

REGULAR MEETING MINUTES  
January 28, 2020 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 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: Gubitosi, Sexsmith, Weber  
Mayor Gary Engelstad  
Borough Clerk/Administrator Kelly Barrett  
Deputy Municipal Clerk, Erica Kostyz  
Borough Attorney Gregory Cannon

Mayor Englestad invited Alana Gerdes, 18 year old female resident who will be voting for the first time in the 2020 general election to read the resolution commemorating the Centennial of the Ratification of the 19<sup>th</sup> Amendment.

ON MOTION by Engelstad/Sexsmith authorizing the Commemoration of the 19<sup>th</sup> Amendment

ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

**Resolution 2020-46** Authorized the Borough to recognize the 100<sup>th</sup> Anniversary of the 19<sup>th</sup> Amendment

**APPROVED**

ON MOTION by Engelstad/Gubitosi to enter into an Executive Session to discuss contract negotiations

ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

**Resolution 2020-47** Authorized an Executive Session to discuss contract negotiations.

**APPROVED**

ON MOTION by Engelstad/Sexsmith to reopen the Regular Meeting  
ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

**Workshop Discussion:**

Joseph Monzo, Interim CFO, provided his background, 39 years in Municipal Public Finance and served for one year as Deputy Director of the Division of Local Government Services. Mr. Monzo provided an overview of the Municipal Budget process, which included information on the following:

- March 30<sup>th</sup> deadline for a budget introduction and the April 30<sup>th</sup> deadline for a budget adoption
- Delinquent’s taxes based on a formula.
- The Borough’s 2019 budget was less than the 2012 budget
- Majority of the budget is out of the control of the governing body as it is contractual, debt, insurance, etc.
- Inside and Outside the “CAP”,
- “Cap” Bank,
- Taxation and fund balance keep towns functional

He continued, the Borough’s budget utilized 10% surplus which is a reasonable number, if you replenish your surplus you are ahead of the game. He recommended the governing body select a permanent CFO as soon as possible because it is best if the CFO is involved in the budget process from the beginning.

The Mayor and Council thanked Mr. Monzo for his presentation

**Summer Festivals**

Mayor Engelstad began the “Summer Festival” discussion by providing a background on the Memorial Day and Lobster Fest events. He stated that in 2019 the Borough entered into a two year agreement with the Passion Group to organize the Memorial Day and Labor Day Lobster Fest event(s). The Passion Group sent a letter to the Borough requesting the agreement be amended to allow for one event, eliminating the Memorial Day event and continue with the Labor Day Lobster Fest event. He thanked the Passion Group for their contributions to the Borough in the past. However, their request was not in line with the Borough’s needs and recommended that the Borough exercise the 30 day termination clause in the agreement.

Councilman Sexsmith stated that the members of the Memorial Day Committee had stepped down. He was confident that the Borough would continue with a successful Memorial Day parade. The Borough will figure out a way to generate the revenue needed to cover the cost of the bands.

He continued, people have expressed interest in volunteering to assist with the parade but the borough will continue to look for additional volunteers. He stated that the Passion Group did a good job and that we were not closing the door on them forever but the Borough cannot support their changes.

Councilman Gubitosi stated that he had successfully negotiated on behalf of the Borough with the Passion Group a few years ago. The Passion Group has requested significant changes to the finance portion of the agreement, which create a burden on the Borough. The Borough was given short notice and the agreement is no longer viable, we need to protect the interest of the Borough.

ON MOTION by Engelstad/Gubtosi to exercise 30 day termination clause in the Passion Group contract

ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

ON MOTION by Engelstad/Weber to approve the January 14, 2020 Regular Meeting Minutes

ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

APPROVED

ON MOTION by Engelstad/Gubitosi to approve the January 14, 2020 Executive Meeting Minutes

ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

APPROVED

**Public Comment**

Thomas Coan 612 Third Avenue, requested a dollar amount be added to the resolution for legal services for Shain and Schaffaer. He questioned a \$100 payment on the Bill List and requested the bill list be more detailed.

Mayor Engelstad stated that \$3,500 would be limit for the payment to Shain and Schaffaer.

Ms. Barrett responded to Mr. Coan that the \$100. payment was for working the Dog Clinic.

Julie Nutaitis, 605 Newark Avenue, requested parameters be added to the Newark Avenue Food Truck Concession and expressed concerns that the placement would impact the promenade. Mayor Engelstad responded that the Food Truck being utilized at Newark Avenue is a borough owned truck and it will be placed on the pad.

Nancy Meadows Ocean Park Avenue expressed concerns regarding the condition of the beach lockers and questioned if there was a checklist for the maintenance/repairs.

Ms. Barrett responded that the lockers are inspected prior to placement, however, the movement may cause the lockers to be impacted. The front office addresses all repair issues regarding locker hardware, etc.

Councilman Gubitosi commented that he had worked up numbers regarding the cost of locker maintenance and met with borough staff and their figures were very close. He determined that the cost of the locker renewals cover the cost of the maintenance.

William Psiuk, 110 Fifth Avenue questioned if the purchase of 319 LaReine Avenue would include a credit towards outstanding taxes

Ms. Barrett responded that the purchase will include a credit towards the outstanding taxes.

Ms. Barrett explained Ordinance 2020-1 authorizes the Borough to purchase Real Property (319 LaReine Avenue) and Bond Ordinance 2020-2 provides the funding for the purchase of the property.

**ORDINANCE(S)**

**ORDINANCE NO. 2020-1**

AN ORDINANCE AUTHORIZING THE PURCHASE BY THE BOROUGH OF THE REAL PROPERTY LOCATED AT 319 LAREINE AVENUE, BRADLEY BEACH, NJ 07720, ALSO KNOWN AS BLOCK 41, LOT 1, FROM THE OCEAN GROVE CAMP MEETING ASSOCIATION OF THE UNITED METHODIST CHURCH

ON MOTION	by Engelstad/Weber to introduce Ordinance 2020-1
ROLL CALL	AYES: Gubitosi, Sexsmith, Weber, Engelstad
	NAYS: None
	ABSENT: Bonnell
	ABSTAIN: None

**PENDING**

**BOND ORDINANCE NUMBER 2020-02**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF, AND PAYMENT OF THE PURCHASE PRICE FOR, CERTAIN REAL PROPERTY COMMONLY KNOWN AS 319 LAREINE AVENUE BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,425,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

ON MOTION by Engelstad/Gubitosi to introduce Ordinance 2020-2  
ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

**PENDING**

**Communications**

A Request from the Bradley Beach PTO to conduct a raffle on February 20<sup>th</sup>, May 8th, 20th, 21st and June 5, 2020, (Requested the Borough waive the licensing fee).

ON MOTION by Engelstad/Gubitosi to move the BB PTO request to the consent agenda  
ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

ON MOTION by Engelstad/Weber to approve the consent agenda  
ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

**Consent Agenda**

- Resolution 2020-33** BILL LIST
- Resolution 2020-34** Authorized various Special Events on the boardwalk promenade
- Resolution 2020-35** Authorized the County of Monmouth to provide Mosquito Control throughout the Borough
- Resolution 2020-36** Authorized Change Order No. 2 for the Sanitary Sewer and Storm Sewer Rehabilitation decreasing the project amount by \$90,203.76
- Resolution 2020-37** Authorized the Borough Administrator to transit notice of the Planning Board Hearings on the Renovation and Lease of the Retired Utility Building at a fee not to exceed \$200.

**Resolution 2020-38** Authorized a professional services contract with Shain Schaffer, P.C. to continue handling legal matters not to exceed \$3500 (purchase of UMC, negotiations with the Camp Meeting Association)

**Resolution 2020-39** Authorized the annual agreement with Goose Control Technology for providing services of legally abating and control nuisance related Canada Geese problems at a fee of \$1,750.00

**Resolution 2020-40** Authorized the extension of the Umbrella and Chair Concession for \$3,150 for a one year from May 23, 2020 to September 8, 2020

Approved Raffle License No. 2020-1 (On Premise) – Bradley Beach PTO, 515 Brinley Avenue on February 20<sup>th</sup>, March 8<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup> and June 5, 2020, and waiving the Borough licensing fee.

**APPROVED**

**RESOLUTIONS**

ON MOTION by Engelstad/Gubitosi authorize the RFP for the Volley ball clinic at a minimum bid of \$115 per session

ROLL CALL  
AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

**Resolution 2020-41** Authorized the Borough Clerk to advertise for the Volley Ball Leagues and Clinic Concession Minimum Bid \$115

**APPROVED**

A conversation ensued regarding date and time the Newark Avenue Food Concession is permitted to operate and to avoid competing with other concessions. A resident commented that the Newark Avenue beach area is busy.

ON MOTION by Engelstad/Gubitosi authorize the RFP for the Newark Avenue Food Truck minimum bid of \$25K (one year term)

ROLL CALL  
AYES: Gubitosi, Sexsmith, Weber, Engelstad  
NAYS: None  
ABSENT: Bonnell  
ABSTAIN: None

**Resolution 2020-42** Authorized the Borough Clerk to advertise for the Newark Avenue Food Truck Concession Minimum Bid \$25,000 (one year)

**APPROVED**

ON MOTION by Engelstad/Gubitosi to establish the 2020 Locker and Renewal locker fees at \$535 and \$165

ROLL CALL            AYES:            Gubitosi, Sexsmith, Weber, Engelstad  
                          NAYS:            None  
                          ABSENT:        Bonnell  
                          ABSTAIN:       None

**Resolution 2020-43** Authorized Beach Lock Fees for 2020 New Lockers \$535 Locker Renewals \$165

**APPROVED**

ON MOTION            by Engelstad/Gubitosi to set the 2020 Daily Badge fee at \$10.

ROLL CALL            AYES:            Gubitosi, Sexsmith, Weber, Engelstad  
                          NAYS:            None  
                          ABSENT:        Bonnell  
                          ABSTAIN:       None

**Resolution 2020-44** Authorized the fee for 2020 Daily Beach Badges is \$10 for persons thirteen (13) years of age and over

**APPROVED**

ON MOTION            by Engelstad/Gubitosi authorize the Mayor to execute the contract for the purchase of 319 LaReine Avenue

ROLL CALL            AYES:            Gubitosi, Sexsmith, Weber, Engelstad  
                          NAYS:            None  
                          ABSENT:        Bonnell  
                          ABSTAIN:       None

**Resolution 2020-45** Authorized the Mayor to execute a real estate contract for the purchase of 319 LaReine Avenue (Block 41 Lot 1) in the amount of \$1,300,000

**APPROVED**

**MAYOR AND COUNCIL REPORTS**

Councilman Weber provided the quarterly activity Community Development report. He gave credit Councilman Gubitosi for looking at the zoning ordinance definitions.

Councilman Sexsmith stated that the DPW identified sewer backup's along the east/west streets and proactively cleaned the sewers to prevent future backups. He will be meeting with the Fire Department discuss budgets and volunteers.

Councilman Gubitosi stated residents approached him regarding traffic safety issues and establishing a Traffic Safety Task Force Committee. He mentioned the Complete Count Committee (CCC) which will be assisting in public awareness and importance of the ten (10) year census. It is imperative to have an accurate account of everyone living in the Bradley Beach as Federal funding is connected to population.

All residents will be receiving a letter in the future directing them to a website to provide the number of people in the household. He continued, he was the liaison for the CCC and JohnEric Advento and Larry Fox is spearheading the Committee. He encouraged people to volunteer for the Committee. He met with the Sylvan Lake Commission, Jim Shissas, resident environmentalists along with power thinkers to discuss restoration of the lake and will provide an update in March. He asked for volunteers and ideas in revamping the Borough website. He reminded everyone of the upcoming Arts Council production of “Ellis Island”.

Mayor Engelstad encouraged everyone to attend the Arts Council production of “Ellis Island” also encouraged all to attend the Board of Education’s meetings. He mentioned that Monmouth County may narrow Memorial Drive to one lane in each direction.

**Public Comments**

Ashley Foglia, Library Director, stated that the Library will provide a “Heritage Quest” on February 6<sup>th</sup>.

Nancy Meadows, Ocean Park Avenue, reiterated her concerns regarding the condition of the beach lockers. She also had concerns regarding the signage at the beach entrances not including all of the prohibitions.

William Psuik, 110 Fifth Avenue, requested a status update on the harassment lawsuit and the cost to the taxpayers

Mr. Cannon, Borough Attorney stated that the lawsuit cannot be discussed and the bills are available through an OPRA request.

Thomas Coan, 612 Third Avenue, requested an update on the request from Altice to place a box in the Borough. He thanked the governing body and all involved for purchasing the church.

Ms. Barrett responded that the Borough has not heard back from Altice.

Engelstad/Weber moved to adjourn

ADJOURNED 8:25 PM

---

KELLY BARRETT RMC, CMR  
Municipal Clerk/Administrator