

REGULAR MEETING MINUTES
October 24, 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, Goldfarb, Bonnell, Cotler
Mayor Engelstad
Borough Attorney Michael DuPont
Municipal Clerk/Administrator Kelly Barrett
Chief Financial Officer Gail Krzyzczuk

APPROVAL OF MINUTES

ON MOTION by Englestad/ Weber to approve the Regular Meeting Minutes of October 10, 2017

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

DISCUSSION ITEMS:

Master Plan Review

William Psiuk, Planning Board Chairman provided an update on the Master Plan review. He stated that the Board would be forwarding the recommendations to the Mayor and Council once all items were reviewed. He continued by providing the following:

- RT Zone – recommendation to change to R-1 Zone, which shall include all of the Ordinances currently in the R-1 Zone. (Will be discussing R-1 further down when addressing 75X 100 lot size).
- Curb Cuts - currently exist in Ordinance 450-41 (A2 & 6) not allowing for more than 12’ wide. After speaking with the Borough Engineer, the Borough may want to address Main Street on a case by case basis in order to accommodate heavier vehicles/equipment on the driveways.
- Minimum Lot Size - the board unanimously voted to leave the minimum lot size to 5000 sq. versus the proposed 7500 square feet. lot size with garage apartments. The board expressed concerns regarding the reduction in lot size which could have a determinately effect on homeowners, devalue properties and in the event of a disaster the home owner would not be able to rebuild on their property. Councilman Weber wished to clarify that the home owner

could rebuild but would have to go before the Zoning Board to get variances. He continued that he was not present at the planning board meeting during the vote regarding minimum lot size. Mr. Psiuk responded that the homeowner would be required to pay to go before the board for something they already had. Councilman Bonnell stated that we should consider a Conditional Use for properties less than 7500 square feet. Mr. Psiuk responded that since 2000 very few applications have come before the board, two of which were to remove a garage apartment, one for a study and one for storage. The home owners assured the board they would never be reverting back to a garage apartment and they would include a deed restriction. Mr. Bonnell stated that you cannot base variances on what the owners says, the zoning must go into perpetuity. We could make conditional use for garage apartments on smaller lots than 7500 square feet, the homeowner would go to the zoning officer with plans showing the structure is not being built outside the footprint of what was previously there, go to zoning board, pay a \$1500 deposit, show what you are building, receive approval and the \$1500 will be returned. Mr. Psiuk commented that the boards cannot grandfather properties. Councilman Cotler directed a question to the Borough Attorney. "Doesn't the law allow a property owner be rebuild in the original footprint after a devastating event"? Mr. DuPont responded that you have to go to the zoning board to rebuild, the argument is that you are building on the identical foot print. He continued, municipalities have granted conditional uses where you do not have to go before the zoning board but straight to planning board. Councilman Cotler stated he is opposed to building new garage apartments on 5000 square foot lots, it creates a population, density, sewer and parking problems. However, if a homeowner loses an existing property/garage apartment as a result of a disaster they should be permitted to rebuild on the original footprint.

Mr. Psiuk continued with the update:

- The board is in agreement with the 48 hour notice to repair sidewalks.

He then stated that the Planning Board will continue reviewing the proposed changes to the Master Plan at the next meeting. The discussion will include floor area ratio, residential beachfront zone and graduated housing.

Mayor Engelstad asked for an approximate date when the review/recommendations by the Planning Board would be complete. Mr. Psiuk responded that it will depend on the agenda, applications and length of the discussions. Mayor Engelstad stated that the board may forward to the governing body the recommendations completed thus far.

Councilman Bonnell passed out aerial photos of Bradley Beach, he stated that the photos indicate that the north side of town is heavily populated and as the photos indicate you mainly see roof tops and less tree tops. He continued that he compared the photos with neighboring towns and you could see quite a difference. He considers the floor area ratio the most important factor of items being reviewed. A simple floor area ratio, of 50% of the property, (which would include first, second, third floor, basements and garages) would alleviate 60% of my ideas regarding graduated housing. He continued, the borough could easily remove the asterisk in the Attachment in Chapter 450, stating all lots are conforming. Mr. Psiuk agreed and stated that the Planning Board recommend the asterisk be removed years ago.

Thomas Coan, 612 Third Avenue, commented that the attachment language (asterisk) was used against the borough in a recent appeal of a Planning Board decision.

Michael Consecnti, Cliff Avenue, questioned “how will the residents in the north end of town be impacted by the elimination of the asterisk”, will they be able to rebuild on their lots. Mr. Bonnell commented that we need to find a way to allow rebuilding with zoning officer approval.

A lengthy conversation ensued regarding the rebuilding process. Councilman Cotler called a “Point of Order” stating the discussion was going well beyond the agenda. Mayor Engelstad instructed anyone interested in the Master Plan review to attend the next Planning Board meeting.

Best Practice Review

Ms. Krzyzczuk explained that the State of New Jersey requires municipalities to complete the Best Practice Questionnaire. She stated that the amount of State Aid received is determined by the number of Yes answers to the questionnaire. She continued that the borough received 100% of the available State Aid based on last year’s answers to the questionnaire.

PUBLIC COMMENT

Alice Harkin, 109 Cliff Avenue stated that she was in favor of allowing dogs on the boardwalk and the owners should be held responsible to clean-up after their dogs. Mayor Engelstad stated that the amendment to the Ordinance 2017-27 on the agenda is in reference to the dates that dogs are permitted on the beach. The amendment pertains to allowing dogs on the beach from October 1st through April 30th versus the dates the dogs are currently permitted on the beach from September 16th through April 30th. This amendment will shorten the time the dogs are allowed on the beach by two weeks. The proposed amendment is due to the warm weather we have been having well into September and October. September 16th was a very warm day and the first day dogs were allowed on the beach. It became chaotic with 100’s of people and on the beach and many dogs running loose. A lengthy discussion ensued regarding dogs on the beach and boardwalk/promenade. A resident commented that she had been on the beach on the 16th and she did not see a problem, everyone got along. Several residents commented that dogs should be permitted on the boardwalk/promenade along with the beach. A resident commented that the borough allows dogs on the beach for seven months out of the year and dogs should not be permitted on the boardwalk. Several suggestions were made, don’t change the date the dogs are allowed on the beach, allow for a dog beach, allow dogs on the boardwalk/promenade after 4 pm, and establish a committee to address the dog issue. A resident questioned why the ordinance was being amended, as it had been changed approximately 5 years ago. Councilman Weber responded that it was changed to allow the dogs on the beach the same time frame as neighboring towns. He continued that he was more concerned with enforcement of dogs at the beachfront. Councilman Cotler stated that it is obvious there are many different opinions regarding dogs at the beachfront and suggested before the governing body moves forward with the Ordinance amendment the public should have the opportunity to be heard. He requested that the public forward their comments to the Clerk regarding dogs on the beach and they will be reviewed by the governing body.

Thomas Coan, 612 Third Avenue, questioned items listed on the consent agenda, “Where will the cancellation of the unexpended funds go”? “Why is there a need for a Deputy Clerk, when the borough recently hired a Municipal Clerk/Administrator”? Mayor Engelstad responded that the cancellation of unexpended funds goes into surplus. Ms. Barrett responded in reference to the position of Deputy Clerk. The position of Deputy Clerk is not a new position it is currently held by Ms. Sullivan, who is no longer able to hold the position. Ms. Kostyz will be taking over as Deputy Clerk from Ms. Sullivan. A Deputy Clerk is beneficial to the Borough as the Deputy Clerk is authorized to act in the absence of the Municipal Clerk, sign legal documents, etc. The annually salary for Deputy Clerk is \$2,500.00.

ON MOTION by Englestad/ Bonnell to table Ordinance 2017-27 for additional information
 ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

ON MOTION by Englestad/ Bonnell approve items A-H (Resolution 204 through 211) on the
 Consent Agenda
 ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

CONSENT AGENDA

- Resolution 204 Authorization of the Cancellation of Unexpended Improvement Authorized Funds
- Resolution 205 Authorization for Temporary Finance for NJEIT Projects
- Resolution 206 BILL LIST
- Resolution 207 Authorization for Gerald Freda, Borough Engineer for the preparation of plans and bid specs for the Riley Park Improvement Project
- Resolution 208 Authorization for the Mayor and Municipal Clerk to execute an agreement with the County of Monmouth for SCAT service for 2018
- Resolution 209 Authorization for the Mayor to execute a contract with the Associated Humane Society for 2018 in the amount \$12,710.00
- Resolution 210 Authorization to execute a service agreement with Motorola for Police Radio Services for 2018
- Resolution 211 Appointment of Erica Kostyz as Deputy Municipal Clerk from November 1, 2017 through December 31, 2017

Councilman Weber questioned the necessity of a \$.50 increase to the daily badge fee. Mayor Engelstad stated that we did not make anticipated revenue of daily badge fee collection in 2017. He continued that we may only anticipate in the 2018 budget the amount collected from the prior year. However, the anticipated amount may be increased if the cost of the badge is increased. Councilman Cotler stated that the increase will also assist in building beach surplus.

ON MOTION by Englestad/ Cotler approval of 2018 Daily Beach Badge fee to \$9.00
ROLL CALL AYES: Goldfarb, Bonnell, Cotler, Engelstad
NAYS: Weber
ABSENT: None
ABSTAIN: None

Resolution 212 Authorization of 2018 Daily Beach Badge fee of \$9.00.

A discussion ensued regarding an increase to the 2018 Adult Season Badges from \$70. To \$75. and the authorization of a pre-season sale of Adult Season Badges from November 27, 2017 through January 12, 2018 at a reduced fee of \$65.00. The Senior Badge fee would remain the same at \$30.00 and the Junior Badge fee would remain at \$25.00 Councilman Cotler commented that the pre-season sale is advantageous to the residents.

ON MOTION by Cotler/Weber approval of 2018 Season Beach Badge fee to \$75.
authorize the pre-season sale. Senior and Junior badge fees remain the same as 2017.

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

Resolution 213 Authorization of Adult Seasonal Beach Badge fee \$75.00 for 2018 and a pre-season sale fee \$65.00. Senior and Junior Badge fee remain same as 2017.

Ms. Barrett explained the requested \$25.00 increase for the initial purchase of a new locker from \$475 to \$500. Due to the cost to the borough for a new locker and placement of same.

ON MOTION by Engelstad/Bonnell to approve the 2018 Locker fee to \$500. , renewal remains at \$150.

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

Resolution 214 Authorization of 2018 Beach Locker fees (New) \$500. (Renewal) \$150.

ON MOTION by Engelstad/Weber to approve the increase of the Gazebo Rental fee to \$150 and an increase in the deposit amount to \$150.

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

Resolution 215 Authorization of Gazebo rental fees \$150. Rental/\$150. deposit effective January 1, 2018

COUNCIL REPORTS

Councilman Weber provided the Community Development Report. He stated the BBES fundraiser was a great success. The school will be holding a rummage sale this weekend and encouraged everyone to drop off items at the Ascension Center. The BBES will be holding “Red Ribbon Week”, the students will wear different clothing for drug awareness. The Environmental Commission will be conducting a beach sweep and we anticipate fantastic weather. A new teacher at Environmental Club will work on a new project. Councilman Weber reminded everyone to get out and vote on November 7th.

Councilman Goldfarb provided the Monthly Report for the Fire Department. He announced “Operation Take Back” on Saturday, October 28, 2017, the residents may bring all unused and/or unwanted medication to the Police Department to have them properly disposed of.

Councilman Bonnell stated that the Quality of Life has been hard at work and we are seeing the fruits of their labor. He encouraged all to take a ride by the Second Avenue Park and the Recreation Field to see how amazing the grass looks, the DPW has done a great job. He continued that he has never seen it look as good as it does today. The fountain is close to completion.

Councilman Cotler commended the Fire Department on the fine job they had done with the Fish Fry and thanked all who attended. He continued that the Fire Department assisted Avon Fire Department during the Schneider’s Restaurant fire. He provided the monthly First Aid Squad Report.

Mayor Engelstad announced that Freeholder Arnone would be scheduling a meeting with Mayor’s and Administrators, (opened to the public) in an effort to get neighboring towns working together. He continued by calling for volunteers to become a part of the Historical Society. He commented on the success of the Doggie Halloween parade and thanked Nicole, DPW and all of the business who put the event together. He reminded all of the Veterans Day Ceremony scheduled for 11/11/17 at 11 am and was pleased to announce John McLoughlin as guest speaker. He noted he would be unable to attend and Council President Cotler would be conducting the ceremony.

Tim Sexton, 500 LaReine Avenue, voiced his displeasure of the banning of swimming at the beach. He stated that we should be able to swim anytime we want.

Councilman Bonnell responded that you may swim on your own with a floatation device.

Councilman Cotler stated that the lifeguards extended their hours on the very hot days to protect the public.

Mr. Hidalgo, thanked the Borough for their support of his son since he was in kindergarten and allowing him to practice at the Rec Center. He continued that most bands in the area claim to be from Asbury Park but his son Marel, is proud to call Bradley Beach his home.

Kathy Martin, Bradley Blvd, reminded everyone of the Sylvan Lake Clean-Up scheduled for Saturday, October 28, 2017 from 10 am to 2 pm.

ON MOTION by Engelstad/Bonnell to adjourn

ADJOURN 8:15 pm

KELLY BARRETT, RMC, CMR
Municipal Clerk