

REGULAR MEETING MINUTES
November 20, 2018

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
Chief Financial Officer, Gail Krzyzczuk
Deputy Municipal Clerk Erica Kostyz

CEREMONIAL:

Swearing in of Anthony Murray as Sergeant to the Bradley Beach Police Department.

Mayor Engelstad presented John Esposito proprietor of the Beach Cinema for 40 plus years and thanked him for his passion for Bradley Beach. John Esposito was appreciative for the recognition and kind words.

OPENING OF REQUEST FOR PROPOSAL

Ms. Barrett publicly opened the one RFP packet received for the Memorial/Labor Day Events. Ms. Barrett announced that the packet was received from the Passion Group and the borough has 30 days to review.

Amanda Wheeler and Rona Parker of the Environmental Commission stated that in accordance with the ordinance prohibiting plastic bags for businesses going into effect on January 1, 2019, the borough has purchased reusable bags and presented the Mayor with the first reusable bag with the Borough of Bradley Beach Memorial Day Committee logo.

AGENDA CHANGES

ON MOTION by Engelstad/Weber removing item G from the consent agenda (new sewer charges at 300 ½ Third Avenue)

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

WORKSHOP DISCUSSION

Mayor Engelstad began the Overnight Truck Park Ordinance discussion; he stated that the borough attorney provided the governing body truck ordinances from 20 municipalities to review. He was not in favor of completely prohibiting trucks He suggested the current ordinance be changed to address, the hours allowing trucks parked overnight, adding language to include tow trucks, rear dual vehicles and jet skis and the weight limitation due to the fact that trucks weigh more than in the past. He mentioned Councilman Bonnell suggested issuing permits allowing trucks for residents without driveways. Councilman Goldfarb did not want to charge residents for truck permits. Councilman Weber did not agree with banning all commercial vehicle parking. He was advised by a realtor that commercial vehicle parking does not impact property values. Councilman Cotler stated that people who live here and pay taxes have every right to park their business vehicles on the street. A discussion regarding limiting the lettering on vehicles, driveways too small to park a truck and time frame of parking commercial vehicles. The Mayor stated that he will incorporate the council comments and public draft an ordinance

The governing body discussed the following beachfront concessions for 2019 and the following starting bids were determined:

- 2019 Umbrella and Chair Concession, starting bid \$550. one location and \$550. for additional locations.
- 2019 Newark Avenue Food Truck Concession starting bid \$33,000.
- 2019 ATM Concession Request for Proposal starting bid \$5,500 for up to five locations

Add to the consent agenda approving an RFP for the retired sewer plant, Ocean Park Avenue & Ocean Avenue as a food concession.

Gail Krzyzczuk, Chief Financial Officer advised the governing body that the Best Practice questionnaire had been prepared and submitted as required to the Department of Community Affairs.

ON MOTION by Engelstad/Goldfarb the Regular Meeting Minutes of October 23, 2018

ROLL CALL

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

MINUTES APPROVED

PUBLIC COMMENT

William Psiuk, 110 Fifth Avenue did not believe that the request received from Ms. Nutaitis, 605 Newark Avenue to build on the borough’s right of way belongs before the governing body for approval as they do not have the documents to make the decision. The request should be before the Board of Adjustment or Planning Board.

Mayor Engelstad responded, we received a professional ruling that this request belongs before the governing body.

Thomas Coan, 612 Third Avenue, commented that he wished to confirm Ordinance 2018-26 would be forwarded to the Planning Board for review. He stated that the request of Ms. Nutaitis, 605 Newark Avenue belongs before the Mayor and Council. He expressed concerns regarding various resolutions listed on the consent agenda.

Harvey Rosenberg, 313 ½ Ocean Park Avenue, made various comments regarding the overnight truck parking ordinance.

Henry Machos, 209 Third Avenue, expressed concerns regarding the Memorial and Labor Day Festival RFP listed on the agenda. He stated that he was unaware of any previous discussions in reference to the Festivals and that the Festivals create issues for the residents.

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/Goldfarb to open the Public Hearing on Ordinance 2018-23

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

Public Hearing:

Thomas Coan, 612 Third Avenue, expressed concerns regarding the bonding for a garbage truck as it is excessive bonding and suggested purchasing a used truck.

Heidi Modjeski, 614 Newark Avenue, expressed concerns regarding in house trash collection, the cost of the truck and people get hurt picking up trash. She stated that it is ultimately cheaper to have an outside contractor provide trash collection service.

Jim Byrnes, 401 Fifth Avenue, suggested the borough go out to bid again for trash collection. He agreed with Ms. Modjeski that people do get hurt collecting trash. He stated that bonding will impact the resident's taxes.

Biagio Cofone, DPW Superintendent addressed the comments made regarding the trucks that will be purchased through bonding and provided an update on the condition of the trucks utilized for the collection of trash and the dump truck that is currently utilized for various functions throughout the year.

ON MOTION by Engelstad/Goldfarb to close the Public Hearing & Adopt Ordinance 2018-23

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

Ms. Barrett stated that the following three Ordinances 2018-1, 2018-24, 2018-26 are listed for introduction and once introduced will be forwarded to the Planning Board for review.

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 introduce 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 introduce 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/Weber to introduce Ordinance 2018-26
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ORDINANCE 2018-27

AN ORDINANCE TO ADD CHAPTER 350-6 OF REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, DWELLING AND PROPERTIES IN THIS MUNICIPALITIES PROPERLY MAINTAINED

ON MOTION by Engelstad/Goldfarb to introduce Ordinance 2018-27
 ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

Communications added to the Consent Agenda for approval.

Authorized the request from St. Teresa of Calcutta Parish to hold a Mass on Fifth Avenue beach and reserve the Gazebo for Sunday, May 19, 2019 at 3 pm.

Authorized the request from Julie Nutaitis, 605 Newark Avenue to replace concrete steps with wood steps within the borough's right of way. (The installation of the wood steps will be located in the same location as the concrete steps.)

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

CONSENT AGENDA

- Resolution 2018-171 Authorizing Current Fund Transfer(s)
- Resolution 2018-172 Authorizing new sewer charges at 706 Central Ave (Blk 37 Lot 45)
- Resolution 2018-173 Authorizing new sewer charges at 115 Newark Ave (Blk 14 Lot 13)
- Resolution 2018-174 Authorizing new sewer charges at 109 Newark Ave (Blk 14 Lot 16)
- Resolution 2018-175 Authorizing new sewer charges at 300 Third Ave (Blk 63 Lot 13.01)
- Resolution 2018-176 Authorizing a reduction in the sewer billing at 218 Third Ave, Blk 63 Lot 13
- Resolution 2018-177 Authorizing a sewer payment refund for 221 Newark Avenue, Unit 5 (Blk 15 Lot 2.05) in the amount of \$281.24
- Resolution 2018-178 Authorizing a Tax Title Lien Redemption at 206 Fourth Avenue (Blk 53 Lot 14)
- Resolution 2018-179 BILL LIST
- Resolution 2018-180 Authorizing the Mayor to execute a contract with Garden State Fireworks for the 2019 Fourth of July Celebration at a fee of \$12,500
- Resolution 2018-181 Authorizing Gerald Freda, Borough Engineer to provide additional services for the Sylvan Lake Park Bank Stabilization Project at a fee not to exceed \$6,000

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| Resolution | 2018-182 | Authorizing the 2019 Borough Council meeting dates (Governing Body changed the October meeting dates listed on the agenda) |
| Resolution | 2018-183 | Authorizing the Trash/Recycling Lot to accept bulk trash at no cost with exceptions |
| Resolution | 2018-184 | Authorizing various appointments through December 31, 2018 |
| Resolution | 2018-185 | Authorizing the use of open public bidding to award a lease for an Umbrella and Chair concession at the beachfront |
| Resolution | 2018-186 | Authorizing the use of competitive contracting to award a lease for a Food Truck concession located at Newark Avenue beachfront promenade |
| Resolution | 2018-187 | Authorizing the use of competitive contracting to award a lease for Automated Teller Machines at the beachfront promenade |
| Resolution | 2018-188 | Authorizing the use of competitive contracting to award a lease for a Food Concession at the retired sewer plant at the beachfront promenade |
| Resolution | 2018-189 | Authorizing the Borough Clerk to advertise for Request for Qualifications for the position of Tax Assessor, Fire Official and Fire Sub-Code Official |

ADOPTED

MAYOR AND COUNCIL REPORTS

Councilman Weber provided the following updates:

Bradley Beach Elementary School: selling poinsettia and are collecting pet supplies for the SPCA. The schools safety commission is holding a listening session on Tuesday, regarding a Safety Officer in the School on Tuesday, the 27th to discuss a Safety Officer in the school. The teachers will play the students in basketball game.

Environmental Commission: will be screening of the movie “Bag It” on November 29th.

Beachfront: during the last storm water washed up beyond the dunes and during a discussion with Mr. Cofone, DPW Superintendent requested the installation of storm fencing.

Community Development: Director Curry has resigned and the position will be advertised. He commented that the Veterans Day Service was a success and reminded everyone of the Bonfire on November 23rd.

Councilman Goldfarb congratulated Tony Murray on his promotion to Sergeant. He stated that he has known Tony for a long time and he is a fine person and interacts well with the public. He wished everyone a Happy Thanksgiving.

Councilman Bonnell, reported that the Department of Public Works has been working extremely hard. He clarified that the Bond Ordinance 2018-23 is for two trucks; garbage and a dump truck.

He stated that in house collection provides better service to the town but based on his analysis the borough is not saving money. He commented that he would like to make purchases in the future without going out to bond.

Councilman Cotler stated that the Fire Department and First Aid Squad keep our town safe. He reminded everyone that both departments were in need of volunteers and they offer free training. He mentioned the Fire Department's successful tree lighting event. He once again expressed concerns regarding the pesticides used during the warm weather and recommended the utilization of an organic product that will do the same job.

Mayor Engelstad once again thanked John Esposito for providing the town with entertaining movies over the years. He announced that the new owners of the theater, Mr. Sodano and Ms. Sabina will be attending the next meeting. He also mentioned how the Department of Public Works has been working very hard. He reminded everyone of the Bonfire on November 23rd and the Tree Lighting on November 26th. He thanked Nicole from tourism for her efforts as she was resigning from her position as tourism secretary.

PUBLIC COMMENT

Jim Byrnes, 401 Fifth Avenue, thanked Councilman Cotler on his comments regarding harmful pesticides. He expressed concerns regarding the delay in the school board putting a Safety Officer in the school. He implied that the student's safety was not being addressed properly because they were on a lower economic scale and stated that they are a vulnerable population that needs assistance. He continued that the school is not currently secure as he walked right in the front door to attend a school board meeting.

Councilman Weber responded that the school board has not had any requests from parents for a safety officer in the school and commented the school had a loss in state aid this year.

Timothy Sexsmith, 500 LaReine Avenue, complimented the work that was done at the Maritime Forest. He suggested the overnight truck parking ordinance time frame should coincide with time contractors are permitted to work. He expressed concerns regarding the tax assessment cards that had just been received by residents with large increases in property valuations.

Mayor Engelstad stated that a memo was received from the Tax Assessor regarding assessments and it contained the following information: The Borough's participation in the County Assessment Demonstration Program requires the assessments at current market value. The state requires the 2019 assessments raised by 11.4%. The County provides a program that ensures every municipality is raising their assessments to the proper level. The individual tax assessments may be appealed through the County Board of Taxation.

Thomas Coan, 612 Third Avenue, expressed concerns regarding the significant increases in tax assessments. He wished to clarify that Councilman Weber does not vote on school board matters. He suggested shortening the time frame trucks are permitted on the streets. He stated that trucks on the streets will affect property values.

Harvey Rosenberg, 313 1/2 Ocean Park Avenue, stated that there have been properties that have gone up over 25% in assessments. He suggested re-evaluating the land of all properties in the borough to make it fair.

Mayor Engelstad stated that the property owners may appeal their assessments.

Terence Wright, 406 Madison Avenue, stated that the cost of a safety officer in the school should not be considered as the impact on the school's budget is less than a fraction of a percent. He stated that the tax payers with or without children in the school should be allowed to voice an opinion on a school safety officer.

Rich Bridge, 504 Madison Avenue, thanked the governing body for taking the time to address the concerns of all citizens in town, residents with and without trucks.

Ann Polito, 512 Bradley Blvd., stated that the Sylvan Lake Commission held the Fall Cleanup of the lake and was fortunate to have kids from Monmouth University participate in the cleanup.

Rich Despina, 600 Third Avenue, requested the borough adopt an Ordinance prohibiting marijuana dispensaries.

Mayor Engelstad responded that he would like to schedule a meeting to discuss the marijuana issue and impact to the borough.

Eileen Shissas, 112 Fourth Avenue, requested clarification regarding the status of the security measures implemented at the school.

Councilman Weber responded, cameras have been installed and requested the Chief elaborate on school security.

Chief Guida advised that the doors have not been changed, however, low-tech devices have been added to the doors for added security, windows have not been changed, and the school board is looking into additional security measures.

Jim Byrnes, 401 Fifth Avenue, recommended the borough include banning the drug "KRTOM" in addition to marijuana dispensers. He offered his services to the school as he has 30 years of experience school building maintenance.

William, Psiuk, 110 Fifth Avenue, expressed concerns regarding the Public Works Department providing snow removal services to the school.

Councilman Weber stated that the taxpayers are paying for snow removal services and the school purchased a snow blower to assist the DPW with the removal.

Engelstad/Goldfarb moved to adjourn

ADJOURN 8:30 pm

