

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

September 8, 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 for the 2996 victims and the 1400 First Responders of the 9/11 attacks and their families.

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

Workshop Discussions:

- Beachfront Playground Equipment Improvements

Mayor Engelstad began the discussion by stating he would like to add a second playground on the southern end of the beachfront between the walkway and the dunes by Evergreen and Second Avenues. He continued, with regards to financing an equip ensemble would cost approximately \$80,000.00 with purchase and assembly.

Mayor Engelstad stated after discussion with the CFO, the anticipated refinancing of current debt, this is an opportune time to include this expense and the approximate debt cost over the life of the equipment would be approximately \$5500.00 to \$6000.00 annually. He suggested looking at the top three options and then have Amy Hall post them to social media for followers to weigh in with their preferences. The Mayor stated the only downside to this is having to restrict usage of the playground equipment to people with a beach badge. He also stated he has no set time frame for this, he would just like to see the project get done this year or next year.

Councilman Weber stated he is in favor of this project, however concerned about the location of the playground with regards to DPW vehicles that need to drive through that area.

Councilman Bonnell stated he spoke with the DPW Supervisor who does not see an issue with the location of the playground.

Councilman Weber asked Mayor Engelstad if residents have suggested this to him.

Mayor Engelstad replied the idea was mentioned in conversations with residents over time and received positive feedback from the residents.

Councilman Sexsmith suggested to include upgraded improvements for the North End playground equipment and the Elementary School playground equipment.

Councilman Gubitosi agreed this project is a great idea and stated his concerns would be the location and time frame with regards to finances before committing to this.

Councilman Bonnell stated the Borough would get a better pricing on playground equip if they go with a package deal for several playgrounds.

Chief Financial Officer Sandra Rice stated the timing of this project is appropriate. Ms. Rice stated the Mayor, Bond Counsel, and Councilman Gubitosi will be looking into the existing debt and possibly take advantage of low interest rates.

Ms. Rice continued the Borough will most likely be in a good position to take on this project either in December or in 2021. She also stated other things to consider with a project like this would be a possible CAFRA Permit and or ADA Compliance depending on the surface the playground would be on.

Councilman Bonnell stated the play surface is a large part of the cost with a project such as this.

Councilman Gubitosi suggested gathering more information about cost, surfaces and location.

Mayor Engelstad stated Ms. Rice brought up good points regarding CAFRA requirements. He also stated the borough would need a plan from DPW as to recommendations for the location and also mentioned possible proposals.

Councilman Gubitosi suggested looking at other Beachfront enhancements in addition to the playground.

ON MOTION by Engelstad/Sexsmith to approve the Regular Council Meeting Minutes of August 25, 2020

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

APPROVED

Administrative Report:

Administrator Brown deferred to CFO, Sandra Rice to present a Financial Report of the Beach and Tourism Director Amy Hall to give a Tourism Report.

Ms. Rice gave a report on the beach revenue in which is significantly higher for 2020 compared to 2019. She announced beach revenue to date is in excess \$999,000.00 which is higher than originally anticipated and will end up with a greater surplus in the Beach Utility this year. Ms. Rice also stated this will put the Borough in a good position to finance projects previously discussed.

Mayor Engelstad inquired if Ms. Rice had any information regarding potential C.A.R.E.S. Act Reimbursements.

Ms. Rice replied she had prepared a reimbursement request list for the County totaling \$105,000.00 for COVID-19 related reimbursements. She also states she will be working with the DPW Secretary and her payroll reports to include janitorial staff that had to be hired due to the pandemic.

Ms. Rice also explained any money received through the County or FEMA will come into the Borough Budget as Miscellaneous Revenue and cannot be spent in 2020 because it was not anticipated for this year.

Mayor Engelstad confirmed the \$105,000.00 is not included in the \$999,000.00 Surplus.

Ms. Rice replied confirmed it is not.

Councilman Gubitosi stated this excess revenue was generated during the Pandemic.

Councilman Bonnell stated this is an opportunity to give back to the community.

Councilman Gubitosi stated there are good things the Borough can do with these funds for the residents and visitors.

Mayor Engelstad suggested looking at lowering the beach badge amount as a start.

Tourism Director, Amy Hall, gave a presentation and report on Social Media from May 15th to August 15th. She stated a lot of residents and visitors notified through social media and 315 messages were answered. She also stated the website received 9000 hits on the Tourism page.

Ms. Hall also reported she and Councilman Gubitosi have been working on the website to make it more user friendly and communicate information to residents.

Mayor Engelstad acknowledged the difficulties Tourism had this summer due to the pandemic and commended Ms. Hall for hard work.

Councilman Gubitosi commended the work Ms. Hall has done with the website.

Councilman Weber suggested a font or logo that represents Bradley Beach on the website before it is finalized.

Ms. Hall agreed with Mr. Weber.

Councilman Gubitosi stated he and Ms. Hall have been working with a group of residents to get ideas for fonts for the website.

Public Comment on Agenda items:

Mike Mandina, 211 Park Place Avenue, advised residents not to get Bamboo and gave examples of difficulties he had with this plant on his property and having it removed.

Nancy Meadow expressed concern in the placement of playground equipment and states DPW and the Police Department should have a say in where it goes. She also stated ramps should take precedence over playground equipment.

William Psiuk, 110 Fifth Avenue, stated Japanese Knotweed should be left alone as it has health benefits and other invasive species should be placed in Ordinance 2020-16 that are far more invasive.

Councilman Weber replied residents can grow Japanese Knotweed in planters or pots for medicinal or personal purposes.

Mr. Psiuk inquired what will happen with the Volleyball area if a playground erected there and suggested moving it to the Cliff Avenue side of the boardwalk. He also stated this would eliminate any issues if the old Pump Station gets converted into a Concession Stand.

Councilman Bonnell asked Mr. Psiuk his suggestion is motivated by the initiative to have liquor if the old Pump Station becomes a place where alcohol is served.

Further conversation ensued between Councilman Bonnell and Mr. Psiuk regarding the moving the existing playground.

MaryAnn Spilman, 902 Ocean Avenue, requested a complete list of options and costs be provided for the public when discussing the playground and all future projects.

Cindy Kwiatkowski, 200 Ocean Park Avenue, stated the following:

- A needs assessment needs to be done regarding usage of the Beach Utility Fund.
- More handicap access is needed at the beach.

- Thanked Amy Hall for the Social Media update, however feels communication to residents should also be done through mailings.
- She is against moving the existing playground to a different location.

Kelly Reilly, 304 Second Avenue:

- Inquired if one foot yellow lines can be painted on sides of driveways to ensure parking parameters.
- Requested the Bicycle Hours on the boardwalk be discussed.
- Suggested a revamp of the playground and additional handicap ramps.

Thomas J. Coan, 612 Third Avenue thanked the Governing Body and Administration for their hard work throughout the pandemic. Mr. Coan also suggested money should be set aside in the Surplus account.

ORDINANCE 2020-15

AN ORDINANCE AMENDING CHAPTER 295: “LOITERING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO MORE SPECIFICALLY ADDRESS AFTER-DARK GATHERINGS AT THE BOROUGH’S BEACHFRONT

ON MOTION	by Engelstad/Sexsmith to Table Ordinance 2020-15.
ROLL CALL	AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
	NAYS: None
	ABSENT: None
	ABSTAIN: None

TABLED

ORDINANCE 2020-16

AN ORDINANCE SUPPLEMENTING THE BOROUGH’S REVISED GENERAL ORDINANCES WITH NEW CHAPTER 120: “BAMBOO AND INVASIVE PLANTS” TO PROHIBIT THE FUTURE PLANTING AND REGULATE THE EXISTING PLANTINGS OF INVASIVE SPECIES OF VEGETATION WITHIN THE BOROUGH

ON MOTION by Engelstad/Weber to introduce Ordinance 2020-16.
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

INTRODUCED

ORDINANCE 2020-17

AN ORDINANCE AMENDING SCHEDULE I ATTENDANT TO BOROUGH CODE SECTION 9.3.3 AND SCHEDULE II ATTENDANT TO BOROUGH CODE SECTION 9.3.4 OF CHAPTER 9: "TRAFFIC" TO CREATE NO PARKING ZONES ON NEWARK AVENUE TO ENHANCE TRAFFIC SAFETY DURING GARBAGE COLLECTION

Mayor Engelstad explained a request for this ordinance was brought forth to the Governing Body by the Department of Public Works with regards to creating additional space on Newark Avenue for garbage collection.

Administrator Brown further explained because Newark Avenue is a narrow street, the garbage truck that collects takes up parking spaces during collection time and that this ordinance will relieve that situation by taking these parking spaces on a limited time.

Councilman Weber inquired if this garbage collection situation is taking place where the Garden Apartments are on Newark Avenue and if the garbage collection is being done by a private contractor or DPW.

Administrator Brown replied a private contractor does the garbage collection.

Councilman Weber inquired if the apartment complex has a parking lot the garbage truck can turn into to get to the dumpster.

Administrator Brown replied the complex does not.

Councilman Sexsmith inquired if the garbage collection will take place every day of the week.

Administrator Brown and Mayor Engelstad replied it is a three hour window from 7:00 a.m. to 10:00 a.m. on Tuesdays and Fridays only.

Councilman Gubitosi asked if the time frame could be narrowed further.

Administrator Brown replied that was the only time frame the sanitation contractor would commit to.

ON MOTION by Engelstad/Weber to introduce Ordinance 2020-17.
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

INTRODUCED

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

2020-217 9/8/20 BILL LIST

2020-218 Approval of Annual Renewal for Alcoholic Beverage Control Liquor License for Manno, Inc.

Mayor Engelstad clarified this is the license for the old Giamanno's.

Councilman Weber inquired if there is any consequence to this license not being used.

Mayor Engelstad replied the applicant can reapply numerous times even though the license is currently not in use.

Councilman Weber inquired the state can reject renewal eventually if the license is not being used.

Borough Attorney Greg Cannon confirmed an Inactive Pocket Liquor License can be renewed for several years on an annual basis.

2020-219 Approval of Direct Debit Payment Refunds for Third Quarter Sewer Payments.

2020-220 Approval of a refund for 118 Park Place Avenue, Block 14, Lot 33 in the amount of \$3234.39 for Sewer Overpayment.

APPROVED

RESOLUTIONS:

Resolution 2020-221 Approval to Extend Temporary Outdoor Dining Permits to November 30, 2020.

ON MOTION by Engelstad/Bonnell to Approve an Extension of Temporary Outdoor Dining Permits to November 30, 2020

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

APPROVED

Resolution 2020-222 Appointing Jim Byrnes as a Public Member of the Community Center Task Force.

ON MOTION by Engelstad/Gubitosi to Appoint Jim Byrnes as a Public Member of the Community Center Task Force.

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

Resolution 2020-113 Approving an Amendment for Resolution 2020-113 for the Court Administrator.

Councilman Gubitosi asked if the amendment to this resolution is for retroactive pay back to January 1st of this year.

Administrator Brown replied additional verbiage for clarification to the Finance Department and the Auditor to reflect the Court Administrator's annual base salary with Bradley Beach and Shared Service Agreement salary.

ON MOTION by Engelstad/Gubitosi to Approve an Amendment for Resolution 2020-113 for the Court Administrator.

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

MAYOR AND COUNCIL REPORTS:

Councilman Weber reported the following:

- Stated the Energy Fellow identified some programs business owners can take advantage of to save energy costs. He continued the Fellow has been connected with the Business Community Alliance resulting in a letter being mailed to 125 businesses owners in town

regarding New Jersey Clean Energy Programs.

- Funds have been put into the Budget for a LOSAP (Length of Service Awards Program) for the Fire Department.
- Reported the Zoning Officer George Waterman will be leaving September 30th and commended Mr. Waterman for his assistance with re-vamping many of the town's ordinances.
- Mr. Weber suggested lowering the beach badge fee for next year.
- Reminded everyone beach access during the week is free with minimal Lifeguard presence and if necessary, the Police could shut the beach down if the water is too rough.
- Announced the Shade Tree Commission will be having their first meeting September 9th.

Councilman Sexsmith reported the following:

- The Police Department report. Mr. Sexsmith also commended the Police Department on their professionalism.
- The First Aid and Fire Department call report.
- Reminded everyone the Fire and First Aid Departments are seeking volunteers.
- Requested donating generously to the Fire and First Aid Departments if possible.
- Stated he plans to look at the Beach Surplus in totality to ensure it is properly maintained.

Councilman Gubitosi reported the following:

- Concurred with Councilman Sexsmith with regards to the Beach Surplus.
- Announced there will be a Walk Audit Findings Workshop September 15th from 10:00 a.m. to 11:00 a.m.
- The Sylvan Lake Commission is continuing to work with an Environmentalist Team to restore the lake.
- Read a self- prepared statement for the public regarding the anticipated LOSAP program for public record.

Councilman Bonnell reported the following:

- Stated many of the benefits a LOSAP program will offer volunteer First Responders.
- Thanked all of the Borough Employees for all of their hard work during the Pandemic.

Mayor Engelstad reported the following:

- The Library report consisting of hours, programs and activities for children and adults.
- Thanked all Beach Personnel for all of their dedication and hard work this summer.
- Thanked VIPLY for their professionalism.
- Stated the playground presentation this evening is just one of many ideas to consider for Beachfront Improvements over the next several months.

Public Comment:

Nancy Meadow stated the following:

- History of how the playgrounds in several surrounding towns were obtained.
- Suggested running a contest in town for residents to vote on the logo to represent the town.
- Ms. Meadows stated she looks forward to analyzing the expenses and revenues for the

Beach Utility.

- Suggested implementing a Design Committee in town to improve the appearance in certain locations and maintain consistency.

MaryAnn Spilman, 902 Ocean Avenue, inquired if the stockade fence by the old pump station and the additional rest rooms are temporary.

Administrator Brown responded yes, the bathrooms and fence are temporary.

Ms. Spilman asked for the status for the Salt Restaurant.

Administrator Brown responded it is still under consideration amongst the Governing Body and their attorneys

Mrs. Bartolomei, 116 Newark Avenue, stated more enforcement is needed regarding bicycles hours on the boardwalk.

Councilman Sexsmith stated the bicycle hours on the boardwalk currently in place is consistent with other towns.

Kim Januzzi, 608 Evergreen Avenue, inquired if the town has a formal “Conflict of Interest Policy” or Conflict Committee with regards to the Zoning Board of Adjustment.

Borough Attorney Greg Cannon responded the Borough does not have a conflict committee and explained the three types of parameters on how conflicts of interest should be handled.

Ms. Januzzi suggested considering a formal policy to provide guidance for the Board Members and Department Heads.

Further conversation ensued regarding the parameters of how to handle conflicts of interest.

Robert Napoli, Vice President of the Bradley Beach Fire Department, thanked the Governing Body for their efforts for a LOSAP program.

Linda Donnelly, 803 Ocean Avenue stated the following:

- Thanked the Mayor and Council for everything they do for the residents of the town
- Feels a portion of the beach surplus should be set aside for emergencies.
- Suggested doing a resident survey to determine the needs of the community.
- Suggested creating a plan of communication for Main Street establishments to give their input regarding the proposed Salt Restaurant.

Richard Despina, 600 Third Avenue, stated several concerns he had for the Community Center Project and asked for a status.

Administrator Brown stated two vendors were hired; one to handle a lead and asbestos survey and another to secure the roof repairs. Mr. Brown also stated when Government makes this kind of a purchase, the municipality must follow the Local Public Contracts Law and cannot hire

contractors at random.

Kelly Reilly, 304 Second Avenue, stated the boardwalk bicycle hours in Bradley Beach are not consistent with other towns.

Paul Neshamkin, 411 LaReine Avenue, requested communication with the Community Center Task Force on a regular basis with regards to proposals.

Administrator Brown explained a lot of tasks that will need to be performed on the building will take time a process needs to be followed and assured Mr. Neshamkin he and other officials are doing their best with limited funds.

Mr. Neshamkin strongly suggested another Task Force meeting as soon as possible.

Councilman Bonnell stated this is a project will take several years to complete and will be very beneficial to the town when done.

Councilman Weber agreed the Community Center Task Force should have a meeting as soon as possible.

Thomas J. Coan, 612 Third Avenue, thanked the Mayor for the Workshop Discussion his evening.

ON MOTION by Engelstad/Bonnell to go into an Executive Session to discuss Legal Matters.

The Governing Body and The Administration went into Executive Session at 8:30 p.m. by means of Communication Equipment due to COVID-19 to discuss Legal Matters.

ON MOTION by Engelstad/Bonnell to go into Executive Session to discuss Legal Matters.

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

The Governing Body and the Administration returned from Executive Session at 9:05 p.m.

ROLL CALL: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad

Engelstad/Bonnell moved to adjourn
ADJOURNED 9:20 P.M.



Erica Kostyz, RMC, CMR
Municipal Clerk