

**BOROUGH OF BRADLEY BEACH**  
**COUNCIL BUSINESS MEETING MINUTES**

**OCTOBER 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 OCTOBER 25, 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 October 25, 2023 Council Business Meeting:**

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

## **WORKSHOP DISCUSSIONS:**

### **LaReine Avenue Church proposed Change in Direction**

Mayor Fox gave a Power Point Presentation which included the following:

- Summary of events from purchase of the property to present.
- Primary options include auction of the property, razing the site/subdivide for sale, and redevelopment plan.
- Summary of early 2023 activity.
- Summary of activity post April to present.
- Summarize to proceed, rethink, or other.

Councilman Gubitosi read the following prepared statement:

To all of the people who read the Mayor's newsletters, I want to say one thing: "Do not believe everything you read. Especially if it is written by Mayor Fox."

The Mayor's Newsletters should share good news with our residents. Oddly, Mayor Fox "campaigns" against fellow Council members, using this platform to launch personal attacks against me and other members of the Council. It is unfortunate, but sadly, I have grown accustomed to it.

What the newsletter SHOULD have said is: "Council members find better way to subdivide Church property, maximizing profit and minimizing risks to taxpayers!"

Did anyone see any language to that effect in his newsletter?

It is difficult to sit quietly as the Mayor's Newsletter accuses me of delaying the subdivision of 319 Lareine since December 2022. Residents, neighbors, and friends ask me if his comments are true. The following is my best effort at providing our residents with a quick response:

- 1) The Mayor's assertions against me are absurd.
- 2) He is ignoring significant Engineering costs, Demolition Costs, and Remediation costs that we must incur if we do this work ourselves. Costs we have known about since March.

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- 1) The Mayor's assertions against me are absurd.
- 2) He is ignoring significant Engineering costs, Demolition Costs, and Remediation costs that we must incur if we do this work ourselves. Costs we have known about since March.

**Just remember, do not believe everything you read!**

**Councilwoman DeNoble suggested rethinking and proceeding with this project and suggested selling the buildings and land as is with a preliminary major subdivision approval from the Land Use Board. Ms. DeNoble also suggested the Borough Attorney present to the Land Use Board options including a conforming four lot preliminary major subdivision with deed restrictions and work with the Tax Assessor to set a minimum bid and sell it as one parcel to the highest bidder subject to be approved subdivision plaque making the winning bidder responsible for the demolition and obtain final subdivision approval at a better price outside of the Municipal constraints.**

**Councilwoman Mahoney agreed with Ms. DeNoble's ideas.**

**Mayor Fox stated his concern is changing course from 2022 and that this will require a significant level of work to comply with an auction.**

**Mr. Cannon stated his concerns about the recordation act for subdivisions. Once the Planning Board grants the subdivision it must be recorded within 190 days. Mr. Cannon further explained this process deed restriction concerns.**

**Public Comment pertaining to this Workshop topic:**

**In Person:**

**Jim Byrne, 401 Fifth Avenue, feels the Council should follow the Attorney's guidance, sell the building and property as is with deed restrictions.**

**Mea Molin, 302 Fourth Avenue, expressed concerns about the taxes and things that were said in previous newsletters about Councilman Gubitosi.**

**David Sacci, 507 ½ LaReine Avenue, suggested keeping an open mind to maximize the Borough's investment in this property.**

**Nancy Meadow, 805 Beach Avenue, expressed concerns regarding the fate of the artifacts in the building.**

**Thomas J. Coan, 612 Third Avenue, feels it would be best if this goes before the Land Use Board and expressed concerns about affordable housing obligations.**

**Paul Neshamkin, 411 ½ LaReine Avenue, advocated to save the building and suggested auctioning the building to be preserved as is and feels the town is losing a valuable asset.**

**Zoom:**

**Paula Gentempo, 103 Fourth Avenue, suggested having another Town Hall Meeting to educate the public about the history of the church before destroying it.**

Mayor Fox addressed Councilman Gubitosi's comments and reiterated statements he placed in the newsletters relative to the Church on August 18<sup>th</sup>, August 25<sup>th</sup>, September 1<sup>st</sup>, and October 23<sup>rd</sup>.

Mayor Fox stated he feels this is the first reasonable conversation to have taken place amongst the Governing Body and has been trying to engage discussion since June on the demolition issue. Meetings were scheduled that people did not show up to. The discussions and proposals this evening was great and could have happened five months ago, however there was no view five months ago of taking a different direction. We have attended meetings since April and approved expenditures for surveys and appraisals, met with engineers to discuss RFPs for the subdivision and two Business Administrators have worked on this. Mayor Fox stated he takes to the fact that he is making personal attacks and telling people they are stalling. Mayor Fox continued he thinks this is being stalled and this conversation should have taken place in April and feels this project can move forward if everyone can stay on one path.

An intense discussion ensued between the Mayor and Councilman Gubitosi regarding the newsletters and communication regarding this project.

Councilwoman DeNoble asked Mr. Cannon if this can go before the next Land Use Board in November.

Mr. Cannon responded no and asked if Council wants to bring this before the Land Use Board or auction the property in full with deed restrictions. Mr. Cannon further explained auctioning the property can be done relatively soon, however going before the Land Use Board will require extensive preparation by engineers.

Councilwoman DeNoble suggested the Mayor share the Newsletter with the rest of the Council for approval before publication on the website.

#### Council Procedures Ordinance Amendment to 5-14 (J)

Councilman Gubitosi made the following statement:

A little while back, the Mayor sued the Council. The Court ruled in favor of the Council on most of the Mayor's claims, except one. The Court said that only the Mayor can nominate candidates for "Officer" positions. The Council cannot "nominate" a candidate if the Mayor refuses to do so. Even though the court agreed that the Council has advice and consent over Mayoral nominations for these officers, the Mayor found a loophole, if he never offers a nomination, the Council cannot withhold their consent. Effectively, the Mayor can holdover one-year appointments such as an attorney or auditor for as long as his term runs.

However, in the Court's opinion, Judge English made two things clear:

- 1) The Council has the right to legislate (i.e.: make laws).
- 2) When there is conflict, the Mayor and Council must find a way to work together.

This paragraph of our Code Chapter 5, Section 14(J) gives the Mayor the power to temporarily appoint an "Acting" officer, in this case, a Business Administrator, while a search for a permanent officer is completed.

I believe that this one Section of our law was intended to create a solution for how we should all work together. It appears to set parameters for "temporary appointments" to be made by the Mayor, which can last up to 90 days. Any extension of that "temporary" appointment is stated to require a Council Resolution. If the Mayor wanted to circumvent the Council's powers of consent, I think this language can

be used to create another “loophole”. This paragraph will very likely create conflict, not encourage us to work together. I believe that if we remove this paragraph, it will force the Governing Body to work together.

Councilman Gubitosi read Section 5-14(J) aloud for the public and further explained by striking this paragraph it is removing the Mayor’s power to temporarily appoint without advice and consent of the Council.

Councilwoman Mahoney inquired if other BA candidates are still being considered.

Mayor Fox responded there is no recruitment for the BA position at this time.

Councilman Weber asked the Mayor if he plans to make continual ninety-day appointments.

Mayor Fox stated many Municipalities have acting appointments for extended periods of time. Mayor Fox also asked Mr. Cannon if the current BA should have been Rice Noticed prior to this workshop discussion.

Mr. Cannon responded that a Rice Notice only applies if the employee is going to be discussed in an Executive Session.

Mayor Fox feels ensuring the right resources are in place to serve the people is appropriate and this particular workshop and discussion is counterproductive. Mayor Fox stated he will also speak about the Judge’s comments and power to appoint. Mayor Fox stated words to matter and feels the term “loophole” is inappropriate and this is a legal path that Municipalities use.

Mayor Fox stated reiterated the following comments made by the Judge in August:

“ The Borough Council blurred what should be a clear distinction” and “Adopting this Ordinance was both willful and unreasonable- amounting to an arbitrary and capricious abuse of discretion.”

Mayor Fox made the following statement:

I have been hearing the Latin term Ultra Vires which term basically means acts that are outside the permissible scope of authority set forth in governing documents. Page 22 of the brief from the Superior court commented on the Council arguments recommending candidates if I fail to appoint within 90 days. It states one vote certainly does not equate to the executive function contemplated by the Faulkner Act, which reserves the right to appoint Borough Officials exclusively with the Mayor.

Back to continuity of government, I am committed to that principle and hope the rest of the Council is also. I take exception to the catchphrase “loophole”. This is a legal path forward to ensure continuity of Government.

Mayor Fox confirmed to Councilman Weber he intends to bring forth this appointment every ninety days.

Mr. Cannon shared his opinion of the permissibility and validity of the ordinance and its practical effects for the public’s knowledge.

**Public Comment on this Workshop topic:**

**In Person:**

**Terence Wright, 406 Madison Avenue, feels the requested change in this ordinance is to eliminate the Mayor's authority to reappoint the current Acting BA.**

**Thomas J. Coan, 612 Third Avenue, feels this is a violation of the 90-day holdover.**

**Beth Kepler, 504 Central Avenue, thanked the Council for requesting this ordinance change.**

**William Psiuk, 110 Fifth Avenue, disagreed with Mr. Coan's comments.**

**Thomas McGuire, 610 Brinley Avenue, read the definition of the term loophole.**

**Mea Molin, 302 Fourth Avenue, agrees with Councilman Gubitosi's reasoning for changing the ordinance.**

**Deborah Bruynell, 401 Fifth Avenue, stated when she was soliciting nomination for the Council, she reached out to the Council members for support and did not receive it and was told it is because she supports the Mayor.**

**Rona Parker, 27 Atlantic Avenue, spoke in support of the current Acting BA.**

**Cindy Lukenda, 218 Fourth Avenue, expressed concern the former BA was in attendance of the meeting virtually.**

**Stephen Lozowick, 100 Ocean Avenue, stated his support for the Acting BA.**

**Brigitte McGuire, 610 Brinley Avenue, stated she is in favor of amending the ordinance.**

**Zoom:**

**Kelly Reilly-Ierardi, 304 Second Avenue, feels the Council should give the Acting BA the courtesy of performing in the position.**

**PRESENTATIONS & BIDS: None for October 25, 2023.**

**MINUTES APPROVAL**

**ON MOTION by Fox/Mahoney to approve the Council Business Meeting Minutes of October 11, 2023**

**ROLL CALL:**

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

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**APPROVED**

**Public Comments on Agenda Items:**

**In Person:**

**Herb Kenny, 216 Brinley Avenue, inquired/complained about the expenses pertaining to Resolution 2023-254, the Newsletter, and inquired about an item on the bill list pertaining to inmate meals.**

**Mayor Fox and Ms. DeMarco addressed Mr. Kenny's inquiries.**

**Thomas McGuire, 610 Brinley Avenue, inquired about Resolutions 2023-257 regarding parking and 2023-259 regarding Tourism funds.**

**Mayor Fox addressed Mr. McGuire's inquiries.**

**Zoom: None**

**ORDINANCE INTRODUCTION(S): None**

**ORDINANCE ADOPTION(S): None**

**COMMUNICATIONS:**

- **DPW Part-Time New Hire Memo for Max Paino.**

**CONSENT AGENDA RESOLUTIONS:**

**Resolution 2023- 251 Bill List for October 25, 2023.**

**Resolution 2023- 252 Approving the Annual Borough Bonfire for November 24, 2023.**

**Resolution 2023-253 Approval of a Lien Redemption Refund for 703 Fourth Avenue in the amount of \$1,834.10.**

**Councilman Weber inquired had bill list inquiries which were addressed by Ms. DeMarco.**

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

**ROLL CALL:**

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

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**ADOPTED**

**INDIVIUAL RESOLUTIONS:**

**Resolution 2023-254 Authorizing an Award of Proposal for Additional Professional Engineering Services with Leon S. Avakian for the Sanitary Sewer Rehabilitation Project – Phase II.**

**Councilman Weber stated he is comfortable with this resolution.**

ON MOTION by Fox/DeNoble to adopt Resolution 2023-254.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**Resolution 2023-255 Approving an Agreement with Avon-by-the-Sea to share Goose Control Expenses.**

**Councilman Gubitosi confirmed with Ms. DeMarco this resolution includes the remainder of 2023.**

ON MOTION by Fox/Mahoney to adopt Resolution 2023-255.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**Resolution 2023-256 Approval for the Police Department to donate Surplus Special Police Utility Pants to two local Non-Profit Organizations.**

ON MOTION by Fox/DeNoble to adopt Resolution 2023-256.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**Resolution 2023-257 A Resolution in support of establishing a “Due Diligence Process” for developing changes to Borough Parking within the Borough, including Merchant and Resident engagement and Governing Body Approval.**

**Councilman Gubitosi explained the purpose of this resolution.**

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-257.



**ROLL CALL:**

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

**ADOPTED**

**Resolution 2023-258 Authorizing the Borough Engineer to make a Grant Application to the New Jersey Department of Community Affairs for the Boardwalk Preservation Grant Program to extend the Bulkhead and Promenade from Third Avenue to the Borough’s Municipal Border with Avon-by-the-Sea.**

**Councilman Weber stated he is in favor of this Grant Application.**

ON MOTION by Fox/Weber to adopt Resolution 2023-258.

**ROLL CALL:**

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

**ADOPTED**

**Resolution 2023-259 Directing the Borough Chief Financial Officer to disburse Funds from the Tourism Development Commission Trust Fund only upon Receipt of Resolution(s) from the Tourism Development Commission.**

**Mr. Gubitosi stated that the Borough has had some inconsistent practices regarding how funds are disbursed from the Tourism Trust. The funds from the Trust can only be disbursed once the Tourism Commission passes a resolution authorizing the disbursement. Only then can the CFO approve the disbursement. The practice has been inconsistent to date. This resolution allows the council “to state emphatically that we have to follow the Tourism rules”.**

ON MOTION by Fox/DeNoble to adopt Resolution 2023-259.

**ROLL CALL:**

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

**ADOPTED**

**Resolution 2023-260 Authorizing the Retention of Special Counsel to conduct an Independent Investigation into the facts and circumstances surrounding certain Collective Bargaining Negotiations conducted by the Borough in 2022.**

ON MOTION by Fox/DeNoble to adopt Resolution 2023-260.

**ROLL CALL:**

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

**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.**

ON MOTION by Fox/DeNoble to table Resolution 2023-223.

**ROLL CALL:**

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

**TABLED THIRD TIME**

**ANNOUNCEMENTS: None**

**MAYOR AND COUNCIL REPORTS:**

**Councilman Weber:**

- The Shade Tree Commission has plates available to identify historical trees throughout the town.
- Councilman Weber inquired the status of the Ordinance for a sign for the Fletcher Lake Foot Bridge to prevent motorized vehicles which was addressed by Mr. Cannon.

**Councilman Gubitosi:**

- Gave the weekly activity report for the Police Department.
- Sylvan Lake Commission – there will be a presentation at the Avon Marina on November 1<sup>st</sup> to update residents in Bradley Beach and Avon to discuss possible State Environmental approvals and private/Count/Federal funding to restore the Lake. In addition, the Commission’s Chairwoman is working with the Acting BA to receive unexpended budget funds that were budgeted for Commission use.
- October 22<sup>nd</sup> there was a Fletcher Lake Ribbon Cutting ceremony for completion of the new Bulkhead on Ocean Grove side of the lake. Neptune City and Bradley’s own participated. As a former Liaison to the Fletcher Lake Commission, I want to recognize the great work conducted by this Commission and the leadership of their Chairperson Anthony DiMaio. Also, Mr. DeMaio made a small speech in which he attributed so much of the Commission’s success to their former Chairperson for over 30 years - Mr. Al Quixley.
- Requested the Borough to get legal guidance regarding what the Borough can legally do to support non-profit organizations. He also requested the Borough Administration to work with the BBBCA leadership to finalize a draft of the revised Memorandum of agreement before January 1, 2024.

- The Friends of the Library will be holding a Bingo Event on October 26<sup>th</sup> at the Firehouse Banquet Hall.

**Councilwoman Mahoney:**

- Met with the Mayor and Acting BA to discuss presenting a quarterly report of finances for the Council and the public.
- Gave a report of Land Use Board Applications.

**Councilwoman DeNoble:**

- The Board of Education announced the NJSLA scores at the October 17<sup>th</sup> meeting. There was a significant increase in proficiency.
- The Shade Tree Commission conducted a bi-annual tree planting on October 14<sup>th</sup> where twenty-four trees were planted.
- Councilwoman DeNoble met with the Mayor and Acting BA on October 17<sup>th</sup> to discuss the Tourism Commission State Statute requirements regarding spending on advertising and possible future changes to the ordinance.
- The Tourism Commission will be conducting a meeting on October 31<sup>st</sup> at 10:00 a.m. via Zoom.
- The Fourth Annual Bradley Boo Event will take place on Sunday, October 29<sup>th</sup> from 12:00 p.m. to 4:00 p.m.
- The Recreation Committee will host their “Trunk or Treat” from 3:00 p.m. to 5:00 p.m. followed by the Annual Halloween Parade hosted by the Fire Department.

**Mayor Fox:**

The support of Israel, along with our Bradley Beach Jewish Community was evident this past Tuesday, October 17<sup>th</sup>. Supporting Israel is both a matter of upholding our democratic values here at home and promoting stability abroad in the region. Rabbi Maury Kelman organized a solidarity service at the Congregation Agudath Achim. There were a number of participants from Bradley Beach and adjoining towns of multiple faiths that came in support of both Israel and their Jewish neighbors.

The Clean Ocean Action Fall Beach Sweep took place on Saturday morning, October 21<sup>st</sup>. The weather did not cooperate; but Rona Parker, Liz Hernandez, and Dan Leyes of the Environmental Commission showed up and supported the effort. Volunteers braved the rain and wind to support this important event.

The Fletcher Lake bulkhead project team held a formal ribbon cutting this past Saturday at the site of the new bulkhead boat landing. Councilman Robert Lane of Neptune deserves much credit for his vision and hard work to get this \$1.2 million project implemented. Fletcher Lake continues to see a number of improvements.

The Mayors Wellness Campaign had its fourth walk of the year last Saturday, October 22<sup>nd</sup>- with the topic- “Healthy dog- Healthy you”. Twenty-five dogs and their companions enthusiastically participated. Dr. Kathleen Heaney, DVM, President of Heaney Veterinary Consulting, did a great job explaining common disease states and prevention strategies for your dog’s health. We had a nice event where people were able to meet on the promenade, walk on the beach, and enjoy a beautiful day. Dogs, companions, and other participants benefitted from the event. Thanks to the organizers Barb Johnston, Rona Parker, Robyn Flipse, Courtney Pappas, and DPW, great job.

There is a joint meeting with Avon and Bradley Beach at the Avon Marina Conference Center on November 1<sup>st</sup> that will discuss options concerning Sylvan Lake improvements, specifically the possibility of the natural shoreline expansion. Details are on the website.

**Volunteerism for the BB Fire Department: We are asking for a volunteer to assist with purchasing/procurement and general administration for the Fire Company. This is a great way to get involved with a critically important organization in our community. The volunteer would work between the BBFD and the administration. If you are interested, please contact <https://www.bradleybeachnj.gov/citizen-leadership-form/>**

**Public Comments:**

**In Person:**

**Mea Molin, 302 Fourth Avenue, suggested the Recreation Center have a separate Tennis Court without Pickle Ball lines.**

**Brian Downey, 619 Fourth Avenue, read a prepared statement addressing safety and noise concerns pertaining to truck volume in the alleyways of Third and Fourth Avenues and Second and Third Avenues.**

**Brigitte McGuire, 610 Brinley Avenue, requested the Council do a workshop on the Noise Ordinance and does not feel it is being enforced properly.**

**Beth Kepler, 504 Central Avenue, suggested Elected Official bios presenting their qualifications and experience be posted on the website for public transparency.**

**Rosemary Accurso, 415 Park Place Avenue, expressed concerns regarding the increase in real estate taxes.**

**Nancy Meadow, 805 Beach Avenue, expressed complaints regarding the bill list, the number of meetings, personnel policies, newsletters, and the website.**

**Linda Duffy, 312 Brinley Avenue, requested a traffic study be done on Brinley Avenue for speed limits.**

**Thomas J. Coan, 612 Third Avenue, expressed concerns regarding payment of legal fees for the Mayor's lawsuit.**

**Herb Kenny, 216 Brinley Avenue, inquired about the status of the 2022 Audit.**

**Mayor Fox and Ms. DeMarco addressed this inquiry.**

**Kate Sweeney, 400 Bradley Boulevard, expressed concern regarding the bulkhead project on Third Avenue and requested a listing of the historic trees in town for the public to view the trees if they wish.**

**Thomas McGuire, 610 Brinley Avenue, requested a status on the pole inventory done in 2022.**

**Mr. McGuire inquired about the usage of Round-Up in the Borough.**

Please note, Ms. DeMarco provided the following response to Mr. McGuire via email on 10/26/23 at 1:24 p.m.:

Dr. McGuire,

Thank you for your question at last night's Council Business meeting. Please see the response to your inquiry below and if you have any questions, please do not hesitate to contact me.

Best regards,  
Meredith

Attached, please find two past Resolutions pertaining to the use of pesticides within the Borough. One was passed in 2011 and another in 2019. Please note, Resolutions are only valid for one year. The Borough does not have an Ordinance banning the usage of pesticides or more specifically Round-Up.

**ZOOM:**

Paula Gentempo, 103 Fourth Avenue, expressed concerns the lakes were not drained during the rainstorms.

**EXECUTIVE SESSION :**

**Resolution 2023-261 to Retire into Executive Session to discuss an Employee/Personnel Matter.**

• **Employee Discussion**

ON MOTION by Fox/Mahoney retire into Executive Session at 9:40 p.m. to discuss a Litigation Matter.

ROLL CALL:

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

ON MOTION by Weber/DeNoble to return from Executive Session at 9:55 p.m.

ROLL CALL:

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

**ADJOURNMENT:**

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

ROLL CALL:

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

**THE COUNCIL BUSINESS MEETING ADJOURNED AT 9:55 P.M.**

*Erica Kostyz*  
Erica Kostyz, RMC, CMR  
Municipal Clerk