

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

MARCH 8, 2023 AT 7:00 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 MARCH 8, 2023 WAS AVAILABLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE. THE MEETING WAS NOTICED IN THE NEW COASTER AND THE COAST STAR ON MARCH 2, 2023 IN ADDITION TO RESOLUTION 2022-265 ADOPTED DECEMBER 13, 2022 FOR CALENDAR YEAR 2023 WAS ADVERTISED IN THE NEW COASTER, THE COAST STAR, AND THE ASBURY PARK PRESS ON DECEMBER 15, 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 7:00 P.M.

Present at the March 8, 2023 Council Business Meeting:

**Councilwoman DeMarco, Councilwoman DeNoble, Councilman Gubitosi, Mayor Fox
Borough Administrator, Kimberly M. Humphrey
Municipal Clerk: Erica Kostyz
Deputy Municipal Clerk: Michele Whille (ZOOM operator)
Borough Attorney: Gregory Cannon, Esq.**

Mayor Fox:

Happy International Women’s Day.

We as a Council decided in January to start the last Council meeting with a message of a “New Day.” Although we should welcome disagreement because it helped us think of things from different perspectives- our voice should be a constructive one.

We agreed to be on a new journey for a brighter Bradley Beach and asked you to join us in our new vision and rules of engagement.

I ask everyone to gauge their tone going forward, we are all neighbors. I know that some of our rules of engagement were stretched, hopefully we will do better moving forward.

Our Business Administrator, Kim Humphrey, will be stepping away after this evening. In the interim, Greg Fehrenbach will be filling in as the Interim Business Administrator. Greg has extensive government experience at a state, county, and local level. We are very fortunate that Greg, a resident of Bradley Beach, came forward to serve his community. Also in attendance is the Borough Labor Attorney, Eric Bernstein to participate in the Executive Session for this evening. We have a slight re-ordering of the agenda this evening and go into an Executive Session first.

EXECUTIVE SESSION :

Resolution 2023-99 Retire into Executive Session to discuss an Employment/Personnel Matter and a Contract Negotiation Matter.

- **P.B.A. Contract**
- **DPW Contract Update**

ON MOTION by Fox/DeMarco retire into Executive Session at 7:05 p.m. to discuss an Employment/Personnel Matter and a Contract Negotiation Matter.

ROLL CALL:

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

ON MOTION by Fox/DeMarco to return from Executive Session at 7:35 p.m.

ROLL CALL:

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

Resolution 2023-100 Authorizing the Execution of a Memorandum of Agreement with N.J. P.B.A. Local No. 50 Memorializing the Terms of Parties’ Successor Collective Bargaining Agreement.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-100.

ROLL CALL:

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

ADOPTED

WORKSHOP DISCUSSIONS:

319 LaReine Avenue Updates:

Mayor Fox gave an update on the status and stated the three things in focus are site demolition costs, appraise the value of the site and the value of four conforming lots, and the survey of the site. Mayor Fox stated these steps will be completed within the next two weeks and shared with the Council.

Councilman Gubitosi inquired it has been determined what artifacts belong to the Camp Meeting Association.

Ms. Humphrey stated that would have to be decided between the Governing Body and the Camp Meeting Association.

Public Comment:

In Person:

Thomas J. Coan, 612 Third Avenue, requested a courtesy meeting with the Land Use Board, noticing the neighbors within 200 feet if a four lot sub division will take place.

ZOOM: None

Chapter 5 Proposed Amendments:

Administrator Humphrey explained the potential issues that can occur if the bid threshold is lowered and suggested not going below \$17,500.00.

A discussion ensued between Councilman Gubitosi and Ms. Humphrey regarding bid threshold amounts, state recommendations, and spending amount without Council consent.

Councilman Gubitosi requested to remove “Review of Agenda” from Section 5-9C from the draft ordinance.

Councilman Gubitosi suggested adding additional professionals titles 5-11A to include advice and consent of the Borough Council.

Mayor Fox stated he disagreed with that suggestion and stated if continual swipes are going to be taken at the Administrative Code, it should be done in a comprehensive matter such as a Charter Study as mentioned by the Council President in 2022.

A lengthy discussion ensued between Mayor Fox, Councilman Gubitosi and Mr. Cannon regarding “advice and consent” the current form of Government, what is currently stated in Chapter 5, and continuity of Government.

Public Comments:

In Person:

Mary Backstrom, 218 Fourth Avenue, stated she would like to the Mayor and Council work together where necessary.

Thomas J. Coan, 612 Third Avenue, feels Council needs to be involved with appointment decisions.

A lengthy discussion ensued between Mr. Coan and Mayor Fox regarding the Borough Administrator employment position.

Eileen Shissias, 112 Fourth Avenue, expressed concerns regarding compromise between the Mayor and Council.

Nancy Meadow, 805 Beach Avenue, voiced opinions regarding Council involvement with employment and professional appointment decisions.

ZOOM: None

PRESENTATIONS:

A Proclamation in honor of Women’s History Month was read by Council President DeMarco.

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways;

WHEREAS, American women have played and continue to play critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home;

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation;

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation;

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS, American women have served our country courageously in the military;

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bradley Beach, that March is designated as “Women’s History Month”.

MINUTES APPROVAL

ON MOTION by Fox/Gubitosi to approve the Council Business Meeting Minutes of February 22, 2023.

ROLL CALL:

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

APPROVED

ON MOTION by Fox/DeNoble to approve the Executive Session Minutes of February 22, 2023.

ROLL CALL:

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

Public Comments on Agenda Items:

In Person:

Thomas J. Coan, 612 Third Avenue,

- **Suggested Resolution 2023-96 should state how the Beach Lockers will be distributed.**
- **Inquired if the bid amount for the Lake Terrace Park ADA project was the best price.**
- **Inquired about items on the bill list regarding salt materials and the auditor.**

Suggestions and inquiries were addressed by Mayor Fox and Administrator Humphrey.

Councilwoman DeMarco suggested printing the bill list by account number versus vendor.

Eileen Shissias, 112 Fourth Avenue, inquired about an item on the bill list that included finance charges.

Ms. Humphrey addressed this inquiry.

ZOOM: None

ORDINANCE INTRODUCTION(S):

ORDINANCE 2023-5

AN ORDINANCE AMENDING CHAPTER 425: "TREES" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO CLARIFY AND ENHANCE CERTAIN SHADE TREE REGULATIONS.

Councilwoman DeNoble thanked former Shade Tree Commission Chairman Dr. George Heflich and Councilman Weber and the Shade Tree Commission for recommending this ordinance and spoke about the Tree Canopy and Tree Inventory in the Borough.

ON MOTION by Fox/DeNoble to introduce Ordinance 2023-5.

ROLL CALL:

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

INTRODUCED

ORDINANCE ADOPTION(S): None

COMMUNICATIONS:

- **Employee Department Change Memo.** (Todd Gardiner transferred to the Municipal Court and Kylie Daniels was promoted to full-time for front office Cashier and Community Development assistant.)

CONSENT AGENDA RESOLUTIONS:

2023-83 Approval of a refund for a Street Opening Deposit to Chris Grove Construction in the amount of \$500.00 for 123 Kent Avenue.

2023-84 Authorizing the Appointments of Special Class I Law Enforcement Officers attending the May Class at the Monmouth County Police Academy.

2023-85 Authorizing the Appointment of Special Class I Law Enforcement Officer attending the June Class at the Monmouth County Police Academy.

2023-86 Authorizing the Appointments of returning Special Class I Officers for 2023.

2023-87 Approval for the National Multiple Sclerosis Society to conduct their Charity Bicycle Ride for Saturday, May 13, 2023 from 7:00 a.m. to 4:00 p.m. (pass through only).

2023-88 Approval for the Open Haven Musicfest to conduct their 5K Run for Saturday, September 9, 2023 from 9:00 a.m. to 12:00 p.m. (pass through only).

2023-89 Approval for Kaleidoscope for Hope to conduct their 15th Annual Walk for Saturday, September 23, 2023 from 6:00 a.m. to 12:00 p.m. (there will be music played after 8:30 a.m. and use of the Gazebo).

2023-90 Authorizing a one-year lease extension for the 2023 Surf Camp.

2023-91 Authorizing a one- year lease extension for the 2023 Volleyball Clinics.

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

ROLL CALL:

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

RESOLUTIONS ADOPTED

INDIVIDUAL RESOLUTIONS:

2023-92 Bill List for Mach 8, 2023.

ON MOTION by Fox/Demarco to adopt Resolution 2023-92 .

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Mayor Fox

NAYS: None

ABSENT: Weber

ABSTAIN: None

ADOPTED

2023-93 Appointing Gregory C. Fehrenbach, Principal of Government Management Advisors, LLC, as Acting Borough Administrator and Awarding a Non-Fair and Open Professional Services Contract to Government Management Advisors, LLC to perform Acting Administrator Services.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-93.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Mayor Fox

NAYS: None

ABSENT: Weber

ABSTAIN: None

ADOPTED

2023-94 Authorization to Award the Bid Contract for Lake Terrace Park ADA Improvements.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-94.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Mayor Fox

NAYS: None

ABSENT: Weber

ABSTAIN: None

ADOPTED

2023-95 Authorization for Award of Proposal for Administrative Construction Costs for Lake Terrace Park ADA Improvements.

ON MOTION by Fox/DeNoble to adopt Resolution 2023-95.

ROLL CALL:

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

ADOPTED

2023-96 Establishing the Beachfront Locker Fees for 2023.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-95.

ROLL CALL:

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

ADOPTED

2023-97 Authorizing the Borough Administrator/ Qualified Purchasing Agent to Advertise for Bids with an award not to exceed \$80,000.00 for a Hook Lift Truck for the Department of Public Works.

Councilman Gubitosi explained the purpose of this resolution for public knowledge.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-97.

ROLL CALL:

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

ADOPTED

2023-98 Authorizing an Open Public Records – Records Information Management (RIMS) Shared Service Agreement with the County of Monmouth.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-98.

ROLL CALL:

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

ADOPTED

ANNOUNCEMENTS: None

Administrator Humphrey gave the weekly activity report for the Fire and First Aid Departments.

Borough Engineer Bennett Matlack presented the following updates:

- Lake Terrace Park ADA Improvement Project.
- Improvements to Park Place Avenue (specs submitted to DOT for review).
- Main Street and Sylvan Lake Walkway Improvements (potential Federal Grant money available).
- Sylvan Lake Park Landscape

Mr. Matlack stated he will be attending the next Sylvan Lake Committee meeting to discuss the Walkway and Landscape projects.

Ms. DeNoble asked Mr. Matlack when the paving will begin for Third and Fourth Avenues.

Ms. Humphrey and Mr. Matlack responded in the Spring.

Councilman Gubitosi informed Mr. Matlack the Sylvan Lake Committee is not in favor of a walkway.

MAYOR AND COUNCIL REPORTS:

Councilwoman DeMarco

- The Clean Ocean Action Beach Sweep will take place on April 1st from 9:00 a.m. to 12:00 p.m.
- The Memorial Day Parade will take place on May 27th at 10:00 a.m.
- The Memorial Day Ceremony will take place on May 29th.
- The Memorial Day Committee is currently seeking vendors for the Memorial Day Weekend festivities. Applications can be found on the Borough Website.
- Ms. DeMarco wished everyone a Happy International Women's Day and mentioned the significance of this day.

Councilwoman DeNoble:

- The Mediterranean Festival will take place on March 25th at the Ascension Center from 2:00 p.m. to 8:00 p.m.
- Annual Shamrock Hunt begins on March 17th. Ms. DeNoble announced anyone who finds a gold painted rock within the town can take this to the Recreation Center and receive a prize.
- The Green Fair will be held on April 22nd from 10:00 a.m. to 3:00 p.m. in Riley Park.
- The Bradley Beach PTA will be holding a Gift Basket Auction on March 19th from 3:00 p.m. to 8:00 p.m. at the Ascension Center.
- The Shade Tree Commission will be conducting a Tree Planting on April 29th. Ms. DeNoble explained the benefits of trees.
- The Board of Education held a meeting to discuss their annual Comprehensive Financial Report for 2022.
- The Elementary School Students had an Engineered Competition that involved tackling real world problems and designing engineered solutions.
- The Board of Education supported the High Honor Students.
- Ms. DeNoble mentioned Happy Read Across America Week and announced book donations, a guest author and guest readers that attended.

Councilman Gubitosi:

- Gave the weekly Police Activity report.
- Updated the public on the Short-Term Rental Ordinance progress.
- Updated the public on potential handicapped lockers.
- Councilman Gubitosi thanked Borough Engineer, Bennett Matlack for his diligent work on the Chapter 450 revisions and stated he will have a follow-up with Mr. Matlack to discuss the suggested edits in the near future.
- Mentioned the RFP's for the Sewer Analysis and IT Consultant.
- Councilman Gubitosi thanked Ms. Humphrey for her service to Bradley Beach and wished her the best of luck with her future endeavors.

Mayor Fox:

Our two Outfall Repair projects are moving. Equipment and resources are on the beach McCabe/Ocean Park project.

We are scheduling the Sylvan Lake pre-construction meeting is set for the second week of March with the Engineering Team and with Avon.

Lake Terrace Park is receiving a grant for some refurbishment; and we are accepting bids right now so we can start work. Thanks to Administrator Humphrey and Borough Engineer, Ben Matlack of CME for applying and securing the funding.

We are also taking on a project with Ocean Grove, our partners on the Fletcher Lake Commission. The walking bridge between our two towns over the lake was identified as needing some work. Biaggio Cafone from Public Works, Anthony DeMaio, Commission Chair, and Kim Humphrey have put a plan in place. The work starts in April and should take about a month. We have been contacted by Senator Booker's and Congressman Pallone's offices with some interesting grant opportunities we will be exploring. We will focus on Main Street and Sylvan Lake. More to come as we develop these applications.

Memorial Day Planning has begun. We are also excited to announce our 130th Anniversary Plan, celebrating Bradley Beach since 1893 throughout the year . The Borough, Bradley Beach Business & Community Alliance and the Bradley Beach Historical Society will recognize our 130th Anniversary with:

- Celebrating Bradley Beach 1893 Flags on Main Street and Ocean Avenue
- The Memorial Day Parade May 27th.
- Dinner and Music June 10th - A Taste of Bradley Beach
- North End of Ocean Avenue
- Mapping Main Street Historical Exhibit
- Alliance Week June 24th through June 30th events Councilwoman DeMarco and Councilwoman DeNoble will assist me and the Borough in planning with the Bradley Beach Business & Community Alliance and Historical Society. Paula Gavin and Robyn Flipse , representing the Alliance, will form volunteer teams to help with logistics for the June 10th Celebration .

The Food Pantry pick-up will take place on March 18th and Parkfest will take place on July 10th.

Mayor Fox thanked Ms. Humphrey for her service to Bradley Beach.

Public Comment:

In Person:

Eileen Shissias, 112 Fourth Avenue, stated concerns regarding the Memorial Day Parade vendors on the boardwalk.

Thomas J. Coan, 612 Third Avenue, welcomed Mr. Fehrenbach as the Acting Borough Administrator and thanked Ms. Humphrey for her service.

Tracey Davidson, 304 Fourth Avenue, requested the street paving to Fourth Avenue be done as soon as possible.

Thomas McGuire, 610 Brinley Avenue, requested an update regarding the holdover of professional appointments.

Nancy Meadow, 805 Beach Avenue, expressed complaints regarding the website.

Randy Bonnell, 506 Third Avenue, asked for an update on the Third Avenue paving.

Mr. Bonnell stated issues with the Mayor that occurred during his tenure as a Councilman,

ZOOM:

Paul Neshamkin, 411 ½ LaReine Avenue, requested a progress update for the Biase Center.

Mayor Fox stated an assessment update will be available within the next few days.

Julia Rand, 1 Atlantic Avenue, announced the upcoming Bradley Beach Arts Council productions.

Public Comment via email:

Tim Sexsmith, 500 LaReine Avenue, this is a question for the Borough Attorney. Please provide the legal justification as to why the proposed changes to Borough Ordinance Chapter 5 are legal, when they appear to be in direct conflict with N.J.S.A. 40:69A-122 and 124 of the Optional Municipal Charter statute. Do these proposed changes put the Borough at risk?

Mayor Fox and Mr. Cannon stated Mr. Sexsmith would receive an answer to his inquiry offline.

ADJOURNMENT:

ON MOTION by Fox/Demarco to adjourn at 9:40 p.m.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Mayor Fox

NAYS: None

ABSENT: Weber

ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 9:40 P.M.

Erica Kostyz

Erica Kostyz, RMC, CMR

Municipal Clerk