

REGULAR MEETING MINUTES

June 13, 2017

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room, 701 Main Street, Bradley Beach, New Jersey on the above date.

CALL TO ORDER

Mayor Gary Englestad 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.

ROLL CALL 6:30 pm

Present: Council: Weber, Goldfarb, Bonnell, Cotler
Mayor Engelstad
Borough Attorney Michael DuPont
Chief Financial Officer, Gail Krzyzczuk
Municipal Clerk, Kelly Barrett

Mayor Engelstad stated that he had been given a copy of the Memorial Day Service program from May 30, 1949. He continued that a young Frances Sanantiello read Flanders Field which was our very own Fran Sauta. We lost Fran on Memorial Day weekend and requested a moment of silence.

Councilman Bonnell raised a point of order regarding the appointment of the Business Administrator. He continued that it is not appropriate to place on the consent agenda the appointment of the Borough Administrator as it is not a routine matter. There has been no public deliberation, it was addressed four (4) weeks ago in an executive session and has not been vetted publically in accordance with DCA statutes. An executive session is not a requirement only an option for the governing body when an issue requires privacy. The appointment of the Borough Administrator does not fit the bill. I requested the minutes from interviews and they were not received until Friday before today's meeting. The nature of the positions has changed from full time to part time position with no discussion with the public or governing body. For those reasons stated I don't feel it is appropriate to make an appoint tonight.

Michael DuPont, Borough Attorney responded that the borough ordinance allows for appointments to be placed on the consent agenda. This allows for public discussion/comments on the agenda along with items on the consent agenda. The agenda lists two (2) public comment sections. With respect to executive session minutes, after discussion with the clerk, the standard executive minute's procedure were followed. The executive session minutes are not to be released until they have been approved by Mayor and Council and once approved the minutes may only be released until the matter is completely resolved. As previously stated the public will be permitted to make comments on two (2) occasions this evening. The Mayor may include an additional public comment if needed. For these reason it is my opinion that we are able to move forward with a Borough Administrator appointment vote this evening.

Councilman Weber, I agree with Councilman Bonnell we should not be voting on the appointment of a Borough Administrator prior to public comment and Mayor and Council deliberations. Mayor Engelstad stated that the public may take advantage of making comments during the public comment portion of the agenda. Mr. DuPont confirmed that the public will be permitted to be heard along with Mayor and Council comments prior to the vote.

APPROVAL OF MINUTES

ON MOTION by Englestad/Goldfarb to approve Regular Meeting minutes of May 9, 2017

ROLL CALL AYES: Goldfarb, Bonnell, Cotler Engelstad
NAYS: None
ABSENT: None
ABSTAIN: Weber

ON MOTION by Englestad/ Goldfarb to approve Executive Session minutes of May 9, 2017

ROLL CALL AYES: Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: Weber

ON MOTION by Englestad/Goldfarb to approve Executive Session minutes of May 16, 2017

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: Bonnell
ABSENT: None
ABSTAIN: None

ON MOTION by Englestad/Goldfarb to approve Workshop Meeting minutes of May 23, 2017

ROLL CALL AYES: Goldfarb, Cotler, Engelstad
NAYS: Weber, Bonnell
ABSENT: None
ABSTAIN: None

ON MOTION by Englestad/Goldfarb to approve Executive Session minutes of May 23, 2017

ROLL CALL AYES: Goldfarb, Cotler, Engelstad
NAYS: Weber, Bonnell
ABSENT: None
ABSTAIN: None

PRESENTATION

Avon's Women's Club presented two (2) checks totaling \$10,000.00 to the Bradley Beach Fire and First Aid Department. They thanked the Fire and First Aid for all the help they have provided over the years.

Harvey Rosenberg, Chairman of the Memorial Day Committee made a request to the Mayor and Council, to rename the Memorial Day Parade to the Fran Sauta Memorial Day Parade. He continued that the committee would not have existed without Fran, she was instrumental in the start of the committee and has continued to be a significant member for over ten (10) years. He would like Fran's children and grandchildren to be the grand marshals of next year's parade. Mayor Engelstad responded that a resolution would be placed on the agenda at the next regular meeting renaming the Memorial Day Parade to the Fran Sauta Memorial Day Parade.

ENGINEERS REPORT

Gerald Freda, Borough Engineer provided an update on the Sewer Project, he continued that NJEIT has all required documentation and we are awaiting the letter from them to award the contract and once received we will move forward with the project.

TJ Coan (612 Third Avenue) expressed concerns/questions regarding Main Street crosswalks/signage and if some locations were retro fitted and if so was this a borough oversight. Mr. Freda responded that the borough did not have involvement with the Main Street crosswalks as it is a state highway. He continued that he had reached out to a consultant and was advised that they are working on preliminary plans. The project will run from West Long Branch to south of Bradley Beach, therefore due to the size, the project will take longer than we would like. The Main Street project was done over five (5) years ago by NJDOT and if there was any input from the borough it would have been done earlier during the design phase of the project...

PUBLIC COMMENT

Thomas Arnone, Monmouth County Freeholder stated that he has been doing this for 22 years first as a Councilman, Mayor and now his current position as County Freeholder. I didn't go through the normal channels with formal education. The decision to appoint a Borough Administrator should be a bi-partisan decision. Being from a small town, it is crucial for the Borough Administrator to know the town. The biggest attribute for the position is knowing the town, residents and having a passion for the job. I have known Kelly since we were young and came up through the ranks together. I couldn't speak more highly of her regarding her professionalism and knowledge. She successfully ran three (3) Municipal Courts through a shared service agreement with Neptune City. I often see towns selecting a candidate that doesn't know the town and it causes serious problems. At a recent meeting at the county, Kelly caught my eye and requested assistance for Bradley Beach in regards to the parking problem on Main Street. She was referred to the County Engineering Department to discuss the issue. If you do not select Kelly Barrett as Borough Administrator would be a disaster.

Tim Gallager, Avon by the Sea, Borough Administrator/Municipal Clerk, I have been an Administrator/Clerk for over 20 years. I know everybody in Avon you must know the strengths and weakens of the town to be a success. You must know that relationships in town are important. I have known Kelly for a long time, she was the Avon Court Administrator through a shared service agreement and did a fantastic job. Selecting Kelly Barrett as the Borough Administrator is a good choice.

Tony Muscillo, Interim Borough Administrator for the Borough of Bradley Beach from September 2016 through mid-May, 2017. I recommend Kelly as the Borough Administrator she is qualified and I agree with the remarks made by the previous two gentlemen.

Don Greenberg (301A Park Place Avenue) commented that he had an issue with the hiring process not the person selected. If you split the positions neither position will get the full attention needed. There was no public discussion in reference to the Administrator being a full or part-time position.

Terry Wright (401 Madison Avenue) stated he has resided in Bradley Beach for 18 years and has been working in the front office for over four (4) years. The previous Administrator held (3) positions, CFO, Tax Collector and Borough Administrator and had done a good job. Kelly will hold two (2) positions. I work with her and she knows what she is doing. She is experienced, has a strong work ethic and addresses everything that needs handling. She is the best choice for the position.

Mark T. Apostolou, Retired Municipal Court Judge, stated that he had the honor of being the Municipal Court Judge of Bradley Beach for 19 years. I have worked with many great people. I will only extol the qualities of Kelly Barrett, she learned on the job, accepted every task and one of the quickest learners I have ever seen. She is ethical above reproach never punched a clock as she always had the best interest of the town. As Court Administrator of three (3) courts she assumed the responsibilities of three (3) jurisdictions with an unimaginable volume of cases and handled it with grace, dignity and skill. I don't often praise people but if Kelly is your choice she will be one of the best employees you will ever have. She is the cream of the crop.

Sue Monroe (500 LaReine Avenue) stated I don't know most of the people here but I do know we have new council people. The borough needs to be open and have clear communication, my concern is it possible for one person handle the job as Administrator and Clerk.

Debra Burnell (401 Fifth Avenue) thanked Avon Women's Club for their donation. I would like one example of full time Borough Administrator who saved the town money except by quitting that doing away with their salary and benefit package. I think Kelly is capable of wearing both hats and people who think otherwise has some sort of hidden agenda.

Julia Rand, Bradley Beach Arts Council, The borough should have someone who knows the town, the people and who is willing to do as much work as Kelly. The previous two Borough Administrators one being an outsider and was very difficult to deal with and the other Joyce Wilkins who held multiple positions and did a good job. I didn't know Kelly until she became Borough Clerk, she has been friendly and helpful with the Arts Council. She made special effort to be welcoming. The two jobs are not relevant it is if Kelly is willing to do both jobs.

Thomas Coan (612 Third Avenue) stated that last year he questioned the educational requirement for the Borough Administrator position and the Mayor advised me that it was assumed. It was not assumed, as that is not what we are getting. Must you be an employee for a very long time to get a job that you are not educated for? Kelly is very nice person and an awesome Clerk but the position of Business Administrator wears many different hats. The borough engineer confirmed that in the past the Borough Administrator did not have the oversight on multiple projects in town and have them vetted properly. In November and December of 2016 the meeting agendas were manipulated and if the borough had a good Administrator they would have advised the Mayor of the error.

In a meeting in April, 2017 a request for a mobile retail concession at the beach was listed and I questioned who we were jumping through hoops for. After an OPRA request of the letter, I discovered that it was Ms. Barrett's daughter making the request. At no time during the meeting did Ms. Barrett disclose it was her daughter. He continued that the Business Administrator in Spring Lake saves the town money.

Sal Galassetti (220 Newark Avenue) I have known Kelly for a long time and she comes from a good hard working family. She is a quick learner and saved the borough money from returning the Court to Bradley Beach and bringing Avon along. She will do a great job and the question of wearing two hats, the answer is yes she can. If you don't appoint Kelly to the position it will be a sad day for Bradley Beach. She will do a phenomenal job. I heard comments regarding her going out with the Chief that has nothing to do with the job.

Lauren Egbert, Zoning Board Member, stated I am very distressed by the quality of communication in this room. We all want what is best for this town. I don't have a fish to fry as to who gets hired. I have worked briefly with Ms. Barrett and my experience was wonderful. The job descriptions for the Borough Administrator and the Clerk is very large. If Ms. Barrett is selected we should be fair to her and have a clear job description and she should be advised of her responsibilities.

Rosemary Vetnor (405 Beach Fifth Beach Avenue) stated Ms. Barrett must have a lot of qualifications by all the support from the community. My concern is the process there were other candidates and were they vetted by the Council.

Kathy Morales (602 Fourth Avenue) stated Bradley Beach needs transparency in government. I don't know Ms. Barrett but by the accolades she must be a hardworking person.

William Psiuk (110 Fifth Avenue) stated that an education issue was brought up regarding Ms. Barrett, he continued I have been involved in multimillion dollar projects and have dealt with a lot of people that were educated and were street stupid. Some people are book smart but it takes a lot more than book smart to run a town. He continued that he has worked with Kelly and she knows everything and it is a pleasure working with her. Mr. Psiuk questioned the borough attorney, "Are resumes available to the public"? Mr. DuPont responded that they are available if it is a public document. It has been brought to my attention that emails were going back in forth regarding the appointment of the Borough Administrator. I found it interesting that the person forwarding the emails ended the email with do not mention that you received it from me. I believe that the email being disbursed may be considered an ethics violation. Mayor Engelstad responded please refer those issues to the Borough Attorney.

Harvey Rosenberg (Ocean Park Avenue) stated in my opinion the best education is by doing, we all get educated in life. In business the best employees are the ones that start at the bottom and work their way up. I have learned that if you come up within you end up with the cream of the crop. Ms. Barrett is the type of person that jumps right in and that is what we need. Bradley Beach is small town not a multi-billion dollar company, we need someone who will do everything.

Mayor Engelstad, he referenced a recent Wall Street Journal article which reflects his mind set regarding the internal vs external process. The article stated that there has been a 30 year trend of workers jumping from one employer to another. It was found that external higher get more paid more and the performance of the external higher get a lower review than the internal higher. It takes them over two (2) years to learn the ins and outs of the position.

They tend to have more education than internal higher. The employers don't appreciate how important it is to know the inner working of an organization. You need to establish relationships to get the work done. He continued that he has served as Director Level for the past 27 years. I have been involved in 15 manager level hires and have found that most internal promotions are the most successful. With this mind set the first thing you look at is the condition of the town. Does it need a complete overhaul? The borough is in good standing in all areas. Ms. Barrett has 26 years with the Borough and has extensive knowledge of the Municipal Court. The disinformation going out regarding Ms. Barrett was grossly unfair. She was instrumental in the disbanding of the shared service agreement with Neptune City as it was a significant increase. With the long established relationships with both Neptune City and Avon and the made break from Neptune City seamless. Ms. Barrett negotiated a new shared service agreement with Avon with the Municipal Court. She was very involved in obtaining the CDBG grant for Riley Park. The staff knows that she will be fair, firm and hold people accountable. I have found that no effective hiring is done based on a resume alone, you need to interview, conduct google searches, check references and question the candidate's motivation. When an individual is qualified, the dual role is appropriate for a town this size. I strongly support Kelly Barrett's nominations.

Councilman Weber I appreciate everyone coming out tonight regardless of which side you are on. I have an issue with the process, I have never seen an applicant for a position handle the resumes of the other candidates. I think Ms. Barrett handling the resumes was a conflict. I believe the applicants and Council were misled. We budgeted and advertised for a full time Administrator position. If we were going to make it a part-time position we are only doing it to fit the needs of one of the applicants. We went straight out of executive and into a vote. Ordinance 5-9I states appointments need to be put on agenda at a work session. I was denied as a councilman to place the Borough Administrator position on a workshop agenda allowing for public comment. The issue that I have is how this person to compare to other candidates does. It's not an issue if they could do the job I think Kelly could do the job but we had candidates that were Administrator in towns 10 times the size of Bradley Beach with experience and education. I'm not concerned that an outside Administrator will come in and make changes without the governing bodies consent. The Administrator works at the direction of the Mayor and Council. The question that I have is if another town had same the five (5) candidates would they be hiring the same person? I say no.

Councilman Goldfarb stated I am in the office every day and Kelly Barrett can handle both positions. I see what she can do, she gets things done. She gets along with the residents and has gained the respect of the borough employees. Kelly Barrett should be the next Borough Administrator.

Councilman Bonnell stated that I have known Kelly for about a year. I have met with her on some issues and she is extremely qualified. Regardless of the outcome, I will work with her and make her the best business agent. I have had some trepidation about the process, however, moving forward we must do what is best for the borough.

Councilman Cotler stated that people had mentioned openness, he continued I had reviewed the other candidate's resumes and they looked good. When I am hiring someone I allow them to tell me about themselves and then I ask "What do you know about the borough"? Their answer will determine if they know anything about the town or if they did any research. The answers I received during the interviews was, "I will do whatever the governing body asks of me" and "I haven't looked at the town, I will check it out tomorrow". When I asked the same question of Kelly she had definitive answers. I would have rejected all of the other candidates for the position. Kelly Barrett will be a success as Municipal Administrator/Clerk.

ORDINANCE 2017-8

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, THAT CHAPTER 450 OF THE GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH SHALL BE REVISED TO INCLUDE THE REVISIONS TO ARTICLE V, ZONE REGULATIONS SECTION 450-30 O-P OFFICE AND PROFESSIONAL ZONE AND 450-31 B-O-R BUSINESS, OFFICE AND RESEARCH ZONE

ON MOTION by Engelstad/Cotler to open public hearing
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None

Public Hearing – No one wished to speak

ON MOTION by Engelstad/Goldfarb to close public hearing and adopt
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

BOND ORDINANCE NUMBER 2017-16

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO SYLVAN LAKE AND SYLVAN LAKE PARK, BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR (INCLUDING A GRANT FROM THE MONMOUTH COUNTY OPEN SPACE TRUST FUND IN THE AMOUNT OF \$161,000) AND AUTHORIZING THE ISSUANCE OF \$227,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

ON MOTION by Engelstad/ Weber to introduce Bond Ordinance 2017-16
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None

ORDINANCE NO. 2017-17

AN ORDINANCE TO AMEND THE BOROUGH OF BRADLEY BEACH SALARY ORDINANCE CHAPTER III, PERSONNEL AND MORE PARTICULARLY SECTION 3-9.1 OFFICERS AND EMPLOYEES PAID A SPECIFIC SALARY

ON MOTION by Engelstad/ Goldfarb to introduce Bond Ordinance 2017-17
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None

PENDING ADOPTION

ORDINANCE 2017-18

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF BRADLEY BEACH, REVISIONS TO CHAPTER FIVE, ARTICLE V, DEPARTMENT OF FINANCE, SECTION TWENTY TWO I TWO, PURCHASE CONTROL

Councilman Bonnell explains the purpose of the Ordinance 2017-18 amendment allow to mirror state limit regarding quote threshold

ON MOTION by Engelstad/ Bonnell to introduce Bond Ordinance 2017-18
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None

PENDING ADOPTION

COMMUNICATION

Authorizing the Bradley Beach First Aid Squad with the assistance of the Bradley Beach Elementary School to sell glow necklaces on Monday, July 3, 2017 during the evening of the Firework Display with a rain date of Saturday, July 8, 2017.

Councilman Weber requested clarification regarding item (h). The Borough Clerk responded that we prepare resolution to accommodate hiring’s twice a year as it is a matter of housekeeping. Councilman Bonnell requested clarification of the court personnel salary breakdown. The Borough Clerk responded that the salaries listed are off set from the monies received from shared service agreement with Avon by the Sea.

ON MOTION by Engelstad/ Weber to approve items (a) through (j) and communication request item (l), vote item (k) separately
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None

CONSENT AGENDA

- 2017-120 Authorizing a Disallowance of Senior Citizen Tax Deduction
- 2017-121 Tax Title Lien Redemption(s)
- 2017-122 Authorizing a Capital Budget Amendment
- 2017-123 BILL LIST
- Authorizing Liquor License(s) effective July 1, 2017 through June 30, 2018
- 2017-124 Bradley Liquors 618 Main Street
- 2017-215 Shore Wine & Liquors 810 Main Street (Conditions)
- 2017-216 UVA on Main 800-808 Main Street
- 2017-217 authorizing the hiring of various positions/department for the first half of 2017

- 2017-218 authorizing the Mayor to execute an agreement with the County of Monmouth Alliance to Prevent Alcoholism and Drug Abuse 2017/2018
- 2017-129 Appointment of Valarie Mulry to the Quality of Life Committee effective June 13, 2017 through 12/31/18

ADOPTED

ON MOTION by Engelstad/ Goldfarb to approve item (k) appointment of Kelly Barrett, Borough administrator

ROLL CALL AYES: Goldfarb, Cotler, Engelstad
NAYS: Weber, Bonnell
ABSENT: None
ABSTAIN: None

- 2017-130 Appointment of Kelly Barrett as Borough Administrator effective June 13, 2017 through December 31, 2020

ADOPTED

COUNCIL REPORTS

Councilman Weber provided an update on the Bradley Beach Elementary School. He requested that we all support the PTO and Spring Concerts. He mentioned sad news that a school board member, Mr. Lozowick was involved in a car accident and is currently in a rehabilitation center. He commented that the recent American Littoral Society event was very informative.

Councilman Goldfarb stated that he agreed with Councilman Weber, the American Littoral Society event was quite informative. He thanked the Bradley Beach Fire Department for use of the building to hold the Memorial Day Ceremony.

Councilman Bonnell advised that the fountain project is coming along and it has been taking a little longer because the DPW is doing their homework in order to get the project done correctly.

Councilman Cotler commented on the borough Trash/Recycling Center and what items are accepted. He advised that he along with other physicians would be conducting Skin Cancer Screening at the beachfront on July 15, 2017 10 am – 2 pm

Mayor Engelstad requested Andrew Naves from the DPW to come forward to thank him for a job well done. He had received a letter from a resident thanking Andrew for his professionalism and assistance.

PUBLIC COMMENT

A resident commented on the trash on the beach and how he is able to fill a large bag of trash on a daily basis. Mr. Cofone commented that his department cleans the beach early in the morning and the trash accumulates throughout the day.

William Psiuk (110 Fifth Avenue) commented that the gentleman conducting the free Tango lesson at the gazebo is charging people after a certain hour.

A resident expressed concerns regarding the progress the borough was making on adopting an Air BNB Ordinance.

ON MOTION by Engelstad/ Goldfarb to close the meeting.

ADJOURN 8:28 pm



KELLY BARRETT, RMC, CMR
Municipal Clerk