

## REGULAR MEETING MINUTES

January 22, 2019 at 6:30 pm

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 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.

### ROLL CALL 6:30 pm

Present: Council: Weber, Goldfarb, Bonnell, Cotler  
Mayor Engelstad  
Borough Attorney Marguerite Schaffer  
Municipal Clerk/Administrator Kelly Barrett  
Deputy Municipal Clerk Erica Kostyz

### CEREMONIAL –

Helen Henderson of the American Littoral Society provided a brief presentation: Bradley Beach is being recognized by the American Littoral Society as "Champion of the Coast". A distinction only five other municipalities have received in the State of New Jersey. Ms. Henderson thanked the Borough for passing a resolutions opposing any activities of oil and gas drilling off the coast and prohibiting the voluntary release of balloons.

Dearl Nelson, Code Enforcement Officer introduced himself and stated that he has been a Code Enforcement Officer for many years and looks forward to working for Bradley Beach.

### WORKSHOP DISCUSSION- Newark Avenue Food Truck Concession

Mayor Engelstad stated that we had previously advertised for a Food Truck Concession at Newark Avenue beachfront promenade and no bids were received. A discussion ensued amongst the Council and it was determined that the Concession would be re-advertised for open public auction bidding with two Options. Options A would allow for the rental of borough property located at Newark Avenue beachfront promenade for a privately owned or borough owned food truck concession with no minimum bid (public auction bidding). Option B would allow for the rental of the Borough owned Food Truck with a minimum bid **at fair market value**.

ON MOTION by Engelstad/Bonnell to re-advertise for a Food Truck at Newark Avenue with two options.

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

ON MOTION by Engelstad/Cotler to approve the Regular Meeting Minutes of January 8, 2019

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

## **PUBLIC COMMENT**

John Naples, 1009 Ocean Avenue, stated that he disagreed with the borough splitting the bid and allowing for two options on the Newark Avenue Food Truck Concession. He stated that the borough should re-advertise to lease the space with the borough owned food truck otherwise we are opening a can of worms.

Henry Machos, 209 Third Avenue, expressed concerns regarding Ordinance 2019-1 as it will allow the governing body to increase the budget. He stated that the governing body should not spend foolishly. He continued that money was spent last year that did not need to be spent and was done unnecessarily. All the funds collected from the events should go towards tax payer relief.

Thomas Coan, 612 Third Avenue, stated that he disagreed with Ordinance 2019-1 (Cap Bank) being adopted prior to the budget process. He commented that he was not in agreement with utilizing surplus to balance the budget. He expressed concerns regarding the special parking permits getting out of control without limiting the amount issued.

### **ORDINANCE 2019 - 1**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) IN THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

ON MOTION by Engelstad/Cotler to introduce Ordinance 2019-1

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

Councilman Goldfarb did not agree with the “caregiver” provision being removed from the special parking permit ordinance revision as listed in the draft. Councilman Cotler agreed that a special parking permit be allowed for the “caregiver”. He stated that a handicapped individual may not be able to be left alone for any period of time and the caregiver may have to park a few blocks away from their residence, leaving the disabled individual alone.

AN ORDINANCE REVISING SECTION 9-3.9A OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ON MOTION by Goldfarb/Engelstad to introduce Ordinance 2019-2 with the following:  
allow for special parking permits be issued to “caregivers” and not limiting the number of permits issued annually

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

**Communication** may be added the Consent Agenda

Councilman Cotler stated that the Bradley Beach First Aid Squad has requested the Borough pay the First Aid Squads 2019 insurance premium of \$4,937.00. He reminded everyone that the First Aid Squad is a volunteer organization of 23 members that provide service to the borough 365 days a year. It would cost the borough an exorbitant amount of money without the First Aid volunteers.

ON MOTION by Cotler/Bonnell to approve First Aid Squads request and move it to the consent agenda

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

**APPROVED**

ON MOTION by Engelstad/Goldfarb to approve the Consent Agenda

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

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| Resolution | 2019-25 | Authorizing the 2019 ATM Concession contract be awarded to Passion Group d/b/a/ Coastal, ATM LLC.                                  |
| Resolution | 2019-26 | Authorizing the Bladder Cancer Advocacy Network Walk on Saturday, May 4, 2019 from 12:00 pm to 3:00 pm at the beachfront promenade |
| Resolution | 2019-27 | Authorizing the County of Monmouth to provide Mosquito Control throughout the Borough  |
| Resolution | 2019-28 | Authorizing various appointments to Boards, Commissions, Committees, etc.  |
| Resolution | 2019-29 | Authorizing the appointment of Evan McNamara as a Class II Special Police Officer of the BBPD                                      |
| Resolution | 2019-30 | Authorizing an Outside Café License to the Bradley Brew, 714 Main Street   |

Resolution 2019-31 Authorizing the Borough Clerk to re-advertise Request for Proposals for the Newark Avenue Mobile Concession Unit (Food Truck)

Approve the First Aid Squad's request for the borough to pay the 2019 insurance premium of \$4,937.

**ADOPTED**

Councilman Bonnell requested the Borough Attorney review the purchase documents of 1011 Main Street to determine if the previous borough attorney was negligent in allowing the Borough to purchase a property with the possibility of "historic fill".

Mayor Engelstad responded that the Borough Attorney was instructed at the last meeting to review the file and she will provide a report to the Council of her findings.

**MAYOR AND COUNCIL REPORTS**

Councilman Weber mentioned that the Bradley Brew Project held a fund raiser for the Food Pantry this past weekend. He commended the DPW for their sanitation collection during the cold weather. He reminded everyone of the Compost Workshop held on Saturday, January 26<sup>th</sup>.

Councilman Goldfarb stated that the National Weather Service declared a "Code Blue" due to the extremely cold weather. He commented on the efforts made by the OEM, Police Department and Borough getting the word out to the residents. He continued that the Ladies Auxiliary and Fire Department offer shelter to anyone in need during the cold weather.

Councilman Bonnell stated that the Quality of Life (QOL) has been very busy pursuing properties with violation throughout town. The QOL have been discussing scheduling a town wide clean up. He announced that the mail delivery service will be returned to the Bradley Beach Post Office. He continued, the DPW are finishing up the concrete parking at the library and will finish the bocce courts in March.

Councilman Cotler stated that he has met with the Chief Lifeguard and we are getting ready for the summer season. He commented that the borough has been in touch with JCP&L regarding street light pole outages and suggested holding back on payment if the service doesn't improve. He explained the purpose of Ordinance 2019-1 (Cap Bank) as this provides the borough the ability to utilize in the future if needed, this ordinance has been adopted over the last 10 years and has never been used. He provided an overview of the tax rates and debt and stated they have been low over the last five years and at times has reflected a decrease. He mentioned that there have been discrepancies in tax assessments and encourage the county, school and library to maintain tax neutralization. He continued that the Fire Department and First Aid Squad are seeking volunteers and they will train at no cost.

Mayor Engelstad introduced Paula Gavin and read her impressive resume. Ms. Gavin as a volunteer has offered her strategic planning services. She has conducted interviews and compiled data for long range planning. The next step is a public meeting to discuss the strategic planning process. The meeting will be held on Sunday, February 3, 2019 at 12 pm.

He continued that he had met with the BBES Superintendent and Business Administrator and commented on the capital improvements being made to the school. They also discussed inviting the school to the borough meetings to recognize students with superior performance. He announced a special meeting that will be held on Tuesday, January 29<sup>th</sup> to discuss marijuana legislation.

### **PUBLIC COMMENT**

Julie Nutaitis, 605 Newark Avenue, stated as the Chairwoman of the Quality of Life (QOL) Committee thanked Mayor Engelstad for his assistance in having the mail delivery service being returned to the Bradley Beach location. She introduced Ms. Goldberg, newest QOL member and thanked Jane DeNoble for all of her hard work while on the committee. She expressed concerns regarding the abandoned homes in town. She requested the borough film the meetings on a local TV station.

Thomas Coan, 612 Third Avenue, recommended contacting the BPU regarding the problems the borough is having with JCP&L. He expressed concerns regarding renting out the borough food truck. He stated he was pleased that mail delivery service has been returned to the Bradley Beach location. He agreed that the previous attorney should be held responsible for the cost to remove the historic fill.

James Doherty, 217 Brinley Avenue & Mary Dudal, 218 Brinley Avenue expressed serious concerns regarding numerous sewer back-ups in their homes and neighboring homes. They stated that it may be related to the grease coming from the restaurants and bakeries on Main Street. A conversation ensued regarding the cause of sewer back-ups.

Mayor Engelstad instructed the Borough Administrator to obtain the information and address the issue.

Henry Machos, 209 Third Avenue, requested a status update on the theft that occurred at the fire department. A discussion ensued regarding the theft at the Fire Department.

Mayor Engelstad stated that a fire department representative will provide an update at the next meeting.

Alan Gubitosi, 615 Fourth Avenue, applauded the Mayor and Council on the strategic planning initiative. He questioned where the borough's financial data may be obtained. He questioned the time line for trash/recycling enforcement.

Ms. Barrett responded that the borough's financial data is listed on the borough website.

Mayor Engelstad responded that the Environmental Commission is working on a trash/recycling plan.

Stephen Cohen, 606 Fletcher Lake Avenue, expressed concerns regarding his neighbor's property (608 Fletcher Lake) being condemned and unsafe to the area.

Mayor Engelstad referred Mr. Cohen to Mr. Nelson, Code Officer to discuss the current condition of 608 Fletcher Lake Avenue.

Shannon Killeen, 315 1/2 Ocean Park Avenue, expressed concerns regarding a large truck cab parked in front of her home.

Mayor Engelstad stated that the truck parking ordinance would be introduced at the next Council meeting.

Dwight Gerdes, 414 LaReine Avenue, requested an explanation of the purchase of the property on Main Street with historic fill that has cost the borough a significant amount of money to remove.

Ms. Barrett provided an overview of the purchase, environmental studies and removal.

Engelstad/Weber moved to adjourn

ADJOURN 8:10 PM

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KELLY BARRETT RMC, CMR  
Municipal Clerk/Administrator

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