

REGULAR MEETING MINUTES  
**June 12, 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 Michael DuPont  
Gerald Freda, Borough Engineer  
Municipal Clerk/Administrator Kelly Barrett  
Chief Financial Officer Gail Krzyzyczuk  
Deputy Municipal Clerk Erica Kostyz

Mayor Engelstad provided the Engineer’s Report

**Sanitary Sewer Rehab** – Precise Construction has suspended work for the summer months.

They will resume the project the day after Labor Day and there will be no remobilization charge to the borough.

**Sylvan Lake Bank Stabilization** - The Borough has received a grant in the amount of \$161K, which must be matched. The next step is to secure the project funding and complete a Preliminary Assessment and Site Inspection. DEP permits have been received and the design phase has been completed.

**Riley Park** – Black Rock Enterprises (Contractor) continue to work at the site.

ON MOTION by Engelstad/Bonnell approve the Regular Meeting Minutes of May 22, 2018

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

**APPROVED MOTION**

**PUBLIC COMMENT**

William Psuik, 110 Fifth Avenue, raised questions regarding the introduction of Ordinance 2018-19 as this (construction site maintenance) was one of the ten items referred to the Planning Board for review during the reexamination of the Master Plan. He stated that the board is currently working on the list and it should be finalized at the next Planning Board meeting. He continued that in his opinion construction maintenance is Planning Board’s job to review as it falls under construction. Mayor Engelstad responded that this Ordinance addresses common sense issues

and it was a pet project of Councilman Bonnell and he has worked with the Code Officer to create the ordinance. The Mayor continued, this ordinance is on for introduction and you may bring any additional concerns at the next meeting during the public hearing portion prior to the ordinance being adopted. Councilman Weber stated that this issue does not fall under the purview of the Planning Board. A discussion ensued between Mr. Psuik and Code Officer Curry regarding the regulations and maintenance of construction sites. Mr. Psuik commented that he had concerns regarding granting a “waiver” on a Planning Board of Board of Adjustment approval.

Mr. Psuik questioned the resolution authorizing the Mayor to execute a contract with the Passion Group to conduct the Lobster Fest event. Mayor Engelstad responded that the event was cancelled as a result of the Chamber of Commerce (sponsor of the event) failing to file the proper documentation with the state. He continued that the Borough was stepping in to assist which will allow the event to continue. He commented that it was Councilman Bonnell’s idea for the borough to help. A meeting was held between the Mayor Engelstad, Councilman Bonnell and Richard Tarzian of the Passion Group and a verbal agreement was made where the Borough would receive 50% of the profits. David Brown, Borough Qualified Purchasing Agent was consulted and he approved the agreement. Mr. Psuik questioned Mr. Bonnell on voting no to the event on June 6<sup>th</sup> and on June 7<sup>th</sup> proposing the Borough step in and take over the event. Councilman Bonnell stated that he did not vote no to the event but no because proper procedures were not followed. He continued that he has reviewed the Passion Groups financials and is confident with a 50-50 split. Mr. Psuik expressed concerns regarding comments made by Councilman Bonnell previously when he jokingly stated that he had heard in the past the borough was crooked.

Joe Kulick, Monmouth Avenue, raised a questioned regarding the news racks at the train station and whose property the racks are on. Ms. Barrett responded that it is transit property.

Henry Machos, 209 Third Avenue, expressed concerns regarding an article in the “Coaster” quoting Mayor Engelstad “We have the votes for the Lobster Fest” for the Borough to enter into a contract with the Passion Group. He continued that these comments should not be made to the paper it should be held for a vote at a meeting.

Eileen Shissias, 112 Fourth Avenue, requested the governing body restrict the vendors parking on the first and second blocks to Ocean Avenue during the Lobster Fest event as the vendors take up all of the parking spaces.

Thomas Coan, 612 Third Avenue, commented that Mr. Machos made a good point and questioned if a private or virtual meeting was held regarding the Lobster Fest resolution. He continued that David Brown is the boroughs Qualified Purchasing Agent why are we using him as we are not purchasing anything. He stated if the borough enters into a contract with the Passion Group the borough would be in violation with the bidding law requirements.

Mayor Engelstad responded that there was not meeting and the comment made to the paper was an off handed remark.

Mr. DuPont responded that Mr. Brown had provided a memo to the borough recommending the borough procure the Passion Group under N.J.A.C. 5:34-9.4.

Mr. Coan, 612 Third Avenue, stated that he disagreed with Mr. Brown's decision.

Kelly Barrett, Municipal Clerk/Administrator stated that she wished to clarify comments/concerns made at the last meeting regarding the borough not following proper procedure with the filing of a social affairs permit. Ms. Barrett stated that a social affairs permit is only permitted to be filed online, the applicant applies to the Alcohol Beverage Control (ABC). The application received by the ABC is forwarded to the municipality for review/inspection by the Municipal Clerk and Chief of Police. The municipality is only to respond within an objection within a 7 days. The online application has language stating that the application must be endorsed by the Clerk and Chief of Police, however, there is no ability to endorse an online application at this time. The language was taken from the paper application. The ABC has provided a written statement to me and it is available for public view which states an online application does not allow for an endorsement/signature.

Thomas Coan, 612 Third Avenue, questioned Ms. Barret if she reviewed the application and if she had sent a letter to the ABC stating that she had reviewed the application.

Ms. Barrett responded that the application was reviewed, however no letter was sent as it is not a requirement of the state to provide a letter.

Mayor Engelstad stated that it appears Mr. Coan has been on a mission to eradicate the Lobster Fest event. As he had information regarding the Chamber of Commerce failing to file proper documents for quite some time and did not bring it to the borough's attention.

Thomas Coan, 612 Third Avenue, responded that he has made statements in the past and had been dismissed. He continued that members of the audience are also dismissed and this is a form of bullying.

Alan Gubitosi, 615 Fourth Avenue, stated that he acted last year on behalf of the Borough during negotiations with the Passion Group for the Lobster Fest event. Mr. Coan brought to my attention at that time that the Chamber of Commerce was officially licensed, one year later there has been no change. He expressed concerns regarding the discourse with the governing body and audience members when questions are raised regarding the process. He continued, it is important that the proper process be followed in accordance with the law and it has not been clarified if the Borough has followed the process properly by entering into a contract with the Passion Group. He continued that he understands why legal action is taken against the borough.

### **ORDINANCE 2018-13**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER THREE HUNDRED AND FOUR, SECTION TWO, NEWSPAPER DISTRIBUTION BOXES, DEFINITIONS**

ON MOTION by Engelstad/Goldfarb to open Public Hearing on Ordinance 2018-13  
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 2018-13  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ADOPTED**

**ORDINANCE 2018-14**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER THREE HUNDRED AND FOUR, SECTION EIGHT, LOCATION AND PLACEMENT OF NEWSRACKS

ON MOTION by Engelstad/Weber to open Public Hearing on Ordinance 2018-14  
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/Bonnell close the Public Hearing and adopt  
Ordinance 2018-14  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ADOPTED**

**ORDINANCE 2018-15**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER THREE HUNDRED AND FOUR, SECTION EIGHT, LOCATIONS AND PLACEMENT OF NEWSRACKS

ON MOTION by Engelstad/Goldfarb to open Public Hearing on Ordinance 2018-15  
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 2018-15  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ADOPTED**

**ORDINANCE 2018-18**

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2016-5 (WHICH PROVIDES FOR OCEAN PARK AVENUE ROADWAY IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON FEBRUARY 9, 2016, TO INCREASE THE APPROPRIATION BY \$55,000

ON MOTION by Engelstad/Weber to open Public Hearing on Ordinance 2018-18  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Public Hearing:

Michael McCarthy, McCabe Avenue commented that funds from the beachfront may be utilize to save money as the roadways are a thoroughfare to the beach.

Mayor Engelstad responded that the funds are coming from a DOT grant.

ON MOTION by Engelstad/Weber to close the Public Hearing and adopt  
Ordinance 2018-18  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ADOPTED**

**ORDINANCE 2018-19**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER THREE HUNDRED FIFTY, SECTION FIVE, CONSTRUCTION MAINTENANCE

ON MOTION by Engelstad/Weber to introduce on Ordinance 2018-19  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**PENDING**

**Communications added to the Consent Agenda**

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

A request from Davey SKY Surfboards to conduct surfboard demos on Third Avenue surf beach similar to last year and authorization for use of a 10X10' canopy tent. Dates requested: 6/30, 7/7, 7/8, 4/14, 7/21, 7/29, 8/4, 8/5, 8/18 & 8/26 weather permitting

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

A request from non- profit Rally Cap Sports to conduct a volley ball program on Cliff Avenue beach on Wednesdays 6/20/18 through 8/8/18 from 6:30-7:30 pm (use of borough's nets).

Councilman Weber wished to confirm with Ms. Barrett that the Liquor License Renewals filed the required paperwork and in a timely manner and that the Outdoor Café permittee was advised of the requirement to keep the walkways clear for pedestrians.

Ms. Barrett responded that all of the Liquor License Renewals listed on the Consent Agenda had properly filed the required paperwork and in a timely manner. The Outdoor Café permittee is reminded to keep the walkways clear for pedestrians.

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 2018- 82 Authorizing the cancellation of sewer charges for the 3<sup>rd</sup> and 4<sup>th</sup> quarter of 2018 at 212 Evergreen Ave Blk 75 Lot 17
- Resolution 2018-83 Authorizing new sewer billing at 204 Second Avenue Blk 67 Lot 11
- Resolution 2018-84 Authorizing a sewer line being capped off at 200 Bradley Blvd. Blk 77 Lt5
- Resolution 2018-85 BILL LIST
- Resolution 2018-86 Authorizing a Liquor License Renewal for Gladys & Carlotta, Inc. T/A Bradley Liquors 618 Main Street
- Resolution 2018-87 Authorizing a Liquor License Renewal for Shore Wine & Liquors, 810 Main Street
- Resolution 2018-88 Authorizing a Liquor License Renewal for UVA Restaurant, 800 Main Street
- Resolution 2018-89 Authorizing a Liquor License Renewal for Portuguese Shamrock LLC T/A Elbow Room, 416 Main Street
- Resolution 2018-90 Authorizing a Liquor License Renewal for Vic’s Restaurant, 60 Main Street
- Resolution 2018-91 Authorizing a Special Event for the Ladies Auxiliary, “Fall Festival” in Riley Park on Saturday, September 8, 2018 from 9 am – 3 pm (Set up 9/7/18 at 7 pm)
- Resolution 2018-92 Authorizing an Outdoor Café at Pizza on Main, 812 ½ Main Street
- Resolution 2018-93 Authorizing the Mayor and Borough Clerk to retain the services of Stern & Dragoset Appraisal Group, Inc.at a fee of \$1,700. and Jordan Real Estate Group to provide appraisal services at a fee of \$1,750.

**ADOPTED**

ON MOTION by Engelstad/Bonnell to approve Rescinding Resolution 2018-13  
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: Cotler

- Resolution 2018-94 Authorizing the rescission of Resolution 2018-13 granting approval to the Chamber of Commerce to sponsor the Lobster Fest event on June 23 & 24 at the beach front promenade

**ADOPTED**

Councilman Weber stated that he was voting NO to Resolution 2018-95 as he was looking out for the people of Bradley Beach not the Passion Group.

Councilman Cotler referred a question to the Borough Attorney regarding his ability to vote on the Lobster Fest (Resolution 2018-95). Mr. DuPont responded that he may vote as there was no conflict.

ON MOTION by Engelstad/Bonnell to approve Resolution 2018-95

ROLL CALL AYES: Goldfarb, Bonnell, Cotler, Engelstad

NAYS: Weber

ABSENT: None

ABSTAIN: None

Resolution 2018-95 Authorizing the Mayor to execute an agreement with the Passion Group to organize the Lobster Fest event on June 23<sup>rd</sup> & 24<sup>th</sup> at the beachfront promenade

## **ADOPTED**

### **MAYOR AND COUNCIL REPORTS**

Councilman Weber commented on the success of the Memorial Day Parade, however he was disappointed by the lack of containers for recyclables during the event and was hopeful that there would be recyclable containers on Ocean Avenue for future events. He provided the following updates: The BBES 8<sup>th</sup> graders went to Washington DC on the class trip and all had a good time and the last day of school is June 21<sup>st</sup>. The Environmental Commission continues to visit businesses to discuss the banning of plastic bags with an option for the merchants charging a fee to offset the cost of the bags. The Environmental Commission had a representative from the Asbury Park Shade Tree as a guest speaker at the meeting. He stated that the Bradley Fresh Market is held at the beachfront while Riley Park is undergoing improvements and would like to see additional signage advertising the event. He continued that he was disappointed that the "Lobster Fest" name was copy righted by the Passion Group when it is held in Bradley Beach. He thanked David Brown, QPA for his guidance. He commented that he would like to see the borough be as nice on the inside as it looks on the outside.

Councilman Goldfarb provided the Fire Departments first quarter report. He announced the borough has received a check from FEMA in the amount of \$307K for reimbursement of the beachfront railings.

Councilman Bonnell commented that he would like to see the Mayors Clambake held next year and stated that it was a good project for the Quality of Life to organize.

Councilman Cotler provided the First Aid Squads first quarter report. He thanked everyone for coming out to the meeting and encouraged everyone to recycle. He thanked Councilman Goldfarb and Chief Guida for all the work involved to receive the reimbursement from FEMA \$307K.

Mayor Engelstad commented on the success of the Memorial Day Parade and stated that we were honored to have first lady Tammy Murphy participate. He thanked Mr. Winters and Mr. Quinlan for speaking at the ceremony. He announced the opening of the new brewery on Main Street and mentioned the one person missing from the grand opening John McLoughlin who recently passed away.

**PUBLIC COMMENT**

William Psiuk, 110 Fifth Avenue questioned if the Hula Grill Concession received approval for placing tables and chairs on the beachfront promenade. Ms. Barrett responded, yes, they have received approval.

Joe Kulick, Monmouth Avenue commented that the train station is overlooked and there is garbage and debris all over the train stations. He questioned if vehicles parked in driveways blocking the sidewalk are ticketed.

Lt. Bianchi responded that vehicles blocking the sidewalk are ticketed.

Dave McAllister, 700 Main Street (Buttered Biscuit) commented that the 15 minute parking signs in front of Borough Hall are confusing and his customers are receiving tickets. Mayor Engelstad responded that the signs would be addressed.

Julie Nutaitis, 605 Newark Avenue commented that the construction at 803 Main Street has stopped. She continued that there should be more over sight and time lines for construction projects.

Bryant Curry, Officer Enforcement Officer responded that 803 Main Street have a valid construction permit , however, he will reach out to the contractor for an update.

Councilman Goldfarb stated that the dumpster at 803 Main Street has not been emptied and may create a health hazard.

Thomas Coan, 612 Third Avenue congratulated the borough on the receiving the \$307K from FEMA and questioned if the money was to be applied to the bond.

Gail Krzyzczuk, Chief Financial Officer responded, the money received will pay down the bond.

Richard Despins, 600 Third Avenue, stated that he opposed the Lobster Fest event however, he congratulated the governing body in stepping in to help the event. He raised concerns regarding the progress relating to the Riley Park Improvements and the lack of events being held in the park.

Mayor Engelstad responded that events will be held in the park once the improvement project is completed.

ON MOTION            by Engelstad/Bonnell moved to adjourn

Adjourn: 7:50 pm

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Kelly Barrett, RMC, CMR  
Municipal Clerk/Administrator

