

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

JANUARY 25, 2023 AT 6:30 P.M.

IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (N.J.S.A. 10:4-8b).

THIS MEETING WAS HELD IN-PERSON AND THROUGH THE ZOOM MEETING PLATFORM, BEING BROADCAST FROM BOROUGH HALL, 701 MAIN STREET, BRADLEY BEACH, NJ 07720. PUBLIC PARTICIPATION FOR THIS COUNCIL BUSINESS MEETING OF JANUARY 25, 2023 WAS AVAILBLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE. THE REMAINDER OF COUNCIL MEETINGS (RESOLUTION 2022-265 ADOPTED DECEMBER 13, 2022) FOR CALENDAR YEAR 2023 WAS ADVERTISED IN THE COAST STAR AND THE NEW COASTER ON DECEMBER 15, 2022 AND THE ASBURY PARK PRESS ON DECEMBER 17, 2022.

WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE MUNICIPAL CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room, 701 Main Street, Bradley Beach, New Jersey on the above date.

CALL TO ORDER

Mayor Fox opened the meeting with a salute to the flag.

Sunshine Law was read.

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 in the Borough Office.

ROLL CALL AT 6:00 P.M.

Present at the December 13, 2022 Council Business Meeting:

Councilpersons: Ms. DeMarco, Ms. DeNoble, Mr. Gubitosi, Mr. Weber, Mayor Fox

Borough Administrator: Kimberly M. Humphrey (via ZOOM)

Municipal Clerk: Erica Kostyz

Deputy Municipal Clerk: Michele Whille (ZOOM operator)

Borough Attorney: Gregory Cannon

Mayor Fox:

Welcome to our second meeting of 2023. There is alot to cover tonight. We as a Council decided to start this Council meeting with a message of a “new day.” You may have seen reference to it in a recent newsletter I sent. Along with Councilman Weber and Councilman Gubitosi, I am excited to have

Councilwomen DeNoble and DeMarco to add a fresh new perspective to our council and serve the community. We met just after the New Year to discuss how we will work in a more collaborative way this year. As you know, we were not always aligned last year. Although we should welcome disagreement because it helped us think of things from different perspectives, sometimes we did not voice them in a constructive manner. We agreed to be on a new journey for a brighter Bradley Beach. It will not happen overnight but we are starting a new day. We hope you will join us in our new vision and rules of engagement.

Mayor Fox distributed and read a document to the public “Our Commitment to Bradley Beach”.

“As Elected Officials, everything we do must be based upon one objective; to serve the best interests of all residents, businesses, non-profits, and visitors of Bradley Beach openly and honestly. We will create an environment where everyone feels included, is treated fairly, and has access to their government. Positivity in social media, town meetings, and other exchanges is the normal.”

In addition, Mayor Fox also distributed a document to the public titled “Rules of Engagement”

- 1. Our Communications are timely, open, accurate, and confidential when needed.**
- 2. We will work together as a Council to create solutions that work best for Bradley Beach through Constructive problem solving and compromise.**
- 3. Council members will demonstrate mutual respect and support each other through obstacles.**
- 4. We have an open government that accurately and truthfully represents information to each other and to the public.**
- 5. We all have accessibility to information and professionals.**
- 6. Council members give each other the benefit of the doubt and assume good intent.**
- 7. We pick up the phone if issues are not resolved after two emails.**
- 8. We are neighbors who break down the town divisive groups and treat each other with kindness.**
- 9. Our Council respects the skills of employees or professionals and allows them to do what they are hired to do.**
- 10. We are careful to verify stories about people to ensure the truth is communicated.**
- 11. We respect our volunteers and allow them to utilize their expertise and their desire to contribute.**

Councilwoman DeNoble introduced and thanked resident Ms. Eileen Flynn of Legacy teams for volunteering to meet and work with the Council to guide them on the right path. Ms. DeNoble read her three favorites of the “Rules of Engagements” and read a quote from a magazine from the Mayor of Millstone. Ms. DeNoble stated she looks forward to serving the Borough with stability and respect.

Councilman Gubitosi read a prepared statement:

First of all, I would like to thank our “teamwork coach” and Bradley Beach resident, Eileen Flynn, for guiding this new Council towards a greater spirit of collaboration. I think tonight’s meeting, and how we got here, might serve as an encouraging sign to our residents that we have already taken a few steps in the right direction. As many of you may know, the Professional Appointments that we will make tonight are the result of a lot of work for Council members, including the review of large proposal binders that describe firm capabilities, experience, and financials. In many instances, we may need to follow-up on references or on questions that arise. The Council started this process very late, receiving access to over 50 proposals towards the end of December. Keeping in mind that our typical target date for Professional Appointments is January 1st, the week between Christmas and New Year’s Eve was not sufficient for us to complete our assignments. Together, the Council members all agreed that more preparation time was needed, and we all agreed to move the meeting date for making Professional appointments to January 11th. Then we all prepared individual “Weigh Sheets” which serve as written summaries of our evaluations, and we all shared our “ratings” of these professionals openly with Mayor Fox. Unfortunately, we then had to postpone the January 11th meeting and although disappointed, we all still worked together towards tonight’s meeting. During the month of January, the Mayor organized multiple one-on-one meetings with each Council member to allow each of us to share our perspectives with him. During this process, I met with Mayor Fox on three separate occasions; at Borough Hall, in person, one-on-one. That likely exceeds the number of similar meetings that the Mayor and I shared during all of 2022. As Mayor Fox stated, “We should welcome disagreement because it helps us see other perspectives”. I believe that each member of this Council wants to do what is right for the Borough of Bradley Beach. That does not mean that we will always agree on which path will best lead us there. Tonight, do not be concerned when there is disagreement. What is really important is to observe how well the members of this Council handle that disagreement. We must each continue to serve Bradley Beach to the best of our ability. As we do that, we must each demonstrate respect for the opinions of others. Finally, we must each continuously recommit to transparent and honest Government, as we represent all of our constituents, each of us in our own diverse way.

Councilwoman DeMarco thanked the Mayor and Council for their insight as to our training and highlighted item number six on the “Rules of Engagement”. Ms. DeMarco stated that during the training Councilwoman DeNoble reminded everyone that we are all someone’s relative or spouse and stated she will continue to give everyone, including the residents the benefit of the doubt and assume good intent and looks forward to being part of the Council that values kindness and respect.

Councilman Weber stated one of the best things he took away from the facilitated meeting is we can only be responsible for ourselves in our actions and reactions and feels the important thing is how everyone is going to work together. Mr. Weber asked that everyone in the audience seek understanding first and stated the Council should use their vote to protect and enhance the Borough and improve the quality of life for the Borough. Mr. Weber stated he is confident everyone can work together better and he is committed to that.

WORKSHOP DISCUSSIONS:

Biase Center Roof Repair Project – Settembrino Architects

Mayor Fox stated there have been leaking issues with the Biase Center roof for a number of years. Administrator Humphrey brought an architect in approximately six months ago to look at the roof which is currently a flat roof. The architect stated a flat roof is not a good thing.

Mr. Kevin Settembrino gave a presentation via ZOOM to include the drawings. Mr. Settembrino explained this is for a 4200 square foot roof replacement and explained the current roof is a single ply EDM rubber roof.

Mr. Settembrino went over the following elements for the project:

- **Scope of work.**
- **Materials to be used.**
- **Removal and replacement**
- **Structural reinforcement of a rooftop unit closer to Main Street.**
- **Enlargement of the gutters and liters.**
- **Redirecting the storm drain to the storm drain in the street.**
- **Replacement of insulation under the roof.**
- **Twenty year warranty on the roof.**

Mr. Settembrino recommended the State Contract Vendor, Pravco, to be used for this project and further explained this vendor will accommodate the Local Public Contracts Law.

Councilwoman DeNoble inquired what the intentions are for this building and if the Zoning and Construction office is going to remain there.

Mayor Fox responded the building will continue to be used for Zoning and Construction office, however the departments will be moved to the Borough Hall building during the construction. Mayor Fox also stated potential plans to put in another counter to make it more resident friendly and also stated he would like to have a discussion with the Governing Body would be moved to the Borough Hall Offices during the course of the construction. Mayor Fox also stated plans to put in another counter to make it more customer/resident friendly. Mayor Fox stated he would like to have a discussion with the Governing Body about an asset inventory.

Ms. DeNoble asked Mr. Settembrino if doing a longer pitched roof with different materials to give a longer warranty was considered.

Mr. Settembrino explained the materials and labor involved would exceed the cost of this project and stated there is more than adequate slope on the existing roof. Mr. Settembrino also explained the 20 year warranty for the existing quote is for material and labor versus a warranty on materials only going with a different material manufacturer.

Councilman Weber inquired the cost of a pitched roof an solar panels.

Mr. Settembrino stated he did not have a cost estimate on a pitched roof and structure change at this time an further explained in order to put solar panels on this roof the Borough would need to check the Capacity of the roof to make sure there is a reserve load of at least 6 pounds of square foot and does not feel there is that type of reserve load existing presently.

Councilman Gubitosi asked about confirmation of the labor warranty.

Mr. Settembrino explained there are two warranties one is a maintenance bond which can be purchased as part of the project will be two years after the project is completed, the contractor will make any changes or corrections which is not applicable in this project. Second is one warranty, a labor and material warranty with the manufacturer, Garland, that if there is any leak in the next 20 years as a

result of labor or material deficiencies, the manufacturer will come back and make the repairs at no cost to the Borough.

Further conversation ensued regarding confusion with the warranty. Mr. Settembrino explained the two year warranty is applicable to the contractor, the 20 year warranty is applicable to the manufacturer. Pravco would be the contractor and would come to make any repairs at no cost to the Borough within the first two years, beyond that time it would be the manufacturer for 20 years.

Councilman Gubitosi stated he felt the cost was high for a small building and inquired the cost to improve the current structure with a second floor and a pitched roof.

Mr. Settembrino stated this can be done, however the roof structure would need to be changed to accommodate the floor load.

Councilman Gubitosi asked if an estimate with a second floor can be done fairly quickly.

Mr. Settembrino gave a guessed estimate which could possibly be 1.2 million.

Councilman Gubitosi asked if there is a less expensive way to repair the roof.

Mr. Settembrino stated a less expensive way would be to not get the warranty.

Public Comment on the Workshop item:

In Person:

Thomas J. Coan, 612 Third Avenue, asked about the costs of different roof formats, materials, and warranties.

Mr. Settembrino addressed Mr. Coan's inquiries.

Eileen Shissias, 112 Fourth Avenue, inquired about the Master Plan for all of the Municipal Buildings before doing a repair on an old building and expressed concern regarding the expenses to repair the Biase Center roof.

Mayor Fox stated while he is interested in doing an asset inventory in the near future, however this is a necessary repair that needs to be taken care of.

Rich Despina, 600 Third Avenue, stated he is in favor of adding a second floor, sloped roof and solar panels.

ZOOM: None

Don Greenberg, 302 Ocean Park Avenue, expressed opinions regarding solar panels, use of PVC materials and an addition of a second floor.

PRESENTATIONS:

Clerk Kostyz, read the following Proclamation recognizing Councilman Randy Bonnell:

A Proclamation Recognizing Councilman Randy Bonnell

WHEREAS, Mr. Randy Bonnell has faithfully served his fellow citizens as a Councilman for six years from January 2017 to December 2022; and

WHEREAS, Mr. Bonnell has performed of his own volition, many endeavors to benefit his community and has been an active volunteer on boards and committees dedicated to the betterment of life for the residents of Borough.

WHEREAS, Mr. Bonnell has also given willingly and he has contributed immeasurably to the success of community endeavors for many of his fellow citizens; and

WHEREAS, Mr. Bonnell will retire from his position as Councilman on December 31, 2022.

NOW THEREFORE BE IT RESOLVED, on behalf of the Mayor and Council and Employees of the Borough of Bradley Beach, wish to extend their appreciation for his service to the Borough and wish him well in his future endeavors.

Mayor Fox read the following Proclamation recognizing Councilman Tim Sexsmith:

A Proclamation Recognizing Councilman Tim Sexsmith

WHEREAS, Mr. Tim Sexsmith has served on the Borough Council for three years and one year as Council President in 2022;

WHEREAS, Mr. Sexsmith has given generously of his time and effort as a member of the Borough Council with diligence and effectiveness and has made a constructive contribution to his associates and to the community; and

WHEREAS, Mr. Sexsmith has also has been an active volunteer on boards and committees dedicated to the betterment of life for the residents of the Borough.

WHEREAS, Mr. Sexsmith has performed his duties on Council with character and dignity; he will be missed both professionally and as a friend; and

WHEREAS, his service to the Borough has been given willingly and he has contributed immeasurably to the success of community endeavors for many of his fellow citizens; and

WHEREAS, Mr. Sexsmith will retire from his position as Councilman on December 31, 2022.

NOW THEREFORE BE IT RESOLVED, the Mayor and Council, Borough Employees and volunteers of the Borough of Bradley Beach, wish to extend their appreciation for Mr. Sexsmith's contributions.

Councilwoman DeNoble, Shade Tree Commission Liaison, read aloud the following Certificate of Appreciation in honor of former Chairman, Dr. George Heflich:

Certificate of Appreciation presented to Dr. George Heflich

The Mayor and Council recognizes the dedication and long hours of hard work that Dr. Heflich devoted to the Bradley Beach Shade Tree Commission. This conscientious, volunteer spirit provided tremendous support to our Municipal Officials, Borough Employees, and to our residents and will always be appreciated.

Ms. DeNoble stated Dr. Heflich leaves behind a solid legacy of strategies, guidelines, and trees and thanked him for his service to the Shade Tree Commission.

MINUTES APPROVAL

ON MOTION by Fox/Weber to approve the Special Council Meeting Minutes of December 27, 2022.

ROLL CALL:

AYES: Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: DeMarco, DeNoble

APPROVED

ON MOTION by Fox/Weber to approve the Council Reorganization Meeting Minutes of January 1, 2023.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

APPROVED

Public Comments on Agenda Items:

In Person:

Thomas J. Coan, Third Avenue

- **Not in favor of Resolution 2023-34.**
- **Feels the public needs to be included in the decision for EV Charging Stations.**
- **Feels more time should be added for public comments this evening.**
- **Requested Resolution 2023-36 should be tabled and the public should be able to review the Police Chief's contract.**

Nancy Meadow, 805 Beach Avenue

- **Feels the public comment should be extended for this evening.**
- **Gave opinions on the Rules of Engagement presented at the beginning of the meeting.**
- **Feels Zoom participants are not being recognized.**
- **Voiced bill list complaints.**

Julie Nutaitis, 605 Newark Avenue, stated she is not in favor of the Greenspot award resolution and feels more research needs to be done. Ms. Nutaitis also stated she is not in favor of the Biase Center Roof repair at this time and requested resolution 2023-34 be tabled pending more research.

Eileen Shissias, 112 Fourth Avenue, not in favor of award of contract resolution to Greenspot.

Linda Duffy, 312 Brinley Avenue, not in favor of award of contract resolution to Greenspot.

Jeanne Leahy, Ocean Park Avenue, opposed to the Greenspot award of contract resolution.

Donna Corazza, 709 Ocean Avenue, opposed to the Greenspot award of contract resolution.

ZOOM:

Kristen Mahoney, 200 LaReine Avenue, opposed to the Greenspot award resolution, agrees the Police Chief contract should be made available to the public and requested a grant for a dog park.

Donna Mancini, 95 McCabe Avenue, objected to the Greenspot award resolution.

Fran Giordano, 100 McCabe Avenue, objected to the Greenspot award resolution.

ORDINANCE INTRODUCTION(S):

BOND ORDINANCE 2023-02

BOND ORDINANCE PROVIDING FOR MCCABE AVENUE STORMWATER OUTFALL IMPROVEMENTS, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

Councilman Gubitosi inquired if the all of the expenses for this bond ordinance are tied to the Beach Utility.

Mayor Fox responded yes.

ON MOTION by Fox/Gubitosi to introduce Bond Ordinance 2023-2.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

INTRODUCED

ORDINANCE ADOPTION(S):

ORDINANCE 2023-1

CALENDAR YEAR 2023

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 Fox/Gubitosi to open the public hearing for Ordinance 2023-1.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

Public Comment on Ordinance 2023-1:

In Person:

Thomas J. Coan, 612 Third Avenue, stated he annually objects to this ordinance.

ZOOM: None

ON MOTION by Fox/Gubitosi to close the public hearing and adopt for Ordinance 2023-1.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

Ms. DeNoble requested the appointment title in the Shade Tree Commission Memo be amended from from “Alternate Liaison” to “Additional Liaison”.

Clerk Kostyz made this amendment.

COMMUNICATIONS:

- **Salary Increase Memo for Special Law Enforcement Officer Yanni Gavakis.**
- **Shade Tree Commission Memo naming Councilman Weber Additional Liaison of the Shade Tree Commission.**
- **Memo of approval to waive the Municipal Raffle License Fee of \$20.00 for the Bradley Beach Elementary PTA.**

CONSENT AGENDA RESOLUTIONS:

2022-20 Bill List for January 25, 2023.

2023-21 Approval of Refund for Electrical and Mechanical Permit fees for 306 Evergreen Avenue in the amount of \$120.00.

2023-22 Approval of Refund for a Street Opening Permit for 615 LaReine Avenue in the amount of \$500.00.

2023-23 Approval of an Escrow Deposit Refund for 414 McCabe Avenue in the amount of \$760.75.

2023-24 Approval for Clean Ocean Action to conduct their annual Spring and Fall Beach Sweeps April 1, 2023 and October 21, 2023.

2023-25 Authorizing the cancellation of Tax and Sewer Payments under and/or over the amount of \$10.00.

2023-26 Approval of Raffle License 2023-1 for the Bradley Beach Elementary School PTA and waiver of the \$20.00 Municipal Raffle License Fee.

2023-27 Approval for the Hydrocephalus Association to conduct their 5K Walk on Sunday, September, 10, 2023 from 7:00 a.m. to 1:00 p.m.

2023-28 Approval for Nesivos, Incorporated to conduct their 5K Race on Sunday, May 14, 2023 From 5:00 p.m. to 7:00 p.m.

2023-29 Approval for the American Littoral Society to conduct their Lobster 5K Run/Walk on Saturday, April 29, 2023 from 9:00 a.m. to 11:00 a.m.

2023-30 Approval for the National Scleroderma Foundation to conduct their Walk on Saturday, May 6, 2023 from 7:30 a.m. to 1:00 p.m.

Councilman Weber, inquired if the charge on the bill list for Colliers Engineering, can be paid out of the Bond Ordinance.

Mayor Fox answered this inquiry.

Councilman Gubitosi, inquired about the bill list charges for Alison, Holman & Frenia.

Mayor Fox explained the bills are for the audits and corrections being performed.

A conversation ensued regarding the service contract for Alison Holman & Frenia.

ON MOTION by Fox/Weber to approve the Consent Agenda Resolutions.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

RESOLUTIONS ADOPTED

RESOLUTIONS:

2023-31 Approval to enter into a Shared Service Agreement with the Township of Neptune for the Resale of Diesel Fuel and Gasoline.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-31.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

2023-32 Award of Contract for Stormwater Outfall Pipe Repair, Shared Service Agreement with the Borough of Avon-by-the-Sea, to T&M Associates.

Councilman Gubitosi confirmed with the Mayor the dollar amounts in the resolution represent the Borough of Bradley Beach and the Borough of Avon.

Councilman Gubitosi explained for public benefit the dollar amounts in the resolution.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-32.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

2023-33 Authorizing for the Solicitation of Bids for the McCabe Avenue Outfall Pipe Repair.

Mayor Fox explained the purpose of this resolution.

Ms. DeNoble stated after viewing this pipe last week with the Mayor, the County and Collier's Engineering, this pipe is a priority repair.

ON MOTION by Fox/DeNoble to adopt Resolution 2023-33.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

2023-34 Authorizing the Biase Center Roof Repair Project through Pravco, Incorporated via State Cooperative Contract.

Councilman Weber and Councilman Gubitosi requested more feedback, options, and costs from the Architect for the Biase Center building and requested to table this resolution.

Councilwoman DeMarco requested a more comprehensive plan before moving forward and inquired if there is a safety issue with the building at this time.

Mayor Fox responded there is not a safety issue, the leaks are more of an inconvenience.

ON MOTION by Weber/Gubitosi to table Resolution 2023-34.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

RESOLUTION TABLED

2023-35 Approval to apply for a Grant from the New Jersey Department of Community Affairs for Improvements to the Bradley Beach Recreation Center.

Councilman Gubitosi requested to amend the resolution to include Pickleball Courts.

ON MOTION by Fox/Weber to adopt Resolution 2023-35 with an amendment to state Pickleball Courts.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

2023-36 A Resolution ratifying a new two-year contract with the Borough's Chief of Police, as previously approved by the Borough Council on December 13, 2022.

Councilman Gubitosi stated he is in support of this contract and asked the Borough Attorney what the appropriate level of communication to provide this contract to the public to view.

Mr. Cannon responded the contract should have been attached to the resolution for public view. Mr. Cannon also stated anyone wanting to see the contract could have also submitted an OPRA request.

Mr. Cannon stated the best option would be to table this resolution for the next meeting and attach the contract to the resolution for public view.

Councilwoman DeMarco inquired if it is necessary for the new Council members to ratify the contract.

Mr. Cannon responded it is not necessary to ratify the contract for it to be effective and stated the two current Councilmen and the Mayor who were present at the December 13th Executive Session wanted the new Councilwomen to be able to view the contract.

Councilwoman DeMarco and Councilwoman DeNoble were both in agreement to table the resolution to the February 8th Council Meeting.

ON MOTION by Gubitosi/Weber to table Resolution 2023-36 to February 8, 2023 and post the resolution with the Contract for public view.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

RESOLUTION TABLED

2023-37 Award of Contract to Greenspot JC, LLC, of Jersey City, New Jersey for the Installation of Electric Vehicle Infrastructure.

Councilman Gubitosi stated given concerns raised by the public and for concerns of clarity of the contract he is in favor of withdrawing this resolution. Mr. Gubitosi would like to get more proposals if this goes out to rebid.

Councilwoman DeNoble inquired why the contract was not made viewable to the public.

Clerk Kostyz clarified there is not a contract with Greenspot at this time.

Mr. Cannon also clarified if there was a contract in place it would be published for the public to view.

Councilwoman DeNoble thanked the public for their input and also feels more research needs to be done before moving forward with this project.

Councilman Weber is in favor of rebidding this project.

Councilwoman DeMarco stated she would like more clarity on this project and mentioned concerns as to what level charging stations would be used. Ms. DeMarco also addressed concerns with Mr. Cannon about the legality of rejecting the bid.

ON MOTION by Gubitosi/Weber to withdraw Resolution 2023-37.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber

NAYS: Mayor Fox

ABSENT: None

ABSTAIN: None

RESOLUTION WITHDRAWN

2023-38 A Resolution rejecting all bids and re-advertisement and solicitation of bids for the installation of Electric Vehicle Infrastructure.

ON MOTION by Fox/Weber to adopt Resolution 2023-38.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber
NAYS: Mayor Fox
ABSENT: None
ABSTAIN: None

ADOPTED

2023-39 Approval of Temporary Appropriation Reserve Transfers

ON MOTION by Fox/Weber to adopt Resolution 2023-39.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

2023-64 A Resolution revising the date of the Draft Budget to Council no later than February 27, 2023.

Councilman Gubitosi expressed concerns the regarding the Borough Ordinance guidelines for the Budget and feels the time frame between Council review of the draft budget, public workshop, and introduction is aggressive.

Conversation ensued amongst the Governing Body nd Borough Attorney regarding the State Local Financial Notice which extended date of introduction and adoption for Municipal Budgets. It was decided to move the public workshop to March 22nd, the introduction to April 12th, and the adoption to April 26th.

ON MOTION by DeMarco and DeNoble to adopt Resolution 2023-64 to reflect the amended dates.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

A Motion was made by Mayor Fox, seconded by Councilwoman DeMarco to withdraw the following Resolutions from the Consent Agenda Resolutions for the 2023 Professional Appointments:

2023-53 Professional Service Appointment, Rainone, Coughlin & Minchello, as the Redevelopment Attorney from January 1, 2023 to December 31, 2023.

2023-60 Professional Service Appointment, H2M Architects & Engineers, as Stormwater Engineer, from January 1, 2023 to December 31, 2023.

A motion was made by Mayor Fox, seconded by Councilman Weber to withdraw the following resolutions from the Consent Agenda Resolutions for Professional Appointments:

2023-58 Professional Service Appointment, CME Associates, as Zoning Consultant Engineer, from January 1, 2023 to December 31, 2023.

2023-59 Professional Service Appointment, Remington & Vernick Engineers, as the Stormwater Engineer from January 1, 2023 to December 31, 2023.

ON MOTION by Fox/Weber to withdraw Resolutions 2023-53 and 2023-60 from the Consent Agenda for 2023 Professional Appointments.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

RESOLUTIONS WITHDRAWN

Mayor Fox made a recommendation to table Resolutions 2023-48 for Labor Attorney to and 2023-49 for OPRA Counsel. Mayor Fox feels the Governing Body needs to discuss these two appointments more collectively and get a stronger consensus in those particular areas.

A conversation ensued amongst the Governing Body, the Borough Attorney and the Borough Administrator (via ZOOM) regarding the effects of completing current open tasks being done by the current appointed Professionals by tabling these two resolutions.

Mayor Fox made a motion to table the following resolutions, seconded by Councilman Weber:

2023-48 Professional Service Appointment, Eric M. Bernstein & Associates, LLC, as the Labor Attorney from January 1, 2023 to December 31, 2023.

2023-49 Professional Service Appointment, Sobel Han & Cannon and Eric M. Bernstein & Associates, LLC as OPRA Counsel from January 1, 2023 to December 31, 2023.

ON MOTION by Fox/Weber to table Resolution 2023-48 and 2023-49.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

RESOLUTIONS TABLED

Mayor Fox made a recommendation to table Resolution 2023-57 for Borough Engineer. Mayor Fox stated he feels a deeper discussion is necessary for this appointment regarding the time frame for this appointment. By statute the Borough Engineer is a three year term with annual approvals and would like to get a better legal understanding before moving forward with this appointment.

Councilman Gubitosi stated he is willing to table this resolution to give the Mayor more time to research the correct appointment fulfillment, however he does not feel this is a three year appointment.

Mayor Fox made a motion to table the following resolution, seconded by Councilman Weber:

2023-57 Professional Service Appointment, CME Associates, as Borough Engineer from January 1, 2023 to December 31, 2023 (year two of three-year appointment).

ON MOTION by Fox/Weber to table Resolution 2023-57.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

RESOLUTION TABLED

Councilman Gubitosi made a motion to remove Resolutions 2022-50, 2023-52, and 2023-55 from the Consent Agenda for 2023 Professional Appointments and vote on these resolutions individually, seconded by Councilman Weber.

ON MOTION by Gubitosi/Weber to remove Resolutions 2023-50, 2023-52, and 2023-55 from the Consent Agenda Resolutions for the 2023 Professionals and vote on them individually.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

RESOLUTIONS REMOVED FROM CONSENT AGENDA FOR 2023 PROFESSIONALS.

CONSENT AGENDA RESOLUTIONS FOR 2023 PROFESSIONAL APPOINTMENTS:

2023-40 Professional Service Appointment, Brown and Brown Metro as Health Benefits Consultant, from January 1, 2023 to December 31, 2023.

2023-41 Professional Service Appointment, Brown and Brown Metro as Risk Management Consultant, from January 1, 2023 to December 31, 2023.

2023-42 Authorizing the execution of a Risk Management Agreement with Brown and Brown Metro from January 1, 2023 to December 31, 2023.

2023-43 Professional Service Appointment, Jason Shamy, Esq as the Borough Prosecutor, from January 1, 2023 to December 31, 2023.

2023-44 Professional Service Appointment, James Carton, Esq. as the Borough Alternate Prosecutor from January 1, 2023 to December 31, 2023.

2023-45 Professional Service Appointment, Clifford P. Yannone, Esq. as the Borough Public Defender from January 1, 2023 to December 31, 2023.

2023-46 Professional Service Appointment, Donald Greer, Esq., as the Borough Alternate Public Defender from January 1, 2023 to December 31, 2023.

2023-47 Professional Service Appointment, Sobel Han & Cannon, as the Borough Attorney from January 1, 2023 to December 31, 2023.

2023-51 Professional Service Appointment Schaffer, Shain and Jollah, as the Tax Appeal Attorney from January 1, 2023 to December 31, 2023.

2023-54 Professional Service Appointment, Weiner Law Group, LLP, as the Fair Share Housing Attorney from January 1, 2023 to December 31, 2023.

2023-56 Professional Service Appointment, Leon S. Avakian, Inc., as the Borough Planner from January 1, 2023 to December 31, 2023.

2023-61 Professional Service Appointment, Colliers Engineering & Design, as the Coastal Engineer From January 1, 2023 to December 31, 2023.

2023-62 Professional Service Appointments, CME Associates, Leon S. Avakian, Inc., H2M Architects & Engineers, Remington & Vernick Engineers, and T&M Associates, as Special Consult Engineers, from January 1, 2023 to December 31, 2023.

2023-63 Professional Service Appointment, Acacia Financial Group, as the Financial Consultant from January 1, 2023 to December 31, 2023.

ON MOTION by Fox/DeMarco to approve the selected Consent Agenda Resolutions for the 2023 Professional Appointments.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

RESOLUTIONS ADOPTED

INDIVIDUAL RESOLUTIONS FOR 2023 PROFESSIONAL APPOINTMENTS:

2023-50 Professional Services Appointment, Gluck Walrath, LLP, as the Bond Counsel from January 1, 2023 to December 31, 2023.

Councilman Gubitosi requested to remove this firm from Resolution 2023-52 for Conflict Counsel.

Mayor Fox stated he did not have an issue with this request.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-50.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

2023-52 Professional Services Appointment, Rainone, Coughlin & Minchello, as Conflict Counsel from January 1, 2023 to December 31, 2023.

ON MOTION by Fox/Weber to adopt Resolution 2023-52 with the amendment with only one Conflict Counsel firm.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

2023-55 Professional Service Appointment, Oliwa & Company, as the Borough Auditor from January 1, 2023 to December 31, 2023.

A lengthy and intense conversation ensued amongst the Governing Body, the Borough Attorney, and the Borough Administrator (via ZOOM) regarding tabling this resolution to further discuss and come to a decision for this Borough appointment and the legality a hold over for this for this firm.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-55.

ROLL CALL:

AYES: DeMarco, Mayor Fox
NAYS: DeNoble, Gubitosi, Weber
ABSENT: None
ABSTAIN: None

RESOLUTION FAILED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Councilwoman DeNoble:

- Gave the weekly activity report for the Fire Department and First Aid Squad.
- Attended the NJ School Board Association 3D Strategic Planning event on January 10th and announced there will be another special meeting on February 16th at 6:00 p.m. at the Bradley Beach Elementary School.
- Courtney Hammell was named Teacher of the Year and Julie Ferwerda was named Education Specialist of the year at the Board of Education Meeting last evening.
- Announced Jordan DeJesus shot a two pointer at the Girls Basketball Game and won the game for Bradley Beach.
- Congratulated the new Shade Tree Commission Chairman Larry Bagwell and Vice-Chairman Nick Kosarych.
- Announced the next tree planting will take place in April.

Councilman Gubitosi:

Made the following statement: It is important to note that the Local Public Contracts Law requires Council approval of payments for Professional Services. If any professional services firm continues to perform services for the Borough after tonight, and they were not reappointed by vote of this Council, they will be at significant risk of not getting paid.

Councilman Gubitosi made a motion to have an RFP for the IT Consultant Professional on the next meeting Agenda, seconded by Councilman Weber.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

Councilman Gubitosi mentioned the Addendum Contract language added to the Professional Appointment resolutions and explained the purpose for this.

- Gave the weekly activity report for the Police Department.
- Announced there will be a Beach Locker Policy Workshop in the near future.
- Gave a report on the Environmental Commission meeting that took place on January 9th and congratulated all of the new members. Ms. Demarco stated the Environmental Commission discussed the EV Charging Stations, potential events for 2023, the Spring Beach Sweeps.

Councilwoman DeMarco:

- Gave a report on the Environmental Commission meeting that took place on January 9th and congratulated all of the new members. Ms. Demarco stated the Environmental Commission discussed the EV Charging Stations, potential events for 2023, the Spring Beach Sweeps.
- Congratulated all of the reelected officials for the Land Use Board and gave an update on the January 19th meeting.
- Gave a report on the BBBCA annual meeting and thanked Paula Gavin and all of the volunteers that made 2022 a successful year for the BBBCA.

Councilman Weber

Inquired about an asset report for the 319 LaReine Avenue Church.

Mayor Fox addressed this inquiry.

- Announced Family Fun Night will take place tomorrow evening at the Bradley Beach Elementary School.
- Mentioned the Arts Council Production of Ellis Island, Dream of America.
- Mr. Weber stated he is looking forward to being the liaison for the Fletcher Lake Commission.

Mayor Fox:

We continue to be in a great position as a community. We are blessed with both opportunities and challenges which, if we choose to work on them in a smart, unified manner will ensure success in 2023 and beyond, together.

Start with the big show this weekend and next Ellis Island The Dream of America. Dedicated to the people of Ukraine, six performances in our beautiful Auditorium at the school. Julia Rand and the Arts Council are looking forward to seeing you all. This Friday, Saturday and Sunday and next weekend the same. Seven actors, two moderators, and one Music director.

Library Programs:

Library Puzzle Exchange – Bring in gently used puzzles to swap for new puzzles ongoing through January 31.

Winter Reading – Open to all ages. Log your reading through February 28th to enter to win prizes. One book is equal to one entry for a prize.

Conversation with Memoir Author – Thursday, January 26th at 6:00 p.m. Join the library and Congregation Agudath Achim for a conversation with local author Michelle Weinfeld about her debut memoir *From Generation to Generation: A Memoir of Food, Family and Identity in the Aftermath of the Shoah*. Each attendee will be entered into a drawing to win a signed copy of the book. Registration required.

Take Your Child to the Library Day- Friday, February 3rd from 3:00 p.m. to 5:00 p.m. Children will receive a small prize as a thank you for being a reader while supplies last.

Read to a Dog - Thursday, February 9th at 3:45 p.m. Children in Kindergarten through 4th grades are invited to practice their reading skills by reading to a dog.

Nintendo Switch for Kids - Most Mondays from 3:00 p.m. to 5:00 p.m. Children ages 7 through 18 are invited to play group Nintendo games.

One – on – One Computer Assistance - Improve your computer skills, build your technology confidence, Get job-search, resume support, and more. Contact the Library to schedule an appointment.

The BBBCA held their annual meeting Monday at the school, very exciting and inclusive, school musicians, cheerleaders, and the new Superintendent Mike Heidelberg participated, a great 2022 and an even better 2023 thanks to Paula Gavin and her board!!

Recreation Programs:

Aftercare is still going Monday, Wednesday, and Friday from 3:10 p.m. to 6:00 p.m.. Spots are still open and applications can be found on the website.

Crosswords and Coffee - every Tuesday at 10:00 a.m. New puzzles every week. Coffee and snacks provided. At the Recreation Center.

Free Zumba classes- every Saturday at 10:00 a.m. at the Recreation Center.

Core Health: Heart Forgiveness with Alaethia – February 12th, 1:00 p.m. to 5:00 p.m. A four part guided meditation series to learn how to let go of your anger and re-empower yourself. Online sign up only. Link can be found on the website.

Tweenhearts Dance - February 17th at 6:30 p.m. to 8:30 p.m. Open to grades 5th through 8th at the Recreation Center. DJ, games, \$2.00 pizza slices and more.

Borough business - we are closing our 2022 and working on the 2023 budget.

We are moving on the Sylvan Lake and McCabe Avenue outfall pipes. Very important infrastructure projects.

On the Sewer project, we were able to accomplish a lot with paving and new curbs and aprons. Phase II completes early this year.

Roof project- more to come on our assets- we need to step-it up.

LaReine Avenue Church- cost to raze site in, appraisals in process- more to come in February.

Public Comment:

In Person:

Eileen Shissias, 112 Fourth Avenue, requested the Council consider relocating the vendors of events.

Nancy Meadow, 805 Beach Avenue, voiced complaints about bi-lingual notices, the new offices created in the Borough Hall Building and the website.

Thomas McGuire, 610 Brinley Avenue, inquired about the professional appointments and the pole inventory.

Thomas J. Coan, 612 Third Avenue, thanked the Mayor and Council for voting down the Greenspot resolution and the Biase Center roof repair resolution to do more research, stated opinions regarding the locker renewal notice that was recently sent.

ZOOM: None

Rick Bartolomei, 116 Newark Avenue, requested a status on the Air B and B.

Mayor Fox stated that will be addressed in February.

Don Greenberg, 302 Park Place Avenue, a lengthy discussion ensued with the Mayor regarding professional appointments.

Administrator Humphrey thanked the employees for all of their hard work during her medical leave of absence and addressed the payroll inquiry made earlier by a resident.

Public Comment through email:

Joanne Beddia and Deborah Heffernan, 318 Ocean Park Avenue:

In a recent email from Michele Whille, the following was proposed:

“We are considering automating the application process which would feature a fairer process. Locker numbers would be assigned randomly to the beach you leased this past summer season. “

This letter is in response to the locker assignment proposal. My name is Debra Heffernan and I purchased my home at 318 Ocean Park Ave in 1998 with Joanne Beddia. We have had our beach locker since inception. I do not understand or agree that “assigned randomly” is a “fairer” process.

What does that mean?

How do you randomly assign?

Who randomly assigns?

Is it a computer generated program?

Is there personnel intervention?

How is that more fair than those of us who have owned since inception?

Shouldn't they be assigned based on length of ownership?

We strongly believe that locker numbers should be assigned giving priority based on length of ownership of locker. PERIOD. That's the fairest way and removes any question of bias, favoritism or other influences.

Thank you for your consideration.

ADJOURNMENT:

ON MOTION by Fox/Gubitosi to adjourn at 9:55 p.m.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 10:20 P.M.

Erica Kostyz

Erica Kostyz, RMC, CMR
Municipal Clerk