 407 Newark Ave., PPB: works with the Senior Committee – last Jul., were told Rec was the gold standard and we should follow them because they do it right – the Senior Committee was, supposedly, not doing things right – get mixed messages – try to do things right and to help people – some people here are those who told us we need to follow decorum, rules – not always do what's right for people, we need to stick to the rules – we need to do what's right for this town and the people – that's what we're here for – we need to get this straightened out – not here to fine people or stick them with Administrative or Legislative rules that don't apply – are here to help the community (Mayor Kanitra: people have made comments about the timing of this – there have been times when other committees have had clarification problems – wants to make things easy for all committees – need to look at whatever we can do to decrease frustration among our committees and the hoops they need to jump through to just volunteer their time to the town – doesn't want any of our Committees being frustrated).

Tara Schultz, 308 Sea Ave., Apt. 1, PPB/Theresa Schultz' sister: water has gotten muddier – been told it's the \$100 credit, then that Rec votes on things – asked if the other committees don't vote (Mayor Kanitra: are talking about a bucket of elements and how many elements tip the scales one way or another) doesn't make sense – Recreation Commission is listed in the documents – asked, if they become the Event Committee, if that takes them off of it – were told it's not the name, but what we are doing – she is new this year – can understand the older members being surprised – might not remember, years ago what they check-marked when they signed up – for her, if it something she needs to do, she will – not horrible – what makes them feel targeted is that other committees doing event planning, voting, firing, etc., are not being asked to do this (Mayor Kanitra: hopes for clarification when we get a ruling or phone call with DLGS; Councilwoman Crowley: sad part is, it's on this list that Counsel told us about – we weren't aware of it either) asked about changing to Event Committee instead of Rec; Atty. Riordan: changing the name doesn't work – it's like a gotcha – changing the function would work – there are many functions that Rec does that Senior and Arts do too, when you talk about holding events and using the facilities – they are both not on the list – the instruction from the LFB is that the Governing Body should not be expanding that list – understands the argument and she is not the only one to have made it, that other bodies that vote and hold events should also be required to file – to date, the State has not agreed with that and they have kept it to the list, which is about 33 titles-long; Councilwoman Crowley: most towns don't have Senior Committees; Atty. Riordan: that's certainly part of it – there is an AG opinion, which is what generated that list, with respect to Recreation Commissioners and he read it a couple of times – read it again, that it should be noted that is common for a municipality or county to establish a committee or other body to advise the Governing Body on recreational issues – these bodies may be referred to as Recreation Commissions or Committees – as to whether the members of those various bodies are LGOs required to file, requires an individualized legal and factual determination, detailed in the AG's Opinion 91-0093 – re-read that opinion, which talks about what a Bd. of Recreation Commissioners is – are all the kinds of things Rec does – the more of those tasks you don't do, the less you become like the Recreation Commission and it is more likely the State will not require you to file – the more of those tasks you do, the more likely it is that the State is going to require you to file) frustrating to hear the same thing over, instead of breaking it down and explaining it – haven't done that yet (Atty. Riordan: it's hard to do; Councilwoman Testa: they want to do know what they do as a Commission – like, with the Summer Park; Councilman Vitale: they don't control Pleasure Park; Councilwoman Crowley: we close the park to the public; Councilman Vitale: town does it; Councilwoman Testa: just giving

examples – basketball is run under Rec – a lot of these events you just created within the last 2 years – Rec has been around for a very long time and they never did all the events they do now; Mayor Kanitra: listed a number of towns that have Bds of Recreation Commissioners and not Recreation Committees – and when you go on their look at what they do, it is very similar to what our Rec does; Councilman Vitale: but they are paid town employees; Mayor Kanitra: no – appointed by the Mayor and Council, just like ours – stuff they run is like 2023 Summer Camp, etc. – very similar – has no agenda – wants Rec to not be made at us; Councilman Migut returned after stepping out; Councilman Vitale: Commissioners make decisions; Mayor Kanitra: because they are voting members – Rec is doing this job to just help – are not striving to be appointed by the Governing Body – perhaps the solution is, technically, mass resignation from Rec and you are just all volunteers, and keep 5-10 voting members – all become volunteers and show up at every Rec Committee and event, just can't vote on hiring and firing recommendations, etc., – asked if she cares about voting) likes being part of the planning and seeing what everyone thinks (Mayor Kanitra: asked if a volunteer, who isn't technically a member, can help plan events; Atty. Riordan: the more they are involved with planning the more they are involved with influencing decisions – that's what the problem is; Councilman Vitale: it's on our agenda – Rec is just an advisory committee to Council – Council ultimately has the say; Mayor Kanitra: is on the same page; Councilman Vitale: not voting against anything, but all have the opportunity to review what's in the packet and on the agenda – Rec is advising what they would like to do, but it is not their final word – it's ours; Atty. Riordan: that's true in every municipality where there's a Recreation Commission – Governing Body has to vote on their recommendations; Mayor Kanitra: if volunteers just talk a lot in the meetings and offer their opinion more than others, somehow they're in a higher echelon; Atty. Riordan: the rules are designed to ferret out any conflict, so when you're influencing the decision and you're not filling out the form, you're affecting the decisions without revealing the possible conflict – that's where the problem is – the more you're involved in the decisions, the more it's required that you be part of the folks who disclose possible conflicts – this is all part of the LGEL rules) asked if the whole committee voting would rule out that being an issue (Atty. Riordan: hears what she is saying – unfortunately, the State of NJ has passed the LGEL and they disagree and, frankly, it's an accident of history – our State has often been made fun of for corruption and the Legislature felt they should, in his view, go too far, bend over backwards to try to ferret out conflicts and Rec has, unfortunately, been caught up in that mess; Mayor Kanitra: asked if it can be made clear to DLGS on the call that the Governing Body is the ultimate decision-maker; Atty. Riordan: have to tell them that these are recommendations that come to the Governing Body, but at the same time, have to

tell them that you've never voted them down; Mayor Kanitra: not true – have said no to events) wanted to do the social club and that got turned down (Councilman Vitale: wasn't even on the agenda; Atty. Riordan: that never got to agenda; Councilman Vitale: going forward, will just put it on the agenda to say no; Atty. Riordan: it's not form over substance, it's substance and function – you can't just play with the rules; Councilman Vitale: still disagrees; Atty. Riordan: DLGS is not going to pay attention to the words – they're going to pay attention to the actions and the functions – at present, the record is such that Rec makes these decisions; Councilman Vitale: will let them decide; Mayor Kanitra: thinks this will all be moot in a week; Councilman Vitale: the new policies and procedures, when we the bylaws were rolled-out, is that we go to BA/CFO Riehl and she makes the decision – a lot of things don't go on the agenda because BA/CFO Riehl doesn't think it's a good idea – asked if they should throw everything on the agenda now; Atty. Riordan: that's a complete misunderstanding of what he is trying to tell him – can't just go through the motions – have to actually honor the spirit – the spirit of these regulations are the people who make decisions have to file the FDS – it's not a question of whether it looks like it or whether you can dress it up, it's a question of what you're really doing; Councilman Vitale: we make the decisions – that's the last point he will make and will leave it to them and they'll decide) Atty. Riordan said they can vote it down but haven't – that's because stuff that was going to be voted down never makes it because we respect BA/CFO Riehl's decision, so it gets nixed – going forward, should make sure it gets to them, so they can see there is say over what we are doing, instead of behind the curtain (Atty. Riordan: that won't work – BA/CFO Riehl advises you on what the Local Public Finance Law (LPFL) and the LGEL will require, with respect to the things you request – when she says they shouldn't go on the agenda, it's because of those reasons – it's also possible that BA/CFO Riehl gives you the benefit of her years in her position as to whether or not, in her personal opinion, those things are a good idea or a bad idea – her role for the Borough is to give you the advice on the LPFL on whether the events are allowed – her job is not to filter out ahead of time – her job is to advise you against) that's what happening.

Laura Kurmin, 701 Cedar Ave., PPB: moved to PPB in 2020 joined in 2021 – has grown – is fantastic – her kids volunteer all the time – Mayor Kanitra has said he wants a good relationship and it's not there – not because of this letter they got – have to jump through different hoops every time we try to run a new event – new forms have to be filled out, new things have to be done, and it keeps changing – it is Mayor Kanitra's responsibility to fix that problem, so it is enjoyable, and for Lauren, especially, who is doing all the work and jumping through all the hoops and fixing everything, to have the chance to do it well – thinks Mayor Kanitra has faith in her

(Mayor Kanitra: of course; Mayor Kanitra: would love to be able to do that – is also frustrated – doesn't like the committees being frustrated – has had lots of people complaining to him – would like one set of clear procedures – last year's guidelines were a step in the right direction – need to make sure that nothing else is changing on how we approve events, so all can do their jobs and help the town) feels Atty. Riordan knew about the filing and could have told Councilman Vitale to give them a heads-up and they would have had a better feeling, regardless of the form that was signed 2 years ago – she doesn't remember what it said – that is bad blood (Atty. Riordan: he wasn't allowed to do that – State doesn't allow him to tell them that – not allowed to give advice about what he is telling Clerk Farrell before she's allowed to tell) and the letter should have had more information in it as to what this was about – she emailed Ms. Farrell late last night and asked her why she got the letter (Atty. Riordan: the problem is that the State doesn't allow Ms. Farrell or him to tell you until after they issue the most-recent LFN, which was 2023-08, which came out last Wed. – neither Ms. Farrell nor he was permitted to tell -- even if I told Councilman Vitale, he couldn't; Councilwoman Crowley: agreed) has already filled one out for her own job and has known about it for months (Atty. Riordan: asked if she was notified by the municipality she works for before she received her notice) yes (Atty. Riordan: doesn't know why they thought they were permitted to do that) it's a public school (Atty. Riordan: it's very different) the different timeline doesn't make sense to her (Atty. Riordan: it doesn't make sense to us either, but it's the State of NJ) asked where she can get it (Atty. Riordan: he gets it from Clerk Farrell; Clerk Farrell: it's in the LFN that was included with the letter) the notice of her being asked to do it (Councilwoman Crowley: she does it yearly – between the monetary compensation and the duties that the committee is taking on, it was prompted because it's on the list to create that disclosure; Atty. Riordan: this is the first year Rec was asked to fill out the form; Councilwoman Crowley: that's what happened and it was twisted into other stuff, which was sad – none of us have opposed any of this) it doesn't feel good to volunteer right now (Councilwoman Crowley: terrible – will fix that – what Ms. Hennessy said is correct – every organization works hard – should find a compensation for each, not just Rec – if we keep it for one, will make it for all).

Tony Novo, 808 Trenton Ave., PPB: can ask each committee to make their own rules about a credit – have an option – some people choose to take it and some don't (Councilwoman Crowley: should give them all an option) a lot of things have been addressed – just lack of communication – not blaming anyone – just want to understand what they can and can't do and get recommendations with advance

notice – is new to Rec, but it does so much for this town – appreciates what other committees do.

Motion by Councilwoman Crowley to close public participation was seconded by Councilman Ramos and carried by roll call vote.

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

PUBLIC PARTICIPATION ENDED AT 10:45PM

DEPARTMENT HEAD MEMO: AZO Savacool RE: Curb Cut Request at 307 Carter Avenue

Motion by Councilwoman Crowley to move the curb cut request, since AZO Savacool isn't here, to the next Council meeting – **NO SECOND**

Mayor Kanitra asked if any parking would be lost, or if expanding.

Mike Chobor, 307 Carter Ave., PPB: moved all the way to both ends to have enough parking space; can't get the permit until we cut the curb – need Council approval to do that (Councilwoman Crowley: need clarification – with the pictures she took, couldn't tell if parking spots would be acceptable or not – needed AZO Savacool to re-approve it) his neighbor to the east has a driveway towards the east end of his property – he moved his driveway all the way to the west end, giving 3 parking spaces in between their 2 driveways – at least 60 feet (Councilwoman Crowley: a letter has to go out; Mayor Kanitra: asked if that accounts for the sloping of the curb) yes – (Councilwoman Crowley: asked BA/CFO Riehl if a letter went out to the neighbor, as asked) his neighbor got the letter 3 weeks ago (BA/CFO Riehl: asked if AZO Savacool sent it; Councilwoman Crowley: since he is anxious, will vote on it, but if she finds any complications/issues, will have to stall it – asked, if he is stating, for the record, that his neighbor got a letter) he got 2 letters (BA/CFO Riehl: Zoning Officer has been on vacation; Mayor Kanitra: suggested a motion to pass the curb cut pending confirmation from the Borough Engineer that the neighbors have been contacted and have no issue with it, and he has the 3 parking spots or will have to stop; Councilwoman Crowley: should be ok – will follow up tomorrow) he told him

he took care of everything (Mayor Kanitra: if that's true, you are clear sailing – even if it's not true, and they neighbors have no problem with it, you're clear sailing).

COMMITTEE REPORTS:

Councilman Vitale: read the Chief's statements – training has included Resiliency Training – Dept. is participating in the U Drive. U Text. U Pay. Campaign this month – asked all to pay attention with so many bicyclists on the road this time of year – participated in the Career Fair at Ocean County College – are beginning the process for new seasonal officers for summer 2024 – he identified a potential pop-up party, identified on Tik Tok and Instagram – forwarded it to Chief Kowalewski – within hours, had made contact with the poster and a later post said it was cancelled – thanked the Chief for averting it; sent an email to everyone participating in the Military Banner Program – will hang them prior to Memorial Day, if anyone is interested in purchasing – can pay via check or Muncipay (Mayor Kanitra: great job identifying the party – team effort between Councilman Vitale and Chief Kowalewski).

Councilwoman Testa: the spring banners from the Arts Committee are up on Bay Ave – will wait until the Military Banners are up before hanging the rest – shout out to QOL Dir. O'Rourke and the artists – will do a nice write-up about them; Heather Brown is the Artist of the Month – her artwork will be up until May 31st – will be here on Apr. 28th/Meet the Artist; shout out to Beautification and DPW on the work they did on the Way Butterfly Garden and their help with the banners.

Councilwoman Byrnes: no report.

Councilman Ramos: reminded all to check their Water/Sewer connections on Ocean Ave.

Councilwoman Crowley: kudos/thanks to DPW on spring cleaning; thanked all for being here.

Councilman Migut: congratulations to the AWC for successful event at The Ark on Sun. – a special thanks to businesses who contributed door prizes (Mayor Kanitra: a great event).

MAYOR'S REPORT:

Mayor Kanitra: was alerted by 2 residents, who walk the town, that they see mini alcohol bottles in between the street and curb everywhere – maybe want to look at banning the sale of those or giving a penalty – must look into solutions.

ADMINISTRATOR'S REPORT:

BA/CFO Riehl: showed the new “Hennessy Way” sign – will have a dedication when the family is ready (Mayor Kanitra: will plan a date that works for everyone).

Clerk announced additions to the agenda.

Motion by Councilman Vitale to extend the meeting past the 11PM deadline was seconded by Councilwoman Testa and carried by consent of Council.

PUBLIC PARTICIPATION BEGAN AT 10:27PM

Anthony Ippolito, 416 Richmond Ave., PPB: petitioned the Police Dept. for a targeted enforcement against tinted windshields – he is a cyclist in town and rides with his kids all the time – terrifying to not make eye contact with the driver – often also have blacked-out side windows – against regulations – can get an Rx, but can just print out a form online and take it to a printer to get them to do whatever you want – people could have weapons or could be consuming substances – huge influx in summer – can't see inside car (Chief Kowalewski: rarely see people with justification when pulled over – will get a summons or a warning – see side windows more often; Mayor Kanitra: asked officers to look for this; Chief Kowalewski: do enforce that, but will look).

Dave Cavagnaro, 118 Parkway, PPB: asked about the curb cut – should lose no spaces if moved west; asked about item 1O – if alcohol will be served (Councilman Vitale: Chamber beer truck) noticed there is a charge (Councilman Vitale: band has to pay a fee – not guests; Councilman Vitale: will confirm); recognized item 1T/Municipal Clerk; asked about 1BB and any plans for it (BA/CFO Riehl: not currently – held a tax sale certificate on it since 2021 – attempts to get the lean holder to redeem the lean and make subsequent payments have gone unanswered – took steps to authorize start of foreclosure – can't find those who hold the lien in Puerto Rico – if we foreclose, we can decide – it's the laundry mat on Rte. 35 (Mayor Kanitra: an eyesore – can maybe use it for parking) ask that those who use foul language be removed.

Kristin Hennessy, 604 New Jersey Ave., PPB: appreciates BA/CFO Riehl bringing the "Hennessy Sign" – thanked Councilman Migut for reviving the spirit of the memorial for her dad – thanked all who reached out to her with support – Mayor Kanitra and Councilwomen Testa, Byrnes & Crowley – wishes this could have been done when he was alive, but better late than never – her family is honored – longest serving mayor in Ocean County, 1980-2000 – quite fitting – this is where he spent 23 years+ – thanked everyone – requested opportunity to sit with BA/CFO Riehl to plan this – maybe a plaque adjacent to her mom's tree – thanked everyone.

PUBLIC PARTICIPATION ENDED AT 11:06PM

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

CONSENT RESOLUTION 1:

- 1a Approval of payment of Payroll #8 (\$297,411.32)
- 1b Approval of payment to NJ Dept. of Community Affairs for State Training Fees-1st Quarter (\$7,957)
- 1c Approval of payment to Brick Township MUA for March bulk water usage (\$62,212.54)
- 1d Memorialization of date change for Clean Ocean Action Beach Sweep (from 4/1/23 to 4/15/23)
- 1e Approval of amended S/E App for Rec Cmte to add and additional hour to each Pickleball date
- 1f Approval of S/E app for PPB Arts Cmte Meet the Artist at Borough Hall, 4/28
- 1g Approval of payment to Riggins for no-lead fuel/diesel fuel for DPW (\$15,120.11)
- 1h Appointment of T. Fox to the seasonal position of Comfort Station Attendant
- 1i Appointment of J. Lopez-Pacheco to the position of Seasonal DPW Laborer
- 1j Appointment of G. Garcia-Vargas to the position of Seasonal DPW Laborer
- 1k Approval of payment to the State of NJ for employee & retiree health benefits for April (\$149,639.35)
- 1l Approval of payment of hand checks from Planning Bd, BOA & Developer escrow accounts
- 1m Approval of Alzheimer's NJ's request for a food truck at their Walk to Fight Alzheimer's on 9/23
- 1n Approval of S/E app for DAV Forget-Me-Not Drive on Bdwlk on Thursdays, Jun 22-Aug 31
- 1o Approval of ABC S/A app for Chamber Battle of the Bands at the Bandshell, 6/10 (rain 6/17)

- 1p Approval of PO to R.T. Davies for Water Plant tree removal (\$10K)
- 1q Approval of payment to Cliffside Body Corp for Rancher Platform Body (\$5,527)
- 1r Approval of PO to Fuel to Fly for boatrace sponsorship solicitation (\$3,900)
- 1s Approval of payment to Project Graduation for 2023 Project Graduation (\$4K)
- 1t Recognition of Municipal Clerks Week, April 30-May 6, 2023
- 1u Auth Mayor & Council to look into paving walkways at Little League complex to improve field drainage
- 1v Approval of PO to Beasley Media Group for OC Tourism Marketing (\$10,080)
- 1v Approval of payment to GRQ Building for bathhouse renovations (\$43,750)
- 1w Approval of payment to GovPilot for annual subscription (\$27,896)
- 1x Approval of payment to CCW for BOFO accident policy (\$3,127)
- 1y Approval of PO to M. Woszczak Mech Cont for emergency re-install to main (\$19,900)
- 1z Approval of PO to Wendel Landscaping for Water Plant screening (\$28,450)
- 1aa Memorialization of authorization to proceed with additional parcels for rehabilitation
- 1bb Authorization for an IN-REM Foreclosure – Block 76/Lots 23
- 1cc Appt of R. Neill as 2nd, D. McFadden as 3rd & L. DeAlmeida as 4th Alternate BOA Members
- 1dd Approval of unpaid LOA for employee 000795083
- 1ee Approval of curb cut request at 307 Carter Ave, w/condition that neighbor has no objections and parking spots are not affected – ADDED PER DH MEMO

CONSENT RESOLUTION 2:

- 2a Approval of payment of computer-generated vouchers (\$229,973.19)

2b Approval of payment to All Covered for IT/Maintenance for March, including for the PD (\$4,992.38)

2c Approval of membership for J. Clayton, Sea Girt, in Fire Company No. 1

2d Approval of jr. membership for O. Gmitter, Manasquan, in Fire Company No. 1

2e Authorization to hire entry level Police Officers pursuant to N.J.S.A. 11A:4-1.3

2f Appt of K. McCormack to the permanent position of Police Officer, pursuant to N.J.S.A. 11A:4-1.3

2g Appointment of (1) Seasonal SLEO II and (1) Seasonal SLEO I for the year 2023

VOTE: Councilmembers Vitale, Testa, Byrnes, Ramos (except 2c, 2d), Crowley, Migut (except 2c, 2d)...YEA

Councilmen Ramos (2c, 2d) and Migut (2c, 2d)...ABSTAIN

ORDINANCE:

Ordinance 2023-04 (Cap Bank) was considered on second reading. Mayor Kanitra opened the public hearing with no member of the public wishing to be heard. Motion by Councilman Ramos to close the public hearing and adopt Ordinance 2023-04 was seconded by Councilman Vitale and carried by roll call vote.

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

PUBLIC PARTICIPATION BEGAN AT 11:07PM

Kristin Hennessy, 604 New Jersey Ave., PPB: something big is about to happen – will be a meeting on Apr. 24th or 26th – not much talk about it – School Board is talking about renovating the Antrim complex (Councilman Ramos: has mentioned it at

every meeting – Bd. of Ed. meeting coming up – they will talk further – nothing has been announced in terms of cost) \$20M was thrown out – should be a lot more notification to the town – was on the front page of the Ocean Star – a lot of people talking about how much the budget has increased – taxes have always been near and dear to her heart – important to vet to the community – been talk about moving the referendum vote to winter months (Councilman Ramos: that’s by law; BA/CFO Riehl: their school debt goes to our gross debt; Councilman Ramos: \$20M is not the number – that was a number thrown out by someone doing a presentation; BA/CFO Riehl: affects our borrowing power) people will vote on the referendum – should be a lot more information given out to the people first – vote should be done when everyone is in town, not when older people are in Florida – have a liaison who goes between the 2 bodies; as a member of OS, was at the meeting a week ago – was talk of doing things at the Little League Field – going forward, making piecemeal decisions, our thinking should go back to the Master Plan, a big issue of her dad’s – brought up at the meeting that we crammed in the Skatepark, which took away from the Little League field – decisions about putting sidewalks there to improve drainage should have been done when the field was re-done (BA/CFO Riehl: at the OS meeting, was told there was talk of putting paved pathways in Little League field, where there is gravel now – on this agenda is just to discuss) tonight we spent 3 hours on committees/commissions – should be ironed out behind the scenes – didn’t need to come to this – the sinister vilification of the Atty. and Clerk was horrible to watch – obviously, misinformation spread to Rec, who were lead to believe they were targeted (Councilman Vitale: didn’t get clarification on anything – will reserve that for when we meet with authorities at the State) the Little League field has been a debacle for \$800K – you are the fiduciary – let’s make sure they make sense – Rec wants to make improvements to Pleasure Park – great – but let’s get the bathrooms open from sun up to sun down – people are trying to use the bathroom at St Peter’s church and are urinating in the bushes (BA/CFO Riehl: responsibility is a combination of DWP and Police, who work 24/7 – not winterized; Chief Kowalewski: don’t open them, but close them in summer; BA/CFO Riehl: in de-winterization now – bath house just got finished – go from property to property – *Inlet* bathroom next, then Pleasure Park; Mayor Kanitra: asked DPW and PD to ensure we are on a clear schedule).

Rob Sorensen, Chicago Ave., PPB/Point to Point Shuttle: approved RFP for LSVs – asked for status update (BA/CFO Riehl: drafted and with Borough Atty for review; Atty. Riordan: was away last week – will look at that; Mayor Kanitra: has asked about that 3 times – asked to get it done this week) asked about driver’s licenses approved in mid-Oct. – they expired at the end of year – asked if they can be extended to 12

months – that’s how taxi licenses are handled (Atty. Riordan: easier way to do that is to allow that fingerprint checks be accepted from last year – up the Chief – he’ll decide) had to do it anyway for owner’s license again – when RFP is issued, he can put in application.

PUBLIC PARTICIPATION ENDED AT 11:21PM

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

Meeting was adjourned at 11:21PM.

ATTEST: _____

Eileen A. Farrell, RMC

Municipal Clerk