

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

OCTOBER 11, 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 OCTOBER 11, 2023 WAS AVAILABLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE. THE REMAINDER OF COUNCIL MEETINGS DATES (RESOLUTION 2022-265 ADOPTED DECEMBER 13, 2022) FOR CALENDAR YEAR 2023 WERE 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 Council Business 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 6:30 P.M.

Present at the September 27, 2023 Council Business Meeting:

**Councilwoman DeNoble, Councilman Gubitosi, Councilman Weber, Mayor Fox
Acting Borough Administrator, Meredith DeMarco
Municipal Clerk, Erica Kostyz
Borough Attorney: Gregory Cannon Esq.
Police Department: Lieutenant Detective Terry Browning
Deputy Municipal Clerk: Michele Whille (ZOOM operator)**

Mayor Fox spoke about the on the recent unfortunate events that have occurred in Israel.

Mayor Fox stated there is a tentative service set up for Monday, October 16th at 7:30 p.m. at the McCabe Avenue Temple and requested a moment of silence for the victims in Israel.

Public Comment on the Mayor's nomination for Council Vacancy:

Mayor Fox nominated Deborah Bruynell to fill the Council vacancy that has recently occurred and gave the following statement on behalf of this nomination:

I want to place in nomination a candidate for the vacant seat of Councilperson. That person is Ms. Debbie Bruynell. As you all know, Debbie ran for Council in 2022 in a hard fought, close election. Debbie garnered 788 votes in the election, just 8 votes short of becoming a councilperson. The top 5 candidates differentiated themselves from the last three candidates. From the results I just mentioned, I think the residents of Bradley Beach spoke and 788 of them asked to give Debbie a chance to serve the community.

Running for public office requires commitment, perseverance, and a good understanding of the community. Debbie has demonstrated all of these qualities. Debbie has been a resident of Bradley Beach for twenty-seven years. She is a retired teacher and librarian. She has been a member of the Library Board, the Zoning Board, and is currently a member of the Land-Use Board.

Debbie would be replacing Meredith DeMarco, continuing to have a diverse Council is something that I think Bradley Beach deserves.

The following residents stated their comments and opinions pertaining to this nomination:

In Person:

James Stapleton, 404 Fifth Avenue

Mea Molin, 302 Fourth Avenue

Beth Kepler, 504 Central Avenue

Terence Wright, 406 Madison Avenue

Nancy Meadow, 805 Beach Avenue

Thomas Gavin, 414 Fourth Avenue

William Psiuk, 110 Fifth Avenue

Cathy McGill, 400 Fifth Avenue

Patricia Okeefe, 411 Fifth Avenue

Shana Greenblatt-Janoff, 414 Monmouth Avenue

Mary Backstrom, 218 Fourth Avenue

Gregory Janoff, 414 Monmouth Avenue

Thomas J. Coan, 612 Third Avenue

Evelyn Lopez, 417 Park Place Avenue

Jason Lang, 401 Fifth Avenue

Zoom:

Julia Rand, 1 Atlantic Avenue

Robert Patten, 207 Evergreen Avenue

Donald Greenberg, 302 Park Place Avenue

Resolution 2023-244 Filling a Vacant Seat on the Borough Council effective October 11, 2023 until Certification of the 2024 General Election.

ON MOTION by Fox/to nominate Deborah Bruynell to fill the Council Vacancy to December 31, 2024.

Please note, a second was not given by any of the Council Members.

NOMINATION FAILED

Councilman Gubitosi thanked all who were in attendance of the meeting and agreed Ms. Bruynell is a high-quality individual however is in favor of another individual who can provide wonderful contributions to the community.

A discussion ensued regarding one-on-one meetings the Mayor tried to schedule with the Council to discuss Ms. Bruynell's nomination.

Councilman Gubitosi read aloud email correspondence between himself and the Mayor regarding newspaper notification regarding Ms. Bruynell's nomination.

Councilman Gubitosi nominated resident Kristen Mahoney and gave the following statement:

I would like to nominate Ms. Kristen Mahoney to fill the vacated position on the Bradley Beach Council. Ms. Mahoney has impressed me over the past few years with her participation in Council Meetings as a resident, and with her passion to do what she believes is in the best interest of our residents. One of my first encounters with Ms. Mahoney was a year ago, at the "Council Candidates' Forum"/or debate. As a resident, she openly challenged the Forum rule that would not allow a video recording of the Forum to be made. She believed residents who could not attend the Forum, particularly handicapped individuals, or people with small children at home, should have had access to such a video. Whether you agree or disagree with Ms. Mahoney's position, I saw this lone person's challenge to "authority" as someone who would serve as a champion for our residents and who would fight for transparency of Government and the sharing of information.

Importantly, Ms. Mahoney would bring a wealth of business experience to the Bradley Beach Council. She has spent twenty years working in the world of finance. She has worked for prominent Corporations including Merrill Lynch and, more recently, NUVEEN/TIAA, serving as the Chief of Staff of their Global

Asset Management Division. Under Ms. Mahoney’s stewardship, the Risk Management & Valuation Services Division grew from fifteen employees to eighty employees, and she was responsible for assessing risk for over \$1 Trillion in assets. Currently, she works for Charles Schwab Asset Management, the nation’s largest publicly traded investment services firm. She is leading the integration of assets from TD Ameritrade Investment Management to Charles Schwab Asset Management. The scope of this assignment covers over 17 million accounts, totaling \$2 Billion in assets.

Having considered a number of very strong candidates for this position, I believe that Ms. Mahoney’s extensive financial experience and business acumen, combined with her passion for Bradley Beach, makes her the best candidate to join me and my fellow Council members in serving Bradley Beach.

The following residents stated their comments and opinions pertaining to this nomination:

Patricia Okeefe, 411 Fifth Avenue

Thomas Gavin, 414 Fourth Avenue

Julie Nutaitus, 605 Newark Avenue

ON MOTION by Gubitosi/Weber nominate Kristen Mahoney to fill the Council Vacancy to December 31, 2024.

ROLL CALL:

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

NOMINATION APPROVED

Resolution 2023-244 Filling a Vacant Seat on the Borough Council effective October 11, 2023 until Certification of the 2024 General Election.

Councilwoman DeNoble stated she feels Ms. Mahoney will be an asset to the Council given her extensive background in finance.

Mayor Fox abstained and stated his reason is because the Governing Body did not vote for all the people nominated, he would rather not vote for any of the candidates.

ON MOTION by Gubitosi/Weber nominate Kristen Mahoney to fill the Council Vacancy to December 31, 2024.

ROLL CALL:

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

ADOPTED

ADMINISTRATION OF OATH OF OFFICE

Kristen X. Mahoney was administered the “Oath of Office” by the Municipal Clerk Erica Kostyz.

Resolution 2023-245 Nomination of Council President for the remainder of 2023.

ON MOTION by Weber/Gubitosi to nominate Jane DeNoble to fill the Council President Vacancy to December 31, 2023.

ROLL CALL:

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

ADOPTED

WORKSHOP DISCUSSIONS:

Tourism Ordinance:

Items presented and discussed by the Governing Body via Power Point:

- **Inconsistencies relative to the State Statute and Borough practices.**
- **The State Statute presented in 1982 regarding Trust spend on advertising.**
- **Organizational items that need to be aligned with the State Statute.**
- **Assess State Statute, benchmark of other towns, and categorize 2023 events/proposed 2024 events.**

Councilwoman DeNoble thanked the Mayor, Mr. Fehrenbach, and Ms. DeMarco for meeting with her on October 10th. Ms. DeNoble addressed current Tourism Appointments, disbursements, and protocols are not being followed.

Councilman Gubitosi gave the following statement:

Last week, Councilwoman DeNoble and I asked to have this topic as a Workshop, largely because I have continued to raise questions over the last few weeks that are more “legal-focused” and “accounting-focused”. We need to start to better look at how Bradley Beach is currently administering our Tourism Trust, and many times, overriding our Tourism Commission’s authority. The reason that I wanted to have this workshop was not to share all of these wonderful pictures of the events that the Borough holds. I think that the Borough does a great job holding their events and that the BBBCA does a great job holding their events. But, what’s important to me, as your representative, trying to do what is legal, we cannot be combining these trust assets. We have a Tourism Trust, holding “Tourism dollars”, which cannot be spent on events like our “130th Year Anniversary”. That was a wonderful event, but it was not a “Tourism Event”. And, we had an event, not that long ago, in which the Tourism Commission said, “We can do this event much cheaper, and we can use local talent”, but the Administration overrode the Tourism Commission, deciding to spend an amount closer to \$10,000 when the Commission said they could do the event for \$2,000. The most important thing to understand is that despite some changes that are needed to better align with the State’s Statutes, we still have an ordinance. And our Ordinance still says that the Tourism Commission decides what we do and what we spend, not the Administration. I have seen dollars flowing in and out of this Tourism Trust. To me, Trusts are sacred instruments, designed to protect these assets. We should not com-mingle these funds.

I wanted to hold this session tonight to make this one point very clear; we have an ordinance. Until we change it, it is still the law. We have to follow the law. The Administration has not been following that law.

Councilman Weber clarified with Councilwoman DeNoble Songwriter's on the Beach was funded out of the Tourism Trust and not taxpayer dollars.

Further discussion entailed definition of Tourism, usage of funds, operations, legislation, and Tourism meetings.

Public Comments were given by the following residents:

In Person:

Paul Neshamkin, 411 ½ LaReine Avenue, stated there needs to be a better form of communication amongst the Tourism Commission.

Eileen Shissias, 112 Fourth Avenue, expressed concerns from prior bill lists for expenses for the 130th Anniversary celebration that came out of the Tourism account.

Nancy Meadow, 805 Beach Avenue, gave suggestions regarding protocols and legal review on contracts.

Brigitte McGuire, 610 Brinley Avenue, feels further investigation of funds needs to be done first before moving forward with amending the Tourism Ordinance.

Anita Nazario, 112 Newark Avenue, had inquiries regarding expenditures for the 130th Event.

Julie Nutaitus, 605 Newark Avenue, agreed with Ms. McGuire and feels an investigation needs to be made before moving forward with amending the Tourism Ordinance. Ms. Nutaitus also inquired why the Tourism Director was not more involved with the events for 2023. Ms. Nutaitus also expressed concerns regarding the funding for Latin Fest.

Mayor Fox addressed Ms. Nutaitus's inquiries.

Zoom:

Herb Kenny, 216 Brinley Avenue, stated moving forward, Tourism needs a clearly defined budget and does not feel the Borough's Tourism policies and procedures should be compared with other towns.

BBBCA Events:

Paula Gavin, President of the BBBCA, thanked the Mayor and Council for the invitation to this evening's meeting.

Ms. Gavin presented the history of the BBBCA, the number of members and volunteers and stated the BBBCA is operating as a 501-C6. Ms. Gavin further explained the operations of the BBBCA and their coordination with the Borough and their goals for the remainder of 2023 and for 2024.

Councilman Gubitosi spoke highly of the BBBCA and their accomplishments with the Borough.

Councilman Gubitosi addressed his concerns with Ms. Gavin regarding the contents in the Letter of Memorandum between the Borough and the BBBCA and requested additional items be added to future Memorandums.

Ms. Gavin confirmed no cash has been dispersed to the BBBCA from the Borough Tourism Trust Fund.

Former Mayor Gary Engelstad spoke on behalf of the BBBCA and stated this is an organization that is learning with each year it is in effect and will incorporate the feedback received from Council this evening and will continue to assist and work with the Borough wherever necessary.

Councilwoman DeNoble gave her suggestions for future memorandums with the BBBCA.

Ms. Gavin thanked all the BBBCA volunteers and businesses in town that support the organization.

Public Comment presented by residents on this discussion:

In Person:

Eileen Shissias, 112 Fourth Avenue, asked for clarification as to what account some of the expenses from the 130th Celebration were paid out of.

Ms. Gavin and the Governing Body addressed this inquiry.

Zoom: None

PRESENTATIONS & BIDS: None for October 11, 2023.

MINUTES APPROVAL

ON MOTION by Fox/Weber to approve the Council Business Meeting Minutes of September 27, 2023

ROLL CALL:

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

APPROVED

ON MOTION by Fox/Weber to approve the Executive Session Minutes of September 27, 2023

ROLL CALL:

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

APPROVED

Public Comments on Agenda Items:

In Person:

Joe Kulick, 509 Monmouth Avenue, thanked Councilwoman DeNoble for her efforts in moving the dumpster in front of the AutoTek building.

Deborah Bruynell, 401 Fifth Avenue, thanked everyone that supported her during the 2022 Election and this evening.

Eileen Shissias, 112 Fourth Avenue, had several bill list inquiries regarding payments to T&M for invoices from previous months.

Mayor Fox and Ms. DeMarco addressed this inquiry.

Nancy Meadow, 805 Beach Avenue, stated several complaints with charges on the bill list.

Thomas J. Coan, 612 Third Avenue, thanked Ms. DeMarco for getting Resolution 2023-250 for the installation of benches at 401 Main Street onto this agenda.

Mr. Coan stated the benches will be installed at the building owner's expense. Mr. Coan stated he has interacted with Ms. Gavin of the BBBCA to develop a consensus to implement consistency with street furniture within the Borough on Main Street.

Zoom: None

ORDINANCE INTRODUCTION(S):

ORDINANCE 2023-12

AN ORDINANCE REPLACING CHAPTER 450: "ZONING" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO UPDATE THE BOROUGH'S ZONING REGULATIONS.

Councilman Weber thanked Councilman Gubitosi and Mr. Matlack for their efforts with this ordinance.

Mr. Matlack gave an overview of the updates that were made within this ordinance at the request of Councilman Gubitosi.

Councilman Gubitosi thanked Mr. Matlack for his expertise and efforts to create a more consistent ordinance. Councilman Gubitosi stated his concerns regarding boardinghouses and bed and breakfast establishments.

A discussion ensued amongst the Governing Body to strike the definition of boardinghouses from the Ordinance altogether. Counselor Cannon amended the Ordinance to state "See Rooming House" prior to the vote of introduction.

ON MOTION by Fox/Weber to introduce Ordinance 2023-12.

ROLL CALL:

AYES: DeNoble, Gubitosi, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: Mahoney

INTRODUCED

ORDINANCE ADOPTION(S):

ORDINANCE 2023-13

AN ORDINANCE AMENDING CHAPTER 348: “PORTABLE STORAGE UNITS AND DUMPSTERS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO UPDATE THE REGULATIONS PERTAINING TO SAME.

ON MOTION by Fox/Gubitosi to open the public hearing for the adoption of Ordinance 2023-13.

ROLL CALL:

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

Public Comment: None

ON MOTION by Fox/DeNoble to close the public hearing and adopt Bond Ordinance 2023-13.

ROLL CALL:

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

ADOPTED

Councilman Gubitosi made a motion to move Resolution 2023-246 to the Individual Resolutions, seconded by Mayor Fox.

ROLL CALL:

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

RESOLUTION 2023-246 WAS MOVED TO THE INDIVIDUAL LIST.

CONSENT AGENDA RESOLUTION:

2023-247 Approving the Borough Halloween Curfew for 2023.

ON MOTION by Fox/DeNoble to adopt the Consent Agenda Resolutions.

ROLL CALL:

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

ADOPTED

INDIVIDUAL RESOLUTIONS:

2023-248 Authorizing Award of Proposal for Professional Engineering Services with CME Associates for the Stormwater Infrastructure Map Upgrades to conform with the NJDEP Requirements.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-248.

ROLL CALL:

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

ADOPTED

2023-246 Bill List for October 11, 2023.

Councilman Gubitosi had several inquiries regarding charges on the bill list for CME, Riggins Oil and T&M Associates.

Ms. DeMarco addressed all these inquiries.

ON MOTION by Fox/Weber to adopt Resolution 2023-246 with minus the charge of \$7,710.00 for Victoria A. Flynn, LLC.

ROLL CALL:

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

ADOPTED

Councilman Gubitosi gave the following statement regarding payment listed on the bill list for Victoria A. Flynn, LLC:

I have heard varying theories about whether or not the Council should support the reimbursement of the legal fees incurred by Mayor Fox in his effort to sue the Council. Many residents are upset that taxpayer dollars might be spent, and they argue that the Mayor lost four out of the five claims that he included in his lawsuit against the Council. Other residents state that the Mayor’s legal fees should be reimbursed since he sued the Council in his “official capacity” as Mayor. They say it was the only option available to him to stop the Council from encroaching upon the Mayor’s powers.

I see it differently than either of these two perspectives. This is not an argument about who “won” or who “lost” the lawsuit. Technically, the Mayor lost 80% of his claims. Also, it is not about whether the Mayor acted within the scope of his duties, unless you mean, “duties to himself”. Instead, I think the decision to reimburse the Mayor’s legal fees come down to three key issues:

1. Council Procedure. This Governing Body serves the residents. Together we engage a Borough Attorney to provide us with legal guidance - which Mr. Cannon provided as it regarded our constant questions about the Mayor's and Council's powers. When one of us does not agree with Mr. Cannon's legal guidance, we can debate Mr. Cannon. We can find a friendly attorney who might provide us with Pro-Bono legal support. We can even hire an attorney using our own resources. There is no provision in the law that allows any one of us to challenge our own Borough Attorney - using Taxpayer dollars. If any member of the Council dislikes our attorney's guidance, should they be able to hire an external attorney, to challenge our own attorney? And if so, how would we limit that one Council person's amount spent? This would place all financial risk for these actions on our taxpayers. It would remove the power of the Council to manage the spending of our taxpayer dollars. On May 26, 2023, the Mayor was quoted in the Asbury Park Press suggesting that he could have his legal fees paid from a special "Mayor's budget". Ladies and Gentlemen, no such budget exists.

2. The Law. In the Mayor's lawsuit, his Attorney Ms. Flynn, requested the Court to grant fee shifting to her client, Mayor Fox. Effectively, this is a request to force the Borough of Bradley Beach to pay the Mayor's legal fees. The Court denied this claim for the reimbursement of the Mayor's legal fees. So, the Judge said "No", Bradley Beach does not have to pay for the Mayor's fees. Then the Mayor turns around and submits his attorney's legal fees to Bradley Beach for reimbursement? I do not think so.

3. The Public Interest. The Governing Body of any Municipality can be sued periodically, although not typically by their own Mayor. Whenever this happens, the Governing Body should always be acting in the public's interest. Therefore, when our Borough Attorney, our GIF attorney, or our Land Use Board Attorney defends the Borough, they are defending the public's interest. When one member of the Council acts independently, they are acting in their own interest, not in the interest of the public. In my opinion, there is nothing wrong with initiating a lawsuit in an attempt to defend your own interests, as long as you do not use Taxpayer dollars to do so.

I vote "No" regarding the reimbursement of Mayor Fox's legal fees, owed to Ms. Flynn, which were incurred when he sued the Borough's remaining Council members. He should fund his expenses through his own, independent resources, not through Taxpayer dollars.

Councilman Weber stated he feels the Mayor's legal fees should be paid for out of his Campaign Fund.

Mayor Fox stated he believes when something is wrong it must be addressed. In lieu of the form of Government and the Ordinances that were being developed, he continually brought this up to the Council and a Conflict Attorney who tended to agree with him. Mayor Fox stated he got pro-bono opinions because he did not want to state something inappropriately. Mayor Fox stated to the Council in May he would have to take action if they continually cross the line by moving forward with appointing professionals which is not part of this form of Government. Mayor Fox continued the Judge ruled the line was crossed and if you want to change the form of Government, speak with the public and put a referendum in place. Mayor Fox felt in order to protect the Office of the Mayor and the Borough's form of Government, it was appropriate to move forward with legal action.

Further intense discussion ensued between Mayor Fox and Councilman Gubitosi regarding responsibility of payment for legal services.

ON MOTION by Fox/Gubitosi to approve the expenditure of \$7,710.00 on the Bill List for Victoria A. Flynn, LLC.

ROLL CALL:

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

MOTION FAILED

2023-249 Establishing an Annual Fee for the second year of the Borough's Concession License Agreement with The Passion Group d/b/a/ Coastal ATM, LLC for ATM Machines on the Promenade.

ON MOTION by Fox/DeNoble to adopt Resolution 2023-249.

ROLL CALL:

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

ADOPTED

2023-250 Granting permission for 401 Main Street to place and maintain two benches within the Borough's Right-of-Way outside the Main Entrance of said property along Main Street.

Councilman Gubitosi asked Mr. Coan to share his collaboration with the BBBCA in terms of design for street furniture on Main Street.

Mr. Coan gave a tentative overview of ideas and cost range.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-250.

ROLL CALL:

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

ADOPTED

2023-223 Authorizing an Engineering Firm to provide professional Environmental and Engineering Services, Bidding Assistance, and Construction Administration Services for the Demolition of Structures located upon 319 LaReine Avenue.

Councilman Gubitosi stated new information has been made available to him regarding alternate options and requested to table this resolution again until he can review this additional information.

Councilwoman DeNoble agreed with Councilman Gubitosi to table this resolution.

A discussion ensued between Mayor Fox and Mr. Cannon regarding verbiage used in a recent conversation referred to as “date certain”.

ON MOTION by Gubitosi/DeNoble to table Resolution 2023-223 for date certain review on October 25, 2023.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: Mahoney, Weber

TABLED

ANNOUNCEMENTS: None for October 11, 2023.

MAYOR AND COUNCIL REPORTS:

Councilwoman Mahoney:

Ms. Mahoney thanked the Council for their nomination, looks forward to serving the Borough, and discussing the 2024 budget.

Councilwoman DeNoble:

- **Shade Tree Commission Report – presented an update on the recent meeting, upcoming Tree Planting event, and STC Budget update.**
- **Tourism – Bradley Boo Event to take place on Sunday, October 29th at 12:00 p.m. and Trunk-or-Treat at 3:00 p.m.**
- **Board of Education – The Elementary School recently had Respect Week and Fire Prevention Week.**

Councilman Gubitosi:

- **Police Department Operational Report.**
- **Welcomed Ms. DeMarco to her new Acting Administrator Title.**
- **Sylvan Lake – Sharing goose removal services with Avon-by-the-Sea.**

Councilman Weber:

- **Congratulated Ms. Mahoney and welcomed Ms. Demarco.**
- **Inquired about future signage on the Fletcher Lake Foot Bridge regarding motorized vehicles which was addressed by Mr. Cannon.**
- **Mentioned the Tree Planting to take place this weekend and thanked all who are volunteering.**
- **Clarified meeting procedures with Mr. Cannon regarding it.**
- **The Police Department will be conducting a drug take back on October 28th.**
- **Mentioned the recent rainfall that occurred and gave suggestions to prevent flooding.**
- **Stated Ms. Mahoney will make a great addition to the Council.**
- **The COA Beach Sweep will take place October 21st from 9:00 a.m. to 12:00 p.m.**

Mayor Fox:

First Aid Activity Report:

For the operational period ending October 11, 2023, the squad responded to 7-day calls and 21, night calls for a total of twenty-eight calls, 17 were for medical calls and 11 for fire calls. On October 6, at 2107 hours the squad responded in support of the fire company to a fire on the north bound New Jersey Transit Train the squad assisted the fire department with the assessment of the passengers and assessed in the relocation of them to a safe area till the train was back in service. The squad conducted one drill for the safety and education of the membership. The squad requested 1 mutual Aid from Neptune EMS. The Squad fulfilled 99 % of their assignments for this operational period.

Fire Department Activity Report:

For the operational period ending October 11, 2023, the department responded to 11 requests for the department. On October 6, the department responded to a fire on the north bound New Jersey Transit Train upon arrival chief Hagerman assessed the scene with the trains operator he assigned personnel to check the passengers and to move them to a safe area with the assistance of the first aid squad. He would like to thank the Bradley Beach Police, Avon Police, Neptune City Police, and the New Jersey Transit Police for their support during this operation. The department conducted two training drills for the safety and education of the members. The department fulfilled 100 % of their assignments for this operational period.

Both Departments are still looking for volunteers and offer free training for qualified individuals. Anyone wishing to volunteer for the Fire Department or First Aid Squad can find applications on the Borough's Website.

The last two storms had a markedly different impact on Bradley Beach and Monmouth County. The storms on Thursday, September 28th and Friday, September 29th , and then going into the weekend, were a challenge that we met as a community. There were some unfortunate road and basement floodings, but as a community, we fared well versus a few surrounding towns like Asbury Park. The storm last Saturday was a bit more forgiving, thankfully. Our Office of Emergency Management, Police, and Public Works, snapped into action and did a great job. Thanks to our residents on Beach Locker removal, only one outlier of 600 lockers.

The New Jersey Anchor Outreach Program is about to visit Bradley Beach residents to provide details about the NJ Treasury 's ANCHOR canvas effort. The Department of Treasury has hired the Civic Operations Group to promote the ANCHOR Tax Rebate Program whose extended deadline is at the end of this year. The COG will have canvassers walking door to door in Bradley Beach starting this week and walking until the week before Thanksgiving.

Our application for the Recreation Center Park Project for a 2023 Monmouth County Municipal Open Space Grant was awarded last week. I am pleased to inform that the project has been selected by the Monmouth County Board of Commissioners to receive grant funding in the amount of \$265,000. We will now complete planning and further assess our funding model so that we can commence, congratulations.

A big shout-out to one of our own on “Restaurant Row”. Today’s Asbury Park Press cited Luna Verde as a top twenty vegan Mexican food in the entire U.S.! The article mentioned the community-based focus of the eatery. Eslin Morris, co-owner had a great quote. Congratulations to Eslin and Mahonrry, great achievement!

The Mayor's Wellness Campaign

We will have our fourth walk, now a "walk and talk" of the year on October 22nd. The topic, "Healthy Dog, Healthy You".

Sylvan Lake:

There is a joint Avon & Bradley Beach meeting at their Marina Conference Center in Avon that will discuss options concerning Sylvan Lake improvements, specifically the possibility of the natural shoreline expansion. Details will be on the website.

Infrastructure:

We have had a lot of success with our Infrastructure Projects these past two years. It is time to pivot to the next set of projects. We have been working on a project to enhance/freshen up our Lake Terrace Park. We have had the planning meetings with the appropriate people, and we will be getting started shortly.

The Bradley Beach Senior Meetings will be on Wednesday October 25th, at the Firehouse. I believe an interesting program is being planned.

With the holidays quickly approaching we have many exciting things planned for the coming months at the Recreation Center and all over Bradley Beach so make sure to check the website for updates. Right now, several Halloween related events are in the works, details will be in the newsletter and the website.

We will continue to focus on Service and Progress as a Municipal Team.

Public Comment

In Person:

Mea Molin, 302 Fourth Avenue, inquired about the bicycle racks recently installed on the promenade.

Mayor Fox addressed this inquiry.

Beth Kepler, 504 Central Avenue, voiced frustrations towards the Mayor regarding comments she stated were made during the recent storm.

Rick Bartolomei, 116 Newark Avenue, inquired about the beach revenue, suggested doing a Geese removal program for Fletcher Lake, and suggested doing the RFPs for the Newark Avenue earlier this year.

Eileen Shissias, 112 Fourth Avenue, suggested better description of items on the bill list.

Ms. Shissias also inquired about payment to the vendor Liberty Lines & Sealcoat.

Please note, the following response was sent to Ms. Shissias via email on October 12th by Ms. DeMarco regarding this inquiry:

In reviewing the bills list from the 9/13/23 Council Business Meeting, it should be noted that Liberty Lines has an "H" in the "status/check" column (found to the right of the description). This "H" indicates the payment is being held. A payment is held for two reasons: 1.) The purchase order was not returned

signed from the vendor but the goods/services were received or 2.) The purchase order has been signed and returned from the vendor, but the goods/services have yet to be received/performed.

The purpose of this "held" position is to ensure funds are encumbered and tracked - this is a process to ensure invoices are paid at the time goods/services are received and not in advance.

The funding for Liberty Lines was "held" (or encumbered) at the meeting of September 13th and then received for payment at the following meeting. This is reflected by the "R" on the September 25th bill list. R stands for received.

In short, the invoice for Liberty Lines was shown as encumbered at the September 13th Council Business Meeting and paid after the September 27th Council Business Meeting.

William Psiuk, 110 Fifth Avenue, thanked the Police Department and the Department of Public Works for their assistance during the recent rainstorms on September 28th and September 29th.

Robert West, 518 Newark Avenue, inquired when Ordinance 2023-12 Chapter 450 Amendments will be adopted.

Mayor Fox addressed this inquiry.

Shana Greenblatt-Janoff, 414 Monmouth Avenue, thanked the community members in the Borough for their support and assistance during the rainstorms in September.

Thomas J. Coan, 612 Third Avenue, inquired who will replace Ms. Demarco as the Land Use Board Council Representative.

Mayor Fox stated this will be determined at a later date.

Nancy Meadow, 805 Beach Avenue, stated complaints and opinions regarding the Borough Calendar, the website communications, goose control services, the senior center, newsletters, emergency shelters, a workshop for forms of Government, and the outfall pipe repairs.

Thomas McGuire, 610 Brinley Avenue, requested to ban the use of Round-Up in the Borough, move the meetings back to Tuesdays in 2024, and make more amendments to 310-1 of the Noise Ordinance.

Mia Mutascio, 401 McCabe Avenue, inquired if there were any updates on 217 McCabe Avenue and expressed concerns there is an architect sign on the property.

Mayor Fox addressed Ms. Mustascio's inquiry.

Zoom: None

EXECUTIVE SESSION : None for October 11, 2023.

ADJOURNMENT:

ON MOTION by Fox/Weber to adjourn the Council Business Meeting.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 10:40 P.M.

Erica Kostyz

Erica Kostyz, RMC, CMR
Municipal Clerk