

REGULAR MEETING MINUTES
January 8, 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

BID OPENING – Umbrella and Chair Concession

Two bids received:

- (1) PIMCO, LLC. bid amount of \$2,800.
- (2) TAN DAN’S LLC. bid amount \$3,000.

WORKSHOP DISCUSSION(S)

Engineer’s Report

Gerald Freda, Borough Engineer provided the following report:

Sanitary Sewer Project: construction is continuing on south end of town.

Sylvan Lake Bank Stabilization: work is complete, the plantings and seedlings will be planted in the spring and a punch list will be prepared at that time.

Ocean Park Avenue (Phase I): the project will begin in the spring and will run from Main Street to Madison Avenue.

Mr. Freda commented that there was a problem with the bladder in Sylvan Lake as it was lost during the last storm but has since been replaced. Councilman Goldfarb questioned if the borough would be billed for the replacement and Mr. Freda responded, he did not believe the borough would be billed.

Councilman Bonnell questioned Mr. Freda, on how much of the sanitary sewer/ storm water project has been completed thus far. Mr. Freda responded that the Sanitary Sewer was approximately 75% and the Storm Water was approximately 25% complete.

Councilman Cotler requested a flow report to determine if there was a savings with the recent sewer/storm water work. Mr. Freda responded that the annual report is available in March, However, the Department of Public Works is able to access the readings.

Special Parking Permits

Mayor Engelstad stated that we will be discussing the Special Parking Permit Ordinance and requested Ms. Barrett explain the procedure when applying for a special parking permit.

Ms. Barrett explained the procedures as follows: the borough accepts the application and required documentation and then forwards the application to the police department for a site investigation. The police department makes a determination based on the investigation if the permit is issued or denied.

A lengthy conversation ensued and the following was discussed, but not limited to: limiting the number of special parking permits issued, issuing a special parking permit to a care givers, issuing seasonal special parking permits, the police continuing their review of the properties with permits throughout the year, etc.

ON MOTION by Engelstad/Goldfarb the Re-Organization Meeting Minutes of January 2, 2019

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

PUBLIC COMMENT

William Psiuk, 110 Fifth Avenue, Chairman of Planning Board expressed concerns regarding Ordinance 2018-24 listed for adoption. He stated that it failed to include a stipulation which would protect property owners when their rebuilding was delayed for more than two years while dealing with insurance companies.

Marguerite Schaffer, Borough Attorney stated that in those instances the property owners may appear before the Planning Board and request an extension.

Henry Machos, 409 Third Avenue, requested a clarification of the amounts being paid for removal of historic fill which is listed on the Consent Agenda. He suggested that the funds collected from the Memorial and Labor Day Festivals be applied to the bills generated from the historical fill. He expressed concerns regarding the number of geese in town and was not pleased with the Goose Control Company from last year and requested the Goose Control agreement for 2019 be removed from the Consent Agenda.

Councilman Cotler responded that with migrating fowl you cannot regulate the migration but the Geese population at Sylvan Lake has decreased.

Michael McCarthy, 6041/2 McCabe Avenue, questioned the cause of the infiltration in the sanitary sewer lines.

Councilman Bonnell responded, the sanitary sewer lines are terra cotta and cause the infiltration and confirmed that it is not a dual system.

Al Gubitosi, 614 Fourth Avenue, questioned if the Mayor and Council have had any discussions regarding the previous Borough Attorney being held responsible for providing inappropriate advice prior to the purchasing the property (with historic fill) on Main Street.

Mayor Engelstad responded, No there has been no discussion and if there is an argument it is with the environmental company. The information received from the environmental company stated the following: "According to the "NJDEP's Geo Web, the subject property is located within an area mapped as historic fill. Field verification would be necessary to confirm the presence/absence of fill material. Redevelopment of the subject property, if historic fill is confirmed, must meet requirements as per the NJDEP Site Remediation Program- Historic Fill Material Technical Guidance." The information provided by the environmental company was received in May of 2016, prior to purchasing the property. The borough has no plans to develop the property.

Councilman Bonnell stated that we were going to resell or redevelop the property and the environmental report was left open ended and should have been closed.

Al Gubitosi, 614 Fourth Avenue, stated that it was my understanding that a Phase III was recommended. He questioned if the Borough received appropriate legal advice. He requested the Mayor and Council look at the situation with guidance from our current Borough Attorney.

Thomas Coan, 612 Third Avenue, stated he did not agree with the Mayor's interpretation of the language in the environmental report. His understanding of the report is that they recommended further testing to determine the presence of historic fill. He continued that the advice given by the previous borough attorney was incorrect and we should never have closed on the property without further testing. He had questions regarding the handicap ramps on Main Street for Mr. Freda, Borough Engineer. Mr. Freda responded, the handicap ramps were a DOT job and the borough was kept away from the project. All questions should be referred to the Borough Administrator to reach out to the DOT. He expressed concerns regarding the special parking permits issued.

Jack Gentempo, 103 Fourth Avenue, questioned who makes the final decision on a special parking permit and expressed concerns regarding the geese population and how they are being regulated.

Mayor Engelstad stated that the Police Department will make the determination if an individual is eligible for a special parking permit.

Councilman Cotler stated that the geese are federally protected and you will see more geese present in the early part of the year.

Terry Wright, 406 Madison Avenue, stated that individuals that meet the criteria for a special parking permit need the parking spots in front of their homes because it is extremely difficult to get a parking space in front of your home during the summer.

Eileen Shissas, 112 Fourth Avenue, suggested the Fletcher Lake Commission train the Sylvan Lake Commission on how to oil the geese eggs at the lake.

Fran Mehnert, 1111 Ocean Avenue, requested clarification on how Ordinance 2018-24 will impact residents when properties are partially damaged or completely destroyed.

William Psiuk, Chairman of the Planning Board responded that when a property is partially damaged/destroyed the owner may rebuild in the same footprint. Unfortunately, state law requires owners to make an application before the Planning Board when a home is completely destroyed.

Fran Mehnert, 1111 Ocean Avenue, requested clarification on D-2 (any existing dwelling) may I rebuild when the property is completely destroyed?

Councilman Bonnell stated that you may rebuild, you cannot expand, and you must submit an application to the zoning officer.

Mayor Engelstad yes, it must remain the same as before.

Final Reading and Adoption

ORDINANCE 2018-1

AN ORDINANCE TO AMEND CHAPTER 450, ATTACHMENT 1:1 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ON MOTION by Engelstad/Weber to open Public Hearing on Ordinance 2018-24

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad

NAYS: None

ABSENT: None

ABSTAIN: None

Public Hearing

Thomas Coan, 612 Third Avenue, stated he was pleased with adopting Ordinance 2018-1 but was not pleased with the length of time it took to pass.

ON MOTION by Engelstad/Bonnell to close Public Hearing and adopt Ordinance 2018-1

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCE 2018-24

AN ORDINANCE TO AMEND CHAPTER 450-12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ON MOTION by Engelstad/Weber to and open Public Hearing on Ordinance 2018-24
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

REVISE LANGUAGE: “neither the volume nor the floor area shall be greater than what existed prior to the damage”

Public Hearing - No one wished to speak

ON MOTION by Engelstad/Weber to close Public Hearing and adopt Ordinance 2018-24
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ORDINANCE 2018-26

AN ORDINANCE TO AMEND CHAPTER 450-30 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO PERMIT PERSONAL SERVICE ESTABLISHMENTS IN THE O-P OFFICE PROFESSIONAL ZONE

ON MOTION by Engelstad/Bonnell to open Public Hearing on Ordinance 2018-26
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing

Thomas Coan, 612 Third Avenue, questioned what initiated the Ordinance 2018-26

Mayor Engelstad responded, it was a recommendation of the Zoning Officer

ON MOTION by Engelstad/Bonnell to close Public Hearing and adopt Ordinance 2018-26
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ORDINANCE 2018-28

AN ORDINANCE TO AMEND CHAPTER 78 OF THE CODE OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ON MOTION by Engelstad/Weber to open Public Hearing on Ordinance 2018-28

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

Public Hearing – No one wished to speak

ON MOTION by Engelstad/Goldfarb to close Public Hearing and adopt Ordinance 2018-28

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

Communication

Raffle License (on prem) issued to the USBC on February 16 & 17, 2019 - RL-2019-1

ON MOTION by Engelstad/Bonnell to approve the Consent Agenda

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

Consent Agenda

Resolution 2019-16 Authorizing a Tax Refund to 219 Park Place Avenue, Blk 24 Lot 1 in the amount of \$4,092.83

Resolution 2019-17 Authorizing a Tax Title Lien Redemption at 1001 Central Avenue, Unit 6 Blk 16 Lot 5.02

Resolution 2019-18 Authorizing transfer /cancellations in the 2018 Current Fund Budget and Beach Utility Fund

Resolution 2019-19 Bill List

Resolution 2019-22 Authorizing a Special Event for the Brain Injury Alliance of New Jersey Walk, on October 5, 2019 from 9:00 am to 1:00 pm at the beachfront promenade

Resolution 2019-23 Appointment of Erick Aguiar to the Tax Assessor’s Office

Resolution 2019-24 Authorizing the annual agreement with Goose Control Technology for providing services of legally abating and control nuisance –related Canada Geese problems at a fee of \$1,750.00

ADOPTED

ON MOTION by Engelstad/Goldfarb to authorize payment to Monmouth County for disposal of historic fill

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

Mr. Weber stated we should hold the closing attorney responsible for fees.

Resolution 2019-20 Authorizing payment to the County of Monmouth for labor, equipment and disposal services of Historic Fill at Borough owned property, 1107 Main Street, Block 32 Lot 6, (280 additional tons) in an amount of \$11,961.80

ADOPTED

ON MOTION by Engelstad/Goldfarb to authorize payment to Precise Construction for clean fill

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

Resolution 2019-21 Authorizing payment to Precise Construction Inc., 1016 Highway 33, Freehold, New Jersey 07728 for clean fill at Borough owned property, 1107 Main Street, Block 32 Lot 6, in the amount of \$10,660.

ADOPTED

MAYOR AND COUNCIL REPORTS

Councilman Weber reported the following updates:

Community Development: a new code enforcement officer has been hired and he is hopeful that he will attend the next Council meeting. He expressed concerns regarding the sidewalk closure in front of the Giamannos property as it is dangerous for pedestrians. He commented that Planning and Zoning Boards cancelled meetings last year and we should discuss merging of the boards. Environmental Commission (EC) is teaming up with Monmouth County Master Gardens and will be conducting a compost workshop on January 26, 2019. He thanked Mr. Gubitosi for attending the recent EC meeting and strategizing on ways for better enforcement on trash/recycling disposal.

The Bradley Beach Elementary School has implemented new safety upgrades.

The Borough continues with the permit review process for bulkhead at the south end of town.

Councilman Goldfarb stated that we should be more expeditious in the future.

Councilman Bonnell announced that there is a vacancy on the Quality of Life committee. He encouraged everyone to attend the budget meetings.

Councilman Cotler reminded everyone that January 15th is the last day to file a tax assessment appeal. He continued that he was working on ideas to assist the residents with the increase in tax assessments. He provided the Fire Department and First Aid Squad reports and stated that they are volunteer organizations and will train you free of charge.

Mayor Engelstad stated that the newly appointed tax assessor, Erick Aguiar, has strong customer service skills and will educate the public on the assessment process. He was thankful that NJ.com listed Bradley Beach as one of the top 15 towns with the best restaurants “That you don’t know about”. He announced that he is the new liaison of the school.

Henry Machos, 209 Third Avenue, expressed concerns that the public was not permitted to voice their opinions at the last Planning Board meeting. He continued, that he was upset seeing on the news that the Treasurer of the Fire Department stole money and it was never mentioned at a borough meeting. He questioned if the funds would be returned to the Fire Department.

Mayor Engelstad stated that the Fire Department leadership may comment on that.

Councilman Weber stated that the Fire Department was made whole by the insurance company.

William Psiuk, 110 Fifth Avenue, commented that the delay in Ordinance 2018-1 was due to a number of other ordinances needed to be reviewed and wanting to make sure that the residents were protected with the change. He stated that at the direction of the Mayor and Council the Planning Board will review the current four zones to determine if they are all needed.

Julie Nutaitis, 605 Newark Avenue, stated that she is in agreement with the Borough going after the previous Borough attorney’s insurance company for the cost of the historic fill.

Thomas Coan, 612 Third Avenue, commented that he agreed with Councilman Weber in reference to merging the boards.

ON MOTION	by Engelstad/Bonnell to go into executive session
ROLL CALL	AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
	NAYS: Weber
	ABSENT: None
	ABSTAIN: None

Resolution 2019-32 Authorizing the Mayor and Council to enter into an executive session to discuss a personnel matter

ON MOTION by Engelstad/Goldfarb to reopen meeting - no action taken
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: Weber
ABSENT: None
ABSTAIN: None

Engelstad/Goldfarb moved to adjourn

ADJOURN 8:15 PM

KELLY BARRETT RMC, CMR
Municipal Clerk/Administrator