

REGULAR MEETING MINUTES

June 11, 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.

Mayor Engelstad requested a moment of silence in remembrance of Daniel Sutphin a longtime resident that passed away this past week.

ROLL CALL 6:30 pm

Present: Council: Weber, Goldfarb, Bonnell (arrived at 6:35 pm), Cotler
Mayor Engelstad
Acting Borough Attorney Gregory Pasquale
Municipal Clerk/Administrator Kelly Barrett
Chief Financial Officer, Gail Krzyzyczuk
Deputy Municipal Clerk, Erica Kostyz

WORKSHOP DISCUSSION: CROWN CASTLE PRESENTATION

Peter Broy, Manager of Government Relations of Crown Castle Fiber, LLC., stated that Crown Castle was presenting a proposal with the Borough for a Right-of-Way Use Agreement ("RUA") agreement. The non-exclusive agreement would allow Crown Castle to design and locate areas for distributed antenna systems ("DAS"). The installation of "DAS" would improve wireless coverage and capacity within the Borough. Crown Castle has installed over 500 "DAS" poles in New Jersey for the four (4) licensed cellular carriers. An agreement with Manasquan has most recently been approved. At this time none of the licensed carriers have expressed interest in Bradley Beach, however, if an agreement is reached, Crown Castle will begin marketing the location to the cellular companies. There are two different types of "DAS" poles, the first pole is the wooden, traditional utility pole and the new pole looks like wood but is made of metal. The proposed agreement includes an offer of an annual compensation to the Borough of \$270.00 per individual pole as per federal law. Mr. John Stive of the government relations unit stated that today's technology is changing rapidly and the installation of "DAS" infrastructure is crucial for the future. He continued that the success of any agreement is determined by the Borough because you know your town.

Mayor Engelstad questioned how many "DAS" poles is Crown Castle looking to install and has Crown Castle approached NJ transit for the property around the train station.

Councilman Cotler expressed concerns regarding the EMF dispersion from the poles and the space needed around the poles for the installation. He stated that the borough is responsible for the fiduciary rights of the residents and would be seeking a lease payment for the poles. He

continued that the \$270.00 lease payment mentioned is a federal guideline for payment but it does not supersede local law.

Councilman Bonnell questioned the range of the pole.

Mr. Broy responded that the range of the pole is 1,000 feet for clear open land, however, trees and buildings will impact the range.

A lengthy conversation ensued between the Crown Castle representatives and the public. The public had many questions regarding the request for the "DAS" poles: Will the poles contain fiber? Will the fiber run throughout the town and will it be connected to other towns? Will the fiber be installed above or below ground? What is the benefit to the Borough once the poles are installed? Will the poles offer something new and valuable to the community? Are there dead zones currently in Bradley Beach? Will a capacity study be done prior to the installation of the poles? Concerns were expressed by residents regarding the agreement allowing the poles to be placed anywhere in the Borough without the Borough's authorization of placement.

Mayor Engelstad stated that there were a lot of questions and requested Mr. Broy get the answers and report back before an agreement would be considered.

ON MOTION by Engelstad/Bonnell approve the Executive Session
Minutes of May 14, 2019

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

APPROVED

ON MOTION by Engelstad/Cotler approve the Regular Meeting
Minutes of May 28, 2019

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

APPROVED

PUBLIC COMMENT

Bill Psiuk, 110 Fifth Avenue, expressed concerns regarding several events being held at the beachfront during the summer season impacting the residents. He made a suggestion that the borough post the weddings being held at the Fifth Avenue gazebo to ensure that permission was granted.

Thomas Coan, 610 Third Avenue, suggested that the Library's request of the installation of a digital sign be referred to the Planning Board for an informal hearing prior to governing body granting approval. He expressed concerns regarding a digital sign impacting the homes located near the library.

Henry Machos, 209 Third Avenue, expressed concerns regarding the new sewer billing at 302 Third Avenue, he stated that the property has been receiving sewer service for over 10 years. He suggested in the future that you do not cancel the billing, you continue to bill for service and issue a credit for the time the sewer was not being used.

Mayor Engelstad stated George Waterman, Zoning Officer recommended changes to Chapter 450 (HVAC units) Ordinance 2019-13 was introduced with Mr. Waterman's recommendations. It has been returned from the Planning Board after being reviewed for Master Plan consistency.

George Waterman Zoning Officer, stated that his recommendations regarding Chapter 450 (HVAC units) the setback requirements be altered which shall require new ventilation standards with a 5' setback or no setback if ventilation is deflected 90 degrees from the adjacent property.

ORDINANCE 2019-13

AN ORDINANCE OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 450, ARTICLE 12 OF THE REVISED GENERAL ORDINANCES

ON MOTION by Engelstad/Bonnell to open the public hearing for Ordinance 2019-13

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

Public Hearing

Councilman Cotler suggested that the existing HVAC units be grandfathered and new construction/ residential additions be required to comply with the 5' setbacks. If there is new construction they must be held to the current setback standards.

Jeff Lenahan, Air Care, stated that the current setback requirements are burdensome to the property owners and the proposed ordinance is similar to what Ocean Grove has done for years.

Al Gubitosi, 615 Fourth Avenue, wished to confirm that the governing body was provided a copy of the memo from the Planning Board regarding Ordinance 2019-13. He stated that he agreed with Councilman Cotler's suggestion.

Mike McCarthy, 604 1/2 McCabe Avenue, stated that allowances should be offered and relief from the code when needed.

Thomas Coan, 612 Third Avenue, requested Ordinance 2019-13 be tabled allowing the governing body to workshop the ordinance with the public.

ON MOTION by Engelstad/Weber to close the public hearing and adopt Ordinance 2019-13 with the added language: new construction and/or residential additions require the current set back requirements

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

ADOPTED

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/Goldfarb to open the public hearing for Ordinance 2019-14

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/Weber to close the public hearing and adopt Ordinance 2019-14

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

ADOPTED

ORDINANCE 2019-16

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, ZONING

ON MOTION by Engelstad/Goldfarb to open the public hearing for Ordinance 2019-16

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

Public Hearing

Thomas Coan, 612 Third Avenue, stated that he was in agreement with Ordinance 2019-16, however, two family homes are currently allowed in the RT zone and that language is missing (located in the third WHEREAS paragraph) on the amendment

Councilman Weber stated that a two family is currently permitted in the RT zone, however, we are eliminating the RT zone altogether.

ON MOTION by Engelstad/Bonnell to close the public hearing and adopt Ordinance 2019-16
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

Communication

ON MOTION by Engelstad/Bonnell to move the request from The Friends of the Library to hold a yoga fundraiser to the consent agenda
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ON MOTION by Engelstad/Bonnell to table the request from the Library to install a digital sign and refer the request to the Planning Board for an informal hearing
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

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

Resolution 2019-126 Authorized new sewer billing for 410 Newark Avenue (Block 8 Lot 9)

Resolution 2019-127 Authorized new sewer billing at 302 Third Avenue (Block 63 Lot 14)

Resolution 2019-128 BILL LIST

Resolution 2019-129 Authorized the appointment of David Critelli to the Board of Adjustment through December 31, 2019

Resolution 2019-130 Authorized a Liquor License renewal for Giamanno's Restaurant (pocket license) effective through June 30, 2020

Resolution 2019-131 Authorized a Liquor License renewal for D'Arcy, LLC. 310 Main Street effective through June 30, 2020

Resolution 2019-132 Authorized a Liquor License renewal for Vic's Bar & Restaurant, 60 Main Street effective through June 30, 2020

Resolution 2019-133 Authorized an Alzheimer's Walk on Saturday, September 14, 2019 from 5:00 am – 2:30 pm with use of the gazebo

APPROVED

Authorized the Friends of the Library to hold a yoga fundraiser on the Evergreen Avenue beach on Sundays, July 21, 28, August 4, 11, 18, 25 and September 1 from 8:00 am to 9:00 am with a FREE one- day pass for yoga fund raiser participants.

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

Resolution 2019-128 BILL LIST
MAYOR AND COUNCIL REPORTS

Councilman Weber reported that there were many repairs/clean up done at the Rec Center by the DPW and volunteers and it looks a lot better. He stated that the Environmental Commission is working on their recertification of Sustainable NJ. He announced a change in personnel in the Code/Construction Office. He reminded everyone of “Go Fish” which is scheduled on Saturday, June 29th at Lake Como. He recommended having a public discussion regarding residents working on their homes on Sundays.

Councilman Goldfarb stated that the town looks great and the new plantings at Sylvan Lake look amazing. He thanked the Administration and DPW for their hard work.

Councilman Bonnell stated that the DPW is very busy and he reported on the various accomplishments and duties of the Department of Public Works.

Councilman Cotler commended the Department of Public Works for the great job they are doing. He stated that the County Shared Service Division will be contacted regarding dredging Sylvan Lake. He thanked all of the Borough volunteers and encouraged participation.

Mayor Engelstad stated that he and Borough Officials had met with representatives from the Army Corp of Engineers and Congressman Smith’s office for an update on the Sylvan Lake feasibility study. We were informed during the meeting that the current study may not result in dredging, however, there are other studies available to the borough, which focus on improving the wildlife at the lake through the dredging process. He thanked the DPW for an incredible job on the plantings at Sylvan Lake and the front office staff for covering the Code/Construction office during the vacancy of the secretary. He continued that the borough is seeking volunteers for the Strategic Plan Task Forces. He stated that the beach revenue reflected a significant increase since this time last year.

PUBLIC COMMENT

Joe Kulick, Monmouth Avenue, commended DPW on the work at Sylvan Lake. He suggested placing smoking pods outside of the Main Street Restaurants.

Al Gubitosi, 615 Fourth Avenue, commended the DPW for work they do throughout the town. He requested an update on the enforcement of the proper placement of trash/recycling.

Thomas Coan, 612 Third Avenue, expressed concerns regarding the Zoning Officer not attending Zoning Board meetings and the Borough Planner not attending all of the Zoning Board meetings. He requested the ordinance addressing working on Sundays be work shopped before the public. He commended the Police Department on their professionalism.

Jim Byrnes, 401 Fifth Avenue, expressed concerns regarding the very vague RFQ prepared for the library building repairs. He stated that the RFQ was not detailed enough and the building needs a lot of work.

Ann Polio, 512 Bradley Blvd., congratulated the Borough Engineer's Office and the contractor on the fine job that was done on the sewer project.

Engelstad/Goldfarb moved to adjourn

ADJOURN 8:20 pm

KELLY BARRETT RMC, CMR
Municipal Clerk/Administrator