

REGULAR MEETING MINUTES
April 10, 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, Goldfarb, Bonnell, Cotler
Mayor Engelstad
Borough Attorney Michael DuPont
Municipal Clerk/Administrator Kelly Barrett
Chief Financial Officer, Gail Krzyzczuk
Deputy Municipal Clerk Erica Kostyz

WORKSHOP DISCUSSION: Overnight Truck Parking Ordinance

Councilman Cotler thanked the parking committee members who volunteered their time and creative input in the reviewing the overnight truck parking ordinance. The dilemma was to find a solution for overnight truck parking with only 1100 driveways in town. He stated that the goal of the committee was to craft an ordinance which would benefit the residents, he was aware that we would not make 100% of the people happy but wished to avoid making anyone 100% unhappy. He stated, that the borough is small and land locked with no possible avenue for expansion an idea was suggested to establish a commercial truck parking zone, however, it is not consistent with the reality we have. He stated that he had spoken to an attorney that informed him that prohibiting lettering on a vehicle violates your right to free speech. Councilman Cotler submitted a proposed amendment to the governing body for review along with an additional amendment proposal prepared by Mr. Coan. He stated, the committee had also discussed 3’ sight triangles for narrower driveways on Newark Avenue which will allow for easier maneuvering when entering the driveway. We would try out the site triangles on Newark Avenue and established in a separate ordinance.

Mayor Engelstad wished to clarify the changes in the proposed ordinance, the definition of a truck is in accordance with title 39 (NJ Motor Vehicle Codes) and the weight limit has been removed. He continued to read the proposed ordinance to the audience.

Councilman Bonnell commented the “commercial vehicles” was not included in the ordinance amendment.

Councilman Cotler stated that it was inferred based on the description of the vehicles listed.

Councilman Weber stated it appears the only change in the ordinance is the removal of the weight limit, which was already decided, is there any other change? He continued, in reference to the issue of free speech with writings on a vehicle, we are not regulating what individuals have written on their vehicles, we are regulating where they park their vehicles.

Councilman Cotler responded that the residents who utilize their commercially registered vehicle as their main source of transportation should be allowed to park in front of their home. However, businesses in town with a fleet of vehicles should not be permitted to park on the street. He continued that the committee also discussed the installation of site triangles to assist residents with parking in their driveways, which is not part of the truck parking ordinance but a suggestion for a future ordinance.

A resident commented that the borough is limiting truck parking but not addressing rental properties that allow multiple cars on the streets.

A resident expressed concerns regarding the installation of site triangles in front of his property on McCabe Avenue causing the residents to lose parking spaces.

Councilman Cotler responded the site triangles are limited to Newark Avenue and only at the request of the property owner.

James Shissass, 112 Fourth Avenue, stated that when he looks at issues in town, he thinks of the overall vision of the town. He continued, Bradley Beach is a beautiful beachfront family community. The truck parking ordinance should enhance the vision of the town. He is opposed to commercial vehicles parked on the residential streets. He was not in favor of the proposed amendment and suggested the governing body go back to the drawing board.

Alan Gubitosi, 615 Fourth Avenue, agreed with Councilman Cotler but questioned if the police be able to determine how many trucks belong to one property and is it enforceable.

Chief Guida responded that the ordinance is enforceable and the police have the ability to do a plate look-up to determine the registered owner of the vehicle and address.

John Naples, Ocean Avenue, thanked Councilman Cotler for taking time to work on the ordinance amendment. He expressed concerns regarding the installation of site triangles on Newark Avenue as it will eliminate parking spaces.

Councilman Cotler responded that the site triangles would be installed when requested by property owners on the narrower driveways as a trial run. The site triangles would assist the residents when manipulating around vehicles when entering their driveways.

Henry Machos, 209 Third Avenue wished to clarify that the truck parking ordinance didn't pertain to SUV's.

Chief Guida stated the proposed ordinance refers to all vehicles with exposed materials, equipment, etc.

Jack Gentempo, 103 Fourth Avenue, expressed concerns regarding commercial vehicles and trucks being parked on the public streets. He stated that people have spent a lot of money to improve their properties and commercial vehicles should not be parked in residential zones. He continued that he was on the parking committee and the committee was limited and alternatives were not discussed. Councilman Cotler mentioned things this evening that he didn't recall at the parking committee meetings and was not in favor of the proposed ordinance. We should go back to the drawing board as there are additional options to an amendment that may be considered.

Julie Nutaitis, 605 Newark, stated that Councilman Cotler had made statements that were not discussed at the parking committee. She continued that the committee was unfair and Councilman Cotler rushed through the meetings. The borough should not have rules based on emotion but what is the best interest of the town.

Councilman Cotler responded that he had taken notes during the meeting and there were many conversations going on at once. He stated that there is not one vision for the town with over 4,000 residents. He prepared a proposal which was forwarded to the governing body for review and an amendment to the ordinance will later be crafted.

Eileen Shissass, 112 Fourth Avenue stated that she would like to see a compromise not just a win for either side.

Richard Bridge, 504 Madison Avenue, stated that he was on the parking committee and the proposed ordinance has real limitations for truck parking. He continued that Councilman Cotler was fair and the proposal is enforceable.

Thomas Coan, 612 Third Avenue, stated that he had participated on the committee and prepared a detailed ordinance for everyone review. He commented that Avon does not allow commercial advertising on vehicles on the roadways and it was not a constitutional issue. If we allow one truck in front of a residential home this will promote additional trucks parked on the streets. He suggested the trucks be parked on the 700 blocks as parking trucks in residential areas may cause a safety issue. He felt disrespected and was disappointed in his volunteer efforts and recommended going back to the drawing board.

Councilman Cotler stated he was sorry that Mr. Coan felt disrespected and advised him that the ordinance prepared by him had been forwarded to the Mayor and Council along with the proposed ordinance he submitted. He continued that the information contained in Mr. Coan's draft may or may not be included in the final ordinance amendment.

APPROVAL OF MINUTES

ON MOTION by Engelstad/Bonnell to approve the Budget Workshop Meeting Minutes of March 20, 2018

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

APPROVED MOTION (3)

ON MOTION by Engelstad/Goldfarb to approve the Regular Meeting Minutes of March 27, 2018

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

APPROVED MOTION

ON MOTION by Engelstad/Goldfarb to approve the Executive Session Meeting Minutes of March 27, 2018

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

APPROVED MOTION

PUBLIC COMMENT

No one wished to speak

ORDINANCE NO. 2018-6

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH ENTITLED CHAPTER 9 TRAFFIC

ON MOTION by Engelstad/Weber to open Public Hearing on Ordinance 2018-6

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 2018-6

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

ADOPTED

ORDINANCE 2018-8

AN ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS IN AND FOR THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING \$27,000.

ON MOTION by Engelstad/Goldfarb to open Public Hearing on Ordinance 2018-8

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 2018-8

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

ADOPTED

ORDINANCE 2018-9

AN ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS IN AND FOR THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING \$60,000.

ON MOTION by Engelstad/Goldfarb to open Public Hearing on Ordinance 2018-9

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/Cotler to close the Public Hearing and adopt Ordinance 2018-9

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

ADOPTED

ORDINANCE NUMBER 2018-10

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 17-19 (WHICH PROVIDES FOR VARIOUS IMPROVEMENTS TO RILEY PARK) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON SEPTEMBER 26, 2017, TO INCREASE THE APPROPRIATION BY \$35,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$33,000

ON MOTION by Engelstad/Cotler to introduce Bond Ordinance 2018-10

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

PENDING

COMMUNICATIONS

ON MOTION by Engelstad/Goldfarb to approve and move the First Aid Raffle License and four free parking spaces to the First Aid during the Memorial Day Festival request to the Consent Agenda.

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

APPROVED MOTION

Authorize - Raffle License- Bradley Beach First Aid Squad, (RL-2018-4) Games of Chance – May 25 through May 27, 2018 at the Memorial Day Festival, beachfront promenade.

Authorize the Bradley Beach First Aid Squad four free parking spaces (201,202, 203 & 204) to be utilized as an aid station on May 25th through May 28th during the Memorial Day Festival.

ON MOTION by Engelstad/Weber to table the request from FoodStockUP
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

TABLED

Request from FoodstockUP to conduct their annual spring food drive during the Lobster fest event (parking meter fees be waived).

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 2018-52 Authorizing a Veterans Deduction
- Resolution 2018-53 Authorizing the disallowance of a senior citizen tax deduction at 609 Brinley Ave (Block 46 Lot 10)
- Resolution 2018-54 BILL LIST
- Resolution 2018-55 Authorizing the Borough Clerk to advertise for a push cart/ hot dog like cart at the beachfront for the 2018 season
- Resolution 2018-56 Authorizing various Outdoor Caf e’s for 2018
- Resolution 2018-57 Authorizing the Mayor and Borough Clerk to execute an agreement with the Associated Humane Society regarding Feral Cats Trap, Neuter Release Program

- Resolution 2018-58 Authorizing the Mayor to execute a contract to LEW Corporation, 181 US Hwy 46, Mine Hill, New Jersey 07803 subject to the ten day estoppel period for lead paint removal at the Retired Sewer Pump Station located at Ocean and Ocean Park Avenues in an amount of \$15,379.00
- Resolution 2018-59 Authorizing the Mayor to execute an agreement with United States Department of the Interior Fish and Wildlife Service
- Resolution 2018-60 Authorizing the hiring of Dana Mikatis, DPW Secretary effective on April 1, 2018
- Resolution 2018-61 Authorizing the Borough Clerk to advertise for seasonal positions
- Resolution 2018-62 Authorizing the Borough Clerk to advertise for the April 24th meeting time adjustment from 6:30 pm to 5:30 pm
- Resolution 2018-63 Authorizing various Special Events

ADOPTED

ON MOTION by Engelstad/Bonnell to approve the inter-local agreement with the Township of Neptune for the Fletcher Lake bulkhead improvements

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

Resolution 2018-64 Authorizing the Mayor to execute an inter-local agreement with the Township of Neptune for the improvements to Fletcher Lake in the amount of \$192,727.

ADOPTED

MAYOR AND COUNCIL REPORTS

Councilman Weber provided an update on the Bradley Beach Elementary School: school budget scheduled to be adopted on April 24, 2018, Superintendent and Business Administrator put out a fire in the school and the fire and police departments responded. He announced that the Environmental Commission would presenting free of charge the film “Plastic Ocean”.

Councilman Bonnell stated that he, Councilman Goldfarb and Ms. Barrett inspected the lifeguard station earlier this evening. The DPW had done a great job renovating the building and anticipated the renovations be complete by next week. He continued that they also inspected the old sewer pump station that would be having the lead removed in order for the building to be utilized. He expressed concerns regarding the 2018 budget listed for adoption on April 24th. He found the anticipated revenues in the proposed budget to be troubling and he had prepared a budget with no increase in spending. He encouraged the residents to review the budget which was posted on the borough website.

Councilman Cotler stated that he advocates for beefing up the budget surplus allowing the borough to pay cash for needed expenses in order to keep debt down. He stated that the municipal budget continues to be flat however, the municipality has no control of the county and school budget increases. He continued, the administration in the front office watches spending which allows for improvements to the town without raising taxes.

Mayor Engelstad stated that the borough has the 11th lowest tax rate in all beach communities in Monmouth County. He continued that the municipal tax rate remains flat even with increases in debt service, contractual obligations, etc., and we continue with a healthy surplus.

PUBLIC COMMENT

Julie Nutaitis 605 Newark Avenue, thanked Mayor Engelstad and Councilman Bonnell for their comments regarding the upcoming budget adoption. She stated that she had posted on social media an advisement of people speeding down Newark Avenue. She asked the Chief of Police if he was aware of the posting.

Chief Guida responded that he was made aware of the posting and requested that Ms. Nutaitis contact the police directly with any concerns regarding public safety.

George Goldberg, 218 Evergreen Avenue expressed concerns regarding the condition of the roadway on Evergreen Avenue, he stated that the road was torn up with all of the construction and questioned when it would be repaved.

Councilman Bonnell responded that he would contact the Borough Engineer and would get back to him.

Rona Parker, Environmental Commission, reminded everyone that the Environmental Commission would be featuring a free film at the Senior Center on Thursday “The Plastic Ocean” at 6:30 pm.

Councilman Weber stated that he appreciated the comments on the truck parking but was concerned that the building trade was being singled out. He recommended that “commercial vehicles” be added to the ordinance amendment.

ON MOTION by Engelstad/Goldfarb to enter into executive session to discuss litigation

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

ON MOTION by Engelstad/Goldfarb to open meeting – No Action Taken

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

Engelstad/Goldfarb moved to adjourn

ADJOURN 8:20 pm

KELLY BARRETT RMC, CMR
Municipal Clerk/Administrator

(8)