

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

NOVEMBER 8, 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 NOVEMBER 8, 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 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 6:30 P.M.

Present at the November 8, 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: Lieutenant Detective Terry Browning
Deputy Municipal Clerk: Michele Whille (ZOOM Facilitator)**

EXECUTIVE SESSION:

ON MOTION by Fox/Gubitosi to retire into Executive Session at 6:35 p.m. to discuss Anticipated Litigation Matters.

Resolution 2023-262 Retire into Executive Session to discuss Anticipated Litigation Matters.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ON MOTION by Fox/Gubitosi to return from Executive Session at 7:45 p.m.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

The Council Business Meeting resumed at 7:45 p.m.

WORKSHOP DISCUSSIONS:

2024 Beach Badge Pricing

A Power Point Analysis was presented to reflect the following:

- **Comparative Season and Daily badge prices of several surrounding towns**
- **Eight year overview (2016-2023) of badge sales.**
- **Options for 2024 Season badges (increase to Season badge prices for Adults, Seniors, and Juniors.**
- **Further considerations/recommendations to include operating costs and Outfall pipe projects.**
- **Potential partial costs for bulkhead extensions and pump house renovations.**
- **Revenue/Expense/Surplus**

Councilman Gubitosi stated the Governing Body's goal is to determine what level of revenue is necessary to maintain quality beaches and service and a fiduciary responsibility to ensure the beachgoer fees are reasonable. Councilman Gubitosi stated he would not object to revisiting the daily badge prices in future months.

Further discussion entailed beach surplus, additional concession revenue, and season badge price increases.

Councilman Gubitosi stated he is in favor of a \$5.00 increase for seasonal adult badges and a lesser amount for Junior and Senior badges.

Public Comment:

In Person:

Thomas McGuire, 610 Brinley Avenue, inquired about the reduction in badge sales and beach salaries to which Mayor Fox addressed.

Nancy Meadow, 805 Beach Avenue, feels the badges should go on sale prior to November and expressed beach salary concerns.

Herb Kenny, 316 Brinley Avenue, inquired how many Borough residents purchase badges and the bulkhead extension project to which Mayor Fox addressed.

Discussion ensued amongst the Governing Body pertaining to how much to raise the amount for Junior and Senior badges considering there has not been an increase on either for several years.

Julie Nutaitis, 605 Newark Avenue, feels the Administration needs to look at better management and cost efficiencies and processes instead of increasing the badge prices.

ZOOM:

Steve Scavelli, 609 Ocean Avenue, stated the Junior and Senior badge prices were increased the last two years.

Please note, after research of records, the price for Junior and Senior seasonal badges was \$30.00 for the years 2020, 2021, and 2022. The price increased to \$35.00 for the year 2023.

ON MOTION by Gubitosi/DeNoble to move Resolution 2023-271 from individual resolutions to this juncture of the meeting for Council vote.

ROLL CALL:

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

ON MOTION by Gubitosi/Weber to increase Adult Seasonal badges to \$85.00 with a \$15.00 discount during the Holiday Sale.

ROLL CALL:

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

ON MOTION by Gubitosi/Weber to increase Junior and Senior Badge fees from \$35.00 to \$37.00.

ROLL CALL:

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

PRESENTATIONS: None

MINUTES APPROVAL

ON MOTION by Fox/Weber to approve the Council Business Meeting Minutes of October 25, 2023.

ROLL CALL:

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

APPROVED

ON MOTION by Fox/DeNoble to approve the Executive Session Minutes of October 25, 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, 316 Brinley Avenue, expressed frustrations regarding Sewer Phase II invoices being sent several months after completion of work being done.

Linda Duffy, 312 Brinley Avenue, disputed the amount for the Senior contribution and feels the Borough should not use bottled water for the water cooler machines due to expense.

Nancy Meadow, 805 Beach Avenue, stated she is not in favor of the Grant funds for Resolution 2023-272 being used for the Historical Museum.

Thomas J. Coan, 612 Third Avenue, feels resolution 2023-265, 2023-266, 2023-267, 2023-270, and 2023-274 do not provide enough information for the public and should be tabled.

Thomas McGuire, 610 Brinley Avenue, requested the Borough consider making an ordinance banning pesticides and requested other options other than a historical museum be explored for the old sewer pump station.

Mr. Cannon explained resolution 2023-272 is for a planning grant and the grant money is for evaluation by a professional to explore rehabilitation uses for the building.

McGuire, 610 Brinley Avenue, expressed concerns regarding turning the old sewer pump station into a historical museum.

Mr. Cannon explained the purpose of the resolution is to evaluate uses for the building and not locked into using the building as a museum.

ZOOM:

Eileen Shissias, 112 Fourth Avenue, had several bill list inquiries that were answered by Ms. Demarco and stated she is opposed to a museum on the boardwalk and feels the old sewer pump station should be converted to restrooms.

ORDINANCE INTRODUCTION(S):

ORDINANCE 2023-15

AN ORDINANCE AMENDING CHAPTER 123: “BEACHFRONT AREAS AND ADJACENT WATERS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO INCLUDE NEW ARTICLE IV: “FLETCHER LAKE BRIDGE” TO PROHIBIT ALL MOTORIZED OR POWERED VEHICLES OF ANY TYPE ON THE FLETCHER LAKE BRIDGE.

ON MOTION by Fox/Weber to introduce Ordinance 2023-15.

ROLL CALL:

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

INTRODUCED

ORDINANCE 2023-16

AN ORDINANCE AMENDING CHAPTER 5: “ADMINISTRATION OF GOVERNMENT” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO REPEAL THE MAYOR’S TEMPORARY APPOINTMENT POWER UNDER CODE SECTION 5-14(J)

Mayor Fox:

This ordinance infringes on Mayoral statutory responsibilities.

This whole matter was reviewed and ruled on by a judge in August.

I do not think there is good consideration around continuity of government. This ordinance is creating adverse employment actions and putting the Borough at legal risk again.

We are going down the same road as earlier this year, I will mention some of the Judge’s comments from 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.”

Councilwoman Mahoney stated she feels the ordinances state advice and consent of the Council are needed for certain positions and this ordinance will help the Governing Body adhere to that and also feels in order to have continuity of government there are ways to have employees approved where they can

serve for temporary amounts of time for a certain salary also feels this ordinance change allows for certain positions where the entire Council can come together and agree on an employee.

ON MOTION by Gubitosi/Weber to introduce Ordinance 2023-16.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber

NAYS: None

ABSENT: Mayor Fox

ABSTAIN: None

INTRODUCED

ORDINANCE ADOPTION(S): None

COMMUNICATIONS :

- **Land Use Board Class III Member Appointment Memo – Kristen Mahoney**

CONSENT AGENDA RESOLUTIONS: None

INDIVIDUAL RESOLUTIONS:

Resolution 2023-263 Authorizing Budget Appropriation Transfers.

Councilman Gubitosi inquired about a \$15,000.00 transfer of funds within the Police Department appropriations.

Ms. DeMarco addressed this inquiry.

ON MOTION by Fox/Mahoney to adopt Resolution 2023-263.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

Resolution 2023- 264 Bill List for November 8, 2023.

Councilman Weber inquired about the Hamline University purchase.

Ms. DeMarco addressed this inquiry.

Councilman Gubitosi had several bill list inquiries that were addressed by Ms. DeMarco via email and publicly.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-264.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

Resolution 2023- 265 Authorizing the Clerk’s Office to Advertise for Request for Proposals for Professional Appointments for Calendar Year 2024.

Councilman Gubitosi requested if a list of positions be posted to the website for the public to see and inquired if the positions are going to be chosen through the Fair and Open process.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-265.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

Resolution 2023- 266 Authorizing to Advertise for various Borough Concessions.

Councilman Gubitosi requested a list of the concessions be placed in the resolution.

Mr. Cannon read aloud the following five concessions that will be bid on for the Council and the public:

Newark Avenue Concessions

Brinley Avenue Concessions

Shipwreck Mini-Golf

Surf Camp

Volleyball Clinics

Councilman Gubitosi made a motion to amend Resolution 2023-265 to include the five concessions up for bid, seconded by Councilwoman DeNoble.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ON MOTION by Fox/DeNoble to adopt Resolution 2023-265.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

Resolution 2023-267 Acknowledging the CY 2023 Best Practices Inventory.

Councilman Gubitosi requested having a presentation for the public's benefit.

Ms. DeMarco responded that a presentation can be done at the next meeting and stated she planned to post this to the website for public view after the adoption of this resolution this evening.

Councilman Weber requested this report be sent to the Council automatically in the future as a matter of course.

ON MOTION by Fox/Weber to adopt Resolution 2023-267.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

Resolution 2023-268 Authorizing the execution of a Contract with Starfire Corporation for the 2024 Fireworks Display.

ON MOTION by Fox/DeNoble to adopt Resolution 2023-268.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

Resolution 2023-269 Authorizing the execution of an Agreement with the MCSPCA for 2024 Animal Control Services.

ON MOTION by Fox/Weber to adopt Resolution 2023-269.

ROLL CALL:

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

ADOPTED

Resolution 2023-270 Authorizing the ban of synthetic toxic pesticides on Borough owned land, ponds, and waterways.

Councilman Weber stated he is in favor of adopting an ordinance in the future.

Councilman Gubitosi agreed with Councilman Weber.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-270.

ROLL CALL:

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

ADOPTED

Resolution 2023-272 Authorizing a Grant Application to the New Jersey Economic Development Authority for up to \$50,000.00 for Pre-Development Planning to renovate the retired Utility Building at 54 Ocean Avenue into a Museum and Exhibit Hall.

Councilman Gubitosi requested researching more productive uses for the building to such as concessions and/or bathrooms and stated the Historical Society is willing to use this building for some of their exhibits but is not in favor of using it as a museum.

Councilman Gubitosi asked Mr. Cannon if the verbiage can be changed in the resolution to make it a broader application.

Ms. DeMarco explained the resolution is to explore what can be done with this building and changing the parameter of the resolution which is due on Monday would require permission from the State.

Further lengthy discussion ensued regarding uses for this building and the necessity of this resolution to apply for this grant.

ON MOTION by Fox/Weber to adopt Resolution 2023-272.

Councilwoman DeNoble, Councilman Gubitosi, and Councilwoman Mahoney voted yes on the condition the Borough is not locked into using the building solely as a historical museum.

ROLL CALL:

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

ADOPTED

Resolution 2023-273 Elimination of Stipend for Parking Meter Maintenance.

ON MOTION by Fox/Weber to adopt Resolution 2023-273.

ROLL CALL:

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

ADOPTED

Resolution 2023-274 Authorizing the Settlement of Pending Litigation before the Superior Court of New Jersey, Monmouth County entitled Januzzi vs. Borough of Bradley Beach, ET AL., Docket Number MON-L-1876-20.

ON MOTION by Fox/DeNoble to adopt Resolution 2023-274.

ROLL CALL:

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

ADOPTED

ANNOUNCEMENTS:

Mayor Fox congratulated Police Captain James Arnold and his spouse on the birth of their first-born child.

MAYOR AND COUNCIL REPORTS:

Mayor Fox:

I hope everyone has a wonderful Thanksgiving Holiday. We have a lot to be thankful for in Bradley Beach.

Election Day was yesterday. The turnout in Bradley Beach was “brisk.”_ Congratulations to all candidates. Win or lose, you stepped into the arena as Teddy Roosevelt once famously said.

Our thoughts and prayers continue to be with Israel, along with our local Jewish Community. Rabbi Maury Kelman and the Congregation Agudath Achim of Bradley Beach are holding a special vigil this Thursday at Riley Park, Main Street Bradley Beach. They invite you to join them. This vigil is to raise

the issues of the hostages, including many Americans, and to say Never Again is Now. Thank you for your support.

An important annual ceremony is this Saturday at 11:00 AM at Riley Park. This year our Veteran Honoree is Former Army Captain David Broadbent. Welcome back to Officer Rafiq Pickett, just back from a deployment. Please join us and support and honor our Veterans.

This Sunday, November 12th is our final 2023 Mayor's Wellness Walk. We will start at the Fifth Avenue Gazebo at 10:00 a.m. We will go about 1.7 miles. Looks like the weather will be a bit brisk; but I am sure the beach will be beautiful.

On the Infrastructure front:

- 1) The Lake Terrace Park renovation is beginning; a two-month project.
- 2) We met with Avon to discuss the Sylvan Lake Natural Shoreline joint project with Bradley Beach last week.
- 3) We are completing the final remediation wipe down, disinfection, and minor renovations for the Biase Building.
- 4) We are looking forward to the planning grant for the old pump-house with the intent of housing the Historical Society there.

The Bradley Beach 2024 Reassessment Report is out and on the website. Last year, the percentage increase was over 19%. In 2024, the estimate is a 7.91% increase. We have cooled down a bit, but our value is up by over \$165 million.

The Library:

- Thursday, November 9th at 6:00 p.m. – Wellness Book Club discussions will be facilitated by Gigi Naples, a Bradley Beach resident who has always had an interest in wellness. The Club will explore different topics in this area and provide an opportunity for participants to share and discuss them with other community members. This program is in partnership with the Mayor's Wellness Campaign.
- Tuesday, November 14th at 2:00 p.m. - Wind, salt spray and all that sand can make gardening at the seashore very challenging. This is presented by Rutgers Master Gardeners in Monmouth County. This is an in-person event. Registration is required.
- Thursday, November 16th at 6:00 p.m. - Patricia Senkiw Rudowsky, who is featured in Chicken Soup for the Soul books, will lead an author talk and reading. Registration is required at bradleybeachlibrary.org.
- Thursday, November 30th at 6:00 p.m. - The Navesink Brass is a professional brass quintet comfortable with all styles of music from the Renaissance to Jazz and Rock. The ensemble will perform multicultural holiday and Hannukah arrangements for you to enjoy. This is an indoor event. Space is limited.
- Partnership with Bradley Beach - Cynthia attended a meeting in September Bradley Beach and other community organizations. Bradley Beach is working with the Bridge of Books non-profit program to secure a grant to create an early reading center at the laundromat.

Recreation:

The Recreation Center had a very successful Halloween Dance and Trunk or Treat Event in October. We decided to open the dance up to Pre-K through Fourth grades and it was such a blast.

Recreation started a walking group. Every Thursday at 1:00 p.m. we meet at the Fifth Avenue Gazebo. It is a wonderful group of people, feel free to join us. Please email Cpappas@bradleybeachnj.gov if you would like to be added to the list and kept in the loop.

Starting Monday November 13th through December 15th, the Recreation Center will be collecting donations for New Jersey Veterans Memorial Home in Menlo Park. A list of items and drop off locations can be found on the website.

We will be having a Friendsgiving event on November 21st at 2:00 p.m. It will include a classic Thanksgiving movie, crafts and a snack. All are welcome. We will be accepting non-perishable items to be donated to the Bradley Food Pantry.

The Senior Club will be meeting on November 15th this month due to the holiday.

Crosswords and Coffee will be taking a break for the holidays but is expected to pick back up in the Spring.

December 3rd we will be having "Breakfast with Santa."

December 15th we will have a Winter Wonderland Dance and again include the Pre-K through Fourth grades.

Mayor Fox presented the Fire Department and First Aid Squad Operational

Councilwoman DeNoble:

- The Board of Education Meeting will take place Tuesday, November 21st in the school Auditorium.
- The Elementary School will have a High School Presentation Day on November 15th and will be represented by students from Red Bank Regional H.S., Allied Health Communications, and Neptune High School.
- Ms. DeNoble attended the Tourism Meeting on Tuesday, October 31st. Items discussed included 2023 Events and their costs and the schedule for the 2024 Events.
- The Tree Lighting Ceremony will take place Sunday, November 26th in Riley Park starting at 4:00 p.m.
- The annual Beach Bonfire will take place Friday, November 24th at the Fifth Avenue Beach.
- Ms. DeNoble attended the Shade Tree Commission Meeting on November 1st. The Tree of the Month is a Tupelo. Ms. DeNoble recently attended a Wildlife Habitat Program at the Library.

Councilman Gubitosi:

- Councilman Gubitosi presented the Weekly Police Operations Report.
- Councilman Gubitosi attended the meeting in Avon on November 1st to discuss the Sylvan Lake restoration.
- Congratulated Counselor Cannon for his re-election win in Aberdeen.

Councilwoman Mahoney:

- Councilwoman Mahoney attended and judged the Halloween Parade on Sunday, October 29th.
- Councilwoman Mahoney will be attending the Special Land Use Board Meeting on Thursday November 9th and the regular Land Use Board Meeting on Thursday, November 16th.

Councilman Weber:

- Councilman Weber also attended and judged the Halloween Parade and thanked the Fire Department for sponsoring this annual event.
- Councilman Weber thanked Ms. Kostyz for working the many hours during the Election.
- Councilman Weber mentioned the plaque recently placed on the historical White Oak in front of the Elementary School.
- Recently met with the Police Chief to discuss improvements to site triangles and encouraged the public to contact him with any concerns.
- Councilman Weber stated he is pleased about resolution 2023-270 banning pesticides. Councilman Weber stated he also appreciates the way meeting materials are now organized compared to previous years.
- Attended the Sylvan Lake project meeting on November 1st.

Public Comment:

In Person:

Brigitte McGuire, 610 Brinley Avenue, inquired why some bills get paid out of more than one account.

Ms. Demarco addressed this inquiry.

Brian Downey, 619 Fourth Avenue, read a prepared statement regarding noise created by trucks in alley ways between Third, Fourth, and Fifth Avenues.

Nancy Meadow, 805 Beach Avenue, stated she is in favor of doing ordinances for banning pesticides and idling vehicles and complained about bill list items, the website, employees, and town events.

Thomas J. Coan, 612 Third Avenue,

- In favor of a site triangle review.
- Feels Grant Resolution 2023- 272 is disingenuous.
- Stated his opinions regarding the Januzzi vs. Bradley Beach settlement.

Mr. Cannon addressed the Januzzi settlement comments made by Mr. Coan.

ZOOM:

Don Greenberg, 302 Park Place Avenue, suggested site triangles at Park Place Avenue and Main Street.

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 10:25 P.M.

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