

BOROUGH OF BRADLEY BEACH

SPECIAL COUNCIL MEETING MINUTES

May 5, 2020 at 11:30 a.m.

A Special Council Meeting of the Mayor and Council of the Borough of Bradley Beach was held by means of communication equipment, N.J.S.A. 10:4-8(b), to include streaming services and other online meeting platforms and formal action will be taken on the above date.

CALL TO ORDER

Mayor Engelstad opened the meeting with a salute to the flag.

Sunshine Law

The meeting has been noticed publicly according to the Open Public Meetings Act requirement for the "Annual Notice", and posted on the official bulletin board.

Mayor Engelstad requested a moment of silence to remember the New Jersey Residents who have passed from the COVID-19 crisis.

ROLL CALL 11:30 a.m.

Present: Council: Gubitosi, Sexsmith, Weber, Mayor Engelstad
Borough Administrator David G. Brown II
Chief Financial Officer Sandra Rice
Borough Attorney Gregory Cannon
Acting Municipal Clerk Erica Kostyz

The Mayor and Administrator Brown explained the Executive Order that brought forth the Special Meeting to extend the payment grace period for 2020 second quarter property taxes to June 1st.

Councilman Weber stated this is the right thing to do given the circumstances at this time of the COVID-19 crisis and asked if this is being done by ordinance.

Administrator Brown answered this is being done by resolution.

Public Comment:

Thomas Coan 612 Third Avenue asked if the Sewer Utility payment deadline can be added to this resolution.

Borough Attorney Greg Cannon replied the Governing Body controls the utility fees.

Mayor Engelstad replied this can be discussed at the next Council Meeting.

RESOLUTIONS:

ON MOTION by Engelstad/Gubitosi to Approve the Extension of the Grace Period for 2020 Second Quarter Property Taxes to June 1, 2020.

ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: Bonnell
ABSTAIN: None

Resolution 2020-110 Approving the Extension of the Grace Period For 2020 Second Quarter Property Taxes to June 1, 2020

APPROVED

PUBLIC COMMENT:

Debbie Hatkins, 807 Ocean Avenue, asked if the Planning Board recommended Council negotiations regarding the Ocean Avenue restaurant.

The Borough Attorney replied his office has been received any recommendations from the Planning Board following the April 23rd hearing.

Administrator Brown concurred with Mr. Cannon & stated he has not received any recommendations from the Planning Board. He stated he received a call from the applicant regarding CAFRA provisions.

Ms, Hatkins also inquired if the restaurant, the architect or the builder indicated any response to the Planning Board discussions regarding CAFRA regulations and the Master Plan.

Borough Attorney Greg Cannon responded the Council is not in a position to answer any those questions as that is a Planning Board matter.

Councilman Gubitosi also responded the Planning Board plans to be consistent with the CAFRA requirements.

MaryAnn Spilman inquired why the Borough will not issue a new RFP for the restaurant if this one is not complaint.

Mr. Cannon responded the RFP response was compliant and stated this was addressed at the Planning Board meeting.

Ms. Spilman asked where she can obtain documentation of the April 23rd Planning Board Meeting.

Mr. Cannon responded she can do an OPRA request to obtain documents and/or recordings.

Ceal Barreda of Evergreen Avenue inquired if there is any information on Certificate of Occupancy on summer rentals.

Administrator Brown replied the State Executive Order has not been lifted on summer rentals at this time.

Shana Greenblatt of Newark Avenue inquired what plans are being discussed regarding parking, protocol on wearing masks & use of the beach in uniformity to neighboring towns.

Mayor Engelstad replied the following:

- As long as the public adheres to Social Distancing the beaches can remain open
- Wearing masks on the beach is not required, however, he is in favor of using signage to encourage people to wear masks as the summer season approaches.
- The Borough is in the process of discussing a possible quota system allowing for a safe amount of people on the beach to adhere to Social Distancing.
- Neighboring towns are also discussing how to handle parking.
- A possible quota system of limitation based on the available space on the beach, which would dictate the number of daily badges that can be sold.

Ms. Greenblatt also suggested the Borough communicate with the residents over the next few weeks regarding any changes.

Mayor Engelstad stated he has had several inquires if the beaches can only be open to the residents or have segregated beach areas to Bradley Beach residents. In response to these inquires, he responded the Borough cannot do that, and the beaches must be open to everyone.

Patti Martuscelli, Borough employee wanted to clarify interest will tax payments after June 1st will go back to May 1st.

CFO, Sandra Rice responded she would have to look at the details of the Executive Order.

Mayor Engelstad requested placing a special notice on the website explaining interest accrued with regards to the Executive order.

Thomas Coan, 612 Third Avenue, suggested placing more items on the agenda when holding a Special Meeting. He also expressed concern regarding some recent meeting videos being posted to the Borough Website.

Administrator Brown responded special equipment is on order to enable livestreaming to post meeting videos to the website.

Rick Bartolomei, 618 Newark Avenue, asked where Seasonal Beach Badges can be purchases.

Councilman Weber responded Seasonal Badges can be purchased on the Vibly application located on the Borough website and picked up at the Cliff Avenue & Third Avenue tag booths.

Administrator Brown also responded starting Monday May 11th, the badge booths will be open to purchase seasonal badges and pick up badges ordered on the Vibly application.

Linda Donnelly, 803-805 Ocean Avenue, inquired if there has been an impact study for traffic and parking for the proposed restaurant/concession stand.

Council President Weber replied there has not been a study done as it is not required.

Councilman Gubitosi also replied if a traffic and parking study is required through CAFRA, it will be done.

Ms. Donnelly also asked if the Municipality is responsible for that expense or the applicant.

Borough Attorney Greg Cannon replied the applicant would be responsible.

Ms. Donnelly stated taking on this type of project at this time may not be a good idea fiscally.

Council President Weber stated he is not aware of the other Beachfront Concession Stands in the Borough having a traffic study.

Jeanne P., 807 Ocean Avenue inquired moving forward with the new restaurant plans will open the possibility of other new permanent structures along the boardwalk.

Council President, responded no and explained because the building already exists, that is why it is being renovated.

Jeanne P. asked if this structure is going to be a restaurant or a concession.

Council President responded it is a concession & explained the Borough owns the building and is allowing another party to operate a business out of it.

Borough Attorney Greg Cannon stated Mr. Weber's explanation is accurate.

MaryAnn Spilman stated the difference between a restaurant and a concession is significant and expressed concerns this new business will affect traffic.

Louise Millmann, 502 Ocean Park Avenue, inquired of any concessions on the boardwalk are going to be granted a liquor license and if alcohol will be served at the new concession.

Administrator Brown responded no & the new concession is requesting a State Concessionaires Permit.

Borough Attorney Greg Cannon explained a Concessionaires Permit allows the sale of limited products at certain times.

Ms. Millmann asked if a special permit is needed for serving alcohol located next to a playground.

Mr. Cannon responded anytime there is a service of alcohol for money the Alcoholic Beverage Control has jurisdiction and the business must provide plans and photos of the premises.

Ms. Millmann also asked if the town will have a memorandum of how this new facility will serve alcohol.

Mr. Cannon responded most likely yes, however he does not have a confirmed answer at this time.

Thomas Coan, 612 Third Avenue, stated the new concession proposal was presented as a BYOB and not the sale of alcohol.

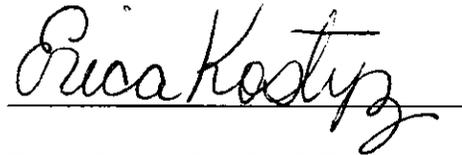
Council President Weber also stated he thought the new concession was presented as a BYOB and inquired if the new concession needs an ABC license for BYOB.

Mr. Cannon responded it would depend on the Borough's local ordinance.

Shana Greenblatt expressed concerns regarding traffic due to change in location for beach badge sales and feels a traffic study should be done.

Weber/Sexsmith moved to adjourn

MEETING ADJOURNED: 12:45 P.M.

A handwritten signature in cursive script, reading "Erica Kostyz", written over a horizontal line.

Erica Kostyz, RMC, CMR
Municipal Clerk