

## REGULAR MEETING MINUTES

**March 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 6:30 pm**

Present: Council: Weber, Bonnell, Cotler  
Mayor Engelstad  
Borough Attorney Michael DuPont  
Gerald Freda, Borough Engineer  
Municipal Clerk/Administrator Kelly Barrett  
Deputy Municipal Clerk Erica Kostyz

### **WORKSHOP DISCUSSION(s):**

Engineer’s Report

Gerald Freda, Borough Engineer provided the following updates on borough projects:

Sanitary Storm Water and Sewer Rehabilitation: the project is underway, the contractor is making progress, however, and there have been delays due to inclement weather. The contractor is hooking up the laterals along the way.

Mayor Engelstad had a question as to when exposed the condition of the pipes. Mr. Freda responded that so far it hasn’t been that bad, but anticipates blockage and grease when they continue east.

Councilman Bonnell questioned if a third party was measuring the compaction density of soil in the trenches. Mr. Freda responded that there is no need for a third party as we do field inspections of the trenches.

Sylvan Lake Bank Stabilization: The DEP has issued the permit and we are now proceeding with preparation of the plans and specs. He continued that Capt. Al will be contacted to discuss plantings and vegetation. Once the plans are complete they will be presented to the Mayor and Council for review.

Riley Park Improvement Project: the resolution awarding the bid is on tonight’s agenda.

Councilman Bonnell had a question regarding the lowest bidder withdrawing their bid. Mr. Freda responded that the contractor was confused with the specs and did not allow for the selected pavers in his bid. Therefore, we are awarding to the second lowest bidder.

Thomas Coan, 612 Third Avenue, questioned if the Borough will have any input when the DOT upgrades the handicap crosswalks on Main Street. Mr. Freda responded that we may request having input during the process.

#### Review of Ordinance 5-9 (Rule and Procedures of Meetings)

Ms. Barrett stated that she reviewed Ordinance 5-9 which relates to the rules and procedures regarding the borough meetings. She expressed concerns as to the language in the ordinance. The first issue was the posting of a meeting agenda 72 business hours prior to the meeting which is well above the required notice of 48 hours required under NJSA 10:4-8. The State recognizes that local government business is constantly changing and in an attempt to provide the most up to date information requires the 48 hours for the most accurate information. NJSA 10:4-8 also requires the agenda posted to the "extent it is known", again the state is aware of last minute items needed to be added to the agenda. Our ordinance states that items may be added to the agenda by simple majority during the caucus meeting preceding the regular meeting. The definition of a caucus when relating to local government meeting is a closed meeting. This practice certainly contradicts open government/transparency as the vote is decided in a closed session without the public being present. The state only allows certain topics (NJSA 10:4-12) to be discussed in closed session and the items added to an agenda would be routine matters that would not be permitted to be discussed in closed session. Therefore, the borough is currently unable to add everyday business items to the agenda, this ties the hands of the borough of doing business. I recommend that the borough be permitted to add items to the agenda during a workshop discussion by simple majority vote at a regular meeting. If the governing body wishes to add certain language outlining what matters may not be added to the agenda and comply with 10:4-8 the states notice requirement.

Councilman Weber agreed with allowing routine items on the agenda and he commented that the word "Caucus" should be removed from the ordinance.

Mayor Engelstad stated that we will continue with the 72 hour agenda notice requirement and allow for routine items to be added to the agenda.

#### **APPROVAL OF MINUTES**

ON MOTION           by Engelstad/Weber to approve the Regular Meeting Minutes  
of February 27, 2018

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

## **PUBLIC COMMENT**

William Psiuk, 110 Fifth Avenue, questioned the amount received in 2017 from NJ Transit summer promotion. Ms. Barrett responded \$3.50 per badge.

Henry Machos, 209 Third Avenue, questioned if the Bond was in place for the Riley Park Improvement Project. Mayor Engelstad responded yes, the bond is in place

## **ORDINANCE 2018-2**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER FIVE ARTICLE ONE, SECTION EIGHT, ORGANIZATION, POWERS, MEETINGS AND RULES OF THE BOROUGH COUNCIL.

ON MOTION by Engelstad/Weber to introduce Ordinance 2018-2  
ROLL CALL AYES: Weber, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: Goldfarb  
ABSTAIN: None

## **COMMUNICATIONS**

Authorized Raffles: United Engine & Truck Company of Bradley Beach, 815 Main Street, (RL-2018-1) Off -Premise Merchandise on May 28, 2018 at 8 pm & (RL-2018-2) Off Premise 50/50 on December 4, 2018 at 8:00 pm

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

## **CONSENT AGENDA**

Resolution 2018-41 BILL LIST  
Resolution 2018-42 Authorization for Gerald Freda, Borough Engineer to perform engineering services for the Riley Park Improvement Project at a cost not to exceed \$29,000. (Amending resolution 2017-207)  
Resolution 2018-43 Authorization of Mixailia Enterprises, LLC to withdraw their bid submitted on February 23, 2018 for the Riley Park Improvement Project and award the bid to the second lowest bidder Black Rock Enterprises, LLC. 1316 Englishtown Road, Old Bridge, New Jersey 08857 in the amount of 275,525.  
Resolution 2018-44 Authorization for the Mayor to execute an agreement with NJ Transit for the 2018 Summer Beach Promotion  
Resolution 2018-45 Appointment of Class I Officers to the Bradley Beach Police Department

## **ADOPTED**

## **MAYOR AND COUNCIL REPORTS**

Councilman Weber announced the following: the Fire Department will be holding a Fish Fry on Friday, March 16<sup>th</sup> and encouraged all to attend. The BBES would be holding its budget workshop meeting on Tuesday, March 20<sup>th</sup> at 7 pm. The Environmental Commission met with US Fish and Wildlife and they will be supporting Maritime Forest in delineating the paths. The Environmental Commission will be showing a movie "Plastic Ocean" at the Senior Building on April 12<sup>th</sup>.

Councilman Bonnell stated that the DPW has been busy keeping the roads clear with the recent snowstorms. He commented on the vote at the last council meeting in reference to the resolution in support of legislation property taxes payment to be deductible as a charitable contribution. He stated that any resolution being sent to Trenton should be a unanimous vote. He continued that the proposed legislation has issues, such as not permitted if you pay your taxes through a mortgage company. He questioned the accuracy of the update given by Mr. DuPont regarding the Judge Thompson issue. Mr. DuPont responded that he was repeating the information that he had received from the County Counsel.

Councilman Cotler stated that the parking committee had a successful meeting and hoped to have the recommendations to the governing body shortly. He encouraged everyone to support the Fire Department and First Aid Squad as these volunteers are saving lives.

Mayor Engelstad stated that he was comfortable with his vote in support of the legislation of taxes. High property taxes does not only affect wealthy people, there are residents in a home for thirty years and this legislation may act as a relief for those individuals.

Jane DeNoble, 612 Third Avenue, requested an update on 811 Ocean Avenue.

Mr. DuPont responded that discussions are underway between Judge Serpentelli and the landlord's attorney and anticipates action by the landlord shortly.

Julie Nutaitis, 605 Newark Avenue, commented that the borough should encourage carpooling and promote use of public transportation.

Thomas Coan, 612 Third Avenue disagreed with the legislation in support of tax deductions charitable.

Eileen Shissass, 112 Fourth Avenue, questioned the rebate amount received from the NJ Transit summer promotion. Ms. Barrett responded \$3.50 per badge.

ON MOTION                      by Engelstad/Cotler moved to adjourn

ADJOURN                        7:10 PM

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KELLY BARRETT  
Municipal Clerk/Administrator

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