

**Council Meeting Minutes**  
**August 15, 2023**

Held in-person at Borough Hall Council Chambers, 416 New Jersey Avenue, Point Pleasant Beach.  
Live streamed via <https://www.youtube.com/channel/UCfIODKbSFakXUEKiyxSYdUA/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 7:32PM. 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 and Ramos. Councilmembers Crowley and Migut were absent.

FLAG SALUTE, INVOCATION

APPROVAL OF COUNCIL MINUTES:

Motion by Councilman Vitale to approve the July 18, 2023 Council meeting minutes was seconded by Councilwoman Testa and carried by roll call vote.  
VOTE: Councilmembers Vitale, Testa, Byrnes, Ramos....YEA  
Councilmembers Crowley, Migut....ABSENT

DEPARTMENT HEAD MEMOS:

Acting Zoning Officer Savacool RE Curb Cut Requests at 152 Chicago Ave. & 411 Yale Ave.  
Motion by Councilwoman Byrnes to table the curb cut requests at 152 Chicago Avenue and 411 Yale Avenue was seconded by Councilman Ramos and carried by roll call vote.  
VOTE: Councilmembers Vitale, Testa, Byrnes, Ramos....YEA  
Councilmembers Crowley, Migut....ABSENT

COMMITTEE REPORTS:

Councilman Vitale: recognized employee anniversaries for August – Robert LePore 3 years, Joshua Woszczak 3, Patty Kile 11, Patricia Harth 2; gave the Chief’s report since the last meeting – 46 arrests resulted in 57 various criminal charges, there were 714 Borough Ordinance violations, and 2,500 parking tickets issued; the Recreation Committee’s final Summer Concert Series is Aug. 22nd – been an astounding success – looking to expand next year – Summer Camp ends Friday with a party – went really well – Bags on the Beach cornhole tournament will be Aug. 26<sup>th</sup> at Jenks North 12PM-4PM – Locals Only Bonfire is Sept. 9th at 6PM with postcards for entrance being sent in the next few weeks – the Kids Fishing Derby is Sept. 17<sup>th</sup> at the Inlet, 8AM-11AM – Seafood Fest 5K is Sept. 16<sup>th</sup> at 8AM – registration is open – Tug of War is Oct. 8<sup>th</sup> with registration information on social media; addressed the phragmites around the Band Shell – BA/CFO Riehl sent an email to Little Silver Lake residents, soliciting opinions – majority want to keep them as a sound buffer and for nesting – he is concerned about them in the Band Shell area – would be nice to cut them back, from the War Memorial to the Band Shell, for a better view of the lake and the Boardwalk lights off the lake – BA/CFO Riehl checked with Engineering to see if everything was in compliance – didn’t hear anything negative (Councilwoman Byrnes: she and Councilwoman Testa heard multiple concerns about them blocking the view – would like to see it looking neater by the Band Shell – but can’t do that and not address the Trenton Ave. homeowners, who feel

strongly about it – received 14 responses out of 40 letters; BA/CFO Riehl: a little more than 14 – she checked with AZO Savacool, who said they can be removed without violation of a Wetlands Permit – doesn't have to be permitted; Councilwoman Byrnes: suggested putting everyone on the 2 lakes together and come to a happy medium; Mayor Kanitra: things like this create more problems – if we increase the ability of people to go down there, will see an increase in trash – asked if Senator's Ciesla's family, who owns the lot across the street was spoken to, or the DiPasquales, or families on the corner (they all want it cut down; BA/CFO Riehl: sent letters to Trenton, Arnold, Chicago, Baltimore etc. – less than half responded – majority were on Arnold and Trenton – DiPasquales and McCartneys chimed in; Mayor Kanitra: asked how much of a sound buffer they create; BA/CFO Riehl: depends – phragmites are thicker in the narrower end – response was actually mixed – told Councilwoman Byrnes that she can prepare a list of who got letters responses, so Council can make an informed decision – Councilman Vitale asked if they can be left 3-4-feet-high; Councilwoman Byrnes: sounds reasonable – keep a shield there – bugs and rodents are also an issue; Mayor Kanitra: asked how often DPW would be cutting them; BA/CFO Riehl: DPW could cut them to a certain level 2-3 times per year, if Council's desire; Mayor Kanitra: is ambivalent; consensus to have BA/CFO Riehl prepare a list for next meeting for further discussion); the Senior Committee Movie and Meal event is Aug. 22<sup>nd</sup>, 11:30AM at the Laurel Ave. Firehouse – will be playing Father of the Bride and will have hotdogs, popcorn and candy – more information is on the Golden Gulls Facebook page – RSVP is required – are looking to do an Ask the Experts event for seniors and their families in Sept. – Oct. 10th is an Italian Luncheon; expressed concern about Building Dept. matters – Councilwomen Crowley and Byrnes have open issues with the Building Dept. – he thinks they should abstain on all Building Dept. voting – asked Atty. Riordan for his legal opinion (Atty. Riordan: it is always up to the individual Council people to determine whether or not they have a conflict – rules are relatively clear – asked what agenda item's he is referring to) 1U & 1V (Atty. Riordan: based on his knowledge, would not expect that 1V would create a conflict with anyone – would also suggest that 1U is not something that would cause a conflict for either one of the Councilwomen – both of those things are relatively ministerial tasks – they don't call for a great deal of discretion) in his mind it's a conflict of interest (Atty. Riordan: there are situations where that could be the case – for example, if you were voting on the employment of someone making decisions – but that you are not doing); asked to carve out 1BB for further discussion.

Councilwoman Testa: gave the Building Dept. report, year-to-date – 541 building permits issued – 92 more than last year – permit fees and violations collected resulted in \$234,074.00 – have 67 grease trap applications, which has doubled since last year – 376 approved seasonal rentals expire on Dec. 31st – there are 39 annual rentals, good for a 3-year inspection cycle – have 425 approved mercantile licenses – have received 264 flood plain development applications, with 163 approved so far; the annual Non-resident Taxpayer Advisory Committee (NRTAC) meeting is Saturday – Engineer Mele will be there – all residents are welcome – she will be there with the Mayor – at Antrim School, 10AM-12PM – have collected \$417K in service fees; Kids Art Classes just ended – about 15 children participated – hopes to have more next year – looking at an Adult Art Class in fall – First Annual Sandcastle Contest is at Jenkinson's on Sept. 10th – free event – all are welcome – go online and sign up or sign up that day – judging will start around noon – is seeking judges and a master builder – Homegrown Party and Scarecrow Contest will be in Oct.; please like the Beautification Facebook page – everyone is putting in hard work, especially by Broadway and Ocean – please curb your dog by the gardens – thanked DPW for watering the planters – shout out to them and the volunteers – a Garden Tour is set for June 24<sup>th</sup> – looking for 6 gardens – having first meeting on Monday – are planting wildflowers in between the gas station and welcome sign and potentially some trees and roses by the turn onto Broadway in 3-4 years (BA/CFO Riehl: DOT will do a pollinator garden – Councilwoman Byrnes has been working with Engineer Mele to see if DOT will plant trees.

Councilwoman Byrnes: read from a prepared statement to address the Notice of Violations at her home and her resignation from the Golden Gulls – she did nothing duplicit – never did unpermitted work at her home– closed on the property in Feb. and anything there had been there for 15-20 years or more – met with the Building Dept. in late May to be sure she was still in compliance with the rental CO and learned that she was not – she immediately blacked out her Airbnb rental app and began to obtain the necessary paperwork and move forward with zoning applications, as instructed by the Zoning Official – has since deleted her Airbnb listing and has suspended rentals – have been a history of rentals at that property, unbeknownst to her that there was not permit for construction – addressed the illegal shed that stood in the same location for 18 years – she is working through the process – with regard to her resignation from her beloved Senior Committee, she sadly continues to be a victim of harassment, untruths and accusations being told by some on the committee – the stress is unnecessary – has thoroughly enjoyed the social events they curated for our seniors – most rewarding is the Mayor’s Wellness Program – would like to take that with her, so the community can still be involved – since her resignation, so many have reached out to her with kind words, so it was worth the effort – not easy to walk away – time for a change – wish her the resignation hadn't hit the newspaper, so seniors wouldn't get wind of it and lose interest – have a very committed committee (Councilwoman Testa: is truly sorry Councilwoman Byrnes has to go through this – has known her for many years – she is one classy lady – none are perfect – for Councilwomen Byrnes and Crowley to be attacked is shameful and disgusting – needs to stop – she has served this community with all her heart and done a fantastic job – is proud of her – is an honor to work alongside her – she's a great Councilwoman; Mayor Kanitra: disagrees – dirty politics continue to get validated all the time – when people try and use slanderous things and distort the facts and it’s validated, and they win, it encourages the cycle to continue – saw it in this election, how disgustingly filthy it was, and even with the election results, it continues – Councilwoman Byrnes bought a house that had been used as a rental property for forever and had a shed – she checked when she bought the house to be sure she could rent – she got a rental CO – disgusting to make a mountain out of a molehill – wishes Councilwoman Byrnes would reconsider and he will re-nominate her – seniors are the ones losing – hopes that with whatever legal matters she has available to her, that she gets everyone responsible).

Councilman Ramos: Councilwoman Byrnes did a lot of great stuff – thanked her; gave the Bd. of Education report – Dr. Smith is proud to announce the first Division 1 basketball commitment – Bryan Matuschat with Sacred Heart – both schools are fully staffed – the State requested a few adjustments to the referendum submissions – waiting to hear back from the State with regard to funding – both schools were awarded Bronze Level Certification from Sustainable Jersey for Schools; the Environmental Commission is working on their Bronze Status and looking to get even higher – Louise Stillufsen is heading that effort – next meeting is Aug. 24<sup>th</sup> – they sent letter regarding the condition of trash cans on the Boardwalk and the possibility of replacing them – Cary Mulkeen worked with BA/CFO Riehl on the Chicago/Trenton corner of the lake and got it cleaned up and looking fabulous.

#### MAYOR’S REPORT:

Mayor Kanitra: asked BA/CFO Riehl the latest on the Boardwalk cleaning (BA/CFO Riehl: Engineer Mele is working on a plan) asked for it by next Council meeting (BA/CFO Riehl: will ask him to do that); NRTAC meeting is this weekend – he is looking forward to talking about the last 4 years and the future of PPB; the most recent whale stranding in Long Branch was right after survey boats were off the shore of Long Branch and Sea Girt – absolutely disgusting – encouraged Council to speak up about it publicly – he just signed onto another letter – Democrats are starting to show concern – Sen. Coughlin and others are looking at a temporary moratorium – issue continues to gain traction – the future of this town is dependent on strong leadership, doing as much as possible to have PPB as a leader, to protect our tourism industry; continue to make progress on Channel Dr. – received positive news today from one of the property owners – the Street Revitalization Plan and Inlet Revitalization Plan continue – historic

plaques are in – first dedication is tentatively scheduled for Sept. 6th at the hardware store – will be others at the library and other historic buildings downtown – will create a nice walking tour for PPB.

#### ADMINISTRATOR’S REPORT:

BA/CFO Riehl: put something on Facebook about the Lead Service Line replacement program – required to do this annually – State mandated that all lead service lines be replaced or galvanized within a 10-year period – been working for about a year on identification – difficult because homeowners are responsible for service lines, not the Borough – had to try to come up with what was out there through inventory from building records – Borough projects that exposed Ocean Ave. were a huge help – came up with 14 locations that we know are galvanized, 1,617 are non-lead, 1,820 are unknown and have to be identified – could have required homeowners to snap a picture, but that would have required them knowing what to look for – could have hired an engineer to go house-to-house – instead, the Water Dept. staff said they could take it upon themselves, in addition to their other duties, to start going door-to-door for identification – the inventory of those 1,820, by address, is on our web site since last year – last year, we sent out about 24 notices to homes we knew were galvanized – must continue with notification to homeowner, have everyone notified of the 1,820, and have them replaced within a 10-year period – will require the Borough to adopt an ordinance that puts in the protocol and puts the responsibility on the homeowner to have that work done and report back to the Borough that it’s been done – if they choose not to, there will be a waiver or sign-off – any questions can be sent to her office or the Water Dept. – have put education materials on our Facebook page and web site under the Water Dept. (Mayor Kanitra: asked what percentage of the ones they’ve gone to actually have lead) don’t have that report – they started within the last 3 weeks – is hopeful the 1,820 will come down to a more reasonable level (Councilman Ramos: suggested they have something identifying them as town employees and information to leave behind when going door-to-door); projects that are underway including the virtual closing next week on the Coast Guard Station – hope to get in there and figure out what needs to be done – financing is in the multi-purpose bond ordinance on for second reading tonight (Mayor Kanitra: wants to start working on an RFP, as soon as we get the specs for the café – would like to bring money in right away to off-set some costs) will need to formulate a plan/vision – will take time to bring it to code, useful repair, ADA-compliance (Mayor Kanitra: will need to finalize agreements with the Historic Society and some other groups who want to use the space – assumes we will need to have some legally-binding document) would assume we would; survey work is underway for the Dartmouth/Richard Ave. improvements – been trying to get 301 Trenton repaired or demolished for years – went to court and got word this week that they have until Sept. 30<sup>th</sup> to demo it themselves or the Borough can take action to start that demo – have approved and awarded a contract to a demolition firm – if standing on Sept. 30<sup>th</sup>, the Borough can immediately demo and lien the property for the amount due; thanked Jaeger Lumber who donated a white vinyl picket fence in front of the firehouse – looks very nice (Mayor Kanitra: asked Councilwoman Testa to talk to the Arts Committee about getting the Welcome to PPB mural by the train station repaired – a chunk of concrete fell out and it looks unsightly).

Councilwoman Testa: asked the status of the Inlet (BA/CFO Riehl: going to go out to bid – will be 2 alternate bids – one with more concrete and one with less concrete and more Rubberrecycle – don’t want to compromise the Tug of War in October, so are scheduled to start in spring 2024).

Clerk announced additions and revisions to the agenda.

#### PUBLIC PARTICIPATION BEGAN AT 8:15PM

E.J. Geiger 115 Arnold Avenue, PPB: asked about 1Z (BA/CFO Riehl: it’s the Kane family – in the late ‘90s/early 00’s, had an agreement with 5 other property owners – East Ave. is a paper street – we vacated in exchange for conservation easement on the west side – Kane family chose not to

participate – now want to do some lot consolidation and house improvements – would behoove them to enter into this); asked if 2E is a memorialization (Atty. Riordan: same thing – it’s retroactive); asked if our in-house engineer can do the parking study (BA/CFO Riehl: doesn't believe so; Mayor Kanitra: requires experts in different situation) asked if it covers the whole town (Mayor Kanitra: thought it was east of tracks; BA/CFO Riehl: municipal parking lots east of tracks – Inlet, Silver Lake & Bathhouse).

Dave Cavagnaro, 118 Parkway, PPB: asked about Ordinance 2023-12 (Atty. Riordan: recommended by the Zoning Officer, former Borough Engineer, Engineer for the Zoning Bd.) asked if ground level for raised houses are garage level or first floor (Atty. Riordan: best person to ask is AZO Savacool); several administrations ago, concerts and fireworks were on Thursday nights and a hotel owner leveled the phragmites, as you face the Band Shell to the left, to see fireworks clearly – no one on the lake has phragmites on their properties.

Rob Clayton, 109 Chicago Avenue, PPB: asked how many seasonal rentals have gotten summonses for non-compliance (Councilwoman Testa: doesn't have that information; Mayor Kanitra: have made a concerted effort over the last couple years to make sure people aren’t violating the short term rental ordinance, properties aren’t being used for parties, noise violations, construction on weekends, etc. – weekend presence is on the agenda tonight so we can continue that) asked if those in non-compliance are getting summonses weekly (Mayor Kanitra: that would be our hope and ordinance has a conduit that, if convicted, would lose your rental; Councilwoman Testa: for 3 years) asked how we keep track of whether they are renting or not – a rental down the street from him has a sign that says “summer rental” – another had garbage out for 2 weeks – that guy is in non-compliance (Mayor Kanitra: contact the Governing Body, Code Enforcement, Police Dept. – asked for the addresses) 103 & 187(?-*inaudible*) Chicago (Mayor Kanitra: asked BA/CFO Riehl to task Code Enforcement to look into that ASAP and, if not in compliance, to issue appropriate summonses; BA/CFO Riehl: these are 2 hot properties – 103 Chicago has been repeatedly summonsed – we removed the trash because they were not compliant – were issued a notice that their rental is going to be revoked – at 157 Chicago, one of the summonses was abated – another is still open and they’ve been told that that need to go before the Zoning Bd.; Mayor Kanitra: asked that Mr. Clayton be notified if it goes to trial so he can come and testify); asked about Mr. Loder, who resigned from the Building Dept. and the letter written (Atty. Riordan: assuming there was such a letter, we would refer to someone to investigate and then we wouldn’t talk about it; BA/CFO Riehl: asked how he knew about the letter) someone told him from over there (Atty. Riordan: should expect that when we do the investigation, somebody will call you; Councilman Vitale: we were all forwarded the letter by BA/CFO Riehl – everybody’s on it).

Kim Allen, 146 Ocean Avenue, PPB: is pissed at everyone up here – voted for all of them – disappointed in all – acting like children – talking about compliance and rental COs – all of the stuff on Facebook and letters that were sent by cowards who couldn’t say who they were – she did the research – got many phone calls from clients, who have jumped through hoops in the last few years – she’s agreed with all the code enforcement and ordinances put in place – doesn’t agree with the fact that the Governing Body doesn’t know its own ordinances – addressed Councilwoman Byrnes – did an OPRA on her house – COs are for annual rentals, not seasonal – there has been no application for seasonal rental – she's been illegally renting her house this entire time – if she applied for a CO, the Building Dept. would have told her she is in a single-family zone – all should know this (Mayor Kanitra: asked how the Governing Body would know every person’s rental CO) if the Mayor is pointing fingers and getting upset with constituents, he should do his homework and know that the person he is defending has the wrong CO – not fair to those who spent money to get letters of non-conformity and got, when a Councilwoman has been renting her house as if it’s a double-family home – people made complaints in April and they sat on a desk (Mayor Kanitra: one can be upset about anonymous attacks and not talk about the semantics of the issue – no one up here said Councilwoman Byrnes should have still been able to rent or defended that she was out of compliance – agrees with her decision to take it off of Airbnb – it shouldn’t be allowed to be rented now).

PUBLIC PARTICIPATION ENDED AT 8:33PM

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

CONSENT RESOLUTION 1:

- 1a Approval of payment of Payrolls #15 (\$412,491.68) & #16 (\$394,365.40)
- 1b Approval of payment of hand checks from Developer escrow accounts
- 1c Approval of payment to Riggins for diesel fuel & gasoline for DPW (\$27,282.86)
- 1d Approval of S/E app for PPB Surf Club Team Practice, @2x/week, 9/1-11/1, MD Ave Beach
- 1e Approval of payment to CMRS-FP for postage (\$10K)
- 1f Amendment to Res. 2023-0718/2E (DMHAS Youth Leadership Grant—change term date)
- 1g Approval of payment to OCUA for 3<sup>rd</sup> Q sewerage (\$318,071.25)
- 1h Approval of payment to Fast Signs for Borough Hall front lawn sign (\$4,952.55)
- 1i Approval of S/E App for Help2Care’s American Cancer Society event on Bkwlk on 8/18 & 8/19
- 1j Appointment of W. Jarvis as replacement volunteer coach for final 2 spring wrestling sessions
- 1k Approval of payment to J. Zaccone, Recreation Football Camp Head Coach (\$620)
- 1l Approval of payment to Dir. T. Chamberlain for 2023 Summer Camp setup (\$930)
- 1m Approval of payment to Asst. Dir. S. Longo for 2023 Summer Camp setup (\$597.50)
- 1n Memorialization of approval of ABC Ltd Brewery Off-Prem Event app for Last Wave event, 8/8, Bandshell
- 1o Approval of ABC Ltd Brewery Off-Premise Event app for Last Wave event, 8/22, Bandshell
- 1p Approval of ABC S/A app for VFW Fishing Tournament, 8/19
- 1q Approval of payment to All Points for 2023 Newsletters – July/Sept (\$5,391.62)
- 1r Memorialization of rescheduling of Recreation Concert Series date, from 7/25 to 8/1
- 1s Approval of renewal of full-page ad in 2024 Chamber Guidebook (\$1,250)
- 1t Memorialization of reappointment of J. Pasola to act in absence of Uniform Fire Prevention Official
- 1u Appt. of B. Groff to permanent position of Clerk 1 in the Building Dept.
- 1v Authorization for Clerk to dispose of CSC Cert List OL230791 without appointment
- 1w Approval of payment to BTMUA for July bulk water usage (\$139,932.52)
- 1x Approval of payment to Darren Meseroll Painting for painting of Water property buildings (\$7,965)
- 1y Approval of payment to Keyport Army & Navy for DPW uniforms (\$8,984.46)
- 1z Authorization to vacate remainder of East Ave, between Blocks 7 & 8, and accept beachfront land dedication, without any compensation, and 5-ft. conservation easement from Block 8, Lot 3
- 1aa Approval of pymt to Integrated Tech Syst for MK Beacon dual space coin/card & bill acceptor (\$6,214.80)
- 1bb CONSIDERED SEPARATELY AS RESOLUTION 3
- 1cc Award of contract for Tax Map Revisions & Recert to Van Cleef Engineering (NTE \$7,450)
- 1dd Approval of payment to Janitor Supply for 2023bathroom supplies (\$4,356.97)
- 1ee Approval of payment of hand checks from Trust, Collector, Dog & W/S Capital accounts (\$52,182.80)
- 1ff Approval of payment to Riggins for DPW no-lead fuel/diesel fuel for DPW (\$24,335.20)
- 1gg Approval of payment to Rainbow Irrigation for irrigation systems (\$2,225)
- 1hh Approval of payment to H. Kees & Sons for installation of 2 fences, DPW/Arnold (\$6,905)

CONSENT RESOLUTION 2:

- 2a Approval of payment of computer-generated vouchers (\$1,928,641.91)
- 2b Appointment of 11 SLEO II’s
- 2c Approval of Fire Dept & First Aid Squad request to charge for parking in lots during Seafood Fest
- 2d Appointment of K. O’Hara, Pt. Pleasant, as SLEO-Fire Police
- 2e Appointment of L. Keefer as Seasonal Parking Enforcement Officer, effective 7/24
- 2f Approval of PO to Draeger for Alcotest machine for PD (\$19,305)
- 2g Approval of PO to NJ Fire Equip for SCBA’s bottle & mask for Fire Dept (\$67,108.98)
- 2h Approval of payment to All Covered for IT/Maintenance for July, including for PD (\$6,829.43)
- 2i Approval of PO to Winner Ford for Police Vehicle (\$37,389)

2j Approval of payment to Valic for LOSAP Awards for 2022 (\$43,750)

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

Councilmembers Crowley, Migut....ABSENT

Councilman Vitale: spoke about Resolution 3 – appeared on last month’s agenda as authorization for Colliers to be the engineer the parking study at a cost of \$13,500.00 and now it’s on to approve the contract, which jumped about \$4K – this is in response to the 2020/2021 eminent domain proceeding, because the sections outlined are just the areas around the hotel (BA/CFO Riehl: last year or so, we did the authorization to do the parking study because the attorney involved said there was no point in doing it until the summer months – when it came to her before the last meeting, it was \$13K and it was approved – at that time, it was in a smaller area – they then reached out and asked if we want all the parking areas considered – she said yes – they did not have the Inlet Lot or Risdens lot – work has already been done – they started last weekend – part of the study has been done, but it is not complete (Councilman Vitale: it his understanding that the reason for the parking study is in response to the original eminent domain proceedings – he campaigned that he is not looking to do eminent domain – he will vote no on this – don’t need to spend the \$17,500.00, unless it was a benefit to the town and he understands it’s not (Mayor Kanitra: accused Councilman Vitale of being political as, a couple months ago, he was totally in favor, and one month ago, he voted in favor of it – PPB has had parking problems for years – have an opportunity to assess our parking needs and look towards the future – would be in favor of expanding the study and having it cover the entire east side of the tracks – one of the biggest problem in PPB is loss of revenue and the problems that come with it as a result of parking – for decades, have had people pushing further into neighborhoods in search of free parking – as a result, we need increased Police patrols. have increased trash and complaints in the neighborhoods – are missing out on \$1/2M - \$1M/year, yet we are paying to mitigate the problems – same situation with the beach – we don’t own it, but pay for Police and DPW to deal with the crowds – in towns like Seaside Heights, you have to pay to park everywhere – they can use the money to mitigate the problems in the neighborhoods – thinks everything east of the tracks needs to be paid, not with parking machines, but with ParkMobile, like in Asbury Park, with one sign per neighborhood – then, people won’t push into the neighborhoods, or it can be monetized – asked Councilman Vitale if he believes parking is a problem in summer in PPB) sure (Mayor Kanitra: then a parking study would show what neighborhoods there are problems in, where we are and are not monetizing it, and give us a roadmap to fix those problems; Councilman Ramos: are proposing a different scope than we signed off on; Mayor Kanitra: suggested expanding the parking study to include everything east of the tracks, if we are already spending the money – previous administrations screwed this government by allowing more private parking lots and putting money in the hands of private businesses instead of the town – they let Risdens Beach fall into private hands – going back 100 years, they got rid of the beaches in general – government has been making poor decisions in PPB for a long time and costing taxpayers money – asked for a motion to expand the parking study to the entirety east of the tracks) pointed out the original scope which includes the parking lots along Arnold and Baltimore Aves. – asked if there is anything he is missing (BA/CFO Riehl: for the additional money, they were going to pick-up the Inlet and Bathhouse Lots) asked the benefit/end result of the survey (Mayor Kanitra: can quantify how much money we are losing; Councilwoman Testa: asked the last time a parking study was done; BA/CFO Riehl: a different scope, 12-15 years ago – not comprehensive; Councilwoman Testa: definitely an increase in cars coming here – would behoove us to get a parking study done) doesn't want to incur more costs (BA/CFO Riehl: suggested letting her reach out for a proposal of everything east of the tracks and then make a decision); Councilman Vitale motion to TABLE until we get a better ideas of the full cost (BA/CFO Riehl: will have to pay for the work the did; Mayor Kanitra: suggested approving this and then getting a cost of the increased scope) asked to do not to exceed \$17.5 (BA/CFO Riehl: that’s what it’s on now; Atty. Riordan: will get a price for the increased scope).

Motion by Councilwoman Testa to approve RESOLUTION 3 (formerly Resolution 1BB): Approval of PO to Colliers Engineering & Design for Parking Study contract (\$17,500) was seconded by Councilwoman Byrnes and carried by roll call vote.

VOTE: Councilmembers Testa & Byrnes, Mayor Kanitra ....YEA

Councilmembers Vitale, Ramos....NAY

Councilmembers Crowley, Migut....ABSENT

BA/CFO Riehl: asked if anyone objects to her going to other firms for cost comparison (no).

#### ORDINANCES:

Ordinance 2023-07 (Multi-purpose General Cap Bond Ord - \$3,431,350) was considered on second reading. Mayor Kanitra opened the public hearing with no member of the public wishing to be heard. Motion by Councilman Vitale to close the public hearing and adopt Ordinance 2023-07 was seconded by Councilman Ramos and carried by roll call vote.

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

Councilmembers Crowley, Migut....ABSENT

Ordinance 2023-08 (Multi-purpose W/S Utility Bond Ordinance – amending Bond Ordinance 2022-12 - \$2,901,000) was considered on second reading. Mayor Kanitra opened the public hearing.

Dave Cavagnaro, 118 Parkway, PPB: asked if this raises the W/S rates (BA/CFO Riehl: no – we are going through the I-Bank for financing).

Motion by Councilman Vitale to close the public hearing and adopt Ordinance 2023-08 was seconded by Councilman Ramos and carried by roll call vote.

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

Councilmembers Crowley, Migut....ABSENT

Ordinance 2023-09 (Multi-purpose W/S Utility Bond Ordinance – amending Bond Ordinance 2022-13 - \$410K) was considered on second reading. Mayor Kanitra opened the public hearing with no member of the public wishing to be heard. Motion by Councilman Vitale to close the public hearing and adopt Ordinance 2023-09 was seconded by Councilwoman Byrnes and carried by roll call vote.

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

Councilmembers Crowley, Migut....ABSENT

Ordinance 2023-10 (Amend Ch. 31 - Increase Distance Between Small Wireless Facilities) was considered on second reading. Mayor Kanitra opened the public hearing with no member of the public wishing to be heard. Motion by Councilwoman Testa to close the public hearing and adopt Ordinance 2023-10 was seconded by Councilman Ramos and carried by roll call vote.

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

Councilmembers Crowley, Migut....ABSENT

Ordinance 2023-11 (Revise Penalty Provisions - REVISED) was considered on second reading. Mayor Kanitra opened the public hearing.

Dave Cavagnaro, 118 Parkway, PPB: asked if all the fines are at maximum (Atty. Riordan: no – all the fines are a range between the minimum and maximum - you have to give the judge discretion).

E.J. Geiger, 115 Arnold Ave., PPB: asked if the minimums went up for the State and if we were always just under (Atty. Riordan: were hodgepodge of penalty provisions – each time an ordinance was passed, it had its own penalty provisions and we changed them all to refer to just one section).

Motion by Councilman Vitale to close the public hearing and adopt Ordinance 2023-11 was seconded by Councilwoman Testa and carried by roll call vote.

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



Councilmembers Crowley, Migut....ABSENT

Ordinance 2023-12 (Amend Ch 19-add definition 2<sup>nd</sup> Fl Habitable Area) was introduced on first reading. Motion by Councilman Ramos to approve Ordinance 2023-12 on first reading was seconded by Councilman Vitale and carried by roll call vote. The public hearing will be held on September 5<sup>th</sup>.

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

Councilmembers Crowley, Migut....ABSENT

Ordinance 2023-13 (Amend Ch 9-Establish 25MPH speed limit on portion of Arnold & Ocean) was introduced on first reading. Motion by Councilwoman Testa to approve Ordinance 2023-13 on first reading was seconded by Councilman Vitale and carried by roll call vote. The public hearing will be held on September 5<sup>th</sup>.

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

Councilmembers Crowley, Migut....ABSENT

Atty. Riordan explained Ordinance 2023-14 – our ordinance presently refers to streets and we've been writing tickets in parking lots and the Municipal Prosecutor, quite correctly, says he can't win those cases – fortunately, no one brought that to our attention until recently, when a lawyer whose mother got a ticket brought it to our attention, and the Prosecutor recommended that the ordinance specifically references that you must park within the lines in the parking lots, not just the streets.

Ordinance 2023-14 (Amend Ch 9-3A.2-Include Municipal Pkg Lots) was introduced on first reading. Motion by Councilman Vitale to approve Ordinance 2023-14 on first reading was seconded by Councilwoman Testa and carried by roll call vote. The public hearing will be held on September 5<sup>th</sup>.

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

Councilmembers Crowley, Migut....ABSENT

#### PUBLIC PARTICIPATION BEGAN AT 8:56PM

Kim Allen, 146 Ocean Ave., PPB: it was just said the code enforcement in rentals is being ramped up – it's her livelihood – agrees with most ordinances – when Council is making the laws and doesn't know what the laws are, it's a problem – Council passed an ordinance that said we are supposed to tell the town who tenants are – Councilwoman Byrnes didn't do that (Councilwoman Byrnes: has a CO for the home – it's in her closing) it's not in the OPRA – that's a smoke certificate – a rental CO would have been denied – a Report-a-Concern complaint about an illegal basement apartment being rented through Airbnb sat there for 3 months and Councilwoman Byrnes never got a violation – complaint wasn't dealt with until July – asked who ignored it for 3 months – Building Dept. is favoring people on Council – everyone should be treated the same (Mayor Kanitra: unrealistic for the Governing Body to know every violation that the Code Dept. writes) the rental ordinance was a big platform for him – she tried to explain things him and he didn't want to hear – 1½ years later, the Mayor still doesn't know the rules he passed (Councilwoman Byrnes she did recuse herself from that vote).

Maryjane Reilly, 9 Beachcomber Lane, PPB: her husband was chair of the parking study 12-14 years ago – spent a lot of time – people were parking all over and we got nothing from it – tried to make the area east of tracks a tourism zone, to charge for street parking – people complained, especially on Ocean Ave., so it was pushed back to the Library Section and that was the end of the study (Mayor Kanitra: one component is that residents should get a placard with a QR code, like in DC, and as many guests passes as feasible; BA/CFO Riehl: has the study; Mayor Kanitra asked that it be emailed to all).

E.J. Geiger, 115 Arnold Ave., PPB: recommended expanding the parking study to the downtown area, like in Asbury Park (Mayor Kanitra: can do it in pieces and see if it works); got the letter about the phragmites – it was worded to eradicate all on the full Little Silver Lake perimeter – that's where a lot of the pushback came from – roots are 7-feet-deep – time to do it would have been during lake

dredging – eradication means a lot of money, cancer-causing chemicals, cutting below the water level so they drown, or constantly cutting them like in Bay Head (Councilman Vitale: suggested a follow-up letter).

Larry Schwartz, 1203 St. Louis Ave., PPB: asked about eminent domain lawsuit – as a senior on fixed income, is concerned about taxpayers being on the hook for, potentially, millions in damages – asked if town has a plan for dealing with that (Mayor Kanitra: lawyer fees and award are covered by insurance – taxpayers wouldn't be on the hook) asked if it would impact the town's premiums (Mayor Kanitra: it could or it could not – it's taken into consideration when the insurance policy is re-evaluated – to say millions of dollars would be absurd, but using big numbers helps when running for office).

Dave Cavagnaro, 118 Parkway, PPB: asked about bikes and e-bikes on sidewalks and wrong way on one-way streets, in the middle of the road at night – Pt. Boro is working on an ordinance to regulate e-bikes – just a suggestion (Atty. Riordan: they are subject to the same rules as regular bikes, so they can't travel in the wrong direction – none of that stuff; Mayor Kanitra: is open to that – asked Atty. Riordan and Clerk Farrell to find a draft of Boro's ordinance to see if there is anything PPB could adopt; Chief Kowalewski: is a challenge to educate summer visitors – agrees that it is a problem in every town) biggest problem with the parking plan was the amount of permits to give out (Mayor Kanitra: any increase in funding would help – residents should have dibs on street parking).

Vivian Drozd, 1203 St Louis Ave., PPB: asked the procedure, when a property changes hands, with the fire and building inspections (BA/CFO Riehl: they are involved on resales – will email her the information by the end of the week) understands the Fire Official would come in to check carbon/smoke/fire extinguishers and Building Dept. would ensure that a one-family home is being sold as such and there are not 2 kitchens, etc. – asking, per the discussion regarding Councilwoman Byrnes and so things can be found out and taken care of immediately – has been in situations where an illegal apartment was rented and there was a fire and somebody died.

PUBLIC PARTICIPATION ENDED AT 9:20PM

Motion by Councilwoman Testa to close public participation and adjourn was seconded by Councilman Ramos and carried by consent of Council.

Meeting was adjourned at 9:20PM.

ATTEST: \_\_\_\_\_  
Eileen A. Farrell, RMC  
Municipal Clerk