

REGULAR MEETING MINUTES

February 13, 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 7:30 pm

Present: Council: Weber, Goldfarb, Bonnell, Cotler
Mayor Engelstad
Borough Attorney Michael DuPont
Gerald Freda, Borough Engineer
Gerard Stankewicz, Borough Auditor
Municipal/Clerk Administrator Kelly Barrett
Chief Financial Officer, Gail Krzyzczuk
Deputy Municipal Clerk Erica Kostyz

APPROVAL OF MINUTES

ON MOTION by Engelstad/Bonnell to approve the Sewer Budget Workshop Meeting Minutes of January 23, 2018

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

APPROVAL OF MINUTES

ON MOTION by Engelstad/Weber to approve the Regular Meeting Minutes of January 23, 2018

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

BID OPENING

Summer Surf Camp: One Bidder – Awarded to Summertime Surf, LLC. 902 Main Street Belmar, NJ for \$2,500.00 for a three year term with an annual increase of 5% over the three year term. The lessee shall be entitled to two (2) one year extensions.

WORKSHOP DISCUSSION(s):

Engineer’s Report:

Mr. Freda, Borough Engineer provided the following updates on the following Borough projects:

- (1) Sanitary Sewer Rehabilitation Project: underway and the Water Company is also in town upgrading the water mains.
- (2) Sylvan Lake Park Bank Stabilization Project: minor changes as per the DEP requirements and the borough is waiting for the DEP permit to begin the project.
- (3) Riley Park Improvement: bid opening is scheduled for Friday, 2/23/18 and the award on bid at the meeting of February 27th.
- (4) Railings on Promenade: all railings have been installed and clean-up is complete.

Councilman Bonnell commented that screws were missing on many of the bottom rungs of the railings. Mr. Freda responded he would contacted the contractor to address.

Thomas Coan, 612 Third Avenue, questioned Mr. Freda on the progress of the crosswalks on Main Street. Mr. Freda responded that the Borough Administrator has been in contact with the DOT regarding the progress of the crosswalk upgrades.

Mayor Engelstad stated that the Overnight Truck Parking Ordinance will be removed from the agenda. Councilman Cotler will be spear heading a committee to review the parking ordinance and provide recommendations to the Council. I am hopeful that the committee will have completed their review shortly which will allow for an introduction of the amended ordinance in April.

Mayor Engelstad stated that after reviewing Ordinance 450-10 “Prohibited Uses in All Zones” information is outdated and requested a review by the Zoning Officer.

ON MOTION by Cotler/Weber to refer Ordinance 450-10 the Zoning Officer for review.

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

Beach Improvement Update:

Ms. Barrett provided an update on beach improvements:

Lifeguard Station: interior improvements, roof, window and installation of exterior cedar shake siding.

Fountain: pavers and landscaping will be completed in early spring. Ribbon cutting ceremony in May, 2018.

Tag Booths: new plywood, extended roof lines and installation of cedar shake siding.

Signage: all new signs at the beach entrances with proper information and new posts.

Trash Containers: new trash boxes on the boardwalk/promenade that will house the older trash cans with clearly marked TRASH/RECYCLE signs on the boxes.

PUBLIC COMMENT

Eileen Shissass, 112 Fourth Avenue, suggested that we replace the showers on the beach similar to what Avon (circular stand with water shooting on three sides). Mr. Cofone responded that the circular stand showers leak.

Thomas Coan, 612 Third Avenue, had questions regarding the number of dispatchers in the Police Department and the vendor “Urner Barry” on the bill list. Mayor Engelstad responded: the new hire makes a total of three full time dispatchers in the Police Department. Ms. Krzyzczuk responded: Urner Barry is a printing company that prepares the municipal calendar.

Alan Gubitosi, Fourth Avenue, questioned if the tent ordinance will be listed on the new signage at the beachfront. Mayor Engelstad responded yes the new signs include tents are prohibited.

ORDINANCE 2018-4

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER NINE, SECTION THREE, TRAFFIC, RULES AND REGULATIONS.

ON MOTION by Engelstad/Cotler to table Ordinance 2018-4
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

Mayor Engelstad requested that Mr. Stankewicz, Municipal Auditor provide an overview of Ordinance 2018-5 “Cap Bank”. Mr. Stankewicz explained the history of the enactment of a Cap Bank by the State to assist municipalities. He continued that the Cap Bank is a cushion for the municipalities to utilize if needed to offset hyperinflation. The Cap Bank Ordinance expires within two years if not used and only applies to the current fund as the sewer and beach budget is outside the Cap. This current ordinance (2018-5) gives the municipality the ability if needed to appropriate an additional \$72K in 2019 or 2020 current fund budget. I recommend adopting the Cap Bank ordinance in order to shield the borough against inflation down the road.

ORDINANCE 2018-5

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) IN THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ON MOTION by Engelstad/Goldfarb to open Public Hearing on Ordinance 2018-5
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

Public Hearing

Thomas Coan, 612 Third Avenue, questions Mr. Stankewicz on the following: “Does passing the ordinance shields the tax payers from hyper real estate inflation in the future”? and

“Will we be able to meet the 2.5 in the 2018 without raising the cap? Mr. Stankewicz responded that the ultimate decision lies with the governing body regarding the tax rate. In reference to the 2018 budget, we are still working on the figures.

Councilman Cotler commented that he has been on the governing body for over ten years and they have passed the Cap Bank ordinance every year and have never used it. He continued that the borough has not increased taxed over the past two years. Mr. Coan commented that the tax rate was flat, however, surplus was used to balance the budget.

Alan Rappaport, 512 Newark Avenue, stated that he had been on Council for twelve years in Norwood, N.J and every year along with all of the other municipalities within the State pass a Cap Bank Ordinance. He continued that the governing body is obligated to protect your residents as you don't know what the future holds. If you fail to adopt this ordinance you may potentially set the borough up with not being able to pay bills or provide emergency services. He applauded the Mayor and Council for standing up for the residents by taking on in-house trash collection and commented on what a huge undertaking the collection is.

ON MOTION by Engelstad/Goldfarb to close the Public Hearing and adopt Ordinance 2018-5

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

ADOPTED

ORDINANCE 2018-3

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER ONE HUNDRED TWENTY THREE, ARTICLE ONE, SECTION EIGHT H, BEACH FRONT AND ADJACENT WATERS RULES AND REGULATIONS.

ON MOTION by Engelstad/Weber to introduce Ordinance 2018-3

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

PENDING

COMMUNICATIONS

Councilman Weber announced the Annual Beach Sweeps organized by Clean Ocean Action to be held on Saturday, April 21, 2018 and Saturday, October 20, 2018 from 9:00 am to 12:30 pm. He encouraged all to come out and participate as volunteers

ON MOTION by Engelstad/Goldfarb to approve the Consent Agenda (remove Item D from the Consent Agenda (sewer cancellation at 200 Bradley Blvd. Block 77 Lot 5)

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

CONSENT AGENDA

- Resolution 2018-26 Authorizing a sewer cancellation at 500 LaReine Avenue (Block 34 Lot 15)
- Resolution 2018-27 authorizing a sewer cancellation at 511 LaReine Avenue (Block 43 Lot 3)
- Resolution 2018-28 Authorizing a sewer cancellation at 308 Fourth Avenue (Block 54 Lot 18)
- Resolution 2018-29 BILL LIST
- Resolution 2018-30 Authorizing the Mayor to execute an agreement with Auction International for sale of government assets by online auction
- Resolution 2018-31 Authorizing Resolution 2017-234 be rescinded (Dedication by Rider/125th Anniversary Dinner/Dance)
- Resolution 2018-32 Authorizing the hiring of Jaclyn Dinola, Dispatcher of the Police Dept.
- Resolution 2018-33 Appointment of Ann Caruso to the Recreation Board through 12/31/18
- Resolution 2018-34 Appointment of Anthony Semilia as a Probationary Fire Department member
- Resolution 2018-35 Authorizing an Executive Session, Pursuant to N.J.S.A. 10:4-13, discuss the possible purchase of real property with public funds

ADOPTED

MAYOR AND COUNCIL REPORTS

Councilman Weber stated that he was pleased that a parking committee was being comprised to review the parking ordinance. In his opinion the parking problem is a land use issue due to lack of driveways. He provided the following:

- (1) BBES had utilized their Cap Bank last year when they needed to replace the costly boiler for the school. BBES talent show scheduled for February 22, 2018. He expressed concerns regarding the borough suspending snow removal and lawn care service to the school. He stated that it is a public building and the school allows the borough to utilize the school for the Arts Council performances and Active Shooter drills at no cost. The borough should cover snow removal and lawn service to the school.
- (2) A post on face book regarding owners not cleaning up after their dogs. He spoke to one resident that contacted Chief Guida directly and the situation was resolved. He questioned the Chief on what actions were taken to resolve the issue. The Chief responded that she followed "See Something Say Something" and the police were able to locate the individual responsible.
- (3) Community Development inspection and violations have increased.
- (4) A recent article in the paper regarding the previous Bradley Beach Municipal Court Judge and voiced his concerns on how the residents may be impacted. He continued that the Judge had imposed contempt of court charges and how that may impact a resident when applying for job. Chief Guida responded, that a contempt of court charge is not a crime. He was also concerned that the borough's budget may be impacted if the county decides to seek restitution from the municipalities affected by the Judge's actions.
- (5) Referred to the Mayor for an update on the conditions of the United Methodist Church building.

Mayor Engelstad stated that he had spoken to the Bishop of the United Methodist Church on LaReine Avenue regarding the exterior condition of the church. There had been a question as to ownership of the land belonging to the Camp Meeting Association and the bishop confirmed that the UMC is owner of the building and land. He stated that the UMC was looking to renovate the building for additional use and the Mayor recommended that the UMC appear before the Planning board for an informal hearing.

Councilman Cotler expressed concerns regarding the legalization of marijuana. The Monmouth County Freeholders recently passed a resolution opposing the legalization of the drug. He stated that there is inaccurate information available on the internet regarding the impact of marijuana use and encouraged questions be referred to professionals (doctors). He continued studies have shown long term use equates to a decrease in your IQ and causes fields of the brain smoothing resulting in dementia. There is no data available on the long term cost of caring for people impacted by the use of marijuana.

Councilman Cotler requested the borough attorney check with the insurance company regarding (Ordinance 2018-3) the boroughs additional liability with dogs running loose on the beach.

Mayor Engelstad stated that the borough will be introducing a resolution supporting legislation of property tax payments in excess of \$10K be recognized as charitable contributions. We will do all we can to support and are hopeful the IRS will allow as the new tax reform only allows a property tax deduction up to \$10K.

PUBLIC COMMENT

Thomas Coan, 612 Third Avenue, had the following questions: why a resolution rescinding the “Dedication by Rider” request to the state. He also questioned the location of the borough property previously discussed with historic fill. Ms. Barrett responded that the state would not authorize a dedication by rider when the borough may show a profit. She continued, the Ladies Auxiliary was good enough to assist by using the fire departments 501C to account for the monies collected from the 125th Dinner/Dance. In reference to the property with historic fill, located at 1110 Main Street had an environmental study been completed (Phase I and Phase II) prior to the purchase? The report from Brinkerhoff Environmental (conducting the study) indicated that no further action was required. Mr. Coan stated that a Phase III should have been done prior to the purchase. Mr. DuPont responded that the borough followed the recommendations of Brinkerhoff Environmental Company and no additional reports were done.

Jane DeNoble, 612 Third Avenue, stated that a resident on the “Next Door” app had questions regarding yellow lines down the center of the street on one way streets causing confusion for motorists. Mr. Cofone responded that he would be reviewing this issue with the Chief of Police. Ms. DeNoble expressed concerns regarding the 114 tickets issued during the snowstorm for failing to comply with the parking ordinance during the snow emergency. She referenced an elderly resident that was away on vacation and her vehicle was ticketed for failing to move during the storm. She suggested a different approach possibly allowing residents to park on Ocean Avenue during snow emergencies. Chief Guida and Mr. Cofone responded that parking on Ocean Avenue would be more difficult for the resident to get out. Mayor Engelstad suggested neighbors supply one another with car keys so their vehicles may be moved during snow emergencies. Chief Guida commented that Ms. DeNoble complains when indivial are ticketed and complains when people are not ticketed. He continued, cars will be ticketed if they do not comply with the ordinance. It is more difficult for the DPW to do their job and it is unfair to the residents that are complying. The Chief advised Ms. DeNoble that residents with issues should contact the police department directly.

William Psiuk, 110 Fifth Avenue, had a question regarding the tango lesson entertainment on the beach, “Is the instructor charging a fee and what time does the lessons end”. Nicole Kienlen, Tourism Director responded that he would not be charging a fee and the lessons are scheduled to end at 10:00 pm.

Thomas Coan, 612 Third Avenue, expressed concerns for residents having to get up in the middle of the night to move their car after a snowstorm. Chief Guida responded that the police department does not require residents to get up in the middle of the night, they are given ample time to move their cars. The system works when people comply with the ordinances and if a residents need help we will help them. Councilman Weber suggested signing more people up for the emergency alert system. Chief Guida agreed however, the alerts are a courtesy and are not required under the ordinance. Mayor Engelstad stated that he has received very few complaints regarding the snow parking ordinance. Mr. Coan commented that he was looking for a more positive way to address parking during the snow. Councilman Cotler stated that there are 4,000 cars in town and 114 people didn't follow the rules, this does not constitute a system that doesn't work. Chief Guida advised Mr. Coan that 1/2% of the population received a ticket for failing to comply. He continued, Mr. Coan you are making an issue where there is none. You constantly go out at night making reports of violations where none exist.

Biagio Cofone, Superintendent DPW wished to clarify that the DPW was at the school 10-14 hours during the snowstorm, shoveling sidewalks on Fifth, Hammond and Brinley Avenue(s) and the plowing the playground area. The sidewalks shoveled are 12' wide and we salted them after shoveling. The custodians were not helpful as they did not have an operable snow blower. The DPW returned two days after the storm to ensure the area was clear and safe for the children. He had an issue with the school as they fail to contact the DPW to plan for snow removal. Councilman Weber stated that the tax payers are paying one way or another as it is a public building.

Nicole Kienlen, Tourism Director stated that she and her neighbors look out for one another and the town may want to consider a flyer to be placed on windshields advising the cars must be moved during a snowstorm.

ON MOTION by Engelstad/Goldfarb to close regular meeting for executive session
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ON MOTION by Engelstad/Goldfarb to reopen regular meeting
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

No Action Taken

ON MOTION by Engelstad/Cotler moved to adjourn

ADJOURN 9:30 PM

KELLY BARRETT
Municipal Clerk/Administrator
(7)

