

**REGULAR MEETING MINUTES**  
**October 10, 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, Bonnell  
Mayor Engelstad  
Attorney Edward Washburn  
Municipal Clerk/Administrator Kelly Barrett

**APPROVAL OF MINUTES**

ON MOTION by Englestad/Weber to approve the Executive Session Minutes of August 22, 2017

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

ON MOTION by Englestad/Weber to approve the Executive Session Minutes of September 12, 2017

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

ON MOTION by Englestad/Weber to approve the Regular Meeting Minutes of September 26, 2017

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

Mayor Engelstad announced that the Borough of Bradley Beach has declared October 10<sup>th</sup>, “Put the Brakes on Fatalities Day”. He provided the statistics of traffic crash deaths in 2015 of 35,092 and is the leading cause of death in people ages 15 to 34. He called upon everyone to buckle up, obey the speed

limits, stop for pedestrians in the crosswalks, avoid aggressive driving, never drive impaired and focus on driving and to always avoid distractions on the roadways in our community and throughout the State.

### **DISCUSSION ITEMS:**

Mayor Engelstad provided an update on Engineer Projects:

Sanitary Sewer Project: Construction is scheduled to begin by the end of October. The engineer is currently working on the projects exploratory services and is continuing the shop drawing review.

Sylvan Lake Bank Stabilization: The Borough has been awarded \$161,000.00 in a grant by Monmouth County Open Space and the funds must be matched. The engineer is working on the Preliminary Assessment and Site Inspection along with obtaining the required DEP Permits.

Riley Park: A grant of \$142,000. has been awarded from the Community Development Block Grant program and the design will begin once financing has been secured for the project.

Promenade Railings: Bids have been accepted and the responsible lowest bidder is High Point Architectural Metal Fabricators.

Mayor Engelstad stated that the discussion of dogs on the beach was discussed at the last meeting and residents had expressed valid concerns. He continued that due to the unseasonably warm weather there were many dogs on the beach. The ordinance had been changed in 2010, allowing dogs on the beach earlier, the date was changed from October 1<sup>st</sup> to September 16<sup>th</sup>. The change was made to be more consistent with the neighboring town's ordinances. I do not have a problem with the warmer fall seasons to amend the ordinance back to the October 1<sup>st</sup> date. He commented that he had no problem allowing the dogs to run loose on the beach.

Councilman Weber stated that we wouldn't have noticed the dogs on the beach if it wasn't for the 90 degree temperatures in September. He continued that he did not have an issue with changing the date back to October 1<sup>st</sup>. He did have a problem people not cleaning up after their dogs on the beach. He recommended that the borough install the mutt mitts canisters prior to the date the dogs are allowed onto the beach. He commented on the importance of enforcement by the Police Department and suggested the Police simply asked the people on the beach with their dogs if they have a bag with them.

Councilman Bonnell stated that he did not have much to add, as the Mayor and Councilman Weber did a good job. He too agreed with changing the date to October 1<sup>st</sup>.

### **PUBLIC COMMENT**

Jack Gentempo, 103 Fourth Avenue, stated that it was a good idea to change the date to October 1<sup>st</sup>. He did not agree with the dogs running loose on the beach. He suggested that the borough add signage regarding cleaning up after your dog and impose stiffer penalties for violators.

Eileen Shissass, 112 Fourth Avenue, commented that dogs should be leashed on the beach as her son was bitten by a dog.

John Naples, 506B Ocean Avenue, questioned “Are dogs allowed to be walked on the boardwalk”? Mayor Engelstad responded that dogs are only permitted on the boardwalk/promenade for access to the beach.

Joe Kulich, 509 Monmouth Avenue, commented that he has seen so many dogs in Bradley Beach.

Julie Nutaitis, 605 Newark Avenue, commented that the borough needs to communicate better with the residents advising them that the borough is now enforcing our codes on the books

Janet Casetlpietra, Third Avenue, suggested that the borough consider beach badges for dogs

Councilman Weber recommended that the Borough staff hand-out the “Pet Waste Pollutes Water” flyer with each dog license issued. He stated that in reference to Manasquan implementing beach badges for dogs, we should wait to see how successful they are before the borough considers such a program.

Michael Conoscenti, 103 Cliff Avenue, commented that in his opinion bicycles on the boardwalk were more dangerous than dogs on the boardwalk.

Julie Nutaitis, 605 Newark Avenue, asked in reference to Ordinance 2017-24 can the developer pay for fees associated with the deed? Mayor Engelstad stated we would look into it.

#### **ORDINANCE NO. 2017-24**

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL DEDICATION OF PUBLIC RIGHTS, OR ANY PUBLIC RIGHTS WHICH MAY HAVE HERETOFORE COME INTO BEING, IN A PORTION OF A 10-FOOT WIDE ALLEY LYING BETWEEN LOTS 9, 10, 11, 12 OF BLOCK 59 IN THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

ON MOTION by Engelstad/Weber to open public hearing

ROLL CALL AYES: Weber, Bonnell, Engelstad

NAYS: None

ABSENT: Goldfarb, Cotler

ABSTAIN: None

#### **Public Hearing –**

Thomas Coan, 612 Third Avenue, commented that Ordinance 2016-24 is giving away Borough property for free. Mayor Engelstad responded that the Ordinance was being redone to correct a clerical error. He continued that the borough would benefit from the redevelopment of the property and the small alleyway will generate new tax dollars.

Councilman Weber stated that the Borough has inquired into receiving compensation for the alleyway and we cannot as the approved project has begun.

ON MOTION by Engelstad/ Weber to close public hearing and adopt Ordinance 2017-24  
ROLL CALL AYES: Weber, Bonnell, Engelstad  
NAYS: None  
ABSENT: Goldfarb, Cotler  
ABSTAIN: None

**ADOPTED**

**ORDINANCE 2017-26**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER THREE HUNDRED FIFTY NINE, ENVIRONMENTAL REGULATIONS

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

**Public Hearing** –No one wished to speak

ON MOTION by Engelstad/ Weber to close public hearing and adopt Ordinance 2017-26  
ROLL CALL AYES: Weber, Bonnell, Engelstad  
NAYS: None  
ABSENT: Goldfarb, Cotler  
ABSTAIN: None

**ADOPTED**

ON MOTION by Engelstad/Weber to table item H on the consent agenda, (2018 Contract with the Associated Humane Society)  
ROLL CALL AYES: Weber, Bonnell, Engelstad  
NAYS: None  
ABSENT: Goldfarb, Cotler  
ABSTAIN: None

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

**CONSENT AGENDA**

- 2017- 197 Authorization of a Sewer Cancellation charge at 5 Atlantic Ave. (Blk 24 Lot 1)
- 2017-198 BILL LIST
- 2017-199 Authorization for the Mayor and Municipal Clerk to execute the PBA Local 50 contract from 1/1/17 through 12/31/19
- 2017-200 Authorization to submit a grant application to the DOT Trust Fund for improvements to Ocean Park Avenue (Phase I) from Main Street (NJ State Highway Route 71) to Madison Avenue
- 2017-201 Authorization of a bonfire at the Fifth Avenue beach on November 24, 2017
- 2017-202 Authorization of dogs in Riley Park on October 21, 2017 from 12-3 pm for the Halloween Dog Festival and Pooch Parade (Rain date Sunday, 10/22/17)
- 2017-203 Authorization of an 8:00 pm curfew for persons under the age of seventeen from October 30, 2017 – November 1, 2017

**COUNCIL REPORTS**

Councilman Weber stated the Bradley Beach Elementary school held a ceremony for the second pre-school classroom obtained through a \$250,000 grant from the Department of Education. Reminder every one of the PTO, fundraiser held on October 20<sup>th</sup> at the Columns in Avon and the Beach Sweep scheduled for October 21<sup>st</sup> starting at the Fifth Avenue Beach from 9 am – 12pm and October 17<sup>th</sup> is the deadline for voter registration for the November 7, 2017 election.

Councilman Bonnell encouraged all to attend the PTO Fundraiser.

Mayor Engelstad commented on the successful negotiations with the Police Department, he stated that it was give and take, with additional steps for increases and no longevity for new hires. He thanked everyone involved in the negotiating.

**PUBLIC COMMENT:**

John Naples, 506B Ocean Avenue, had questions regarding the proposed revision to the Master Plan before the Planning Board for review. He stated that the Master Plan was revised and paid for a few years ago why are we looking at it again, where is this coming from? He questioned who was directing Jennifer Beahm Planner, to revise the Master Plan. He continued that if Ms. Beahm attends a meeting for the Planning Board the applicant was responsible to pay for her services. It seems we are wasting money looking at the Master Plan again. If Ms. Beahm is revising the Master Plan where is the resolution giving her authorization? These proposed changes are giving residents anxiety regarding their properties becoming non-conforming?

Mayor Engelstad responded that the revisions to the Master Plan were discussed at a public meeting and the suggestions came from us. He continued that we are always looking at the Master Plan and keep in mind that nothing happens until a vote by the Planning Board.

Thomas Coan, 612 Third Avenue, stated that he has been asking for a Borough Planner for years and now we have Ms. Beahm. I have had to hire my own planner in the past to represent me to protect my property. The borough did not have a planner during the Giamanno's application before the Planning Board. He continued that there is a density issue with the Giamanno's project. Mayor Engelstad responded that he remembers Mr. Coan thanking the Planning Board for a "Good Job" on the Giamanno's approval.

Henry Machos, 209 Third Avenue, questioned where the zoning revisions are coming from. He continued that the changes will make properties non-conforming which will impact our property rights, and changing the rules is a form of eminent domain. The residents have spent a lot of money and these changes will impact our investments.

ON MOTION by Engelstad/Weber to adjourn

ADJOURN 7:20 pm

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KELLY BARRETT, RMC, CMR  
Municipal Clerk