

REGULAR MEETING MINUTES  
November 26, 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 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 (arrived 6:35 pm), Cotler  
Mayor Gary Engelstad  
Borough Attorney Marguerite Schaffer  
Borough Clerk/Administrator Kelly Barrett  
Chief Financial Officer Gail Krzyzczuk

ON MOTION by Engelstad/Weber to promote Sgt. James Arnold to the rank of Lieutenant and Ptlm. Tardio to the rank of Sergeant

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

**APPROVED**

Resolution 2019-188 Authorized the promotion of Sgt. James Arnold to the rank of Lieutenant and Ptlm. Michael Tardio to the rank of Sergeant of the Bradley Beach Police Department

**CEREMONIAL** Swearing in Ceremony of the following:  
Sgt. Terry Browning to the rank of Lieutenant (appointed on 8/13/19)  
Sgt. James Arnold to the rank of Lieutenant  
Ptlw. Josephine Celauro to the rank of Sergeant (appointed on 8/13/19)  
Ptlm. Michael Tardio to the rank of Sergeant

Chief Guida recognized the Officers accomplishments and the Officers thanked all in attendance.

**WORKSHOP DISCUSSION(s):**

**Memorial Day Committee Presentation**

George Bachar, Memorial Day Committee member provided a summary of the Memorial Day Committee and its contributions to the town since its inception in 2006.

Harvey Rosenberg, Memorial Day Committee Chairman provided the Governing Body with recommendations for the disbursement of funds to various B

orough boards, committees and departments received from the Memorial Day and Labor Day events. He thanked the members and volunteers for their hard work.

**United Methodist Church (UMC), LaReine Avenue**

Mayor Engelstad began the discussion by stating that the Borough had met with the Camp Meeting Association (current owners of the UMC) and discussed back taxes and were told that they wished to re-open the church as a House of Worship. We were surprised to find out that the church was listed for sale and was under contract. I believe the governing body is in favor of the Borough acquiring the church. I will make a motion this evening to have the property appraised. He commented that the church would require extensive renovations.

Councilman Weber requested a show of hands from the audience who were in favor of the borough purchasing the church and the majority of the audience raised their hands. He stated that the Borough is in need of building space and his belief is that the Camp Meeting would prefer preserving the church rather than selling it to a developer.

The entire Governing Body made comments in favor of the Borough purchasing the church for community use.

Paul Neshamkin, Historical Society, stated that he is aware that the church will require extensive renovations and grant money is available for such a project.

Jim Byrnes, 401 Fifth Avenue, offered his services as he has been involved in historical renovations for years.

Dave Pearsall, stated that he was 100% in favor of acquiring the church, however, he would be remiss in failing to disclose that he was a previous trustee of the church and the building is in very poor condition. The renovations will be an expensive undertaking.

Julia Rand, Arts Council, stated that she was in favor of acquiring the church but believed the renovations would be quite costly.

Al Rappaport, Newark Avenue, stated that he was in favor of acquiring the church and offered to provide labor and material for all new flooring throughout the church.

Al Gubitosi, 615 Fourth Avenue commented that this is a great opportunity for the Borough and may also create additional parking for the town.

Several residents spoke in favor of the Borough purchasing the church.

Ms. Devane, 313 LaReine Avenue, stated that Mulligan family currently resides at the church parsonage and they were making sacrifices and they are an integral part of the community.

Ms. Schaffer responded to Mayor Engelstad's questions regarding the purchase of the church: the seller may continue to receive bids while it is under attorney review and the seller may negotiate with the Borough as they are not obligated to accept the highest offer.

ON MOTION by Engelstad/Weber to authorize the Borough Administrator to have an expedited appraisal of the UMC, LaReine Avenue

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

**APPROVED**

Resolution 2019-188A Authorizing an appraisal of the United Methodist Church

ON MOTION by Engelstad/Cotler to approve the Regular Meeting Minutes of October 29, 2019

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

**Best Practice**

Ms. Krzyzczuk, Chief Financial Officer stated that the Best Practice questionnaire had been completed and forwarded to the State of New Jersey on October 28, 2019.

**PUBLIC COMMENT**

Mike McCarthy, 605 ½ McCabe Avenue, commented purchasing the United Methodist Church property would be a good thing for the community.

Julia Rand, Arts Council, commented that the Borough should hire a grant writer to assist with grant applications.

A resident expressed concerns regarding employee performance reviews and multi- year contracts and suggested better oversight.

Jim Byrnes, 401 Fifth Avenue, suggested the governing body look at the Strand Theatre in Lakewood as it was an old building renovated. He stated that the Borough employees do an excellent job and it is a credit to the governing body.

Al Gubitosi, 615 Fourth Avenue, stated that the statute allows for 60 days to reappoint the Clerk. It is not a performance issue, he expressed concerns regarding possible ambiguity in the contract and was the dual position, two part-time positions.

Ms. Schaffer responded that the appointment/contract expires on December 12<sup>th</sup> and the statute states to reappoint but allows a 60 day extension as a failsafe if Borough fails to act in timely manner.

The statute requires the clerk position be reappointed every three years. The position is not a political position as the Borough Administrator serves at the pleasure of the Mayor. It is not unusual in a small town to have employees with two roles. A contract has been prepared exclusively for the position of Borough Clerk and all of the terms remain the same. I am satisfied the contract is defensible and adheres to the statute.

Terry Wright, 406 Madison Avenue, stated that it was his understanding that employee contracts where not permitted to be discussed in public.

Ms. Schaffer responded that an employee's competency was not being discussed and did not require a RICE notice.

Thomas Coan, 612 Third Avenue, questioned when the Clerk's contract would be made available to public. He expressed concerns regarding the Memorial Day Committee's recommendations of disbursement of funds, as it is Borough's money. He stated the departments should make purchases out of their budgets and the funds should go to other organizations without a budget.

Mayor Engelstad responded that once the Clerk's contract is executed it will be available on the website. The Memorial Day Committee made recommendations on how they wished the funds were to be disbursed, the governing body makes the decision.

Ms. Schaffer stated if the Clerk's contract is approved it will be executed and posted on the website.

Eileen Shissas, 112 Fourth Avenue, requested information on the Memorial Day and Labor Day Festival expense breakdown.

**Communication:**

A request from Ms. Peraza, 509 1/2 Newark Avenue, to have the Borough remove a tree from the planting strip.

The Mayor stated that Mr. Peraza may file an application to have the tree removed but it is the property owner's responsibility to pay for the removal.

ON MOTION	by Engelstad/Weber to table Ms. Peraza's request
ROLL CALL	AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
	NAYS: None
	ABSENT: None
	ABSTAIN: None

**TABLED**

Mayor Engelstad asked Councilman Weber if he would like the Borough to advertise for a Bond Counsel RFP. Councilman Weber responded, not at this time, but he requested the RFP process be expedited and begin interviews as soon as possible.

ON MOTION by Weber/Engelstad to remove the Clerk's appointment and Memorial Day recommendations from of the Consent Agenda

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

**Consent Agenda**

- Resolution 2019-189 Authorized a Veterans deduction at 200 Fletcher Lake Ave (Blk 69-1)
- Resolution 2019-190 Authorized additional sewer charges at 208 McCabe Avenue (Blk 27 Lot 18)
- Resolution 2019-191 BILL LIST
- Resolution 2019-193 Authorized the renewal of the Avon Municipal Court Shared Service Agreement from January 1, 2020 through December 31, 2022
- Resolution 2019-194 Authorized the Mayor to execute a contract with Garden State Fireworks, for the Fourth of July Firework display in an amount \$12,500 on July 3, 2020 (rain date: July 5, 2020)
- Resolution 2019-195 Authorized the Borough's agreement with the Associated Humane Society for 2020 in the amount of \$12,710
- Resolution 2019-197 Authorized the Summertime Surf Camp to exercise the one year extension option for a Surf Camp for the 2020 summer season
- Resolution 2019-198 Authorized the Passion Group d/b/a Coastal ATM. LLC., to exercise the one year extension option for ATM services for the 2020 summer season
- Resolution 2019-199 Authorized the Municipal Clerk to advertise for Request for Qualifications for Professional Services: Borough Attorney, Borough Auditor and Municipal Prosecutor
- Resolution 2019-200 Authorized the submission of an application for the Complete Streets Technical Assistance Grant Program

**APPROVED**

Councilman Weber stated that he saw no urgency in voting on the Clerk's appointment and the Memorial Day recommendations, "as we heard right now there is a 60 day thing for the clerk and we just had an election and I feel people voted for change and I think it should be a vote for the new council". I would like to consider that. I believe the Memorial Day recommendations are a good first draft but do not agree with the exact allocations. I would like more time to review the disbursements and vote at the next meeting.

ON MOTION by Weber/Bonnell to table the Clerk's appointment and Memorial Day recommendations

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

ON MOTION by Engelstad/Goldfarb to re-appoint Kelly Barrett as Municipal Clerk 12/13/19 through 12/12/22

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

**APPROVED**

Resolution 2019-192 Authorized the re-appointment of Kelly Barrett as Municipal Clerk effective December 13, 2019 through December 12, 2022

ON MOTION by Engelstad/Goldfarb to approve the Memorial Day Committee’s fund disbursement recommendations

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

**APPROVED**

Resolution 2019-196 Authorized the Memorial Day Committee’s recommendation for disbursement of funds to various Bradley Beach Departments/Organizations

**MAYOR COUNCIL REPORTS**

Councilman Weber provided the following updates:

- The Environmental Commission has reapplied for the Sustainable New Jersey designation.
- The Recreation Board is conducting “Snowy Weather Get Together” on December 7<sup>th</sup>
- He attended Sustainable NJ sessions during the League of Municipalities Conference
- Was published in the League of Municipalities for the banning of plastic bags ordinance
- A 500 year old Oak Tree fell in Salem NJ. The Dep collected acorns and the sprouted seedlings will be distributed across the state.

Councilman Weber mentioned that his political ticket ran on better transparency during the election. He expressed concerns regarding executive session information being disclosed. He stated that it will be investigated and the appropriate action will be taken.

He made the following comments about his political opponents:

Bill Psiuk: on the Planning Board for 16 years and as Chairman works harder than other board members. Bill was instrumental in having bike racks installed on Main Street and has been involved with the Memorial Day Festivals.

Norman Goldfarb: long time career as a public servant, has completed a ton of work while on Council and has been a Memorial Day Committee member for years.

Dr. Cotler: has been a First Aid volunteer for years and his family volunteers extensively for the town.

Sal Galassetti: lifelong resident, sat on Council longer than any of the current Council members and Mayor Julie Shrek always said that Sal is the one with new ideas.

Mayor Engelstad: is courageous for standing up and taking sides during the election.

He thanked Dr. Cotler and Norman for shaking their opponent's hands after the election and being gentleman. He was moved by Dr. Cotler's comments after the election "No matter what happens it will still be Bradley Beach tomorrow" He was hopeful that the political deviseness town would end and everyone would work together.

Councilman Goldfarb thanked Councilman Weber for his kind words. He was touched by the community who came out to preserve the church, He thanked the Memorial Day Committee members, Harvey Rosenberg and George Bachar for their presentation and their hard work over the years. He stated that the Memorial Day Committee's donations assist with the unforeseen needs and things that fall through the cracks during the budget process. He wished everyone a Happy Thanksgiving.

Councilman Bonnell stated that he echoed Councilman Weber and Goldfarb's comments. He had concerns regarding the condition of the UMC building but was in favor in purchasing the church after seeing the huge resident support. He recommended that a Borough representative continue communicating with the Camp Meeting Association to make them aware of how the Borough has serious desire to purchase the church. He commented that his NO votes tonight were not an attempt at being an obstructionist. He was not provided with a copy of the Clerk's contract to review and did not view the reappointment as a matter of urgency. He thanked the Memorial Day Committee for their work.

Councilman Cotler stated he was very thankful for the last 13 years as Councilman. He had an opportunity to put the residents vision into action, along with controlling taxes, controlling spending and the decreased use of toxic pesticides. He was sad to hear about the Salem Oak Tree which he had visited during a class trip. He thanked Ms. Barrett and the front office staff for their hard work and making the job of governing easier, Mr. Cofone, DPW Superintendent and his staff for the town looking great, the Police Chief and Police Department for keeping the town safe and Mayor Engelstad for his amazing job over the last eight years. He wished everyone a Happy Thanksgiving.

Mayor Engelstad stated that the reappointment of Kelly Barrett as Clerk was not rushed, the appointment expires on December 13<sup>th</sup> and she does her job in an exemplary way and congratulations to her on the reappointment. The Memorial Day Committee has worked hard over the years and I respect their judgement and recommendations. A press conference was held with SC Johnson to announce and roll out the collection of Plastic Film collection. He congratulated the four officer on their promotions and to Mr. Weber, Mr. Bonnell, Mr. Sexsmith and Mr. Gubitosi on the election. He was hopeful that Ms. Schaffer would submit an RFP as Borough Attorney because she does a great job.

Joe Kulick, Monmouth Avenue, congratulated Ms. Barrett on her reappointment. He expressed concerns regarding the ADP tax program.

Mike DeNardo, 610 Evergreen Avenue addressed the Council regarding a recent appeal before the Zoning Board.

Mayor Engelstad stated that the governing body has no jurisdiction over Zoning Board matters but he may reach out to Mark Kitrick, Board Attorney for assistance.

Al Rappaport, 512 Newark Avenue, congratulated the Officers on their well-deserved promotions. He thanked Councilman and Cotler for their years of service.

Thomas Coan, 612 Third Avenue, agreed with Mr. Kulick and his concerns regarding the ADP program. He commented that the United Methodist Church is an amazing building and thanked the governing body's actions moving forward.

Engelstad/Bonnell moved to adjourn

ADJOURN 9:00 PM

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KELLY BARRETT RMC, CMR  
Municipal Clerk/Administrator