

**REGULAR MEETING**  
**JULY 14, 2015**

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Carmen Biase Senior Center on the above date. The meeting location was changed due to remediation work that was needed to be done in the Bay area next to the meeting room.

**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 p.m.**

Present: Council: Cotler, Volante, Goldfarb, Galassetti  
Mayor Engelstad  
Business Administrator Wilkins  
Borough Attorney Michael DuPont  
Borough Engineer Freda  
Secretary: Fran Sauta for Borough Clerk Mary Ann Solinski

**ITEMS ADDED TO AGENDA:**

**Consent Agenda** – h. Appointments: George Bachar, Deputy Coordinator OEM – one year  
**Resolutions** – b) Award of Contract-Brinley Avenue Beach Access Ramp  
ON MOTION: Mayor Engelstad/Councilman Galassetti  
AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
NAYES: None

**ENGINEER'S REPORT:**

Gerald J. Freda, P.E., Borough Engineer, provided a Monthly Status Report, dated July 2, 2015, noting the following: New Handicap Ramp onto the Beach at Brinley Avenue (BB-15-04) that went out to bid and came back with bids less than originally estimated (\$59,500.); Route 71/Main Street (DOT) – there is no update at this time; Access Easement to Park is ongoing as the research has been difficult and taken more time. In addition, there are no surveys of the park that were found; Ocean Avenue Handicap Ramp and Curbing needs to

be completed before the end of the year as new paving will be done in the spring; and it has been acknowledged that there are problems with the sewers, with many blockages that will need work as well as bonding.

At this point, Mayor Engelstad stated that he, Councilman Cotler, and Borough Administrator Wilkins met with the Neptune Sewer Authority to discuss the “spikes” during storms. It was acknowledged that the sewer problems have been ignored too long and a necessary plan will involve a costly fix. Mayor Engelstad also acknowledged that two people have been diligent in a quest to address the long-time sewer issues, i.e. Councilman Galassetti who has been saying for years we need to do something about the conditions of the sewer system, as well as resident Randy Bonnell who has also raised this issue for quite some time. Councilman Galassetti then stated that the work needs to be done as the system is old and so far we have only provided a band aid approach. Mayor Engelstad reiterated that this “is something we have to do and we have been ignoring it for too long”. Further, we now have to start digging.

Continuing his report, Mr. Freda also reported that he and Borough Administrator Wilkins met with the county engineer regarding Fletcher Lake Park, in-street signage, and the placement of two radar signs. He stated that they are receptive to placing the two radar signs and in-street signage of “yield to pedestrian”. An ordinance to allow these changes will be placed on the next agenda. However, they (the county) cannot justify a four way stop sign in that area. Mr. Freda also stated that they discussed a bike lane on the east side of Ocean Avenue, and the county is not in favor of this due to insufficient space especially with cars backing out on Ocean Avenue. After Councilman Cotler inquired of the spacing, Mr. Freda noted we just don’t have the minimum of four (4) feet that is required for a bike lane and allow the spacing needed between the car and the bicycle as it moves into the travel lane. Councilman Cotler requested that the engineer take one more look at the possible options and Mr. Freda agreed to do so.

**Public Comments on Agenda Items:**

Randy Bonnell, 506 Third Avenue – stated that at the corner of Evergreen and Ocean Avenues, the sidewalk has been torn up for over two months and is a tremendous liability for the town. He noted that it is halfway through the crosswalk, and if someone falls, the town would have to pay millions of dollars. He inquired if it could be fixed at least temporarily. Mr. Freda responded that it is at the location of where they will be placing the handicapped ramps, but that it is months away from being done. He also stated that the water company has been replacing water mains in that area and perhaps they did not fill in

the area completely. Mr. Bonnell recommended that the public works do so as it should not take that long. Mayor Engelstad asked Mr. Bianchi, Supt. of Public Works, if that could be done, and Mr. Bianchi responded that the water company is still doing construction there, he would call the company representative and let them know that we need to do a temporary repair of the depression. Mayor Engelstad stated he would like to have it fixed before the weekend.

Thomas J. Coan, 612 Third Avenue – inquired if the town was going forward with the adoption of the Ordinance 2015-09 regarding permitting parking in front of private driveways. Mayor Engelstad stated that Council has decided to permanently table this proposed ordinance and provided an explanation for this action.

## **Ordinance**

### **FINAL READING AND ADOPTION**

Prior to the adoption of this ordinance, Mayor Engelstad made a motion to table this ordinance permanently seconded by Councilman Goldfarb:

#### **ORDINANCE 2015-09**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 9 TRAFFIC BY ADDING SECTION 9-3.10 PERMITTING CERTAIN PARKING IN FRONT OF PRIVATE DRIVEWAY PURSUANT TO N.J.S.A. 39:4-138.3**

**ON MOTION** by Engelstad / Goldfarb

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

NAYES: None

### **ADOPTED ORDINANCE**

#### **ORDINANCE 2015-10**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF BRADLEY BEACH, CHAPTER 9 TRAFFIC: SECTION 9-3.9 A SPECIAL PERMIT PARKING PERMITS**

Mayor Engelstad outlined the meaning and intent of the ordinance noting that it changes how the special parking permits are handled and reviewed, and anticipate a decrease in the number of permits issued.

**ON MOTION** by Engelstad / Galassetti to open this up for discussion

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

NAYES: None

There were no public comments.

ON MOTION by Engelstad / Volante to Adopt the Ordinance 2015-10  
ROLL CALL: AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
NAYES: None

**ADOPTED ORDINANCE**

At this point, Mayor Engelstad requested that Borough Administrator Wilkins walk those in attendance on the three ordinances to be introduced. She explained each one and the rationale for their introduction.

ORDINANCE 2015-11

AN ORDINANCE AUTHORIZES THE LEASING OF CERTAIN EQUIPMENT BY THE BOROUGH FROM MCIA AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

Discussion requested by Councilman Cotler. Councilman Cotler stated that in view of the significant bond the borough would have to undertake with the sewer mains, he recommended we look at some of the smaller equipment items (example computers) be taken out of the capital budget and paid outright, rather than bond items over a period of time and incurring additional interest. He noted some items ordered in prior years were no longer in use but the interest was still being paid on the bond. Further, it would be more fiscally responsible to pay outright for the smaller equipment items, even looking into doing so for vehicles in the near future.

ON MOTION by Engelstad / Galassetti to introduce the Ordinance 2015-11 reducing the amount to \$260,500.00, and moving the two smaller items to the capital budget.  
ROLL CALL: AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
NAYES: None

**PENDING ORDINANCE**

ORDINANCE 2015-12

AN ORDINANCE AUTHORIZES THE LEASING OF CERTAIN EQUIPMENT (POLICE VEHICLE) BY THE BOROUGH FROM MCIA AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

ON MOTION by Engelstad / Goldfarb to introduce the Ordinance 2015-12  
ROLL CALL: AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
NAYES: None

**PENDING ORDINANCE**

ORDINANCE 2015-13

AN ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2015 OF THE BOROUGH OF MCIA

ON MOTION by Engelstad / Galassetti to introduce Ordinance 2015-13

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

NAYES: None

**PENDING ORDINANCE**

**COMMUNICATIONS**

The following action was taken as part of the consent agenda

ON MOTION by Engelstad / Goldfarb to approve Raffle License

Friends of the Bradley Beach Library RL 10-15

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

NAYES: None

**APPROVED MOTION.**

ON MOTION by Engelstad / Goldfarb to approve the following Café License:

Bagel International 48 Main Street

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

NAYES: None

**APPROVED MOTION.**

ON MOTION by Engelstad / Goldfarb to approve Patricia McCormick's request to hold a Block Party on McCabe Avenue from Central Avenue half-way down the Block towards Beach Avenue Saturday, August 29, 2015 with a rain date of Sunday, August 30<sup>th</sup>, with a **revised** time from 4:00 p.m. to 8:00 p.m. (After discussion regarding time frame to be same as previous block party approvals, and confirmation by Police Chief Guida that while it is somewhat a congested area, does not object to the approval.)

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

NAYES: None

**APPROVED MOTION.**

ON MOTION by Engelstad / Goldfarb to approve the request of the Friends of the BB Public Library to hold a Beach Yoga Fundraiser on the Evergreen beach on August 16,

23<sup>rd</sup>, 30<sup>th</sup>, and September 6<sup>th</sup> and provide free beach admission for participants on the day of the Yoga Class. (After explanation of Kristie Anderson of the Friends . . . at which time she noted the free beach pass was to be for all day and was to encourage many to participate. Further she stated that the instructor, Beth Tinkler was donating her time to help the fundraiser. Councilman Cotler expressed concerns regarding devaluing the beach access process and suggested an outright donation rather than free access to the beach for the day. After discussion, the motion was presented.)

ROLL CALL:                   AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
                                      NAYES: None

#### **APPROVED MOTION.**

At this point, Mayor Engelstad / Galassetti made a motion to move the above communications to the Consent Agenda, labeling them **i. j. k. and l.**

ROLL CALL:                   AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
                                      NAYES: None

#### **CONSENT AGENDA**

ON MOTION                   Engelstad / Goldfarb moved to adoption of Consent Agenda

ROLL CALL:                   AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad  
                                      NAYES: None

- Resolution 129               Authorizes a property tax refund for Block 71 Lot 26
- Resolution 130               Bill List
- Resolution 131               Authorizes cancellation of outstanding checks on the Clearing Account
- Resolution 134               Adoption of Corrective Action Plan for the 2014 Audit
- Resolution 135               Award of contract for the Brinley Avenue Beach Access Ramp
- Resolution 136               Rejects all bids received on June 17, 2015 for the Construction of an Addition and Renovation of the Bradley Beach Public Library
- Resolution 137               Authorizes free beach admission for volunteers at the Annual Choose Your Cover on July 18<sup>th</sup>
- Resolution 138               Appointments including the addition of George Bachar as Deputy Coordinator for one year.

#### **ADOPTED RESOLUTIONS**

**Note: Resolution Numbers 2015-32 and 2015-33 were not utilized.**

## **RESOLUTION**

Resolution 139 AUTHORIZES ISSUANCE OF SPECIAL PARKING PERMIT FOR 102 NEWARK AVENUE

ON MOTION Engelstad / Goldfarb to issue special parking permit for 102 Newark Avenue

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

NAYES: Galassetti

## **ADOPTED RESOLUTION**

### **REPORTS:**

Councilman Cotler stated that when he met with TSNA, it was determined that when it rains, green water infiltrates the systems around town. This results in twice the cost for us in comparison with the surrounding towns, and when we bond, we need to compensate and cover the costs. Further, we need to start looking at the effects of this on public health and safety. Mayor Engelstad noted that sump pumps going into the drains are hurting our town and the pumps need to be directed out to the driveway. Councilman Cotler also expressed concerns with parking too close to intersections that result in major safety concerns. It was noted that state statute requires 25' of crosswalk and the ten foot rule needs to be enforced. Finally Councilman Cotler requested that we look at the use of pesticides on lawns and consider utilizing organic and toxic-free pesticides at places such as the library, parks, etc. Further, he stated it would cost less and be less harmful to the environment.

Councilman Volante shared the statistics from April through June of the Ccode/ Construction office, including C.O.'s, Inspections, Violations issued, and zoning permits. He noted the numbers were impressive, and gave a "hat's off" to Bryant and his entire Department. Councilman Volante also reported on the brush and grass pick up so that there would be no accumulation on the street and going into the drains. Next he reported on the recreation department and the summer camp under the direction of Shawn Heeter. He stated that there would be a Bradley Beach night at the Lakewood Blue Claws on August 10, 2015, and the costs would be: \$10.00 adults; \$8.00 seniors; and under 12 – Free. Councilman Volante stated that this year there were 125 campers and Mr. Heeter provided an excellent program for those attending. Currently, the rec department has opened up registration for flag football.

Councilman Goldfarb reported that in response to traffic complaints from the residents in the area of Lake Terrace, i.e. speeding, several changes have been undertaken. As Lake

Terrace is a county roadway, they must approve or make changes to Lake Terrace, and the following has been done: The police department has set up traffic enforcement details, the county has placed traffic signs, shoulder markings and double yellow “no passing” lines down the center of the roadway, crosswalk markings and handicapped ramps at the sidewalk intersections. He also reported that the Bradley Beach Memorial Day Committee has purchased two Radar Speed Display Units for \$5,000.00 – one facing west and one facing east which will be located off of the roadway visible to the on-coming vehicular traffic. In addition, the Borough will be erecting pedestrian crosswalk signs on the roadway at the intersections. Continuing, Councilman Goldfarb thanked the residents of Lake Terrace, the Kim and Jesse Decker, Chief of Police, Mr. Bianchi, supt. of public works, and Borough Engineer Jerry Freda for their ongoing work and support, as well as the Memorial Day Committee. Finally he noted the well done fireworks display (22 minutes in length) on the beachfront on July 3<sup>rd</sup>, and thanked all those who assisted in making this event an enjoyable and safe event.

Councilman Galassetti reported that the Fletcher Lake Commission has raised enough money to help with the electric bills of the lake area fountain, and the public works department have removed the fencing at the northeast parking lot. He felt that the lake commission is progressing nicely, and encouraged anyone who wishes to do so to donate to the aerators that make such a difference. Councilman Galassetti then stated that one of the biggest problems in our sewer system is the infiltration caused by sump pumps going into the drains and it needs to be addressed. He requested that residents should not worry about the inspections of their pumps, and it has been done in many other towns. Also, the worst areas will be addressed first by our engineers, who were here in the 70's when the Avakian family installed the storm drains. He also noted that many of the manhole covers do not have holes anymore and we do need relief for our one hundred year old system.

Mayor Engelstad then described the close call our town had when the truck carrying our fireworks broke down in Pennsylvania and why they started late. When all looked bleak, the company had it towed one hundred and twenty miles to Bradley Beach. It became a matter of “all hands on deck” to unload the truck and thanked all who helped.

### **Announcements**

Dr. Cotler provided information on the annual “Choose your Cover” event that will be held on July 18<sup>th</sup>, 2015, at the beachfront. that involves pre-screening by him, a dermatologist and plastic surgeon for skin cancer. He gave numbers of those who had been pre-screened over the last seven years and showed early signs of melanoma and/or basil cells (early

warning signs). It is a free service that is provided every year and urged all to seek a pre-screening, especially those who do not see their doctors on a regular basis.

Janet Torsney, Director of the Public Library, announced that the first Walk-a-thon planned by the library will be held on July 18, 2015.. It will go from the Fifth Avenue Gazebo to Avon, and there is a \$25.00 registration fee. She noted that the Environmental Commission will provide water bottles and acknowledged a donation from Paws and Anchors, a new business in town.

Chief Guida announced that the Annual National Night Out would be held on August 4<sup>th</sup>, 2015, at the firehouse at 6:00 p.m. and noted that it would be a comprehensive event with a dunk tank and community groups and encouraged all to come out and enjoy this event.

### **Public Comments**

Bruce Anderson, 402 Ocean Park Avenue – inquired as to the special parking permits; however, realized he had misunderstood an article in the Coaster about this meeting where you could get a permit for a fee in front of your house, and he described how difficult parking is now and thought he would attend to find information. Councilman Volante responded to his concerns and explained why one person's advantage impedes on another. It was also noted that the article was not accurate.

Charles Ballina, Lake Terrace – thanked the mayor and council, chief, PW for the additional safety measures and for their cooperation in getting the radar speed signs to be placed on Lake Terrace.

Craig Rosner, LaReine Ave. – expressed concerns over the pricing of sewer rental noting it is a major issue. Inquired if council had considered a sewer rent based on utilization. And whether that has ever been looked at. Mayor Engelstad stated that with the change of engineers that was not followed through. He (Mayor) then asked Mr. Freda, our engineer, to look into it noting that it is a major undertaking, and to find out what other towns have done to go from conversion to utilization.

Randy Bonnell, Third Avenue – responded to above that in order to do it, they need to have the bills and he felt that 50% of the residents would not do that. He noted that Belmar works well.

A discussion took place on the sewer rental issue, with points covered that included: if the infrastructure is fixed, the bill will be lowered, especially the cracked pipes; what direction should we take; it is a fairness question if every unit pays the same price; and resident looks forward to hearing the direction that the town will take.

Rae Tutela, Tourism Secretary – announced that the first concert of the season is scheduled for Saturday, July 18<sup>th</sup>, at Riley Park at 7:00 p.m. and urged all to attend.

Resident on Brinley Avenue – noted that the Brinley Avenue sewers are a big problem and it is not fair to have sump pumps – the assessment should go to those who go into the sewer system.

Richard Despina, 600 Third Avenue – expressed concerns of the condition of the surface of the bocce courts and asked the council to look into improving that situation. (Mr. Bianchi responded that new clay could be installed). Also, Mr. Despina inquired that when different events are held in town by groups such as the Chamber, are the town costs recovered, i.e. police and public works. He was informed that there is a set fee for events, and invoices are prepared by the police and public works departments. Further, he inquired as to the lack of flowers in the park between Second and Third Avenues. (Mr. Bianchi responded that they should be able to catch up with the weeding and the flowers this week). Finally, he gave accolades for the fireworks on July 3<sup>rd</sup>.

Elizabeth Bonnell, Third Avenue – inquired if we enforce recycling. She was informed that it is enforced and if found to be in violation, will be given a summons. Further, tipping fees are impacted when recycling is not done and there will always be offenders. Bryant Curry, code officer, requested addresses of those who are known to violate the recycling rules. It was noted that more recycling is being done today.

Randy Bonnell, Third Avenue – stated that the bid for the library renovation was a setback and timelines would result in higher costs. He noted that the architect should have known it would be out of budget and a large amount of money has been spent already.

Janet Torsney, Library Director – responded that not that much has been spent and the cost of steel has gone up; however, they plan to accomplish what was planned and they are looking at a six month building timeline.

Bill Psiuk, Fifth Avenue – stated that there are no regulations on block parties and recommended it be added to the subcommittee agenda for their next meeting.

Resident, 117 Ocean Park Avenue – inquired as to how they decide on the location for the ramps, i.e. Brinley Avenue. – Mayor Engelstad responded that Brinley Avenue is a beach in the center of the beachfront, and because of the bulkhead and elevated beach, all the entrances cannot be done at once. She then requested that the town continue to work toward providing as many ramps at the entrances as could be done. Continuing, the resident then inquired as to an ordinance on a half-way house, and the need to keep them away from playgrounds, etc. and also if they could be restricted by distance from another type of dwelling as the half-way house and asked if this was looked into. The ordinance she referred to was from another town, and Mr. DuPont, Borough Attorney, responded that this

issue was part of a lawsuit and he, together with Mr. Curry, code officer, are now looking at two different ordinances and carefully reviewing them.

T. J. Coan, Third Avenue – inquired if 811 Ocean Avenue was listed on four tax sales liens for \$16,000.00 for four units and how did they get a group rental certificate. Mr. Curry informed him that they have not and will not be issued a group rental certificate until taxes are current. He then inquired as to when the handicapped ramps would be installed on Main Street. Mr. Freda stated there is no update on this since the last meeting. He then stated that Dr. Cotler was correct in the site triangle issue provided a personal observation of one of his guests with the vans and suv's on the corners. He asked we look at making it safer as time goes by. Mr. Coan also thanked the town for the trash pickup.

Resident, 117 Ocean Park Avenue – thanked the police department for their assistance over July 4<sup>th</sup> weekend with some disturbances by some young visitors, and the police made them feel safe after taking care of the disturbances.

ON MOTION by Engelstad / Goldfarb the meeting was adjourned at 8:15 p.m.

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Frances M. Sauta  
For Mary Ann Solinski, Borough Clerk

