

**BOROUGH OF BRADLEY BEACH**

**REGULAR MEETING MINUTES**

**August 11, 2020 at 6:30 pm**

A regular 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.

Mayor Engelstad requested a moment of silence to remember the 15,870 New Jersey residents who have passed away from the COVID-19 pandemic.

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.

**ROLL CALL 6:30 pm**

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

ON MOTION by Engelstad/Bonnell to approve the Regular Council Meeting Minutes of July 28, 2020

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

**APPROVED**

**Administrative Report**

Administrator Brown gave a report on the following:

Short Term Rentals: The Borough has sent out 38 letters to property owners that are not in compliance with the Borough’s rental ordinance along with a registration statement and form to complete. The next step will be for Code Enforcement to follow up on the letters.

Grants: A grants page has been set up on the Borough Website with 2 opportunities posted from Monmouth County Historical Commissions Historic Preservation Grant and the Monmouth County History Re-Grant Program. Mr. Brown explained these are grants that the Borough is not able to apply to, however some of the town's commissions, societies, and associations may be eligible.

Sylvan Lake Commission: Mr. Brown stated he has recently been assisting the Chair of the Sylvan Lake Commission in researching the enabling ordinance and agreement of charter and clarifying how the Commission should be operating and cooperating with the Borough of Avon. Mr. Brown continued, it has been decided this would be a good exercise to perform with the Fletcher Lake Commission to ensure both lakes get the time and proper care needed.

Sustainable Jersey: Mr. Brown thanked the Environmental Defense Climate Corps Fellow who has provided expertise that is helping improve the energy performance of town facilities and brought the Borough to embark on projects with New Jersey Natural Gas and Sustainable Jersey for clean energy programs.

Mr. Brown concluded with the renewable government energy aggregation up for approval on the agenda this evening.

Councilman Weber inquired if the grants on the website are grants the Borough is not perusing and if there are any grants the Borough will be pursuing for historic preservation.

Mr. Brown replied yes to both.

**Public Comment on Agenda items:**

Thomas J. Coan, 612 Third Avenue, stated he is glad to see coordination with Code Enforcement and DPW.

Nancy Meadow expressed concern with the resolution to hire a part-time seasonal landscaper and feels it is not ethical to hire a relative within the same department.

Ms. Meadow also expressed concern in the resolution regarding maintenance of copy machines and questioned if this is the lowest price available.

Administrator Brown stated the Part-Time Landscaper will be reporting to another department head and not the one who is a relative.

William Psiuk, 110 Fifth Avenue, questioned the Public Defender payment on the bill list.

Administrator Brown replied the courts are back in session and this is payment for the Public Defender's work.

Mary Ann Spilman, 902 Ocean Avenue, inquired what the Borough is paying the Public Defender for.

Borough Attorney Greg Cannon and Chief Financial Officer Sandra Rice both explained where court fees taken in are placed and what accounts the Public Defender is paid out of.

Councilman Weber stated the bill list is more descriptive than it was previously.

### **ORDINANCE 2020-12**

#### **AN ORDINANCE AMENDING CHAPTER 380: “SEWERS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES AT SECTION 380-9: “ANNUAL RENTAL CHARGE” TO REDUCE AND LOWER SEWER RATES FOR PROPERTY OWNERS WITHIN THE BOROUGH OF BRADLEY BEACH**

ON MOTION           by Engelstad/Sexsmith to open public hearing on Ordinance 2020-12  
ROLL CALL           AYES:     Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad  
                          NAYS:     None  
                          ABSENT:  None  
                          ABSTAIN: None

Public Hearing:

Thomas J. Coan, 612 Third Avenue, stated he is happy this ordinance is being adopted and feels the savings to properties will be beneficial to the town residents in the long term.

Rick Bartolomei, 116 Newark Avenue, thanked the Mayor and the Council for this ordinance and for taking his suggestions seriously.

Jim Shissias, 112 Fourth Avenue, gave kudos to the Administration for implementing his and Mr. Bartolomei’s suggestions and showing transparency in this ordinance.

Councilman Bonnell thanked Mr. Bartolomei and Mr. Shissias for their suggestions.

ON MOTION           by Engelstad/Sexsmith to close the public hearing and adopt Ordinance  
                          2020-12.  
ROLL CALL           AYES:     Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad  
                          NAYS:     None  
                          ABSENT:  None  
                          ABSTAIN: None

**ADOPTED**

**CONSENT AGENDA:**

ON MOTION by Engelstad/Bonnell to approve the Consent Agenda  
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

- 2020-197 8-11-20 BILL LIST**
- 2020-198 Approval of Gazebo Rental Deposit Refunds.**
- 2020-199 Approval of a Street Opening Deposit Refund for 109 Third Avenue.**
- 2020-200 Appointing Justin Cofone as a Seasonal Landscape Laborer for DPW.**

**APPROVED**

**RESOLUTIONS:**

**Resolution 2020-201 Authorizing an Agreement to renew Membership in the Monmouth Municipal Joint Insurance Fund.**

ON MOTION by Engelstad/Bonnell to renew Membership in the Monmouth Municipal Joint Insurance Fund.

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

**APPROVED**

**Resolution 2020-202 Approval of Item of Revenue and Appropriation Chapter 159.**

**Councilman Weber asked for more clarification on this resolution.**

**Ms. Rice explained this resolution is to properly appropriate a Clean Communities Grant received after the adoption of the budget.**

**Councilman Gubitosi asked Ms. Rice what is the off-set appropriation for this grant.**

**Ms. Rice explained the grant is taken in as a revenue and set up as an appropriation**

ON MOTION by Engelstad/Bonnell to Approve Item of Revenue and Appropriation Chapter 159.

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

**APPROVED**

**Resolution 2020-203 Appointing Shade Tree Commission Members.**

**Mr. Gubitosi inquired about an additional Alternate for this resolution.**

**Mr. Weber & Administrator Brown responded another resolution will be done at the next meeting for the additional alternate member.**

ON MOTION by Engelstad/Weber to Appoint Shade Tree Commission Members.

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

**APPROVED**

**Resolution 2020-204 Authorizing the hiring of Lorenzo Dangler as Part-Time Code Enforcement Officer.**

**Councilman Gubitosi inquired what Mr. Dangler's availability and role will be.**

**Administrator Brown replied Mr. Dangler will be working in the afternoons, some evenings and Saturday's.**

ON MOTION by Engelstad/Sexsmith to Authorize the hiring of Lorenzo Dangler as Part-Time Code Enforcement Officer.

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

**APPROVED**

**Resolution 2020-205 Approving a Stipend of \$1500 dollars for Andrew Neaves as Part-Time Code Enforcement Officer for Sanitation and Recycling.**

**Mr. Gubitosi inquired if stipends are paid all at once or throughout the year.**

**Administrator Brown replied throughout the year.**

ON MOTION           by Engelstad/Sexsmith to Approve a Stipend of \$1500 dollars for Andrew Neaves as Part-Time Code Enforcement Officer for Sanitation and Recycling.

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

**APPROVED**

**Resolution 2020-206 Approving a Stipend increase for Patrick Allan as Part-Time Code Enforcement Officer for Property Maintenance and Construction Sites from \$5,000 dollars to \$7,500 dollars.**

**Mr. Gubitosi inquired if Mr. Allan will continue his current job duties in addition to his part-time duties.**

**Administrator Brown replied yes.**

**Councilman Weber clarified Mr. Neaves will be handling sanitation and recycling code violations and Mr. Allan will be handling property and construction violations.**

ON MOTION           by Engelstad/Bonnell to Approve a Stipend increase for Patrick Allan as Part-Time Code Enforcement Officer for Property Maintenance and Construction Sites from \$5,000 dollars to \$7,500 dollars.

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

**APPROVED**

**Resolution 2020-207 Approving a Stipend of \$8,000 dollars for Shawn Heeter, Part-Time Recreation Director to manage the remaining 2020 Beach Season.**

ON MOTION by Engelstad/Bonnell to Approve a Stipend of \$8,000 dollars for Shawn Heeter, Part-Time Recreation Director to manage the remaining 2020 Beach Season.

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

**APPROVED**

**Resolution 2020-208 Awarding a Contract to Green Peak Imaging Solutions for Copier and Printer Maintenance.**

ON MOTION by Engelstad/Sexsmith to Award a Contract to Green Peak Imaging Solutions for Copier and Printer Maintenance.

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

**APPROVED**

**Resolution 2020-209 Designating Red Bank to serve as the Lead Municipal Agency as part of the Sustainable Monmouth Alliance Energy Aggregation Program.**

ON MOTION by Engelstad/Weber to Designate Red Bank to serve as the Lead Municipal Agency as part of the Sustainable Monmouth Alliance Energy Aggregation Program.

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

**APPROVED**

## **MAYOR AND COUNCIL REPORTS:**

Councilman Weber reported the following:

- Stated he is pleased with the Sewer reduction ordinance & encouraged everyone to consider spending some of the money they are saving in town.
- Gave an explanation of the Sustainable Monmouth Alliance Energy Resolution 2020-09 and thanked Red Bank for leading the effort on this project.
- Congratulated all of the newly appointed Shade Tree Commission members.
- Mr. Weber stated it has been more comfortable on the beach the last few weekends and feels reducing the number of daily badge sales was a good move.
- Mr. Weber stated moving Shawn Heeter from the Recreation Director to the Beach Manager for the remainder of the summer was a great lateral move.
- Stated concern for possible beach crowds in September & would like to have a discussion with Administration regarding this to avoid potential issues.
- Mr. Weber stated he is glad the Borough is adding Code Enforcement Inspectors.
- Mr. Weber stated the Mayor and Council will be taking a closer look at employment in the future with regards to nepotism for full-time employment.

Councilman Sexsmith reported the following:

- Commended all departments that worked during the tropical storm last week.
- Announced the Fire and First Aid and Police reports.
- Stated the Fire and First Aid Squads thanked the other Borough Agencies for their assistance during the tropical storm.

Councilman Gubitosi reported the following:

- Commended all departments that worked during the tropical storm.
- Commended DPW for going above and beyond for assisting many residents during the storm.
- Thanked Councilman Sexsmith for identifying power lines that were down on Third Avenue that was resulted in JCP&L repairing to avoid a longer power outage.
- Mr. Gubitosi suggested the Borough should look in to implementing charging and cooling stations for residents in the event of a storm.
- Mr. Gubitosi also suggested timely updates on the website and paper alternatives (for elderly and residents without computer access) in the event of a storm.
- Thanked Administrator Brown for mentioning the short-term rental update and for posting the grant opportunities on the website.
- Mr. Gubitosi stated some of the Strategic Planning Task Force Committees need to be re-energized.
- Mr. Gubitosi state he will be working with the CFO on refinancing some of the Borough's debt and evaluate existing and possible new Trust Funds.
- Thanked Administrator Brown for including the Sylvan Lake and Fletcher Lake

Commissions in his report.

Councilman Bonnell commended all departments for doing a great job during the tropical storm.

Mayor Engelstad reported the following:

- Commended all departments for their work during the tropical storm.
- Reminded everyone to complete the 2020 Census.
- Mayor Engelstad stated the Library is open at 25% capacity, computers are available for use by appointment, and curbside pick-up of materials is available as well as take home projects. Mayor Engelstad continued a construction project will take place to repair the foundation of the Library's windows and stated will remain open.
- Thanked Shawn Heeter for taking on the additional responsibility of Beach Manager for the remainder of the beach season.

**Public Comment:**

**MaryAnn Spilman, 902 Ocean Avenue, inquired when to expect a response from the Mayor and the Council regarding her letter of opposition to the Salt Restaurant that was read at the July 28<sup>th</sup> Council Meeting.**

**Borough Attorney Greg Cannon responded the Mayor and Council will not have a response on public record because this project is pending litigation.**

**Ms. Spillman inquired when the litigation will be resolved.**

**Mr. Cannon replied he does not know at this time, but stated there has been ongoing confidential discussions regarding the pending litigation amongst the Governing Body to develop an action plan to bring everything to a resolution for public discussion.**

**Ms. Spilman asked if the opposition will be considered in whatever the resolution is.**

**Mr. Cannon replied yes.**

**Councilman Gubitosi also commented the goal is to create transparency during this process and share the opportunities of the project with the public and to get feedback from the public and the Planning Board that would be incorporated into any final negotiations.**

**William Psiuk, 110 Fifth Avenue, asked Councilman Gubitosi if he will be replacing his council seat with Jane DeNoble or Julie Nutaitis and replacing Thomas J. Coan as Administrator if elected Mayor.**

**Councilman Gubitosi responded none of the rumors mentioned should be paid attention to.**

**Nancy Meadow, thanked Councilman Weber for addressing the nepotism issue in his report. Ms. Meadow also expressed concern there were no cooling stations during the**

tropical storm and urged the Governing Body to address these concerns.

Councilman Sexsmith thanked Ms. Meadow for addressing her concerns.

Thomas J. Coan, 612 Third Avenue, addressed Mr. Psiuk's comments and stated he does not have an interest in being the Administrator or a Councilman and enjoys his role of being a self-proclaimed advocate for the town.

Mr. Coan asked Ms. Rice if the purchasing manual improve the Borough's previous purchasing procedures.

Ms. Rice responded yes as long as it is adhered to.

Mr. Coan asked who would be responsible for that.

Ms. Rice responded herself and Administrator Brown.

Julie Nutaitis, 605 Newark Avenue, addressed Mr. Psiuk's comments and stated she was unaware of this rumor and asked Mr. Psiuk to speak with her directly in the future with any future rumors where she is involved.

Engelstad/Sexsmith moved to adjourn.  
Adjourned at 7:38 p.m.



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Erica Kostyz, RMC, CMR  
Municipal Clerk