

**REGULAR MEETING
NOVEMBER 25, 2014**

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 6:34 PM

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

Proclamation

Mayor Engelstad read a proclamation recognizing Mr. and Mrs. DelPonte for their generous donations throughout the years and in particular their purchase and donation this year of Holiday Street banners to the Borough.

Public Bids Beachfront Concessions

Attorney DuPont announced that this is the time advertised for public bids on the Second Avenue Concession with a minimum bid of \$36,000.00. Hilary and Trent Colanduoni of Ocean Avenue Ice Cream LLC made the sole bid of \$36,000.00. Attorney DuPont recommended the award of lease for this concession.

Attorney DuPont announced that this is the time advertised for the Pushcart between Lake Terrace and Cliff Avenues. No bidders were present.

Attorney DuPont announced that this is the time advertised for the Pushcart between Ocean Park and LaReine Avenues. No bidders were present.

Attorney DuPont announced that this is the time advertised for the 2015 Beach Umbrella and Chairs concession. No bidders were present.

DISCUSSION ITEMS

A lengthy discussion ensued regarding the 2015 Surf Camp Concession bid specifications as the original authorization to advertise was rescinded earlier this year. Originally council discussed increasing the minimum amount from \$500.00 and to include a percentage of yearly profits over \$100,000.00 during the term of the lease. Councilman Galassetti noted that he was not present when the matter was originally discussed but feels the original minimum amount set at \$2,500.00 is not enough and agreed with Councilman Cotler that the bid should be higher. Councilman Volante said that he feels the borough is not in the position to be doing accounting for private businesses and shouldn't run small businesses on the beachfront. Councilman Cotler agreed the borough should not run small businesses but that it is the governing body's judiciary responsibility to raise the cost by seeking a percentage of the yearly profits. Councilman Goldfarb also questioned how the borough would require the successful bidder to report the accurate revenue to the council. Mayor Engelstad noted that an additional increase of 20 percent for any revenue generated over \$100,000 is an increase the council hasn't put onto any other concession bids. The majority of council finally agreed that the minimum bid be set at \$2,500.00 along with a 5% yearly increase for subsequent yearly renewals along with a provision for accommodation of 35 borough children in the camp program at no cost.

A brief discussion ensued concerning establishing new parking time limits on Main Street submitted by the Joint Subcommittee. Subcommittee Chairman urged council to go forward with the proposed amendment which would provide the following:

- Fifteen minute parking for the first two parking spaces, facing south directly in front of Police Headquarters from 8am to 6pm
- Fifteen minute parking for the first two parking spaced in the municipal parking lot (just beyond the handicapped space) facing the side entrance of Borough Hall to be utilized for "Borough Business Only"
- All other parking spaces on Main Street from north to south are to be designated as two hour parking from 8am to 6pm
- Appropriate signage to be installed to illustrate the new time limits

Councilman Cotler expressed concern for residential parking and for businesses with the new requirements. He also suggested a three hour zone by the south end of the borough. Council then agreed to proceed with introduction of the ordinance at the next council meeting and to provide adequate notification to residents and business owners.

Items added/deleted from the Consent Agenda

On motion by Engelstad/Volante

Delete the appointment of a Temporary Zoning Officer

Add the following:

Authorizes the Mayor or Administrator to apply and submit a grant application for the NJ Department of Environmental Protection Flood Hazard Risk Reduction and Resiliency Program for Sylvan Lake

Appointment to the Library Board of Trustees

CONSENT AGENDA

- ON MOTION by Engelstad / Galassetti moved to adoption
ROLL CALL AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad
NAYS: None
- Resolution 240 AUTHORIZES PAYMENT TO LIENHOLDER(S)
Resolution 241 AUTHORIZES A TAX REFUND BLOCK 45 LOT 5
Resolution 242 AUTHORIZES A PROPERTY TAX CREDIT FOR BLOCK 39
LOT 13
Resolution 243 AUTHORIZES A SEWER UTILITY REFUND FOR BLOCK 39
LOT 3.09
Resolution 244 AUTHORIZES A SEWER UTILITY REFUND FOR BLOCK 24
LOT 10.13
Resolution 245 AUTHORIZES SEWER UTILITY BILLING FOR BLOCK 50
LOT 5
Resolution 246 AUTHORIZES ADDITIONAL SEWER UTILITY BILLING
FOR BLOCK 60 LOT 23
Resolution 247 AUTHORIZES CANCELLATION OF SEWER UTILITY
BILLING FOR BLOCK 79 LOT 19
Resolution 248 AUTHORIZES THE RELEASE OF PERFORMANCE
GUARANTEE BLOCK 35 LOT 8
Resolution 249 AUTHORIZES BUDGET TRANSFERS
Resolution 250 BILL LIST
Resolution 251 PROVIDES FOR THE COMBINATION OF CERTAIN ISSUES
OF \$4,705,000 GENERAL OBLIGATION BONDS,
SERIES 2014 OF THE BOROUGH OF BRADLEY BEACH
DETERMINING THE FORM AND OTHER DETAILS
OF SUCH BONDS AND PROVIDING FOR THE SALE OF
SUCH BONDS TO THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY PURSUANT TO THE 2014
POOLED GOVERNMENTAL LOAN PROGRAM
Resolution 252 AUTHORIZES THE MAYOR TO EXECUTE AN AGREEMENT
WITH ZAMBELLI FIREWORKS IN THE AMOUNT OF
\$10,000 FOR THE FIREWORKS DISPLAY ON JULY 3, 2015
WITH A RAIN DATE OF JULY 5TH
Resolution 253 AUTHORIZES THE MAYOR TO EXECUTE A 2015 SERVICE
CONTRACT FOR THE SEWER PLANT AND GENERATOR
WITH RAPID PUMP METER SERVICE CO., INC IN THE
AMOUNT OF \$20,000.00
Resolution 254 AUTHORIZES THE MAYOR AND BOROUGH CLERK TO
EXECUTE THE 2015 SCAT AGREEMENT
Resolution 255 ESTABLISHES THE 2015 BEACHFRONT LOCKER FEES

- Resolution 256 **AUTHORIZES THE BOROUGH CLERK TO ADVERTISE FOR PUBLIC BIDS ON THE 2015 SURF CAMP**
- Resolution 257 **APPROVAL OF DATE(S) FOR VARIOUS ORGANIZATIONS TO HOLD SPECIAL EVENTS SUBJECT TO SUBMITTAL OF APPLICATIONS**
- Resolution 258 **AUTHORIZES THE MAYOR OR ADMINISTRATOR TO APPLY AND SUBMIT A GRANT APPLICATION FOR THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION FLOOD HAZARD RISK REDUCTION AND RESILIENCY PROGRAM FOR SYLVAN LAKE**
- Resolution 259 **APPOINTMENT OF ANNE BEVERE TO THE LIBRARY BOARD OF TRUSTEES TO FILL AN UNEXPIRED TERM**
- Resolution 260 **AWARD OF THE 2015 SECOND AVENUE CONCESSION TO OCEAN AVENUE ICE CREAM LLC**

ADOPTED RESOLUTIONS

- Resolution 261 **APPROVAL OF SPECIAL PARKING PERMIT AT 301A OCEAN AVENUE**

ON MOTION by Engelstad / Volante moved to adoption
 ROLL CALL AYES: Cotler, Volante, Goldfarb, Engelstad
 NAYS: Galassetti

ADOPTED RESOLUTION

REPORTS

Councilman Cotler thanked all of the emergency services who participated in Fireman Joseph Applegate’s house fire. He noted that Mr. Applegate has over fifty years of service with the Bradley Beach Fire Department.

Councilman Volante announced that there will be a fundraiser for Mr. Applegate on December 6th at the firehouse 4-8pm. Mr. Volante also announced upcoming Recreation Department’s programs; Adult Flag Football on Saturday, November 29th and the Annual Breakfast with Santa on Saturday, December 13th 9am-12 Noon.

Councilman Goldfarb announced that a link is on the borough website to the Monmouth County Hazard Mitigation Draft to review and submit comments. Mr. Goldfarb also announced that the Borough officials along with Freeholder Arnone will host a Facade Grant Program in borough hall during the month of February. The Councilman also reported that officials have been meeting with FEMA and expect to receive reimbursement for some Hurricane Sandy expenses soon.

Councilman Galassetti reported on the new doors for the municipal building and that public works has collected tons of leaves and brush the past few weeks.

Mayor Engelstad announced that Captain Al Modjeski received a Merit Award from Monmouth County for the Maritime Forest by Fletcher Lake. The mayor also reported that the Bonfire scheduled for Wednesday night has been re-scheduled to Friday night because of expected inclement weather conditions on Wednesday. Mayor Engelstad thanked everyone for making the Annual Veteran's Day ceremony a great success in particular Michele Whille and Frances Sauta and praised Ms. Whille for making the Annual Make a Difference Day such a success for the Food Pantry. He thanked Mr. Bonnell and Captain Al for making the officials aware of the grant program available for Sylvan Lake and that Avon's grant writer will prepare the necessary application and that the new Gazebo looks great and that the Annual Tree Lighting Ceremony will be held in Riley Park on Sunday.

Public Comment

A resident asked what is being built by Public Works and complained about an odor at that area. Council responded that Avon is building a Salt Storage Dome and that the smell comes from the Neptune City Sewerage plant on Memorial Drive.

Resolution 262

RETIRE INTO EXECUTIVE SESSION AS RECOMMENDED BY THE BOROUGH ATTORNEY FOR DISCUSSION LITIGATION CONCERNING 811 OCEAN AVENUE.

ON MOTION

by Engelstad/ Galassetti moved to adoption.

ROLL CALL

AYES: Cotler, Volante, Goldfarb, Galassetti, Engelstad

NAYS: None

ADOPTED RESOLUTION.

Council retired into Executive Session at 7:25pm

Attorneys McGovern and DuPont explained that many revisions have been made to the draft Court Order concerning the Bisgaier Hoff LLC vs the Borough concerning 811 Ocean Avenue and reviewed the changes with council. A discussion ensued concerning the borough's rights concerning licensing and other matters. Counsel also advised that the land use will be grandfathered for this property.

Council returned to open session at 7:50pm.

Mayor Engelstad reported that no formal action will be taken at this time.

ADJOURNMENT

ON MOTION by Engelstad / Goldfarb the meeting was adjourned at 7:51 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk