

**REGULAR MEETING
MARCH 24, 2015**

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the council chamber 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 “Annual Notice”, and posted on the official bulletin board.

Roll Call 6:33PM

Present: Council: Cotler, Galassetti
Mayor Engelstad
Business Administrator Wilkins
Borough Attorney: DuPont

Absent Council: Volante, Goldfarb*

Secretary: Municipal Clerk Mary Ann Solinski

*Councilman Goldfarb present by telephone for part of meeting as verified by Clerk.

PRESENTATION

Members of the Bradley Beach Public Library Board of Trustees along with Director Janet Torsney gave a check in the amount of approximately \$14,000.00 to the borough to be applied towards the borough’s payment of funding through a Bond Ordinance for the cost of the Library’s renovation work to make the library building more easily accessible for patrons and comply with ADA (Americans with Disabilities Act regulations).

DISCUSSION ITEMS

Attorney DuPont presentation began by stating that it maybe torturous but it is important to state the history of Simone Enterprises filing for group licenses from the Borough and a use permit in order to bring a recovery program to the four condominium units built at 811 Ocean Avenue which will be operated by Behavioral Summit Health. The units will house nineteen recovering substance abuse users living in the four-town house complex overseen by one supervisor. Code Officer Bryant Curry explained that a group licenses is allowed in that zone under the present code but that the borough gave a list of stipulations (rules) which the company had to comply with in order for the request to be granted. This procedure began two years ago when the applicant wanted the license to be free from borough regulations including the number of occupants with a lawsuit being filed by Simone Enterprises Inc. in part for a violation of the Fair Housing Act and the New Jersey Discrimination law. The property is located across the street from the Borough’s miniature golf course and a beachfront playground in a predominately residential area.

The property located at 811 Ocean Ave. and owned by John Simone of Simone Enterprises Inc. had been requested to be a “group rental.” This definition of use would allow a category that the 4 condominium units could be utilized as a residence for recovering substance abusers (approximately an occupancy of 4 or 5 occupants per unit.)

The municipality of Bradley Beach and code officer Bryant Curry and Borough Attorney Michael DuPont opposed the category of “group rental” as the definition for such an occupancy because there was no relationship between any of the residents. Conditions were imposed by mayor and council and were as follows:

- License renewal every year
- Occupancy would be restricted or limited
- Applications of a zoning permit with a change of use

Simone Enterprises decided compliance to these conditions would restrict present and future use of the property and decided to bring the matter to the court.

The case was assigned to Judge Katie Gummer of Monmouth County and Judge Eugene Serpentelli of Ocean County as a mediator. After about a year of hearings and deliberation an order of the court was issued to Simone Enterprises to allow them to proceed with its use as a “group rental” which allowed this property to be utilized as a recovery home for substance abusers. The following is a summary of the court order:

- Group rental licenses must be renewed each year.
- They must comply with all municipal codes
- Residents must be identified to the Code Officials
- Floor plans must be issued
- Supervisory staff must be on site

With the issuance of this this court order the Municipality had no choice but to allow the use.

At this meeting Mayor and council were open to the concerns of the residents and the public at large. Some of the concerns and comments of the people were as follows:

- It appears Bradley Beach welcomes institutions of this nature. There are already 5 active rehab facilities, (halfway houses) and 2 inactive; 3 Oxford houses and 2 Rooming houses. Can’t we limit the total number of facilities in the Community?
- It is located across from a park and beach within close proximity to our children.
- This is a residential area. Do not change it into a commercial area.

Code officer Bryant Curry and Borough Attorney Michael DuPont addressed these issues:

- This is not a rehab facility but a residence. Treatment is administered offsite with transportation provided to and from this location. This should not be termed a halfway house or a rehab facility.
- These are not criminals they are not a threat to children nor the Community.

- Occupants are monitored by on site supervision and are tested for substance abuse periodically.
- There are approximately 5 occupants in each condominium unit.
- Compliance to all codes will be insured with any needed inspections.

Mayor and Council reiterated that no one fought harder than they did to prevent this type of occupancy, however this is a Court Order to which they must comply. The Borough has always tried to preserve the character and the residential nature within the intent of all of the codes and regulations in effect in Bradley Beach. The Mayor and Council assured the residents that they will monitor this location to insure compliance and if not they will do anything necessary to insure compliance. For the future they will look into steps necessary to preserve the character of the community and that the borough will take every measure to police and enforce the agreement which was reached after many months.

**ORDINANCE
INTRODUCTION**

**BOND ORDINANCE 2015-05
REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE
OF NOT TO EXCEED \$2,200,000 AGGREGATE PRINCIPAL AMOUNT
OF GENERAL OBLIGATION REFUNDING BONDS BY THE
BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF
MONMOUTH STATE OF NEW JERSEY, TO THE MONMOUTH
COUNTY IMPROVEMENT AUTHORITY (THE “MCIA”) FOR THE
PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE
ISSUED BY THE BOROUGH TO THE MCIA**

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

PENDING ORDINANCE

FINAL READING AND ADOPTION

Mayor Engelstad announced that this was the time advertised for a public hearing on the following ordinance:

**ORDINANCE 2015-04
AN ORDINANCE AMENDING THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF BRADLEY BEACH,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO AMEND
CHAPTER 335, PARKING METERS, SECTION 335-2 PARKING
METER ZONES BY ADDING SECTION 335-2 C.**

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

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

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

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

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

ON MOTION by Engelstad / Galassetti moved to adoption.

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

ADOPTED ORDINANCE

ORDINANCE 2015-03

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY
BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
CHAPTER 9, AMENDING SCHEDULE III PARKING TIME
LIMITED ON CERTAIN STREETS (MAIN STREET)**

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

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

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

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

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

ON MOTION by Engelstad / Galassetti moved to adoption.

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

ADOPTED ORDINANCE

*Councilman Goldfarb was contacted via phone and voted on following Ordinance as verified by the Borough Clerk

ORDINANCE 2015-02
AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO 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, Goldfarb, Galassetti, Engelstad
NAYS: None
ABSENT: Volante

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

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

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

ON MOTION by Engelstad / Galassetti moved to adoption.

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

ADOPTED ORDINANCE

COMMUNICATIONS

The following action was taken as part of the consent agenda

ON MOTION by Engelstad/ Galassetti to approve Raffle Licenses
New Jersey Tears RL 6-15 & RL 7/15

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

APPROVED MOTION.

CONSENT AGENDA

ON MOTION by Engelstad / Galassetti moved to adoption

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

Resolution 61

AUTHORIZES PAYMENTS TO LIENHOLDER(S)

Resolution 62

**AUTHORIZES A TAX CREDIT FOR BLOCK 7 LOT 8 TO 2ND
QUARTER 2015 DUE TO AN OVERPAYMENT**

Resolution 63

**AUTHORIZES A SEWER UTILITY REDUCTION CHARGES
FOR BLOCK 40 LOT 8 DUE TO CHANGE OF LIVING UNITS**

Resolution 64

**AUTHORIZES SEWER UTILITY CHARGES FOR BLOCK 13
LOT 15**

- Resolution 65 **BILL LIST**
Resolution 66 **AUTHORIZES BOROUGH ENGINEER GERALD J. FRED A,**
PE OF LEON S. AVAKIAN INC TO PROVIDE ALL
CONSTRUCTION ADMINISTRATION AND OBSERVATION
SERVICES FOR THE LAREINE AVENUE PROJECT PHASE I
AT AN AMOUNT NOT TO EXCEED \$18,500.00
- Resolution 67 **AUTHORIZES SUBMISSION OF A STRATEGIC PLAN FOR**
THE BRADLEY BEACH MUNICIPAL ALLIANCE GRANT
FOR THE FISCAL YEAR JULY 2015 THROUGH JUNE 2016
- Resolution 68 **AUTHORIZES THE MAKING OF AN APPLICATION TO THE**
LOCAL FINANCE BOARD IN CONNECTION WITH THE
ISSUANCE NOT TO EXCEED \$2,200,000 AGGREGATE
PRINCIPAL AMOUNT OF GENERAL OBLIGATION
REFUNDING BONDS TO THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY (MCIA)
- Resolution 69 **AUTHORIZES THE COUNTY OF MONMOUTH MOSQUITO**
CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO
OPERATIONS WITH THE BOROUGH OF BRADLEY BEACH
- Resolution 70 **AUTHORIZES THE BRADLEY BEACH FIRST AID SQUAD**
TO HOLD THEIR ANNUAL COIN TOSS ON FRIDAY JULY
3RD, SATURDAY JULY 4TH AND SUNDAY JULY 5TH 2015
- Resolution 71 **APPOINTMENT OF ROSA WARNET TO**
RECREATION BOARD
- Resolution 72 **APPROVAL OF SPECIAL EVENTS FOR 2015**
Resolution 73 **APPOINTMENT OF ROBERT CORBY AS BUILDING**
INSPECTOR FOR A FOUR YEAR TERM AND DEPUTY CODE
OFFICER UNTIL DECEMBER 31, 2015

ADOPTED RESOLUTIONS

RESOLUTIONS

- Resolution 74 **APPROVAL OF NEW SPECIAL PARKING PERMITS**
ON MOTION by Engelstad / Cotler moved to adoption
ROLL CALL AYES: Cotler, Engelstad
 NAYS: Galassetti
 ABSENT: Volante, Goldfarb

ADOPTED RESOLUTION

- Resolution 75 **APPROVAL OF RENEWAL OF SPECIAL PARKING**
PERMITS
ON MOTION by Engelstad / Cotler moved to adoption
ROLL CALL AYES: Cotler, Engelstad
 NAYS: Galassetti
 ABSENT: Volante, Goldfarb

ADOPTED RESOLUTION

Announcements

Dune grass planting on March 28th am-12 noon

Egg Hunt March 28th at the Newark Avenue Beach 1pm

Annual Fire Department Fish Fry March 27th

Fishing Flea Market April 18th 9am-2pm

Public Comment

Mr. Coan stated that seven out of the twenty-seven residences being granted special parking permits have driveways and that he feels the intent should be for people who really need a parking spot by their home. Mayor Engelstad said that these permits are being granted under the present code regulations but that in the future the task of the permits will be under the police department and not the council's jurisdiction.

The Mayor thanked Mr. Coan for his efforts in ensuring the Main Street crosswalks will be reviewed by New Jersey Department of Transportation after he and the borough engineer complete the review.

ADJOURNMENT

ON MOTION by Engelstad / Galassetti the meeting was adjourned at 8:25 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk