

REGULAR MEETING MINUTES  
**October 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 6:30 pm**

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

**PRESENTATION:**

Fred Brody, Government Affairs Consultant of Cross River Fiber (“CRF”), provided an overview of Cross River Fiber. He outlined the approvals they were seeking which were listed in the agreement. He advised the Council that “CRF” is a competitive local exchange carrier, which owns and operates “dark fiber” fiber optic cable. The client base is typically banks, stock exchanges, hospitals and radiology centers. The clients requires the use of large amount of band width. “CRF” is in the process of building a backbone through parts of state. “CRF rents space on the poles from the utility company and requires approval from the municipality for access in the right of way. “CRF” is a company that is authorized by the board of public utilities. “CRF’s” procedure is to gain approval and have signed agreements prior to reaching out to their clients for service.

William Psiuk, Volunteer Committee Member, raised numerous questions regarding the proposed agreement: the number of utility poles being utilized, the number of road closures during the installation, location of impacted poles and a long term (10) year agreement. Al Gubitosi, Volunteer Committee Member voiced his concerns: unlimited access indemnification language in the agreement and no apparent benefit to the residents.

Councilman Bonnell stated that Main Street is the only area he could see for the installation of fiber optic. He questioned why “CRF” was not installing on Memorial Drive.

Councilman Weber, questioned if the local banks operations would be impacted without the installation of dark fiber and if state approval was required to install on Main Street.

Mr. Brody responded that the local banks would not be adversely impacted without “dark fiber” optics and state approval is not required for Main Street. He was unable to provide the answers to the questions raised by Mr. Psiuk, Mr. Gubitosi and Councilman Bonnell.

Councilman Cotler had numerous concerns regarding the installation of “dark fiber”; EMF exposure, signals transmitted through the “dark fiber”, the plus and minus long term exposure. He commented that “CRF” is paying a rental fee to the utility companies and questioned how much “CRF” will be paying the borough for use of the right of way.

Mr. Brody responded that “CRF” will pay for the municipality’s professionals and police services but is not permitted to pay a rental fee to the municipality for right of way access. He was unable to provide the answers regarding EMF exposure.

Councilman Goldfarb stated that all of the questions would need to be answered prior to any agreement being signed.

Thomas Coan, 612 Third Avenue, questioned if “CRF” would be installing additional poles or boosters and if “CRF” ever received bifurcated approval for a municipality.

Mr. Brody responded, “CRF” will not be installing any additional poles or boosters and “CRF” has received bifurcated approval from a municipality.

Jack Gentempo, 103 Fourth Avenue, questioned if Cross River Fiber has agreements with the Neptune, Sea Girt and Manasquan as mentioned by Mr. Brody.

Mr. Brody, responded, “CRF” has agreements with those towns.

Jim Shissias, 112 Fourth Avenue, stated that it was his understanding that the BPU mandates paying a franchise fee to the utility companies for use of their pole. Shouldn’t the municipalities receive a share of the revenue?

Mr. Brody, responded, that the fees paid are for exclusive agreements and the “CRF” agreement is a non-exclusive agreement.

John Naples, 506b Ocean Avenue commented that the borough should not be used as a pass through town to get somewhere else. He suggested contacting the other municipalities who have agreements with CRF to hear about their experiences with the company.

Peg Schaffer, Borough Attorney stated that she would review the recent guidelines and would provide the Council with her opinion regarding the agreement.

Councilman Cotler questioned Mr. Brody on the relationship between CRF and the ZenFi Company.

Mr. Brody responded that ZenFI and Cross River Fiber merged companies, however, the same people that were operating “CRF” have remained.

Councilman Cotler stated that the borough should have been made aware of the merger and voiced concerns regarding how an agreement would stand between the borough and “CRF” without ZenFi’s involvement. He continued, the borough should see the agreement between CRF and ZenFi before any approval is granted.

Councilman Bonnell stated that it makes no sense for “CRF” to enter into an agreement with a town the size of Bradley Beach. ”Why not go around us”?

Mayor Engelstad advised Mr. Brody that he would be contacted in writing if the borough would like to proceed further.

#### ENGINEER REPORT

Gerald Freda, Borough Engineer provided the following report:

- Sanitary Sewer Storm Water Project - the project has resumed and a revised schedule has been requested from the “Precise”. Precise Construction had suspended the project during the summer months but they have advised that they will not leave the job until it is complete. We are hopeful that the job will be completed by Memorial Day.
- Sylvan Lake Bank Stabilization - a pre-construction meeting has been scheduled
- Riley Park Improvement Project - is complete and is being closed out with the Community Development Block Grant.
- Ocean Park Avenue Road Improvements - the bid opening was held and Fiore Paving will be awarded the contract. The contracts will be executed and a pre-construction meeting will be scheduled.
- Brinley Avenue Sewer Replacement – the County has repaved the roadway at a modest fee from Brinley Avenue/Main Street to the railroad tracks.

Thomas Coan, 612 Third Avenue, stated that he had never received the handicap crosswalk plans on Main Street that he had requested. Mr. Freda responded that the borough had also requested a copy of the plans and had not received them. Mr. Coan voiced concerns regarding the installation of the handicap ramps and prepared a list of those concerns, proper signals, signage and public safety issues. Mr. Coan presented the list to Mr. Freda to review.

Mr. Freda quickly reviewed the list of Mr. Coan’s concerns and stated that in his opinion a lot of the issues should have been included/addressed in the original project and it is typical of what you would see in a streetscape project. He believes that the DOT viewed the handicap ramps/crosswalks as a roadway project.

Mayor Engelstad, asked Mr. Freda if the borough would be able to add any of Mr. Coan’s suggestions to the crosswalks.

Mr. Freda responded that the borough may implement some of Mr. Coan's suggestions, however, it would require a DOT permit and some of it would be costly.

#### 2019 BEACH BADGE AND LOCKER FEES

The governing body discussed the fee of a 2019 daily badge fee. Mayor Engelstad stated that the daily badge fee was raised by .50 last year. He continued, the staff has recommended no increase for 2019 in order to stay competitive with the fees charged by the surrounding towns. The governing body further discussed the pre-season badge sale which included but not limited to the following: reduction in season badge rate and length of time the sale is held.

ON MOTION by Engelstad/Goldfarb to move to the consent agenda the 2019 daily badge fee of \$9. and pre-season badge sale at a reduced fee of \$70.00 from 11/26/18 through 1/4/19

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

The governing body discussed the 2019 beach initial and renewal locker fees. Mayor Engelstad stated that the staff's recommendation for an initial locker fee is \$535.00, which is the borough's cost of a locker. Ms. Barrett stated that there is a long list of individuals waiting to obtain a locker and would like to order additional lockers in order to accommodate their requests, however, we have an issue with storing the lockers after the close of the season.

Ms. Barrett stated that a \$15. increase in the locker renewal fee for 2019 was recommended. The maintenance of the lockers are labor intensive along with moving them to and from the beach. Councilman Cotler requested a breakdown on the cost to maintain the lockers. Ms. Krzyzczuk responded that it would be difficult to provide a breakdown as it would require information from the DPW secretary every time a DPW employee worked on a locker. Ms. Barrett advised that the renewal locker fees are to offset the cost to maintain, repair and relocate the lockers and are a revenue source for the beachfront. The initial locker fee does not create revenue for the borough, the initial charge covers the borough's cost to purchase the locker.

ON MOTION by Engelstad/Weber to move to the consent agenda the 2019 initial locker fee of \$535. and the 2019 locker renewal fee of \$165.

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

Councilman Cotler requested moving forward the DPW secretary to document the locker maintenance.

ON MOTION by Engelstad/Weber the Regular Meeting Minutes  
Of October 9, 2018

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

**MINUTES APPROVED**

**PUBLIC COMMENT**

Timothy Sexsmith, 500 LaReine Avenue, expressed concerns regarding the use of the fees collected from the locker renewals.

Jack Gentempo, 103 Fourth Avenue, stated that he did not agree with a \$9.00 daily beach badge fee as it should be more. He commented that he has been on a list for a locker for a long time and new lockers should be ordered. He stated that the locker list should be available for the public to see where they are on the list.

Thomas Coan 612 Third Avenue, expressed concerns regarding items on the consent agenda relating to sewer bills/caps. He also commented that it is not a good practice to make a small down payment when bonding for purchases.

Kathy Martin, Bradley Blvd., commented on the Associated Humane Society not responding to a call regarding a dead animal.

John Naples, 1009 Ocean Avenue, commented that the gazebo rental fee is too low.

**ORDINANCE 2018-25**

AN ORDINANCE TO AMEND THE BRADLEY BEACH CODE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY CHAPTER ONE HUNDRED TWENTY THREE, BEACHFRONT AREAS AND ADJACENT WATERS

ON MOTION           by Engelstad/Weber to open the Public Hearing on Ordinance 2018-25

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

**Public Hearing: No one wish to speak**

ON MOTION           by Engelstad/Bonnell to close the Public Hearing & Adopt Ordinance 2018-25

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

**BOND ORDINANCE NUMBER 2018-23**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS NON-PASSENGER VEHICLES FOR THE DEPARTMENT OF PUBLIC WORKS, BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$435,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$413,000 IN BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

ON MOTION           by Engelstad/Cotler to introduce Bond Ordinance 2018-23

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

**Communication**

Authorized Raffle License 2018-9: Saint Teresa of Calcutta Holy Name Society (Church of the Ascension), 501 Brinley Avenue – 20 week calendar drawing every Saturday at 6:30 pm, January 5, 2019 through May 18, 2019

ON MOTION           by Engelstad/Cotler to move Raffle License 2018-9 to the consent agenda

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

ON MOTION           by Engelstad/Goldfarb to table the new sewer bill at 706 Central Avenue (Blk 37 Lot)

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

A discussion regarding increasing the Gazebo rental fee to \$500.00 with a deposit fee of \$250.00.

ON MOTION           by Engelstad/Bonnell to move to the consent agenda the increase in Gazebo rental and deposit fee

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

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 2018-151 Authorizing Tax Title Lien Redemption(s)
- Resolution 2018-152 Authorizing a tax payment refund for 418 McCabe Avenue (Blk 29 Lot 22) in the amount of \$1,456.20
- Resolution 2018-153 Authorizing new sewer billing for 706 Central Ave (Blk 37 Lot 45)
- Resolution 2018-154 Authorizing a sewer bill cancellation at 610 Evergreen Avenue (Blk 71 Lot 22)
- Resolution 2018-155 Authorizing a sewer bill cancellation for 410 Newark Avenue (Blk 8 Lot 9)
- Resolution 2018-156 Authorizing a sewer bill cancellation at 610 Newark Avenue (Blk 7 Lot 20)
- Resolution 2018-157 Authorizing a sewer bill cancellation at 114 Ocean Park Avenue (Blk 25 Lot 21)
- Resolution 2018-158 Authorizing new sewer billing at 1008 Main Street (Blk 19 Lot 1)
- Resolution 2018-159 Authorizing a new sewer billing for 511 LaReine Ave (Blk 43 Lot 3)
- Resolution 2018-160 Authorizing a new sewer billing for 308 Fourth Avenue (Blk 54 Lot 18)
- Resolution 2018-161 BILL LIST
- Resolution 2018-162 Authorizing an Amendment to the Capital Budget
- Resolution 2018-163 Authorizing the Borough's agreement with the Associated Humane Society for 2019 in the amount of \$12,710.
- Resolution 2018-164 Authorizing the sale of 2019 pre-season beach badges at a reduced rate of 70.00.
- Resolution 2018-165 Authorizing \$9.00 as the 2019 daily beach badge fee
- Resolution 2018-166 Authorizing the 2019 New Beach Locker fee of \$535.00 and Renewal Fee of \$165.00
- Resolution 2018-167 Authorizing the 2019 gazebo rental fee (\$250. Deposit & \$500. Rental Fee)
- Resolution 2018-168 Authorizing the annual Motorola Agreement for the Police Department Communication Console at a fee of \$1,125.93 per month
- Resolution 2018-169 Authorizing the Mayor and Borough Clerk to execute the Transportation Trust Fund grant for Improvements to Ocean Park Ave
- Resolution 2018-170 Authorizing the Mayor to execute an agreement with Monmouth County Archives to transfer up to 30 cubic feet of permanent records at no cost.

Resolution 2018-171 Authorizing the Governing Body of Certification of Compliance  
with the US EEOC

**ADOPTED**

**MAYOR AND COUNCIL REPORTS**

Councilman Weber provided the following updates: The BBES's PTO held a successful fundraiser at the Columns in Avon. A fence and additional planting will be installed/planted at the Maritime Forest. Clean Ocean Action held a beach sweep this past weekend and over 120 volunteers participated. A meeting was held with the DEP to discuss adding bulkhead at the south end of town. The borough was advised at the meeting that any additional bulkhead would require Army Corp of Engineers approval. The borough engineer's office will be submitting the required documents for the Army Corp to review.

Councilman Goldfarb commented on the successful Fish Fry held by the Bradley Beach Fire Department. He announced that the Bradley Beach Police Department would be conducting "Operation Take Back", the acceptance of unused, expired and unwanted medications for proper disposal.

Councilman Cotler suggested the borough review the current ordinances regarding rentals. He would like to lessen the impact on the residents by regulating the Airbnb type rentals.

Mayor Engelstad announced that the Beach Cinema had been sold, the new owners Mike Sodano and Nancy Sabino also own the "Showroom" in Asbury Park. John Esposito (previous cinema owner) will be honored at the next meeting. He mentioned the successful Alzheimer's walk held this past Saturday. He reminded the audience of the Veteran's Day Ceremony on November 11, 2018 at 11:00 am at Riley Park.

**PUBLIC COMMENT**

John Naples, 1009 Ocean Avenue, recommended that the borough no longer cancel sewer bills as it creates more work for the tax department.

Gail Krzyzczuk responded that the borough cancels sewer billing when services are no longer being used.

William Psiuk, 110 Fifth Avenue, thanked the Mayor and Council for not making a decision on Cross River Fiber prior to having all of the questions answered. He stated, Dr. Cotler made a good point requiring "CRF" to provide their ZenFI information and the involvement that ZenFi would have on any Bradley agreement.

Thomas Coan, 612 Third Avenue, asked Councilman Weber if he had a vote on having a Police Officer in the elementary school. He stated that he would like the borough attorney to review an overnight truck parking ordinance that he had prepared. He expressed concerns regarding ordinance not being enforced.

Councilman Weber responded that the school board would make the decision regarding a police officer in the school.

Terry Wright, 406 Madison Avenue, requested an update from Councilman Weber on the status of a police officer in the school.

Councilman Weber responded that no parent has requested a police officer in the school. The board has heard that the parents do not want a police officer in the school.

Sue Monroe, School Board President, stated, the school board is weighing options by surveying the staff, looking into added entrance features, additional camera, etc., while taking budgetary concerns in to account. The police officer in the school will be discussed further at the next school board meeting.

Julie Nutaitis requested a status update on the United Methodist Church.

Mayor Engelstad responded that the United Methodist Church and the Camp Meeting Association are in court to determine the true owner of the property. The borough has notified both parties that the building needs to be maintained.

Councilman Weber stated that work has been done on the United Methodist Church and is a great improvement.

Mayor Engelstad stated that he would like to have a meeting in the future to discuss the legalization of marijuana.

Sue Monroe, commented on the success of the Maritime Forest and how it has brought additional wildlife to the area and has assisted in the run off.

Mayor Engelstad reminded everyone of the Halloween Parade on Tuesday, October 30<sup>th</sup> in Riley Park.

Engelstad/Bonnell moved to adjourn

ADJOURN 8:30 pm

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KELLY BARRETT RMC, CMR  
Municipal Clerk/Administrator