

REGULAR MEETING MINUTES  
**April 24, 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 5:30 pm**

Present: Council: Weber, Goldfarb, Bonnell, Cotler  
Mayor Engelstad  
Borough Attorney represented by Edward Washburne  
Gerard Stankewicz, Municipal Auditor  
Municipal Clerk/Administrator Kelly Barrett  
Deputy Municipal Clerk Erica Kostyz

Mayor Engelstad requested a moment of silence in memory of First Lady Barbra Bush.

**ORDINANCE 2018-12**

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 SEVEN, SECTION THIRTY FOUR AND THIRTY FIVE

ON MOTION by Engelstad/Cotler to table Ordinance 2018-12

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

Mayor Engelstad provided an overview of the 2018 Municipal Budget:

2018 Beach Budget is less than the 2017

2018 Sewer rate remains the same as 2017

2018 Current Fund Budget will have no tax increase for the third consecutive year. The municipal taxes will remain flat taking even to consideration a \$300K increase in bond financing and \$256K increase in wages/ benefits which were negotiated through union contracts. The borough will increase spending by \$97K. The borough’s assessed property values have increased by \$39 million dollars from 2017 and with this increase most municipalities taxes would increase with the same rate as the prior years. We have lowered the rate to allow the average home owner to see no municipal tax increase. We are using a significant amount of surplus to keep taxes down, which is what surplus may be utilized for. The borough continues to maintain a healthy surplus (\$1.1 million) after balancing the budget. Our debt limit is extremely

low .45 of 1% which is much lower than the state limit. Some of the neighboring towns have seen a reduction in taxes which is a result of development and an increase in ratables. He continued that he would continue to pursue development practices on the west side of Main Street which will contribute to our tax base.

ON MOTION by Engelstad/Goldfarb to Open Public Hearing on the 2018 Municipal Budget

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

Thomas Coan, 612 Third Avenue, questioned using 50% of surplus and stated that surplus should be utilized for improvements to avoid bonding not to keep taxes down. He expressed concerns regarding the use of additional surplus next year. Mr. Coan continued to provide his calculations regarding the budget. He had a question as to why seven CDL drivers' salaries were coming out of the sewer budget. He commented to the Mayor that he had concerns on the amount of time the budget process was presented before the public.

Mr. Stankewicz responded surplus is for various items, pool of revenue and pool of appropriation it is not utilized for one specific purpose. The objective is to stabilize taxes. He continued that he didn't see a problem next year as the borough will continue to build surplus. The municipal tax rate of .542 in 2018 buys more than the 2017 tax rate. The borough is giving back to the tax payers and is in a better position than in 2013, 2014 & 2015. Ms. Krzyzczuk responded regarding the CDL drivers in the sewer budget: the seven salaries were not full salaries but a fraction of each salary.

Councilman Bonnell commented that he was not comfortable with the budget, he stated that he had prepared a budget which would avoid the \$100K in increase spending. He expressed concerns regarding the utilization of an extra \$200K in surplus as you can't get that back and you must stay at that level without a significant increase in revenue. He stated that there was a 27% increase in use of surplus since 2013.

Mayor Engelstad responded to Councilman Bonnell stating that he had proposed cuts relating to salaries which were negotiated in union contracts. The Mayor asked Mr. Bonnell if he had spoken to the DPW Superintendent regarding the proposed cuts to his budget. Ms. Krzyzczuk stated the Councilman proposed cuts in negotiated contracts which are not permitted. She continued that he had cut the DPW budget by \$40K. Councilman Bonnell responded that the cuts to DPW were the overall DPW budget. Councilman Bonnell suggested taking the \$40K out of another area of the budget. He continued that he did not have enough time to review the budget. Ms. Krzyzczuk stated that she had answered all of the Councilman's questions/concerns through emails.

Julie Nutaitis, 605 Newark Avenue expressed concerns regarding a miscommunication between

the departments and governing body relating to the budget process. She suggested delaying the adoption of the budget a week allowing the parties sit down to have a discussion. Mayor Engelstad responded that I can't force people to sit down and have a conversation and there would be no delay.

Thomas Coan, 612 Third Avenue expressed concerns regarding the figures listed on the budget worksheets in March that were not up to date figures. He questioned the line item for remediation of the North Yard Trash Lot. Ms. Barrett responded that the property had tested positive in a small section of the property with low levels of contamination (historic fill). The money was set aside for remediation if needed. She continued, stating that the borough has been in communication with the County and waiting for word back to determine if the County will accept the historic fill at no charge.

Councilman Cotler provided an overview of the 2017 versus 2018 budget he stated that Mr. Coan's calculations if divided equally would increase every property owner's taxes. The municipal tax rate has gone down over the last five years, it had been .546 and is now .542, and the revenue has grown less than 5%. We are trying to maintain tax neutrality and give back to tax payers. He continued that when he took office the surplus was less than \$400K and \$300K was used to balance the budget. At the end of the year surplus was replenished. We have to estimate what we think our bills are going to be, we don't have to spend the total amount of what is budgeted. The monies not spent in the budget roll back into surplus. The school budget has gone up 15% over the last five years and we anticipate the county taxes to be increased. A graph of taxes from 2013 indicate the tax rates have gone down which shows good work by our management and staff as they spend wisely. The governing body works hard to try and make things better and come up with the best tax rate.

Councilman Goldfarb agreed with Councilman Cotler and stated he has dealt with budgets in various municipalities and we had plenty of time to go over the budget. All suggestions and questions were reviewed and answered. He had no problem with how the budget was handled.

Eileen Shissas, 112 Fourth Avenue questioned if the Mayor and Council are able to meet privately to discuss the budget. Mayor Engelstad responded NO, we cannot meet privately.

Thomas Coan, 612 Third Avenue, wished to make a point regarding the new county program which re-assess a portion of the town every year which will cause property values to continue to go up. My property taxes went up 25% in one year.

ON MOTION	by Engelstad/Weber to Close Public Hearing
ROLL CALL	AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
	NAYS: None
	ABSENT: None
	ABSTAIN: None

Mayor Engelstad stated that the Amendment of the Budget addresses the Air Conditioner in Borough Hall and the Fire House Aerial Repair totaling \$18,300.

ON MOTION by Engelstad/Goldfarb to approve the Amendment to the 2018 Budget  
ROLL CALL AYES: Weber Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Resolution 2018-65 Amendment to the 2018 Municipal Budget

ON MOTION by Engelstad/Goldfarb to approve the 2018 Municipal Budget  
ROLL CALL AYES: Goldfarb, Cotler, Engelstad  
NAYS: Weber, Bonnell  
ABSENT: None  
ABSTAIN: None

Resolution 2018-65 Adopt 2018 Municipal Budget

ON MOTION by Engelstad/Goldfarb to approve the Self Examination of the 2018  
Municipal Budget  
ROLL CALL AYES: Goldfarb, Cotler, Engelstad  
NAYS: Weber, Bonnell  
ABSENT: None  
ABSTAIN: None

Resolution 2018-67 Self-Examination of 2018 Municipal Budget

**PROCLAMATION**

ON MOTION by Engelstad/Weber to declare the First Friday in June “National Gun  
Violence Awareness Day”  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Mayor Engelstad declares the First Friday in June to be “National Gun Violence Awareness  
Day”

**ENGINEER’S REPORT**

Mayor Engelstad received an update from the Borough Engineer regarding Municipal Projects  
and stated the following:

Sanitary Sewer Rehab: NJ American Water Company continues their system upgrades.  
Precise Construction continues with system upgrades to the Sanitary Sewer.

Councilman Bonnell provided an update on the roadway clean-up process. He stated that the  
Precise (contractor) is doing an initial sweep for bigger pieces of asphalt and has been working in  
unison with the DPW to keep the roadway clear.

Sylvan Lake Bank Stabilization: the Borough received a grant in the amount of \$161K which must be matched. The next step is to secure funding and complete a Preliminary Assessment and Site Inspection.

Improvements to Riley Park: a grant awarded by the CDBG in the amount of \$142K. Black Rock Construction was awarded the bid and has begun work at the site

**AWARD OF BID**

Hot Dog Pushcart  
No bidder

**APPROVAL OF MINUTES**

ON MOTION by Engelstad/Goldfarb to approve the Regular Meeting Minutes of April 10, 2018

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

**APPROVED MOTION**

ON MOTION by Engelstad/Goldfarb to table the Executive Meeting Minutes of April 10, 2018

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

**TABLED**

**PUBLIC COMMENT**

Stacey Auch thanked the Mayor and Council for moving forward with the Proclamation declaring the First Friday in June “National Gun Violence Awareness Day”.

Thomas Coan, 612 Third Avenue stated that he was in agreement with the amendment to Ordinance 5-9 (Ordinance 2018-7) reducing the meeting notification/agenda requirement from 72 hours to 48 hours. He disagreed with allowing routine matters being added to the agenda with a unanimous vote by members present. He continued that adding to the agenda is an improper way to do business and if people can’t comply with the time frame they shouldn’t be doing business

Mayor Engelstad stated that the borough is not an outlier with this amendment, all municipalities throughout the state add items to their agenda. There may be issues that come up at the last minute and the amendment will allow routine matters being added to the agenda by a unanimous vote.

Councilman Goldfarb agreed with the amendment and gave an example of a routine business matter (Renewal of a Liquor License) that may be delayed by the state which may cause the business owner to miss the deadline of the agenda. The business would have to close and would have to wait at a minimum of two weeks for approval from the council to re-open.

Councilman Weber responded that a Liquor License renewal was a bad example. He continued that a resident may have issues with the liquor license renewal and not see it listed on the agenda and decide not to attend the meeting to voice their concerns. The matter may be added and that resident would not have the opportunity to be heard. He commented that adding items by unanimous vote allows items added when a governing body member is not present and that absent member may be opposed to the matter being added.

Councilman Cotler agreed with allowing items being added to the agenda as the borough meetings are held twice a month and in the fall once a month. This delay may impact an individual or business getting authorization/approvals.

A conversation ensued regarding the process of a liquor license renewal and the steps required prior to posting on an agenda. The Mayor Engelstad wished to reintroduce the amendment reducing the notification/agenda time from 72 to 48 hours and remove adding items to the agenda by a unanimous vote. Mayor Engelstad requested tracking matters that would have been added to an agenda for a six month period and the governing body would revisit the issue in six months' time.

Tim Sexsmith LaReine Avenue, wished to comment on Ordinance 2018-12. Mayor Engelstad responded that the Ordinance had been tabled.

Al Gubitosi, 601 Fourth Avenue, agreed with the governing body's decision not to allow items added to an agenda as it may impact the rights of the residents to be heard on an issue.

#### **ORDINANCE 2018-7**

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

ON MOTION by Engelstad/Weber to table Ordinance 2018-7 and reintroduce with changes

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

#### **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/Goldfarb to open Public Hearing on Ordinance 2018-10  
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 2018-10  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ADOPTED**

**BOND ORDINANCE NUMBER 2018-11**

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO FLETCHER LAKE, BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$208,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$198,000 IN BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

ON MOTION by Engelstad/Weber to introduce Ordinance 2018-11  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**PENDING**

**COMMUNICATIONS**

Authorize - Raffle License(s) NJ Tears, 1102 Sunrise Blvd. East, Suite 112, Puyallup, WA (RL-2018-5) 50/50 On-Prem Raffle - (RL-2018-6) Merchandise On-Prem Raffle

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

**CONSENT AGENDA**

Resolution 2018-68 BILL LIST

- Resolution 2018-69 Authorizing the Mayor to execute a contract with Black Rock Enterprises, 1316 Englishtown Road, Old Bridge, New Jersey 08857 for the Sanitary Sewer Replacement on the 700 Block of Brinley Avenue in the amount of \$39,926.16
- Resolution 2018-70 Authorizing various Outdoor Cafés
- Resolution 2018-71 Authorizing the Borough Engineer, Gerald Freda, for engineering services for Improvements to Ocean Park Avenue for Phase I and II in an amount not to exceed \$41,000.

## **ADOPTED**

### **MAYOR AND COUNCIL REPORTS**

Councilman Weber provided an update on the Department of Community Development. He announced Happy Earth and Arbor Day. He commented that the borough's Shade Tree Commission was disbanded and stated some towns have a Shade Tree Commission which is a part of the Environmental Commission. He expressed concerns regarding the trees in town and the future of the borough's trees. The Environmental Commission had presented a successful film "Plastic Ocean" and fifty people attended. He continued in reference to the BBES: the school budget was scheduled to be introduced tonight, school safety will be discussed at the meeting in May, the schools working on Capital projects and students will be making a video on recycling. The school is allowing the Arts Council to utilize the school auditorium for a production of the play "Doubt".

Amanda Wheeler, Environmental Commission stated that the Beach Sweep was a great success with over 100 people participating. Various data was collected to assist with the prevention of litter.

Mayor Engelstad commented on how he was impacted by the film "Plastic Ocean". The Arts Council will be presenting "Doubt" on April 27<sup>th</sup> through the 30<sup>th</sup> at the BBES. The rededication of the Fountain will be held in May. The Church of the Ascension and St. Elizabeth's in Avon are blending into one parish and will share a Pastor.

Councilman Bonnell stated the work has begun in Riley Park and the impervious coverage has been scaled back to allow for more grass and plantings. He thanked the Quality of the Life Committee for their hard work.

Councilman Cotler stated that he had spoken with Biagio and Kelly regarding the street sweeper schedule. He commented on the various services the Answer Team provides and the emergency response of the team. He informed every one of the Town-Wide Yard Sale run by the Ladies Auxiliary the first weekend in May and reminded that all proceed go to the fire department.

Mayor Engelstad provided an update on 811 Ocean Avenue: the tenant has been evicted and he would make sure that a situation similar to 811 will not happen in the future.

Eileen Shissas, 112 Fourth Avenue commented that the DPW has done a wonderful job at the beachfront and commented that the benches need to be addressed. She continued to provide a list of areas throughout the town in need of repairs/improvements.

Alan Gubitosi, 615 Fourth Avenue expressed concerns regarding the collection of trash and recycling. He stated there is litter throughout the borough and we can do something about it. The trash ordinance is not being enforced with the requirement of proper lids and at a minimum the borough can enforce what we have on the books. He mentioned that commercial areas should be required to have screening around their trash cans He was also impacted by the “Plastic Ocean” film.

Councilman Weber stated that in reference to the trash ordinance we can do a better job.

Councilman Cotler stated that the ordinance regarding trash collection and receptacles is not necessarily reasonable or enforceable ordinance for residents. The borough needs to review the ordinance to make it more reasonable and enforceable.

A resident commented that the benches at the beachfront promenade are bowing and suggested the borough purchase a better material.

Jack Gentempo, 103 Fourth Avenue expressed concerns regarding cigarettes butts at the east end of Fourth Avenue being dumped on the sidewalk.

Kathy Martin, Sylvan Lake Commission will be holding a fund raiser on Thursday, May 10<sup>th</sup> (Vic’s Pizza delivery) and flyers will be available at borough hall.

Various residents commented that the improvements to the beachfront look good.

Engelstad/Goldfarb moved to adjourn

ADJOURN 7:20 pm

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KELLY BARRETT RMC, CMR  
Municipal Clerk/Administrator