

REGULAR MEETING MINUTES

January 23, 2018

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room, 701 Main Street, and 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 7:30 pm

Present: Council: Weber, Bonnell, Cotler
Mayor Engelstad
Borough Attorney Michael DuPont
Municipal/Clerk Administrator Kelly Barrett
Chief Financial Officer, Gail Krzyzczuk
Deputy Municipal Clerk Erica Kostyz

APPROVAL OF MINUTES

ON MOTION by Engelstad/Weber to approve the Reorganization Meeting Minutes of January 2, 2018

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

DISCUSSION ITEMS

Engineer's Report/Riley Park Improvement Presentation

The Borough Engineer, Gerald Freda provided the following report:

Sanitary Sewer and Storm Water Rehabilitation Project: scheduled to begin the first week of February, there had been delays due to poor weather conditions. The contractor has advised that the delay should push them back a week from the original completion date. They are planning to repave the roads in July and I have requested they hold off until after Labor Day

Sylvan Lake Bank Stabilization: the Borough is waiting for permits from the DEP to begin the project.

Railing Replacement: the railings from Third Avenue north to the Ocean Grover border have been replaced and the job was completed ahead of schedule. Once invoices are received they will be forwarded to FEMA for the reimbursement process.

Riley Park Presentation: depictions of the Riley Park Improvements were presented, which showed removal and leveling of the paver area with the installation of new pavers in the center of the park. A grant in the amount of \$142K has been awarded to the Borough from the

Community Development Block Grant Program. The plans/drawings have been submitted and approved by the CDBG. The center pavers will be reduced allowing for a larger grassy area. The gazebo will be moved to the southwest corner of the park. A band shell will be installed where the gazebo is currently located. The bid specs are being prepared and will be advertised the first week in February. The bid will be awarded the last meeting in February.

PUBLIC COMMENT

Thomas Coan, 612 Third Avenue commented that he was in favor of the improvements to Riley Park but was not happy with the design of the band shell. Mr. Coan questioned the Borough Engineer in reference to the Sewer Project, "Will residents have the opportunity to change their sewer laterals during the rehab phase? Mr. Freda responded that the residents may negotiate with the contractor privately for additional work being done to their property.

Richard Despina, 600 Third Avenue, questioned the Engineer on the cost of the improvements to Riley Park. Mr. Freda responded that the Borough bonded for \$300K but was receiving a grant in the amount of \$142K from the Community Development Block Grant Program.

Councilman Goldfarb connected via telephone to the meeting

LOBSTER FEST

Shirley Ayres of the Chamber of Commerce spoke on behalf of the Lobster Fest Event. She stated that the Mayor had requested the Chamber poll their members to determine if the members were in favor of the event. She advised that not all members responded, but of those that had replied were in favor of the event. She reported that the Lobster Fest has made donations to the community over the years, an example of a few are: the 8th grade trip and purchasing the large "Welcome to Bradley Beach" sign located at the North End of town.

Mayor Engelstad advised that the Passion Group, (Lobster Fest organizers) reimburses the borough for all services provided. Councilman Goldfarb and Alan Gubitosi had negotiated on behalf of the Borough an agreement in 2017 with the Passion Group for the Borough to clear \$15K after all services had been reimbursed from the event. The Chamber made between \$13 & \$14K, Ladies Auxiliary \$4K and the school \$1K.

Kathy Christensen, 413 LaReine Avenue, Vice President of the Ladies Auxiliary of the BBFD, stated that the Ladies Auxiliary enjoys waitressing at the beer tent and they donate 50% of the monies they receive to the BBFD for equipment.

Mayor Engelstad conveyed that he had spoken with residents and they enjoy the Lobster Fest event. Residents have friends and family come down on the Lobster Fest weekend in order for them to attend the event. The Mayor stated that the Borough does not have restaurants and bars like the surrounding towns. The Lobster Fest event is one of the few events that we hold at the beach front. He thanked Councilman Bonnell for requesting feedback from the residents on computer app "Next Door", as he was surprised to see that the majority of responses were in favor of the event. However, the Chamber and Passion Group may want to look at a different date/month for future Lobster Fest events.

Councilman Weber questioned if the Passion Group assists the DPW in cleaning up after the event? Mr. Cofone, DPW Superintendent, responded that they help clean throughout the event and also pay for the dumping fees from the trash generated from the event.

Councilman Cotler commented that the event was held in July in the past and was moved to June when it is not as warm. Holding the event in June does not impact our revenue, as July and August are our big beach revenue months.

John Naples, 506B Ocean Avenue, expressed concerns regarding the noisy generators that run 24 hours a day during the Lobster Fest event.

Mr. Cofone, DPW Superintendent responded that the DPW is planning on upgrading the electric which the vendors may use in lieu of the generators.

Mayor Engelstad asked Tiffany Boden, Representative of the Passion Group if she would be willing to give the residents(that live in close proximity of the event) her personal cell phone number, allowing them to phone her if any issues arise during the event. Ms. Boden responded, yes, she would supply her personal cell phone number to those residents.

Jane DeNoble, 612 Third Avenue questioned if the Passion Group reimbursed the Borough for use of equipment. Mr. Cofone responded the Passion Group reimburses for all services provided.

Mayor Engelstad wished to ensure that stickers would not be placed on the newly installed railings. Ms. Boden confirmed that her organization would not be placing stickers on the railings.

Alan Gubitosi, 615 Fourth Avenue, stated that it was eye opening to be part of the negotiation process last year. He continued that he did not believe the Borough had properly articulated the value of the Lobster Fest event to the community, The Passion Group allows for six booths at no cost to Borough groups/organizations and suggests that those groups keep an account of the funds raised. This accounting along with the other monies raised/donated from the event will provide a true account of the funds the Borough receives from the event.

Thomas Coan, 612 Third Avenue, stated that he would prefer the Lobster Fest being held on Labor Day weekend rather than in June. He continued that he has tenants on Main Street and their business is negatively impacted by the event. Mr. Coan requested that Councilman Cotler recuse himself from the Lobster Fest vote for approval. It is a conflict for him to vote on the resolution as his wife is the President of the Chamber of Commerce.

Shawn Ryan, Main Street business owner agreed with the Lobster Fest event being moved to another month other than June.

Mayor Engelstad recommended if the Lobster Fest event is approved for June of 2018, the Chamber of Commerce explore holding future Lobster Fest events at a different time of year such as a September date.

Councilman Weber agreed with moving the Lobster Fest to late summer date.

DOGS ON THE BEACH

A lengthy discussion ensued regarding dogs on the beach. Mayor Engelstad announced that an ordinance to amend the current dog ordinance was listed for introduction this evening. The amendment allows for a year round dog beach at the Second Avenue Beach to the Avon border and includes changing the dates the dogs are permitted on the beach from September 15th to October 15th through May 15th.

Residents made the following comments/concerns/questions regarding a dog beach:

Concern: Dog owners failing to clean up after their dogs after defecating on the beach.

Concern: A dog beach will cause difficulty for people walking, running and jogging on the beach along with offensive odors from the dogs.

Question: Would the dog beach be a fenced in area? Mayor Engelstad responded No, the borough will not be installing a fence.

Comment: People will come from all over to bring their dogs to our beach once they hear that Bradley Beach has established a dog beach.

Concern: A dog beach located on Second Avenue (very busy beach) with children playing well past 5:00 pm after the beach closes and dogs running loose may be a danger to the children and the public at large.

Concern: establishing the dog beach causes a rift between the residents on the north and south end of town and divides the residents as they don't want a dog beach on their side of town.

Richard Despina, 600 Third Avenue, provided a google map of Second Avenue beach for the governing body to review. The map clearly shows Second Avenue beach as a very busy beach.

Councilman Cotler suggested establishing the dog beach in an area that has less traffic. We should consult with Dick Johnson, Chief Lifeguard for the impact a dog beach will have on the beach and what location has the least amount of people.

Mayor Engelstad questioned Mr. DuPont, Borough Attorney, "Will the borough incur any additional liability if someone gets bit/injured by a dog on a dog beach? Mr. DuPont responded that there is a liability but you can sue for anything Mayor Engelstad commented that the North end beaches empty out sooner than the South end beaches.

Councilman Weber commented that he has been to Spring Lake's dog beach and the dog owner's police one another to ensure they clean up after their dogs. He suggested the residents take a look at how the dog beach is run in in Spring Lake.

PUBLIC COMMENT

William Psiuk, 110 Fifth Avenue, expressed concerns regarding Ordinance 2018-1 (Amendment of Chapter 450, Zoning Attachment Note 1. All lots after February 1, 2003 shall be deemed conforming) stating that the proposed amendment of removing Note 1 must be reviewed by the Planning Board prior to adoption.

Mickey Conoscenti, Cliff Avenue, stated that this Zoning Amendment will make all small lots non-conforming which is 50% of the town.

Councilmen Weber stated that the borough has been sued for the current language (“all lots conforming”)

John Naples, 506B Ocean Avenue, requested that the Borough hold off on the zoning ordinance amendment until something is in place to protect homeowners with smaller lots.

Thomas Coan 612 Third Avenue, stated that he was in court and he had seen firsthand the previously mentioned Note 1 (“all lots conforming after February 2003) used against the borough. He continued, Ordinance 2018-5 “Cap Bank” Ordinance does not benefit the taxpayers.

Mayor Engelstad responded to Mr. Coan’s comment regarding the “Cap Bank” Ordinance that the borough has adopted a “Cap Bank” Ordinance annually as it gives the borough the ability down the road to use it if needed.

Thomas Coan, 612 Third Avenue, requested a decision on his request of Councilman Cotler recusing himself from the Lobster Fest vote.

Michael DuPont, Borough Attorney in response to Mr. Coan’s request, questioned Councilman Cotler, as follows: “Is your wife’s position as President of the Chamber of Commerce a volunteer position”? Councilman Cotler responded, YES. “Do you or your wife derive any benefit from the Chamber”? Councilman Cotler responded, NO. Mr. DuPont stated that there is no appearance of impropriety and this is not a situation of a conflict, therefore, Councilman Cotler may vote on the Lobster Fest resolution. Mr. Coan disagreed with Mr. DuPont’s determination.

Julie Nutaitis, 605 Newark Avenue, requested that Ordinance 2018-4 (Commercial Truck Parking) be tabled allowing for a workshop to discuss.

Councilman Weber agreed with Ms. Nutaitis to discuss the truck parking ordinance during a workshop session.

Jane DeNoble, 612 Third Avenue, expressed concerns regarding removing the word commercial from the amendment to the truck parking ordinance.

Richard Bridge, 504 Madison Avenue, stated that he has a truck and utilizes it as his work vehicle. The truck has commercial lettering but the lettering is not offensive to look at. He continued that he contributes to the town and is willing to pay for permit to park his work truck in the borough overnight.

Chief Guida commented that the original legislative intent of the ordinance is to prohibit big heavy trucks overnight on the borough streets.

Lauren Egbert, commented that it is wrong to prohibit residents from parking their work trucks on our roadways when they using them to make a living.

Thomas Coan, 612 Third Avenue, recommended that we look at Avon’s truck ordinance.

A resident recommended that we offer permits to residents to park their trucks overnight in the trash/recycling lot located on Main Street.

ORDINANCE 2018-2

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER FIVE ARTICLE ONE, SECTION EIGHT & NINE, ORGANIZATION, POWERS, MEETNGS AND RULES OF THE BOROUGH COUNCIL.

ON MOTION by Engelstad/Weber to table Ordinance 2018-2
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

TABLED

ORDINANCE – 2018-1

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER FOUR HUNDRED FIFTY, ATTACHMENT 1:1

ON MOTION by Engelstad/ Bonnell to introduce Ordinance 2018-1
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

(Councilman Cotler requested to further review Ordinance 2018-1 regarding a possible public safety issue on the side yard setbacks)

PENDING

ORDINANCE 2018-3

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER ONE HUNDRED TWENTY THREE, ARTICLE ONE, SECTION EIGHT H, BEACH FRONT AND ADJACENT WATERS RULES AND REGULATIONS.

ON MOTION by Engelstad/Bonnell to table Ordinance 2018-3
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

TABLED

ORDINANCE 2018-4

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER NINE, SECTION THREE, TRAFFIC, RULES AND REGULATIONS.

ON MOTION by Engelstad/Cotler to introduce Ordinance 2018-4
ROLL CALL AYES: Goldfarb, Cotler, Engelstad
NAYS: Weber, Bonnell
ABSENT: None
ABSTAIN: None

INTRODUCED

ORDINANCE 2018-5

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 2018-5
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

INTRODUCED

COMMUNICATIONS

ON MOTION by Engelstad/Bonnell to approve Raffle License RL-2018-1, United Engine & Truck Company of Bradley Beach, 815 Main Street on 5/28/18 Off Prem Merchandise and 12/4/18 Off Prem 50-50
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

ON MOTION by Engelstad/Goldfarb to approve the Lobster Fest event.
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

Resolution 2018-13
Authorized the Lobster Fest Event, sponsored by the Bradley Beach Chamber of Commerce, organized by The Passion Group, on (set up) Friday, June 22, 2018 (event dates) Saturday and Sunday, June 23 & 24, 2018 (11 am to 9 pm) at the beachfront promenade. Conditions: The Chamber of Commerce is to explore future Lobster Fest events to be held in the fall and advise governing body within three months of their findings.

ON MOTION by Engelstad/Goldfarb to approve the Consent Agenda.
OLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

CONSENT AGENDA

Resolution 2018-14 Tax Title Lien Redemption
Resolution 2018-15 authorizing the CFO to make necessary transfers to 2017 budget appropriations in the current fund

- Resolution 2018-16 Authorizing a Special Emergency Note from the Sewer Utility to the Current Fund
- Resolution 2018-17 Authorizing a Sewer Refund for 418 McCabe Ave (Block 29 Lot 22) in the amount of \$843.75
- Resolution 2018-18 authorizing the filing of an application (Loan No. S340472-01 and 02) with the NJ DEP and the NJ Environmental Infrastructure Trust for the Sanitary Sewer and Storm water System Rehabilitation, Phase I
- Resolution 2018-19 BILL LIST
- Resolution 2018-20 authorizing a one year extension to Fanta Sea for the Umbrella and Chair Concession
- Resolution 2018-21 Various Special Event/Walkathons at the beachfront
- Resolution 2018-22 Various Appointments to Boards, Commission, Committees, etc.
- Resolution 2018-23 Authorizing the Borough of Bradley to Oppose Offshore Oil and Gas activities
- Resolution 2018-24 Authorizing the County of Monmouth Mosquito Control Division to conduct aerial operations for the elimination of mosquitos
- Resolution 2018-25 Authorizing a Joint Purchase Agreement with the Borough of Neptune City (Lead Agency) for provisions and performance for Police Department equipment and training

ADOPTED

MAYOR AND COUNCIL REPORTS

Councilman Weber reported the following: the BBES used two of their snow days in the most recent storm, BBES teachers donate time to their students, and the PTO held a family fun night with a raffle and the Board of Education conducted their re-organization at their last meeting. He commented on the importance of the Resolution that had just been adopted “Opposing Offshore Oil and Gas Activities” and encouraged other towns to do the same.

Councilman Goldfarb (telephonically) apologized for not being present at the meeting but was home sick with the flu. He commented that he had agreed with the condition of requiring the Chamber of Commerce to explore holding the Lobster Fest event at a different time during the year.

Councilman Cotler thanked the Police Department, Public Works Department, First Aid Department and all the volunteers for their hard work during the recent severe storm

Mayor Engelstad reported the following: he had driven in the truck with Biagio (DPW Superintendent) during the storm and commented on lack of visibility when plowing the streets. He thanked the DPW for their hard work and many hours spent plowing snow during the storm. He announced that the borough is working on significant upgrades to the beachfront.

PUBLIC COMMENT

Julie Nutaitis, Newark Avenue, stated she appreciated people with a difference of opinions and commented that we can still get along.

John Naples, 506B Ocean Avenue, thanked the Public Works and Police Department for the awesome job they had done during the storm.

Thomas Coan, 612 Third Avenue, suggested that cars be moved to Ocean Avnue during storms making it easier to plow the streets.

Mayor Engelstad announced that the borough will be holding a 125th Anniversary Dinner Dance on Friday, March 23, 2018 at the Breakers in Spring Lake to recognize this significant milestone. Tickets will be available at Borough Hall.

ON MOTION by Engelstad/Cotler moved to adjourn

ADJOURN 9:55 PM

KELLY BARRETT
Municipal Clerk/Administrator

