

REGULAR MEETING MINUTES

March 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 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 Schaeffer  
Borough Auditor, Gerard Stankewicz  
Municipal Clerk/Administrator Kelly Barrett  
Chief Financial Officer, Gail Krzyzczuk

**BID OPENING:** Hot Dog Cart Concession

Dorothy Frederick (J & D Hot Dogs) offered a bid amount of \$2,000. with an additional bid amount of \$200. for use of refrigeration space at the borough owned Senior Building, 719 Main Street.

**NO OTHER BIDS OFFERED**

ON MOTION by Cotler/Bonnell to award the Hot Dog Concession contract to Dorothy Frederick, (J & D Hot Dogs)

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

**BID ACCEPTED**

ON MOTION by Engelstad/Weber to approve the Regular Meeting Minutes of March 12, 2019

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

**APPROVED**

ON MOTION by Engelstad/Goldfarb to approve the Executive Meeting Minutes of March 12, 2019

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

**APPROVED**

**PUBLIC COMMENT**

Jack Gentempo, 103 Fourth Avenue, stated that he disagreed with amending the tent ordinance which will allow small baby tents on the beach.

Thomas Coan, 612 Third Avenue, stated that he was disappointed that the borough failed to hold longer budget workshop meetings for the public. He questioned the need for employee contracts and why the contracts were not done before today.

Ms. Barrett responded that the three (3) contracts on for consideration were for supervisors. The three (3) employees were the only employees in the borough without a written contract. The terms outlined in the contracts are what they are currently receiving, the contracts will memorialize the agreements.

Jim Byrnes, 401 Fifth Avenue, was pleased that the governing body is introducing an ordinance which prohibits the sale of “Kratom”.

**ORDINANCE 2019-7**

**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, BEACHFRONT AREAS AND ADJACENT WATERS, RULES AND REGULATIONS.**

ON MOTION by Engelstad/Goldfarb to open the public hearing for Ordinance 2019-7

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

**Public Hearing: No one wished to speak**

ON MOTION by Engelstad/Goldfarb to close the public hearing and adopt Ordinance 2019-7

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

**ADOPTED**

**ORDINANCE 2019-10**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER TWO HUNDRED EIGHTY SIX, LITTERING; SOLID WASTE**

ON MOTION by Engelstad/Goldfarb to open the public hearing for Ordinance 2019-10  
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 placement of trash containers/bags by the businesses on Main Street.

ON MOTION by Engelstad/Weber to close the public hearing and adopt  
Ordinance 2019-10  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ADOPTED**

**ORDINANCE 2019-11**

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, BEACHFRONT AREAS AND ADJACENT WATERS, RULES AND REGULATIONS

ON MOTION by Engelstad/Weber to open the public hearing for Ordinance 2019-11  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**Public Hearing: No one wished to speak**

ON MOTION by Engelstad/Goldfarb to close the public hearing and adopt  
Ordinance 2019-11  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ORDINANCE NO. 2019-12**

AN ORDINANCE TO AMEND THE BOROUGH CODE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER THREE HUNDRED AND THREE, TO PROHIBIT THE SALE OF KRATOM

ON MOTION by Engelstad/Goldfarb to introduce Ordinance 2019-12  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**PENDING**

**ORDINANCE 2019-13**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER FOUR HUNDRED FIFTY450, ARTICLE TWELVE, PERFORMANCE STANDARDS

ON MOTION by Engelstad/Weber to introduce Ordinance 2019-13

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

**PENDING**

**ORDINANCE 2019-14**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 450, ARTICLE FOUR, GENERAL REGULATIONS APPLICABLE TO ALL ZONES

ON MOTION by Engelstad/Weber to introduce Ordinance 2019-14

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

**PENDING**

**Communications moved to the Consent Agenda**

Authorizing the Surf rider Foundation to conduct, "Hands Across the Sand Event" and cleanup on Saturday, May 18, 2019 from 11:00 am to 2:00 pm on Third Avenue Beach.

**Mayor Engelstad provided an overview the 2019 Budget.**

- The proposed 2019 municipal tax levy represents a two year decrease in the tax levy.
- The overall spending amount for the 2019 budget is flat as compared to 2018.
- The 2019 budget proposal is decreased from the 2018 adopted budget.
- The 2019 budget proposes utilization of surplus which is the same amount of surplus that was utilized in 2018.
- The borough employees operate under union negotiated contracts that currently have 2% annual pay increases or step increases. The Police and Fireman Retirement Services has a mandated \$70,000 increase.
- The federal cost of living adjustment for 2019 has been established at 2.8%, the borough's municipal budget is being introduced with a relatively flat municipal tax levy.
- Real estate prices in Bradley Beach have seen significant increases in the past year and many residents have seen double digit percentage increases in their property assessments. In an effort to offset many of these increases, this budget proposes a 12% reduction in the municipal tax rate.
- Over the past four years, the municipal budget has remained fairly flat.
- Please keep in mind that your property tax is made up of multiple entities, county, school, municipal and library.

ON MOTION by Engelstad/Goldfarb to introduce the 2019 Municipal Budget  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**Resolution 2019-63** Introduction of the 2019 Municipal Budget

ON MOTION by Engelstad/Weber to appoint Emil Philibosian conflict counsel for tax appeals

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

**Resolution 2019-68** Authorized the appointment of Emil Philibosian as Conflict Counsel – Tax Appeals

ON MOTION by Engelstad/Weber to appoint Louis Rainone as General Conflict Counsel

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

**Resolution 2019-68A** Authorized the appointment of Louis Rainone as General Conflict Counsel

ON MOTION by Engelstad/Goldfarb Weber to authorize a contracts for Kelly Barrett Municipal Clerk/Administrator, Biagio Cofone, DPW Superintendent and Gail Krzyzczuk, CFO, Tax/Sewer Collector

Councilman Weber stated that the terms of the contracts are the same as other borough employees. He continued, changes have been made for future employees. He commented that the school contracts offer less sick/vacation time as the borough contracts.

Councilman Bonnell stated that he would vote yes on the contracts because the people have earned what is in the contracts. He stated that he had questions regarding the contracts that have gone unanswered. He continued, moving forward we need to take a closer look at employee contracts as they are unsustainable.

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

**Resolution 2019-70** Authorized the Mayor to execute a contract with Kelly Barrett, Municipal Clerk effective through 12/12/19 and as Borough Administrator effective through 12/31/20

**Resolution 2019-71** Authorized the Mayor to execute a contract with Biagio Cofone, Superintendent of the Department of Public Works effective through July 31, 2020

**Resolution 2019-72** Authorized the Mayor to execute a contract with Gail Krzyzczuk, Chief Financial and Sewer Collector effective through 12/31/19 and as Tax Collector effective through 12/31/20

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 2019-64** Authorized a tax title lien redemption at 702 Evergreen Avenue (Blk 70 Lot 7) in the amount of \$2,810.33

**Resolution 2019-65** Authorized a 2018 Current Fund appropriation transfer

**Resolution 2019-66** BILL LIST

**Resolution 2019-67** Authorized the “New Jersey Pride 5K Run” on Sunday, May 5, 2019 from 8:00 am to 9:00 am on the beachfront promenade

**Resolution 2019-69** Authorized an agreement with Auctions International, Inc., 11167 Big Tree Road, East Aurora, NY 14052 for the sale of used/unwanted motor vehicles and equipment through the online auction service

**Resolution 2019-73** Authorized an Outdoor Café license for Bagel’s International and Deli, 48 Main Street

**Resolution 2019-74** Authorized an Outdoor Café license for The Buttered Biscuit, 700 Main Street

**Resolution 2019-75** Executive Session to discuss a personnel matter  
Authorized “Hands Across the Sand Event” and cleanup on Saturday, May 18, 2019

### **APPROVED**

### **MAYOR AND COUNCIL REPORTS**

Councilman Weber reported that painting of the interior of the Rec Center will begin shortly. The Environmental Commission prepared an educational trash/recycling flier which will be mailed out to all residents.

Councilman Goldfarb mentioned that he attended the ribbon cutting ceremony of a new business “Katora Realty”, and the opening of a new real estate office is a clear indication of the strong real estate market in the borough. He reported that the OEM office is updating the “Emergency Operations Plan”, which is required every four years and the office continues to process reimbursements from Super Storm Sandy. He stated that the DPW is currently updating/securing the front office vestibule.

Councilman Bonnell stated that he had a discussion with Biagio about initiating an alternate trash pickup for the businesses on Main Street. They also discussed a street sweeping schedule that will be implemented in the near future. He commented on a recent article in a local paper regarding the purchase of the North End Trash lot on Main Street. He stated that he had expressed concerns of historic fill from the beginning and was pleased that the fill had been removed.

Councilman Cotler congratulated everyone on their hard work during the budget process. He stated, we continue with infrastructure upgrades to the sewer system, streets and maintain budget neutrality. He commented that the new tax assessor is a smart intelligent individual and is required to assess properties at 100% market value. He apologized for the borough having to hire a conflict tax appeal attorney as he was going through a tax appeal. After advocating for many years he was pleased to announce that the borough will start using organic pesticides/weed killer to treat borough properties in lieu of cancer causing chemicals.

Mayor Engelstad thanked everyone for working hard during the budget process and stated that the budget will be listed for final adoption in May. He stated that a special meeting will be held on April 17<sup>th</sup> to announce the Strategic Planning survey results. He reminded everyone of the Easter Egg Hunt on April 13<sup>th</sup> for toddlers through twelve years of age.

Ms. Schaffer, Borough Attorney stated that she was asked to respond to a letter from Mr. Coan. The letter requested Chairman Psuik be removed from the Planning Board for the improper hiring of the Planning Board Attorney. Ms. Schaffer stated that the request to remove Mr. Psuik was unwarranted and there was no justification as the hiring of the Planning Board attorney was done so appropriately.

Alan Gubitosi, 605 Fourth Avenue, raised a question regarding the budget “What is the amount to be raised by taxation”?

Mr. Stankewicz responded, the borough utilizes what is needed to balance the budget.

Thomas Coan, 612 Third Avenue, questioned if Ms. Schaffer viewed the Planning Board meeting video in which the board attorney was hired. He then questioned how much surplus was being utilized in the 2019 budget.

Ms. Schaffer responded that she did not view the video, however the hiring of the Board Attorney was done properly and in accordance with Public Contracts Law. Mr. Stankewicz responded that the same amount of surplus was used as last year. He stated that all of the budget documents would be available on the borough website after tonight’s introduction.

Jack Gentempo, 103 Fourth Avenue, stated that he has used “Roundup” weed killer on his farm for years and never had a problem because he takes (respirator) the proper precautions.

Jim Byrnes, 401 Fifth Avenue, stated that he is a victim of Agent Orange and any amount of cancer causing chemicals is too much.

Tony Mulry, 615 Second Avenue requested an update on the Giamanno’s project.

Mayor Engelstad responded that they have received the framing permit and there was a delay due to the unexpected death of the contractor.

Julie Nutaitis, 605 Newark Avenue, requested that the Code Officer pay attention to the properties on Main Street that are in disrepair. She stated that the Quality of Life would like to get the word out to residents regarding the proper disposal of brush, cleanup, etc.

Al Modjeski, 614 Newark Avenue, stated that it is getting more expensive and harder to live in Bradley and requested the Mayor and Council do something to help us stay in town.

John Prinderville 107 Brinley Avenue, requested assistance as he applied for an “Overnight Truck Parking Permit” and was denied.

A conversation ensued and Mr. Prinderville was directed to speak with the Chief of Police regarding his options.

Heidi Modjeski, 611 & 614 Newark Avenue, expressed concerns regarding the required trash enclosures as they impact the neighboring properties with fly away trash. She continued that the assessment of her property went up 36% and suggested looking out the benefits being paid out.

ON MOTION by Engelstad/Goldfarb to go into executive session to discuss a litigation(s) matter

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad

NAYS: None

ABSENT: None

ABSTAIN: None

Mayor Engelstad – No Action taken

ON MOTION by Engelstad/Bonnell to open the public meeting

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad

NAYS: None

ABSENT: None

ABSTAIN: None

Engelstad/Bonnell moved to adjourn

ADJOURN 8:40 PM

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KELLY BARRETT RMC, CMR  
Municipal Clerk/Administrator