

REGULAR MEETING MINUTES

July 23, 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.

Mayor Engelstad requested a moment of silence for the passing of Councilman Cotler's mother.

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
Mayor Engelstad
Borough Attorney Marguerite Schaeffer
Municipal Clerk/Administrator Kelly Barrett
Chief Financial Officer Gail Krzyzczuk

CEREMONIAL

Mayor Engelstad recognized Robert "Bob" Rosenberg, Assistant Chief Lifeguard for fifty (50) years of service to the borough.

WORKSHOP DISCUSSION – Main Street Trees

Mayor Engelstad began the workshop discussion regarding the trees located on Main Street. He stated that as per the ordinance the property owner is responsible for the trees and there are currently several empty tree wells on Main Street. He continued, I would like to see uniformity on Main Street by the borough taking over responsibility of the trees. The issue is should the borough plant new trees in the empty wells or wait until the sidewalks are replaced. He raised a question for the governing body to consider, "Should we change the ordinance making the borough responsible for the trees in town"? He stated that he did away with the Shade Tree Commission because they had veto powers and the property owners became frustrated with the process taking too long. He continued, I don't have a problem with establishing some form of a tree advisory committee but do not want the committee to have the final say.

Councilman Weber expressed concerns regarding the removal of trees throughout town that have not been replaced. He stated that it was his understanding that the Shade Tree Commission was not working well. However, the borough has the ability to re-write the ordinance regarding the powers of the Shade Tree Commission and the Commission will shield the borough from liability. He stated that the State Division of Forestry has an accredited program that will enable the borough to apply for grants. The borough also has the option to establish a citizen group "Tree Board" which will have advisory powers.

Councilman Goldfarb stated that one of the issues with the Shade Tree Commission was that there was not enough volunteers.

Mayor Engelstad requested the Borough Attorney review the current ordinance, look at other town's ordinances and prepare draft language for the council to review. He would like to resurrect a tree committee with the borough having the final say.

Councilman Bonnell agreed with all of the comments made. He stated that now is a good opportunity to plant the type of trees that work best for the borough.

Councilman Goldfarb agreed with planting the trees now prior to sidewalk repair or replacement.

Ms. Schaffer stated that she would look at Shade Tree commissions in other municipalities and provide options to the governing body.

Mike McCarthy, 604 ½ McCabe Avenue, stated that he has had issues in the past with the Shade Tree Commission, it took him three years to get approval to remove a problem tree.

Al Gubitosi, 615 Fourth Avenue, thanked the Mayor for addressing the tree issue in town. He agreed with re-establishing a Shade Tree Commissioner or a Tree Board as long as the borough maintains control. He stated that he would like the borough to meet with a professional before implementing a plan.

Eileen Shissas, 112 Fourth Avenue, stated that she believed experts should be consulted prior to moving forward with a plan.

Henry Machos, 209 Third Avenue, stated that the property owner should decide if they want a tree in front of their home.

Thomas Coan, 612 Third Avenue stated that he was unaware the borough was planning on replacing the sidewalks on Main Street. He was displeased as he paid for new sidewalks in 1997. He stated that he prunes the trees in front of his property on Main Street and the borough should maintain what we have.

Lauren Egbert 404 ½ Brinley Avenue, stated that trees are an important subject as they are vital to our health and environment. The trees also add to the boroughs atetics and the borough should rely on an arborist for the proper choice of trees.

John Naples, 1009 Ocean Avenue, stated that it had taken him a long time to move three (3) trees on Main Street because it is a state highway. He expressed concerns that some businesses on Main Street cut the trees down without approval.

ON MOTION by Engelstad/Goldfarb to approve the Regular Meeting
Minutes of July 9, 2019
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Engelstad
 NAYS: None
 ABSENT: Cotler
 ABSTAIN: None

APPROVED

ON MOTION by Engelstad/Weber to approve the Executive Session Meeting Minutes of July 9, 2019

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

APPROVED

PUBLIC COMMENT

Thomas Coan, 612 Third Avenue, requested specifics regarding the request from Altice to place the fiber cabinet boxes in the borough.

Mayor Engelstad stated that they are advising the borough that they will be placing a fiber cabinet near 200 Bradley Blvd.

Ms. Barrett stated that Altice has a system wide franchise agreement with the Board of Public Utilities that allow them to place the boxes in the right of way. She presented a photo of the fiber cabinet to Mr. Coan to review.

Mr. Coan, expressed concerns regarding the size of the box and it being placed in front of someone's home. He stated that the size of the cabinet violates the boroughs height ordinance.

William Psiuk, 110 Third Avenue, stated that he didn't have a problem with the fiber cabinet because all of the wires will be underground and moving forward all utilities should be placed underground.

Kathy Martin, 410 Bradley Blvd., expressed concerns regarding the lowering of Sylvan Lake and its impact on the fish.

Mayor Engelstad stated that the lake was being lowered in order to replace the sluice valve and Borough of Avon would be responsible for 50% of the cost.

ORDINANCE 2019-17

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 350, PROPERTY MAINTENANCE AND HOUSING STANDARDS

ON MOTION by Engelstad/Goldfarb to open the Public Hearing on Ordinance 2019-17

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

Public Hearing:

Thomas Coan, 612 Third Avenue, stated that he was displeased that the ordinance was not specific as to the type of material that was to be used when repairing/replacing the sidewalk.

Councilman Weber stated that the borough engineer will determine the type of material that is to be used.

Julie Nutaitis, Newark Avenue, stated that she agreed with Mr. Coan, the ordinance should be specific as to what type of material that shall be used to replace/repair the sidewalk.

John Naples, 1009 Ocean Avenue, questioned who would be paying for the engineer's services regarding the sidewalk replacement.

Councilman Bonnell stated that a sidewalk closure plan was discussed and a set of guidelines would be required during the permit process. He agreed that the requirements should be spelled out.

John Naples, 1009 Ocean Avenue expressed concerns regarding the process and when and who to call for an inspection.

ON MOTION by Engelstad/Weber to close the Public Hearing and Adopt Ordinance 2019-17

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

APPROVED

ORDINANCE 2019-18

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 270, LAND DEVELOPMENT, ATTACHMENT 1:11

ON MOTION by Engelstad/Goldfarb to open the Public Hearing on Ordinance 2019-18

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

Public Hearing: No one wished to speak

ON MOTION by Engelstad/Weber to close the Public Hearing and adopt Ordinance 2019-18

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

BOND ORDINANCE NUMBER 2019-19

BOND ORDINANCE PROVIDING FOR OCEAN PARK AVENUE ROADWAY IMPROVEMENTS (PHASE II), BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$325,000 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$182,250) AND AUTHORIZING THE ISSUANCE OF \$135,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

ON MOTION by Engelstad/Weber to introduce Bond Ordinance 2019-19
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Engelstad
NAYS: None
ABSENT: Cotler
ABSTAIN: None

PENDING

Councilman Bonnell commented that sewer repair was included in the first half of the Ocean Park Avenue Roadway Improvement Plan. He stated that the second half of Ocean Park Avenue Roadway Improvements should include sewer repair. He requested the Borough Engineer prepare a cost estimate of the sewer repair for the second half of Ocean Park Avenue.

ON MOTION by Engelstad/Weber to amend the introduction to Bond Ordinance 2019-19 to include a sewer repair estimate for the second half of Ocean Park Ave
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Engelstad
NAYS: None
ABSENT: Cotler
ABSTAIN: None

PENDING

ON MOTION by Engelstad/Weber to remove the request for Gerald Freda, Borough Engineer to prepare and submit the Monmouth County Open Space grant application for improvements to the horseshoe boardwalk area at the north end of the beachfront promenade from the Consent Agenda as it has already been voted on.

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

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

Resolution 2019-144 BILL LIST

Resolution 2019-145 Authorized Gerald Freda, Borough Engineer to prepare the Sylvan Lake lowering permit and bid documents for replacement of the Sluice Gates in an amount not to exceed \$4,900

- Resolution 2019-146 Authorized the Juvenile Diabetes Research Foundation Walk on Sunday, October 6, 2019 from 10 am – 12 pm on the beachfront promenade
- Resolution 2019-147 Authorized the appointment of Deidre Phillips as Regular Member of the Zoning Board of Adjustment through December 31, 2022
- Resolution 2019-148 Authorized the approval to “Altice” for access to the borough’s right of way for the installation of a fiber cable cabinets at 200 Bradley Blvd.

APPROVED

MAYOR AND COUNCIL REPORTS

Councilman Weber commented on how pleased he was with the discussion regarding the trees in town. He emphasized the cooling benefit from trees.

Councilman Godfabarb, commented on the recent heat wave and how the Office of Emergency Management worked along with the borough staff to provide service and keep everyone safe. He commended the lifeguards on their quick response to someone who had fallen on the jetty.

Councilman Bonnell expressed concerns on behalf of the Quality of Life Committee regarding the limited contact that they have with the Code Enforcement Officer. He suggested a review of the Code Enforcement Officer productivity. He mentioned the maintenance repairs made by the DPW to the Second Avenue park area and repairing the alleyway off of Second Avenue. He requested from the Police Department information regarding the volume being generated from the shared service prisoner detainee agreement with Neptune City.

Police Chief Guida responded that the information would be provided in next the statistical report.

Mayor Engelstad commented that the Office of Emergency Management did a great job getting the word out to residents to watch out for neighbors during the recent heatwave. He mentioned that the borough experienced a few brown outs during the heatwave. He stated that the Department of Public Works had been busy cleaning up after the storm and the Strategic Plan process is working well. He reported that beach badge revenue is up \$106K ahead from last year at this time.

Joe Kulick, Monmouth Avenue, thanked Biagio and Pat from Public Works for how beautiful the beachfront looks and the cleanup after the storm.

William Psiuk, 110 Fifth Avenue, requested an update on the Giamanno’s project and suggested the fence be moved back for a public walkway.

Ms. Schaffer responded, a letter was sent to the party responsible for the Giamanno’s project advising them that the sidewalk shall be opened and failure to do so will result in court summons being issued. They have failed to comply and summons have been issued and will be issued daily until the sidewalk is re-opened.

Thomas Coan, 612 Third Avenue, voiced concerns regarding the comments made by Mayor Engelstad in the paper regarding the increase in property costs and a letter to the editor criticizing Congressman Chris Smith.

Mayor Engelstad introduced the new Library Director Ashley Foglia.

Ms. Barrett provided an update on the Assistant Code Officer's enforcement of improperly placed brush. She continued that he issued twenty three warnings were issued and all but three complied. A total of three summons were issued.

PUBLIC COMMENT

Julie Nutaitis commented that there are various homes in town that are not recycling properly.

Councilman Weber suggested allowing concerned citizen to issue warning notices advising residents that they are not properly complying with the trash/recycling rules.

Ms. Barrett responded that the borough staff will address enforcement.

Henry Machos, 209 Third Avenue, commented that the article in the paper regarding the increased price homes was a good article and one reason was because of the good builders in town.

Al Gubitosi, 615 Fourth Avenue, expressed concerns regarding the enforcement and education regarding the proper disposal of trash/recycling.

ON MOTION by Engelstad/Goldfarb to go into an Executive Session to discuss possible litigation
ROLL CALL AYES: Weber, Goldfarb, Engelstad
 NAYS: Bonnell
 ABSENT: Cotler
 ABSTAIN: None

Mayor Engelstad – No action taken in executive session.

Resolution 2019-149 Authorized an Executive Session to discuss possible litigation

ON MOTION by Engelstad/Goldfarb to reopen the public meeting
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Engelstad
 NAYS: None
 ABSENT: Cotler
 ABSTAIN: None

Engelstad/Goldfarb moved to adjourn

ADJOURN 8:10 pm

KELLY BARRETT RMC, CMR
Municipal Clerk/Administrator