

REGULAR MEETING MINUTES
September 25, 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 Marguerite Schaffer
Municipal Clerk/Administrator Kelly Barrett
Deputy Municipal Clerk Erica Kostyz

PRESENTATION: Memorial Day Committee

George Bachar, Memorial Day Committee Member stated that Memorial Day Committee began in 2006 and the volunteer committee members ran the parade and the event. The Committee has donated over two hundred thousand dollars to various borough departments and non-profit organizations. Harvey Rosenberg, Committee President continued the presentation, stating that the committee in 2017 could no longer run the event on their own so they partnered with the First Aid Squad to run the event. The First Aid Squad hired Sparks Marketing as organizer of the event for the past two years. The Squad and the Committee has not been satisfied with Spark's handling of the event. The Memorial Day Committee has decided to take back control of the event. Mr. Rosenberg stated that the committee is requesting authorization from the governing body to prepare bid specs and advertise with RFP's for two (2) events the Memorial Day and Labor Day Festival.

Councilman Weber questioned why Sparks Marketing was not returning as the organizer of the event. Mr. Rosenberg responded that Sparks did an OK job in 2017 and did a very poor job in 2018.

Councilman Goldfarb and Memorial Day Committee Member stated that Sparks did not run the event up to the Committees standards. He continued that he would abstain from voting on the Committee's request. Ms. Schaffer advised that he did not need to abstain from voting as the Memorial Day Committee is a borough committee and Mr. Goldfarb gains no benefit from the event.

Councilman Cotler suggested partnering with a non-profit in order to have a beer tent for the event as this would provide revenue to the non-profit along with an increase in revenue to the committee. Mr. Rosenberg responded that the committee is open to different options.

Mayor Engelstad thanked the Committee for the presentation and requested the borough attorney review the specifications provided by the committee and prepare an RFP for the Memorial and Labor Day events.

ON MOTION by Engelstad/Cotler to move to the consent agenda the approval for the Clerk and Memorial Day Committee to inform potential vendors that a vote will taken to advertise for a RFP (Memorial & Labor Day event) on October 9, 2018

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

WORKSHOP DISCUSSION

Parking on Newark Avenue

Mayor Engelstad began the workshop by stating that the Newark Avenue parking issue would be discussed. He continued, the parking committee recommended painting the driveway aprons curbing yellow which will prevent vehicles from parking too closely to the driveways. There is also an option to delineate each individual parking space. However, either option will reduce the number of parking spaces on Newark Avenue. A letter was sent to all residents on Newark Avenue advising them of the meeting this evening and asked for their position on this proposal either in person or via email. A total of twenty one (21) emails were received and twelve (12) were opposed and nine (9) were in favor of the proposal(s).

Nadia Romero, 102 Newark Avenue, stated that any painting would make matters worse and it does not make sense. She commented that residents that have a driveway park on the street and leave the driveways open for their friends and family.

Anita Nazario, 116 Newark Avenue, stated painting is going to make a an extremely difficult situation worse and it does not make sense

Rick Bartolomei, 116 Newark Avenue, stated Newark Avenue is a problem three months out of the year and any painting/stripping will make the situation worse. Any form of painting will adversely affect the residents on the first three blocks from the Ocean.

Lenora & Dan Cooperman, 413 Newark Avenue, stated that they are opposed to the stripping/painting. The borough has bigger issues the governing body should concern themselves with. They are opposed to any action that would reduce available parking spaces in town.

Heidi Modjeski, 611 & 614 Newark Avenue, stated she has lived on Newark Avenue for sixteen (16) years. One of her homes has a driveway and the other one does not. She has only had one situation when a neighbor had parked too closely to her driveway and she knocked on their door and asked them to back up a little bit. She is opposed to any painting as it will reduce parking on Newark Avenue and negatively impact the residents and rental properties.

Councilman Cotler stated that he had chaired the parking committee when the idea was raised and brought the idea before the Borough Council. The hard data indicates that there would be a significant loss of parking on Newark Avenue with painting/stripping and he is opposed to the idea.

ON MOTION by Engelstad/Cotler to take no action on Newark Avenue relating to painting/stripping the curbs or roadway

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

Loading Zones

Ms. Barrett provided background information on the loading zones on Main Street. She stated a traffic study was done based on complaints of traffic backups from truck deliveries along with vehicles driving into oncoming traffic in order to get around the trucks. The study was done for approximately one year and a request was sent to the DOT requesting an investigation to determine if the loading zones were warranted. The DOT reported that based on their findings the loading zone was warranted.

Councilman Weber needed clarity as to why the borough was requesting loading zones from the DOT when it was already existing. Ms. Barrett responded, the existing loading zones were a traffic study by the borough to determine if the loading zones were needed and there was no enforcement during the pilot period. The DOT has investigated and the loading zone is warranted. The one hour parking information provided by the DOT was outdated information, as the parking on Main Street is two hour parking

Councilman Goldfarb stated that a loading zone will support the retailers for their deliveries.

Councilman Bonnell stated that he agreed with the creation of a loading zone but does not agree with the location. He suggested adding space by the bus stop so it could also be used as a loading zone.

Councilman Goldfarb stated that he did not believe you can utilize a bust stop and loading zone in one location.

Ms. Schaffer stated that the DOT made the determination and the findings based on the request from the Chief of Police. The DOT assess the area to determine if a loading zone is warranted. She reminded the Borough Council that the resolution they are voting on this evening is to support the DOT's decision. If the borough council does not support the action the DOT may establish the loading zone anyway.

Councilman Cotler asked Lt. Bianchi if a bus stop and loading zone may be co-used, as it would make sense as the buses only come by every 1 ½ hours. He continued it makes sense and would allow for additional parking on Main Street.

Lt. Bianchi responded, NO, you cannot co-use a bus stop with a loading zone.

A discussion ensued regarding the length of the loading zone.

Mayor Engelstad requested the DOT be contacted to request a representative attend a borough meeting to discuss different options for additional parking on Main Street.

ON MOTION by Engelstad/Goldfarb the Regular Meeting Minutes
Of September 11, 2018
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

MINUTES APPROVED

ORDINANCE 2018-25

AN ORDINANCE TO AMEND THE BRADLEY BEACH CODE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY CHAPTER ONE HUNDRED TWENTY THREE, BEACHFRONT AREAS AND ADJACENT WATERS

ON MOTION by Engelstad/Cotler to TABLE Ordinance 2018-25
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Mayor Engelstad stated, the change to Chapter 123 was initiated by a recommendation from the Monmouth County Joint Insurance Fund . He continued that he has had conversations over the last few days regarding the change and based on the feedback, he asked the borough attorney to reach out to the JIF to discuss their recommendations. Ms. Schaffer stated that the JIF merely recommended the change in language from “Swim at your own Risk” to “No Swimming”. She confirmed, the existing language will not increase the boroughs premiums or have us thrown out of the JIF. She did not feel the language change was significant and would not put the borough at a greater liability risk. Ms. Schaffer stated, it is up to the Borough Council to decide on the language. Mayor Engelstad requested the language continue as “Swim at your own Risk” and prepare and introduce the other language changes to Chapter 123 for the meeting of October 9th.

PUBLIC COMMENT

William Psiuk, 100 Fifth Avenue, he apologized for asking questions and having a discussion during the public comment portion of the meeting. He stated, moving forward I will adhere to the rules and only make comments during the public comment portion. He urged everyone in the audience to do the same. He expressed concerns regarding the Cross River telecommunications resolution/agreement and requested a committee to review the agreement prior to approving.

Eric Saltzman, 405 Brinley Avenue, suggested diagonal parking on Main Street, as it will allow for more parking.

Jane DeNoble, 612 Third Avenue, suggested placing a timeframe at the loading zones. Lt. Bianchi responded the loading zone has a timeframe of 8:00 am to 6:00 pm.

Al Gubitosi, 615 Fourth Avenue, commented that the loading zone may not be sufficient to accommodate all of the deliveries on Main Street. He suggested utilizing the 700 blocks for additional loading zones. He expressed concerns regarding the Cross River Fiber telecommunications agreement and requested to be on the committee to review the agreement.

John Naples 506 Ocean Avenue, requested to be placed on the committee to discuss the Cross River Fiber telecommunications agreement.

Ms. Schaffer, stated that the Federal Communications Act limits the municipality's jurisdiction over telecommunications. The borough may tweak the agreement but it cannot be denied or the borough will be sued.

Jim Byrnes, 401 Fifth Avenue, expressed concerns regarding the resolution authorizing \$4,500. for living shoreline, he stated he has never seen a living shoreline work. He provided the clerk with information regarding the Surf rider Foundation's stance on beach access

Dwight Gerdes, 414 LaReine Avenue, expressed concerns regarding the "Swim at your own Risk" language after all of the beach rescues and people who had drowned. He provided a copy of the "Recreation Bathing Law", to the clerk. The law requires beaches to be supervised by trained lifeguards. The proper language is "No Lifeguards, No Swimming" this does not apply to surfers.

Jim Byrnes, 401 Fifth Avenue, commented that municipalities cannot deny beach access.

ORDINANCE 2018-22

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 358, SECTION FOUR "Fee for Single-Use Paper Bags and Reusable Carryout Bags "

ON MOTION by Engelstad/Weber to open public hearing on Ordinance 2018-22

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 2018-22

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

Mayor Engelstad stated that Ordinance 2018-1 and Ordinance 2018-24 go hand in hand. Ordinance 2018-1 removes the notation, "Any and all lots existing on February 1, 2003, shall be deemed conforming with respect to lot width, depth and area". Ordinance 2018-24 protects those impacted by the removal of the notation. He continued, we will be discussing the Ordinances and the Zoning Officer will provide an overview.

George Waterman, Zoning Officer, stated that Ordinance 2018-1 will create a significant number of non-conforming structures throughout the borough. Ordinance 2018-24 Non-conforming Structures", will protect residents when their properties have been damage/destroyed due to natural disaster, fire, etc. Ordinance 2018-24 will also lessen the volume of traffic to the boards seeking variances.

Councilman Weber raised concerns regarding a section of Ordinance 2018-24 which creates a loophole for developers. He stated that he did not want this Ordinance to circumvent the Master Plan.

A lengthy conversation ensued regarding the proposed ordinances.

Councilman Bonnell requested the language be changed to state “existing foot print” versus “existing foundation”. He commented that the existing foundation may be compromised during a natural disaster, fire, etc.

ORDINANCE 2018-1

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER FOUR HUNDRED FIFTY, ATTACHMENT 1:1

ORDINANCE 2018-24

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER FOUR HUNDRED FIFTY, ARTICLE THIRTEEN, SECTION TWELVE

ON MOTION by Engelstad/Bonnell to TABLE Ordinance 2018-1 & Ordinance 2018-24
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

COMMUNICATION

ON MOTION by Engelstad/Weber to approve the request of the First Aid Squad to waive all Planning Board fees (move to the consent agenda)
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ON MOTION by Engelstad/Cotler to authorize Raffle License(s) to the Church of the Ascension (501 Brinley Avenue, October 12, 2018 6-10 pm. RL-2018-7 (Merchandise) & RL-2018-8 (50/50%)
(move to the consent agenda)

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

TABLED: Authorization for an agreement with Cross River to occupy, maintain and operate a telecommunications system in the public rights-of-way for a 10 year term, with renewal option. Allowing the committee to discuss the agreement with the borough attorney.

Councilman Bonnell requested the resolution listed on the consent agenda authorizing Gerald Freda, Borough Engineer to perform additional landscaping at the living shoreline of Sylvan Lake be voted out separately.

ON MOTION by Engelstad/Weber Cotler to authorize the Gerald Freda, Borough Engineer to perform additional landscaping and project coordination for the Sylvan Lake Living Shoreline at a fee not to exceed \$4,500.

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

Councilman Bonnell stated he voted no because he would like to stick to the original plan as changes can be made after the project is complete.

Resolution 2018- 136 Authorizing the Gerald Freda, Borough Engineer to perform additional landscaping and project coordination for the Sylvan Lake Living Shoreline at a fee not to exceed \$4,500.

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

- 2018-133 BILL LIST
- 2018-134 Authorizing a Liquor License Renewal for Manno, Inc. T/A Giamanno's Restaurant 2017
- 2018-135 Authorizing a Liquor License Renewal for Manno, Inc. T/A Giamanno's Restaurant 2018
- 2018-137 Authorizing the hiring of Justin R. Poblete as a Probationary Police Officer of the BBPD
- 2018-138 Authorizing Loading Zone (s) on various locations on Route 71 (Main Street)
- 2018-139 Authorizing Change Order Number II for the Riley Park Improvement Project, decrease in the contract total of \$7,470.50
- 2018-140 Authorizing the Borough Council to donate two 2019 seasonal beach badges to various Bradley Beach non-profit organizations

ADOPTED

MAYOR AND COUNCIL REPORTS

Councilman Weber provided the following, Bridget DeVane, my wife, is a new School Board Member. Jim Shissias, Fourth Avenue, has secured a \$10K donation from the Corporate Wetland Restoration Partnership for improvement to the Maritime Forest. A meeting will be held next month with the DEP to discuss the bulkhead at the south end of town. He thanked the Memorial Day Committee for their donation for re-useable bags.

Councilman Goldfarb thanked the Memorial Day Committee for their hard work. He announced that the borough has received a reimbursement from FEMA in the amount of \$54,518.85. for damages to the Honeysuckle Café during Superstorm Sandy. He stated that the reimbursement was a result of the work out of the Office of Emergency Management.

Councilman Bonnell requested a six year capital plan for the budget. He continued that he had prepared a matrix that outlines the tax increases from municipal and school taxes. He expressed concerns regarding the surplus used over the last five years. He suggested the borough stream line some of the operations in town. He commented that borough spending is better than it has been in the past.

Councilman Cotler commented that he was told in school “You can prove just about anything if you have the opportunity to choose the figures. He stated, when needed surplus is utilized for tax stabilization and since his tenure surplus has grown. The municipal taxes have remained flat over the last three years and surplus continues to grow.

Mayor Engelstad stated that dumping fees for recyclables materials continues to increase. The facility we were taking recyclables to be no longer accepting them. We are now paying more for recycle disposal versus trash disposal. It is frustrating but out of our control.

PUBLIC COMMENT

William Psiuk, 110 Fifth Avenue, commented on the article posted by Councilman Weber on the “Next Door” app regarding dogs on the beach. He stated as an elected official he was wrong to post the article on the internet. He should have contacted the Chief of Police as the article was embarrassing to Bradley Beach.

Councilman Weber responded that the article did not include that he had spoken to the Supervising Officer on duty. My concern was that the ordinance was not being enforced after a lot of work went into amending the ordinance.

George Bachar, Fletcher Lake Avenue, commented that Councilman Weber’s posted several paragraphs on social media stating that police department was not enforcing ordinances and it clearly showed his disdain for the department. He continued that the police department work hard and we should be proud, as they protect and serve the borough. He recommended more safety in the elementary school.

Councilman Weber stated the police officer in the school is the Board of Education’s decision.

Debra Bruynell, 403 Fifth Avenue, stated that she agreed with all the comments made previously and the police department should be supported. She continued that she had been a school teacher for 45 years and would like a police officer in the BBES. She requested a school board member attend a borough meeting to discuss a safety officer in the school.

Al Gubitosi Fourth, 605 Fourth Avenue, questioned if the dog on the beach ordinance is now being enforced.

Lt. Bianchi, responded, Yes, it is being enforced.

Richard Despins, Third Avenue, thanked Memorial Day Committee for all years of service. He stated that he did not agree with having liquor at the Memorial Day event. He commented that he went to the beach and saw several dogs running loose. He suggested additional money budgeted next year to allow for lifeguards after the beaches close for the season.

(8)

Kathy Martin Bradley Blvd, always think before you post anything on social media.

Rick Bartolomei, 116 Newark Avenue expressed concerns regarding the noise ordinance and its enforcement.

Lt. Bianchi stated that the ordinance allowing dogs on the beach as of October 1st is now being enforced and the police department accepts responsibility for the confusion regarding enforcement. He continued that the special officers had received incorrect information from the court as to when the dogs were permitted on the beach.

Mayor Engelstad stated that he takes responsibility for the confusion in enforcement as it happened on his watch.

Engelstad/Goldfarb moved to adjourn

ADJOURN 8:40 pm

KELLY BARRETT RMC, CMR
Municipal Clerk/Administrator

(9)