

**REGULAR MEETING
JULY 28, 2015**

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Carmen A. Biase Center 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 6:32PM

Present: Council: Cotler, Volante, Goldfarb, Galassetti
Mayor Engelstad
Business Administrator Wilkins
Borough Attorney: Ed Washburn
Secretary: Municipal Clerk Mary Ann Solinski

APPROVAL OF MINUTES

On Motion by Engelstad/ Galassetti to approve the minutes of April 28th, May 12th & 26th, June 9th 2015.

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

APPROVED MOTION

ITEMS ADDED TO AGENDA

On motion by Engelstad/Goldfarb
Discussion of Giamano’s violation of the conditions for their 2015 Music Series
Clean Ocean Action’s request to conduct a small Beach Sweep in August to collect items for A mosaic for their Clean Ocean Action Arts Project
Recreation Department’s request waive beach fees for those playing in the Annual Wiffleball Tournament on Saturday, August 1st at the Fourth Avenue Beach

DISCUSSION ITEMS

Mayor Engelstad stated that unfortunately it is clear that Giamano’s restaurant is not following the council guidelines for Giamano Restaurant’s 2015 Music Series earlier this year during the meeting of May 28th 2015 which the owners agreed upon, particularly the ending time of the performances. The Mayor made it clear he was not personally attacking Giamano’s but that he has had residential complaints that the owners were not meeting the conditions and requested council to consider rescinding permission for the music series. Councilman Cotler questioned whether the owners were notified that a discussion would be held this evening saying that they should have been invited to attend and respond to the complaints. The mayor responded by saying that the police had to shut down the performance this past weekend which exceeded the time designated, and that the owners would likely say what council would like to hear, and then continue to break the rules. Councilmen Volante and Goldfarb added citing Sunday’s violation that they were concerned that the police chief and his department should not have to babysit the restaurant and expressed concern that valuable police time being used for this purpose when perhaps other problems arise that may need immediate police response. Councilman Cotler noted that the police were dispatched to the location at 8:37pm which was only seven minutes after the time set for ending the concert and that seven minutes was too short to warrant the shutdown of the series. Council members said they feel that if the police had not been called, the concert could have continued for hours adding that unfortunately the owners have not abided by the rules granting the outdoor music series this year. William Psiuk noting that the noise ordinance also pertains to other area’s in the community as well as the business district. Mr. Coan urged council to take action to end the music series noting that he has opposed the series since the discussions began at previous meetings. Councilman Cotler stated that council violated due process and fairness that dictated Giamano’s should have been given notice prior to council making a decision.

ORDINANCE

Final Reading and Adoption

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

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

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

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

NAYS: None

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, Volante, Goldfarb, Galassetti, Engelstad

NAYS: None

ON MOTION by Engelstad / Galassetti moved to adoption.

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

ADOPTED ORDINANCE

Final Reading and Adoption

Mayor Engelstad announced that this was the time advertised for a public hearing on the following 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 moved to open the public hearing.

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

ON MOTION by Engelstad / Volante moved to adoption.

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

ADOPTED ORDINANCE

Final Reading and Adoption

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

ORDINANCE 2015-13

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

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

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

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, Volante, Goldfarb, Galassetti, Engelstad
 NAYS: None

ON MOTION by Engelstad / Galassetti moved to adoption.

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

ADOPTED ORDINANCE

COMMUNICATIONS

The following action was taken as part of the consent agenda

ON MOTION Engelstad/Goldfarb to table action on the request from the Bradley Beach First Aid Squad to place a Memorial at the southwest corner of Riley Park

TABLED MOTION

Mayor Engelstad requested council table action on the request at present due to consideration of use of possible Green Acres funding to improve Riley Park to make the park more inviting for events and visitors. He suggested that the paver area around the center obelisk should be completely level allowing for the placement of picnic tables along with other items council feel would enhance the parks recreational activities.

ON MOTION by Engelstad/ Galassetti granting approval of Clean Ocean Action's request to conduct a small Beach Sweep in August to collect items for a mosaic for their Clean Ocean Action Arts Project

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

APPROVED MOTION.

CONSENT AGENDA

ON MOTION by Engelstad / Galassetti moved to adoption

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

Resolution 140 **AUTHORIZES A VETERAN TAX DEDUCTION FOR BLOCK 75 LOT 6**

Resolution 141 **AUTHORIZES A VETERAN TAX DEDUCTION FOR BLOCK 85 LOT 12**

Resolution 142 **AUTHORIZES SEWER UTILITY BILLING FOR BLOCK 44 LOT 9**

Resolution 143 **BILL LIST**

Resolution 144 **REQUEST FOR APPROVAL OF ITEM OF REVENUE AND APPROPRIATION FOR THE MUNICIPAL ALLIANCE FOR ALCOHOL AND DRUG ABUSE IN THE AMOUNT OF \$10,000**

Resolution 145 **AUTHORIZES A JOINT PURCHASING SYSTEM WITH NEPTUNE CITY FOR POLICE EQUIPMENT**

Resolution 146 **AUTHORIZES A REDUCTION IN ADULT BEACH BADGE PRICE**

Resolution 147 **OPPOSING SEISMIC AIR-GUN TESTING AND OFFSHORE DRILLING ACTIVITIES**

Resolution 148 **WAIVE BEACH FEES FOR THOSE PLAYING IN THE RECREATION DEPARTMENT'S ANNUAL WIFFLEBALL**

**TOURNAMENT ON SATURDAY, AUGUST 1ST AT THE
FOURTH AVENUE BEACH**

ADOPTED RESOLUTIONS

Resolution 149

**RESCINDS RESOLUTION 2015-120 AUTHORIZING
GIAMANO'S RESTAURANT PERMISSION TO HAVE LIVE**

ON MOTION

by Engelstad / Volante moved to adoption

ROLL CALL

AYES: Volante, Goldfarb, Galassetti, Engelstad

NAYS: Cotler

ADOPTED RESOLUTION.

Reports

Councilman Cotler gave the First Aid Squad's statistical report for last month. The councilman also congratulated Janet Torsney along with the Friends of the Library for the great start of the library building restoration funds through the Walk Fundraiser held earlier this month.

Councilman Volante thanked the Quality of Life committee members for their dedication in providing assistance to residents' complaints by notifying the specific departments and working to resolve the issues such as construction, traffic etc.

Councilman Goldfarb noted Lori Marchak recently submitted a letter describing the quick response and the actions of a Special Class II officer along with other responders during a recent call at the beachfront for a medical emergency involving a child.

Mayor Engelstad announced that Rae Tutella, Tourism Board Secretary has submitted a letter of resignation effective the end of August. The Mayor noted that she has made a tremendous impact during her tenure and would like to express appreciation for her services throughout the years. The mayor announced that the Family Library Walk raised \$23,000 in donations and that there will be a free concert on August 22, 2015 in Riley Park at 7pm featuring the Shady Street Show Band of Asbury Park to benefit the library's building renovation project and asked that patrons be generous with their donations that evening. Mayor Engelstad congratulated his daughter and future son-in-law on their upcoming wedding this weekend.

Public Comment

Kathy Martin inquired about the progress of the Sylvan Lake Grant application. Mayor Engelstad responded that there is no update at present. Randy Bonnell who has followed the process and evaluations of the application noted that the price for the flood gates was very high and no final determination has been made at present. Mayor Engelstad noted that he will ask the engineer for an update at the next scheduled meeting.

Randy Bonnell noted that a while ago he advised the borough of problems with the handicap ramps in the sidewalk by the pay station and would like to know the status of the repairs. The mayor responded that Engineer Freda looked at the ramps located by 3rd and Beach Avenues

and advised they are ok. Assistant Public Works Superintendent advised that the ramps at Evergreen and Ocean can be fixed.

Councilman Cotler noted complaints about hedges being overgrown on the sidewalk. The mayor responded that this a code issue. Code Officer Curry responded that notices are sent to the owners who have time to correct the issue. It was noted that one location is in the alley by D'Arcy's Tavern.

Mr. Coan thanked the Quality of Life Team for correcting issues in the 700 block of Fourth Avenue. He reported that there is a dead tree in front of Willy's which needs to be removed.

Mayor Engelstad noting that the borough will be renewing ABC Licenses soon, said that there is one licensee who has not opened the doors to his business since October 2012 and that borough officials are extremely disappointed. Mr. Curry reported that work is almost completed at the site.

Councilman Cotler expressed concern that a lot of rentals are made through the internet not involving real estate agents and that the borough has no way of knowing if the person(s) are registered under Megan's Law as well as no certificate of occupancies being issued by the municipality therefore creating dangerous situations as no inspections are being performed by the code department. Chief Guida assured the councilman and public that people registered under Megan's Law are not a problem as immediate notification is sent to the police department. As far as renters without c/o's (certificates of occupancy) that the public exposing questionable activities to the borough are the best way to check and see if a certificate of occupancy has recently been issued. Mr. Curry added that his department relies on neighbors to inform the department of recent activities where no local inspections services having been performed.

ADJOURNMENT

ON MOTION by Engelstad / Goldfarb the meeting was adjourned at 7:27PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk