

## **REGULAR MEETING**

### **April 12, 2016**

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the meeting room on the above date.

#### **CALL TO ORDER**

Mayor Gary Englestad 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 p.m.**

Present: Council: Volante, Goldfarb, Galassetti, (Councilman Cotler arrived at 6:40 pm)  
Mayor Engelstad  
Business Administrator Joyce Wilkins  
Borough Attorney Michael DuPont  
Borough Engineer Gerald Freda  
Municipal Clerk Mary Ann Solinski  
Deputy Municipal Clerk Kelly Barrett

Ceremonial – Ptlm. James Arnold of the Bradley Beach Police Department was promoted to the rank of Sergeant and Mayor Engelstad administered the Oath of Office.

Proclamation – Mayor Engelstad awarded a proclamation to Former Fire Chief Everett for his years of service. Chief John Zech accepted on his behalf.

#### **DISCUSSION ITEMS:**

Borough Engineer Gerald J. Freda, P.E. provided his monthly status report to council:

- 1) Improvements to Lake Terrace Park  
Additional work completed submitted to County Parks Department
- 2) Improvements to LaReine Avenue – Section I  
Paver has completed drainage and sanitary sewer work, replacing water main and service on LaReine from Fletcher Lake to Ocean Avenue.
- 3) Improvements to LaReine Avenue – Section II  
Scheduling preconstruction meeting, replacement of water main within project limits, scheduling remaining work with Contractor.

4) Route 7/Main Street (DOT)

Bikeway designations installed, Crosswalks will be done once handicap ramps installed, and DOT stated that paperwork to install crosswalks Main and Third is in progress.

5) Ocean Avenue Handicap Ramp and Curbing

Project is mostly complete.

6) Sanitary Sewer Rehab – Section I

Met with DEP to continue application process and plans/specs were sent to NJEIT on March 2, 2016.

Councilman Galassetti expressed concerns of storm drains needing to be replaced on Newark Avenue.

Mayor Engelstad addressed the renovation of the Lifeguard Station and stated that the station currently looks nice outside but the inside requires a lot of work. The original estimates had been reduced by \$250,000.00 with the plan of doing the work in house. However, after taking a closer look at the collapsed bulkhead at Sylvan Lake it was determined to be a significant liability and a safety issue. Mayor Engelstad stated that while both projects were very important to the town it was determined that safety concerns regarding the bulkhead took precedence.

Discussion commenced relating to the bulkhead including: what was the cause of the bulkhead deterioration- possibly dredging and/or “Sandy”; OEM contacting FEMA for funds from “Sandy” to no avail; OEM to contact legal representatives to reopen request from FEMA, what types of material used for repair and a follow up by the Engineer.

Nicole Kienlen, Tourism Secretary presented an overview of the plans to enhance the community and bring Bradley Beach to its full potential, including the following:

Developing an innovative website in order to attract people to visit Bradley Beach,

Social media campaign

Grab and Go guide book outlining upcoming events

Different kinds of music, something for everyone

Attract people to come into Bradley for dinner and go to event after.

Day at beach and stay in town for scheduled event.

Events planned for children and adults

Vendors

## **PUBLIC COMMENT**

Several residents made comments regarding the Lobster Fest scheduled in June, 2016

Eileen Shissias 112 Fourth Avenue

Stated that when the Lobster Fest was held in the past it caused major problems with traffic, parking, vendors parking trucks, debris, odor and noise. She questioned what is the benefit to Bradley Beach.

Michael Conescenti Cliff Ave

Recommended that the Chamber sponsor a Mayor Clambake.

James Shissias 112 Fourth Avenue

Bradley Beach is a quiet beach front community, we do not have to entertain the public, and Lobster Fest does not provide enough benefit.

Richard Despina 600 Third Avenue

Lobster Fest trashes the town, has seen vendors cooking on flower beds causing the grass to burn, and it creates a lot of work for the Department of Public Works.

Councilman Goldfarb stated he had received complaints regarding tents on the beach. He proposed the banning of tents and canopies allowing for beach umbrellas only. Councilman Goldfarb continued by stating it is difficult for parents to watch their children and to keep an eye on what is happening on the beach.

A discussion then took place regarding the subject of tents on the beach and included: a safety hazard by blocking visibility to the water, and noting neighboring Avon by the Sea adopted an ordinance prohibiting tents on the beach and limiting umbrellas to single stanchion poles.

Maryann Preztunik Fourth Avenue

Stated she is on the beach from 8 am to 5 pm and from her beach chair on a weekday can see 20 tents and weekends up to 40 tents.

Randy Bonnell 506 Third Avenue

Regarding the Lobster Fest Bradley Beach residents are stating it is a problem. In reference to Sylvan Lake, he suggested getting rid of bulkhead and do natural slope for natural stabilization. Further, he stated that the Borough should take a closer look at the railings on the beach front, as there are sections of bad railings while many are still in good shape,. Also the Public Works Department could do the repairs.

Kathy Morales 602 Fourth Avenue

Year round resident in favor of ban of tents.

Maryann Pretznick Fourth Avenue

In favor of ban on tents and tables on the beach.

Council was in agreement noting that an Ordinance Banning Tents on the beach would be introduced at the next council meeting.

Joyce Wilkins informed council of an individual interested in a concession. Continuing in the past it had been a \$1,000 starting bid. However, over the last few years no one showed interest. At this point the bid will be \$500 for one location and \$1,000 for up to four locations- Newark, Brinley Evergreen and McCabe Avenues,

### **PUBLIC COMMENT**

Resident located at 103 Fourth Avenue

Recommended increasing price of the beach badges.

Mayor Engelstad responded that the price of a daily beach badge had been increased by .50.

TJ Coan requested clarification in reference to Ordinance 14 (Outdoor Cafes) and Ordinance 15 (Maximum Additional Assessments)

Mayor explained Ordinance 2016-15 relates to a second building on property with a Bed and Breakfast and the owner is charged a C/O fee and a tourism fee for every new renter.

TJ Coan questioned the \$32,000.00 on the consent agenda for railings.

Mayor Engelstad stated that we are quite certain the Borough will be reimbursed by FEMA.

Engineer, Jerry Freda explained the process of the plans/specs. He stated they require a lot of work and Bradley is receiving a reduction in cost as the firm is utilizing some of the documents from the Belmar Project. The railings will be the same as Belmar's as FEMA pays for the same type of railing and they do not allow for upgrades.

Bill Psuik Fifth Avenue

In reference to Café License Ordinance, the change does not require inside seating. However, it should require at least a few seats inside.

### **Final Reading and Adoption**

#### **ORDINANCE 2016-11**

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

ON MOTION by Engelstad/Galassetti moved to open the public hearing.

ROLL CALL AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad

NAYS: None

ABSENT: None

Mayor Engelstad gave a brief explanation of the ordinance. No one wished to speak.

ON MOTION by Engelstad/Volante moved to close the public hearing.

ROLL CALL           AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
                          NAYS:       None  
                          ABSENT:   None  
ON MOTION           Be Engelstad/ Galassetti move to adoption.  
ROLL CALL           AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
                          NAYS:       None  
                          ABSENT:   None

**Introduction**

**ORDINANCE 2016-12**

AN ORDINANCE TO AMEND THE BOROUGH OF BRADLEY BEACH CONTRACTS CHAPTER 29, AND MORE PARTICULARLY SECTION 29-2, PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS, SUBSECTION C(1)

Joyce Wilkins, Business Administrator gave a brief explanation of the ordinance.

ON MOTION           by Engelstad/Galassetti moved to introduce.  
ROLL CALL           AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
                          NAYS:       None  
                          ABSENT:   None

**BOND ORDINANCE 2016-13**

BOND ORDINANCE PROVIDING FOR RAILING REPLACEMENT OF THE PROMENADE IN THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING \$500,000.00, THEREFORE AND AUTHORIZING ISSUANCE OF \$500,000.00 BONDS OR NOTES OF THE BOROUGH TO FINANCE PAR OF THE COST THEROF

Mayor Engelstad gave a brief explanation of the ordinance.

ON MOTION           by Engelstad/Galassetti moved to introduce.  
ROLL CALL           AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
                          NAYS:       None  
                          ABSENT:   None

**ORDINANCE 2016-14**

AN ORDINANCE TO AMEND THE BOROUGH OF BRADLEY BEACH CAFÉ RESTAURANTS, CHAPTER 324 AND MORE PARTICULARLY SECTION 324-1, LICENSE REQUIREMENTS FOR ESTABLISHMENTS, SUBSECTION A

Mayor Engelstad gave a brief explanation of the ordinance.

ON MOTION           by Engelstad/Galassetti moved to introduce.  
ROLL CALL           AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
                          NAYS:       None  
                          ABSENT:   None

**ORDINANCE 2016-15**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 24, AND MORE PARTICULARLY SECTION 24-21 MAXIMUM ADDITIONAL ASSESSMENT, SUBSECTION B(4)

Mayor Engelstad gave a brief explanation of the ordinance.

ON MOTION by Engelstad/Volante moved to introduce.

ROLL CALL AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
NAYS: None  
ABSENT: None

**Communication**

The following was made as part of the Consent Agenda  
Bradley Beach Chamber of Commerce sale of wristbands for the Annual Restaurant Tour in Riley Park on 5/15/16; Surf rider Foundation and Sierra Club Annual; Saturday, 5/21/16 placement of a tent; Bradley Beach Library Story Time at the Gazebo on Fridays; 7/1/16-8/26/16; Café License (s) Bagel International and Deli, 48 Main Street and Butter Biscuit LLC.700 Main Street.

ON MOTION by Engelstad/Galassetti moved to adoption

ROLL CALL AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
NAYS: None  
ABSENT: None

**CONSENT AGENDA**

ON MOTION by Engelstad/Galassetti moved to adoption

ROLL CALL AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
NAYS: None  
ABSENT: None

**Resolution 72** Authorizes disallowance of Senior Citizen deductions

**Resolution 73** Authorizes refund of tax bill overpayment in the amount of \$1,468.25, B35/15

**Resolution 73a** Bill List

**Resolution 74** Authorizes a purchase order to Traffic Lines, Inc., for Ocean Avenue restriping, numbering pay stations, resurfacing north end parking lot, re-striping and numbering pf pay stations not to exceed \$17, 050.74

**Resolution 75** Authorizes Gerald Freda, Borough Engineer of Leon S. Avakian to perform engineering design services, preparation of plans and bid specifications of railing replacement of the promenade a fee not to exceed \$32,000.00

**Resolution 76** Verizon Wireless Consent Use of Poles

**Resolution 77** Establishes hours for parks and recreational facilities

**Resolution 78** Authorizes the submission of the 2015 recycling tonnage grant application to NJ DEP

**Resolution 79** Appointment of James Arnold to the position of Sergeant of the Bradley Beach Police Dept.

**Resolution 80** Appointment of Class II Police Officers

**Resolution 81** Appointment of Class I Police Officers

**Resolution 82** Appointment of Donald Frangipane as partime time electrical inspector

**Resolution 83** Authorize Municipal Clerk to advertise for the position of full time bookkeeper

**Resolution 84** Authorizes the clerk to advertise for a regular meeting April 26, 2016 and the workshop to immediately follow the regular meeting

**Resolution 85** Authorizes special events

**Resolution 86** Authorizes the Clerk to advertise for 2016 Beach Umbrella and Chair Concession at the beachfront (Possible)

**Resolution 87** Authorize to go into Closed Session

## **ADOPTED RESOLUTIONS**

## **COUNCIL REPORT**

Councilman Cotler: congratulated Nicole Kienlen on hard work for Tourism, gave update on First Aid training and thanked Verizon for the donation to the Library.

Councilman Volante: advised that the Police Chief and Police Department will once again participate in “Operation Take Back Prescription Drugs”, and advised residents to drop off medication to police department on April 30, 2016

Councilman Galassetti: advised that the help lake committee “Adopt an Aerator” raised \$900.00.

Flowers are blooming in greenhouse and ready for DPW to plant in flower pots on Main Street

Mayor Engelstad stated feedback would be provided to the Chamber regarding the “Lobster Fest”,

Thanked Mary Ann Preztunik for comments and Richard Despins for serving the community for artwork that will be posted on the website. He also reminded everyone of the Bradley Beach Arts Council performance of “Glass Menagerie” Friday and Saturday 7pm and Sunday Matinee at Bradley Beach School.

## **PUBLIC COMMENT**

TJ Coan 612 Third Avenue

Expressed concerns regarding 811 Ocean Avenue, “Tranquil and Quest”, and to adopt an Ordinance in reference to group homes.

Mayor Engelstad stated that the council took Mr. Coan’s recommendation and hired a planner. A meeting has been scheduled for April 26, 2016 with the Business Administrator, Planner, Code Officer, Planning Board Chairman and Borough Attorney.

Michael DuPont, Borough Attorney stated an ordinance trying to zone out Oxford House does not meet the constitutionality requirements, which if adopted would subject the Borough to law

suits. He asked for patience and would continue to work to make sure we are on solid ground. Advised Mr. Coan he would gladly meet with him to go over the specifics of settlement with the Oxford House.

**RESOLUTION**

Closed Session to discuss contract issues with possible litigation.

**MOTION TO RE-OPEN MEETING** moved by Mayor Engelstad/Councilman Volante.

**MOTION TO CLOSE MEEING** moved by Mayor Engelstad/Councilman Volante.

**ADJOUNED 8:00 PM**

---

Kelly Barrett, Deputy Municipal Clerk