

## REGULAR MEETING MINUTES

May 14, 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 Schaffer  
Borough Auditor, Gerard Stankewicz  
Municipal Clerk/Administrator Kelly Barrett  
Deputy Municipal Clerk, Erica Kostyz

ON MOTION by Engelstad/Goldfarb to remove the appointment of Anthony Badalamenti Probationary/Academy Police Officer from the consent agenda

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

ON MOTION by Engelstad/Goldfarb to appoint Anthony Badalamenti as a Probationary/Academy Police Officer to the BBPD

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

**Resolution 2019-92** Authorization to appoint Anthony Badalamenti as a Probationary/Academy Police Officer to the BBPD

**BID OPENING No Bids Received**

ON MOTION by Engelstad/Bonnell to withdraw/reject the RFP/Bid requests for a Healthy Food Truck Concession at the beachfront

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

ON MOTION by Engelstad/Cotler to approve the Regular Meeting Minutes of April 23, 2019

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

**APPROVED**

**PUBLIC COMMENT**

Alan Rappaport, 512 Newark Avenue, stated that he had questions regarding the Inter local agreement with Neptune City (lodging prisoners) and the borough's responsibility.

Ms. Schaffer responded that the Council would be entering into an executive session prior to the Council voting to discuss the agreement as it pertains to confidentiality, public safety and a potential contract. She stated that the public would have another opportunity to make a comment regarding the Inter local agreement with Neptune City after the vote is taken.

Tim Sexsmith, 500 LaReine Avenue, questioned why a separate appropriation for street signs was on the agenda.

Mayor Engelstad responded that a vote is required for all appropriation and new street signs will create uniformity as we currently have three (3) different variations of street signs throughout town.

Thomas Coan, 612 Third Avenue, stated that new street signs were purchased a few years ago. He was displeased that the agreement with Neptune City (lodging prisoners) was not discussed at a borough meeting prior to him reading about it in the paper.

Ms. Schaffer responded that the Mayor and Council of Bradley Beach will be voting on entering into an agreement this evening.

**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 table Ordinance 2019-14  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ORDINANCE 2019-6**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 142, BUILDINGS, MOVING OF; STORAGE SHEDS AND CHAPTER 450, STORAGE SHEDS

ON MOTION by Engelstad/Goldfarb to open the public hearing for Ordinance 2019-6

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

**Public Hearing**

Thomas Coan, 612 Third Avenue, commented that he was in agreement with adopting Ordinance 2019-6

ON MOTION by Engelstad/Goldfarb to close the public hearing and adopt Ordinance 2019-6

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

**ADOPTED**

**ORDINANCE 2019-8**

AN ORDINANCE OF THE BOROUGH OF BRADLEY BEACH CORRECTING A SCRIVENER’S ERROR IN §450-29.1 GENERAL BUSINESS WEST ZONE

ON MOTION by Engelstad/Goldfarb to open the public hearing for Ordinance 2019-8

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

**Public Hearing**

Thomas Coan, 612 Third Avenue, stated that he disagreed with Ordinance 2019-8 being a scrivener’s error. He suggested additional changes being made to the ordinance.

ON MOTION by Engelstad/Goldfarb to close the public hearing and adopt Ordinance 2019-8

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

**ADOPTED**

**ORDINANCE 2019-15**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 365, ENTITLED "RENTAL PROPERTY,"

ON MOTION by Engelstad/Cotler to introduce Ordinance 2019-15 with the stipulation that the inspection fees be reviewed to determine if the fees cover the cost of the inspections

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

**PENDING**

**Communications**

ON MOTION by Engelstad/Weber to move Raffle License No 2019-5 to the Consent Agenda

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

ON MOTION by Engelstad/Cotler to move Raffle License No 2019-6 to the Consent Agenda

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

ON MOTION by Engelstad/Weber to move the request of a St. James Episcopal Church sign to the Consent Agenda

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

ON MOTION by Engelstad/Weber to Open the Public Hearing on the 2019 Municipal Budget

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

Mayor Engelstad stated that we are holding the public hearing on the 2019 Municipal Budget this evening. However, there will be no vote tonight on the adoption of the budget as the state has not completed its required review. He made the following comments on the proposed budget: The amount of dollars to be raised by taxation for the budget is decreasing and spending is also down a small amount. We will be utilizing reserve funds at a similar level as 2018 while still leaving a comfortable balance. The beach budget is tight but I expect our beach revenue to exceed 2018's revenue. The sewer budget contains no increase in taxes while we continue upgrades to our sewer system. There are various entities that make up your property tax bill and the municipal portion is the only one reflecting a decrease.

Councilman Bonnell stated that the budget statement on the website is misleading as it reflects a minimal increase in municipal property taxes from 2015 through 2018 but it doesn't include the significant retired debt. The retired debt stayed in the budget and has been redistributed. We need to focus on appropriations and should conduct an exercise of a zero base budget. We should look at what was spent and base the budget on spending. When you add the \$212K increase in general surplus you are close to one million dollars. He mentioned that a fair amount of new debt service was added in 2018.

Councilman Weber stated we continue to over estimate how much it costs to run the town and under estimate the funds collected through taxation. This causes us to do a "crazy dance" with surplus, where we could utilize less or to a lesser extent. We could have done a better job in the budget with appropriations.

Councilman Goldfarb stated his main concern is taxes and the municipal taxes remain flat. The borough has not cut services to the residents and we continue with large improvement projects.

Councilman Cotler stated that his goal as a member of the governing body was to be fiscally responsible and we have achieved that goal. The borough is bonding less and is using cash more often for purchases. The departments do a good job of keeping spending down. The borough has discretion over approximately one million dollars out of a nine million dollar budget. The majority of the budget relates to contractual agreements, health insurance, retirement, etc. and the small portion that we have control over is managed well. The town has improved over the years and continues to improve.

Alan Gubitosi, 615 Fourth Avenue, commended the governing body for their accomplishments. He expressed concerns regarding over estimating appropriations and under estimating the taxes collected. He requested the governing body look at the non-recurring expenses in the budget.

Thomas Coan, 612 Third Avenue, expressed concerns regarding the significant amount of surplus that will be utilized in the budget. He questioned the amount of surplus left in the beach budget. He was displeased with the amount of time the public had to review and comment on the budget.

Mr. Stankewicz responded that surplus is utilized to minimize the tax impact on the tax payers. He stated that most of the surplus (fund balance) in the beach budget would be utilized to balance the beach portion of the budget due to two bad summers in a row.

Terry Wright, 406 Madison, stated that he was pleased with the budget and couldn't believe the comments that were made. He continued, it is better to have a healthy surplus in the event we fall short on funds.

Jim Byrnes, 401 Fifth Avenue, commended the Mayor and Council on the budget and keeping taxes flat. He agreed with Councilman Bonnell suggestion of an exercise in a zero based budget. He recommended the borough enter into additional shared service agreements and look at the High School district to regionalize the school.

ON MOTION by Engelstad/Goldfarb to close the public hearing  
on the 2019 Municipal Budget

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

ON MOTION by Engelstad/Bonnell to approve the Consent Agenda

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

#### CONSENT AGENDA

- Resolution 2019-93** Authorized an Amendment to the 2019 Municipal Budget
- Resolution 2019-94** Authorized a sewer cancellation at 103 Park Place Ave (Block 25 Lot 8)
- Resolution 2019-95** Authorized a sewer utility bill refund for 103 Park Place Avenue (Block 25 Lot 8) in the amount of \$93.76
- Resolution 2019-96** Authorized new billing for a sewer utility at 212 Evergreen Avenue (Block 75 Lot 17) charge of \$562.50
- Resolution 2019-97** Authorized a change in sewer utility billing at 300 Main Street (Block 60 Lot 22) charge of \$187.50
- Resolution 2019-98** Authorized a tax appeal refund at 610 Ocean Park Avenue (Block 20 Lot 14) in an amount of \$1,508.56
- Resolution 2019-99** BILL LIST
- Resolution 2019-100** Authorized an agreement with NJ Transit for the 2019 Summer Beach Promotion
- Resolution 2019-101** Authorized an Outdoor Café license – Tuscany by the Sea, 314 Main St.
- Resolution 2019-102** Authorized an Outdoor Café license - Bamboo Leaf Thai Eatery, 722-724 Main Street
- Resolution 2019-103** Authorized a retirement payout to Edward Scott, Bradley Beach Police Officer in an amount of \$86,529.52
- Resolution 2019-104** Authorized the appointment of Special Class I and Class II Police Officers to the BBPD

- AUTHORIZED** Raffle License No. 2019-5  
Bradley Beach First Aid Squad, Off Premise 50/50 May 29<sup>th</sup> through September 2, 2019, Drawing on October 2, 2019 at 725 Main Street.
- AUTHORIZED** Raffle License No. 2019-6  
Bradley Beach Fire Department, Off Premise 50/50 May 29<sup>th</sup> through November 28, 2019 – Drawing on November 29, 2019 at 815 Main Street (APPROVED \$20.00 BOROUGH FEE WAIVED).
- AUTHORIZED** The installation of a sign on the corner of Fourth and Ocean Avenue(s) 24” x 30” directing to St. James Episcopal Church.
- APPROVED**

Councilman Weber stated that he had requested a full time Code Officer when we were conducting interviews for the position and was advised that one wasn’t needed. Pat Allan is one of the highest paid employees in the borough and could pay someone less money to check lids on trash containers, etc.

Mayor Engelstad stated that Pat Allan has been assisting the Code Officer for quite some time and his appointment as Asst, Code Officer will be a benefit to the borough. He clarified that the previous Code Officer was a full time employee but not a full time code Officer as he held additional titles.

ON MOTION by Engelstad/Goldfarb to appoint Patrick Allan, Asst. Code Officer through December 31, 2019

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

**Resolution 2019-105** Authorized the appointment of Patrick Allan as Assistant Code Officer through December 31, 2019

Mayor Engelstad stated that an artist has offered to paint a mural for Bradley Beach free of cost. The mural will be located on the west side of Jersey Shore Fitness, 711 Brinley Avenue.

ON MOTION by Engelstad/Cotler to authorize a mural at 711 Brinley Avenue (west side) “Welcome to Bradley Beach” and the supplies are to be paid out of the tourism budget if the funds are available

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

**Resolution 2019-106** Authorized a Mural “Welcome to Bradley Beach” on the west side of 711 Brinley Avenue at a fee not to exceed \$2,500.

Mayor Engelstad stated that we currently have multiple versions of street signs throughout town. We were looking for a cohesive design and the new signs are similar to the signs at the beach

Councilman Weber suggested in order to save money we should select one variation of the existing street signs rather than replacing all of them.

Ms. Barrett stated that the new signs will incorporate a theme for signs throughout town. We are looking for signs more in line with a beach community as the existing green street signs have a commercial look to them.

Councilman Bonnell stated that we recently purchased DOT approved signs and we should continue with that style rather than changing gears at this juncture.

Councilman Cotler mentioned that Mayor Shrek initiated a program of creating a brand for Bradley Beach. The new street signs will be the borough's brand/theme and will help with identifying our town.

ON MOTION	by Engelstad/Goldfarb to authorize the purchase of new street signs throughout the borough at a fee not to exceed \$6,000.
ROLL CALL	AYES: Weber, Goldfarb, Cotler, Engelstad
	NAYS: Bonnell
	ABSENT: None
	ABSTAIN: None

**Resolution 2019-107** Authorized the purchase of new Street Signs throughout the borough in an amount not to exceed \$6,000. and the sale of the retired Street Signs at a fee of \$10. per sign

Mayor Engelstad stated that he would like to amend the structural engineer review resolution to include \$2,500. reimbursement to the borough.

Councilman Weber stated that this is similar to selling a property in an "as is" condition and the buyer is responsible for inspections.

Councilman Goldfarb stated that a potential buyer wants to know what they are bidding on and that makes all the difference.

Councilman Bonnell stated the renovations of the sump pump station will be very expensive. He suggested having a plan in place prior to the borough spending any more money on the building.

Councilman Cotler stated that you should know what is wrong with your property before you sell it.

ON MOTION Engelstad/Goldfarb to authorize a structural engineer review of the retired sewer pump station in an amount not to exceed \$2,500., and the RFP shall include a \$2,500., reimbursement to the borough

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

**Resolution 2019-108** Authorizing William Doll, PE of Maser Consulting to perform a structural engineering review of the retired sewer pump station in an amount not to exceed \$2,500. and the RFP shall include a \$2,500., reimbursement to the borough

### MAYOR AND COUNCIL REPORTS

Councilman Goldfarb reminded everyone of the Memorial Day Parade on Saturday, May 25, 2019 at 10 am (Bradley Blvd. & Ocean Ave). The borough is honored to have Bob Quinlan as the Grand Marshal.

Mayor Engelstad reminded everyone of the Memorial Day Ceremony on Monday, May 27, 2019 at 10 am in Riley Park. We are fortunate to have a wonderful man, John Tarantino a WWII as our guest speaker. The Bradley Beach Rec Center and PTO will be holding the “Porchfest” on Saturday at May 18<sup>th</sup> at 11 am.

Councilman Weber mentioned he had visited the new “Katora” real estate office. He reminded everyone of the “Hands across the Sand” event Saturday, May 18<sup>th</sup> at 11:30 am. He announced that the Recreation Summer Camp program was now accepting registrations. He advised that Pickle Ball will be held on Tuesday evenings and Bocce Ball will be held on Monday evenings. The Environmental Commission recently mailed out a flyer reminding residents of the trash rules and regulations.

ON MOTION by Engelstad/Goldfarb to go into executive session to discuss a matter concerning confidentiality, public safety and a contract

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

**Resolution 2019-109** Authorized an executive session to discuss a matter concerning confidentiality, public safety and a contract.

ON MOTION by Engelstad/Goldfarb to go reopen the meeting

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

ON MOTION by Engelstad/Goldfarb to approve the Interlocal Agreement with Neptune City to lodge prisoners

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

**Resolution 2019-110** Authorized the Mayor to execute an Inter-local Service Agreement with the Borough of Neptune City for the use of the Borough's holding System for prisoners.

## **PUBLIC COMMENT**

Alan Rappaport, 512 Newark Avenue, asked what was able to be disclosed from the executive session. He commented that he had concerns regarding a large number of individuals being arrested at the same time and the impact to the businesses on Main Street with prisoners being transported on Main Street.

Ms. Schaffer responded that the Interlocal Agreement would include temporary housing in our cells of the Neptune City prisoners at a fee of \$12K for the first year with a 5% annual increase.

Thomas Coan, 612 Third Avenue, expressed concerns regarding the public's lack of knowledge of a pilot program (lodging prisoners). He was displeased that at the last meeting the governing body added an item to the agenda. He continued, that he had sued the borough in the past for adding items to the agenda.

Julie Nutaitis, 605 Newark Avenue, stated that she was displeased with the look/style of the "Empanada Guy's food truck. She expressed concerns with moving forward with the retired sump pump building at the beachfront without first having a plan in place.

Stacey Calimero, 314 Main Street, requested an area be designated at the tag booths to advertise the restaurants on Main Street. She requested an update on the Giamanno's project on Main Street and would like additional parking in the area.

Mayor Engelstad responded that the borough is assessing the legal options at the Giamanno's project.

Mr. Capinegro, 314 Main Street, stated that in his opinion the borough should negotiate more money from Neptune City for the Interlocal Agreement.

Terry Wright, 406 Madison Avenue, stated that the \$2,500. is not a lot of money to conduct an engineering review of the retired sump pump building. The Neptune City agreement is a law enforcement issue and the public comments should not determine the agreement. I have never witnessed prisoners being taken into custody on Main Street, the police handle the processing of prisoners correctly and discreetly.

Bill Psiuk, 110 Fifth Avenue, suggested the sidewalks be opened at the Giamanno's location on Main Street for additional parking.

Mayor Engelstad responded that we are doing everything we can do legally.

Jim Byrnes, 401 Fifth Avenue, stated that he was in agreement with spending \$2,500 for an engineer review of the retired sump pump station. He continued, the borough is going in the right direction with an additional shared service agreement

Engelstad/Goldfarb moved to adjourn

ADJOURN 9:00 PM

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KELLY BARRETT RMC, CMR  
Municipal Clerk/Administrator