

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

APRIL 26, 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 APRIL 26, 2023 WAS AVAILABLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE. THE REMAINDER OF COUNCIL MEETINGS (RESOLUTION 2022-265 ADOPTED DECEMBER 13, 2022) FOR CALENDAR YEAR 2023 WAS ADVERTISED IN THE COAST STAR AND THE NEW COASTER ON DECEMBER 15, 2022 AND THE ASBURY PARK PRESS ON DECEMBER 17, 2022.

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

A 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 April 26, 2023 Council Business Meeting:

**Councilwoman DeMarco, Councilwoman DeNoble, Councilman Gubitosi, Councilman Weber,
Mayor Fox**

Interim Borough Administrator, Gregory C. Fehrenbach

Municipal Clerk, Erica Kostyz

Borough Attorney Alternate: Christina Malamut (arrived at 6:35 p.m.)

Borough Attorney: Gregory Cannon, Esq. (arrived at 7:00 p.m.)

Borough Engineer, Bennett Matlack

Police Department: Chief, Leonard Guida, Lieutenant Detective Terry Browning

Deputy Municipal Clerk: Michele Whille (ZOOM operator)

Mayor Fox:

WORKSHOP DISCUSSIONS:

Chapter 450 Amendments Recommendations (Continuation of the April 12th Workshop) – Presentation given by Borough Engineer, Bennett Matlack of CME Associates.

Mr. Matlack gave a summary of the items discussed at the April 12th Workshop.

Mr. Matlack gave a presentation via PowerPoint to discuss the following items with the Governing Body:

- **Non-conforming/undersized lots**
- **Garage Apartments**
- **Municipal Land Use Law elaborations**
- **Home Offices**
- **Minimum side yard setbacks for undersized lots.**
- **Building heights for undersized lots.**
- **Bed and Breakfast**
- **Garden Apartments**
- **Residential Driveways**
- **Signs along Main Street**
- **GBW Zones**

The Governing Body gave their thoughts and input on the changes proposed by Mr. Matlack based on recommendations.

The following residents gave input and suggestions regarding density, setbacks, Bed and Breakfast locations, building height and signage:

In Person:

Michael Moss, 429 Monmouth Avenue

Thomas J. Coan, 612 Third Avenue

Rich Despina, 600 Third Avenue

Linda Duffy, 312 Brinley Avenue

Cindy Lukenda, 218 Fourth Avenue

Zoom: None

PRESENTATIONS:

Arbor Day Proclamation – Read by Mayor Fox

WHEREAS, in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

NOW THEREFORE BE IT RESOLVED, the Mayor of the Borough of Bradley Beach, do hereby proclaim April 28, 2023 as Arbor Day, in the Borough of Bradley Beach and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

BE IT FURTHER RESOLVED, the Mayor urges all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Municipal Clerk’s Week Proclamation – Read by Mayor Fox

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, Larry Fox, Mayor of the Borough of Bradley Beach, do recognize the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

MINUTES APPROVAL

ON MOTION by Fox/Weber to approve the Council Business Meeting Minutes of April 12, 2023.

ROLL CALL:

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

APPROVED

ON MOTION by Fox/DeMarco to approve the Executive Session Minutes of April 12, 2023.

ROLL CALL:

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

APPROVED

Public Comments on Agenda Items:

In Person:

Nancy Meadow, 805 Beach Avenue, commented on Resolution 2023-141 and expressed concerns with items on the bill list.

Thomas J. Coan, 612 Third Avenue, clarified the purpose for Resolution 2023-140 for Bradley Boulevard Improvements and thanked the Governing Body for placing 2023-142 on the Agenda and suggested not passing Budget Introduction Resolution 21023-137.

Eileen Shissias, 112 Fourth Avenue, asked the Council to vote no for Resolution 2023-122 until the public can view a schematic plan of the beach access mats.

Joe Sanfelice, Fire Department Member, expressed concerns with the budget for purchase Fire Department equipment.

ZOOM:

Mea Molin, 302 Fourth Avenue, expressed concerns about density, Resolution 2023-122 for purchase of Mobi Mats, and not having enough information about the budget before introduction.

ORDINANCE INTRODUCTION(S): None

ORDINANCE ADOPTION(S):

ORDINANCE 2023-4

AN ORDINANCE AMENDING CERTAIN PORTIONS OF CHAPTER 5: “ADMINISTRATION OF GOVERNMENT” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO MODIFY AND CLARIFY CERTAIN MEETING RULES, AGENDA GUIDELINES, APPOINTMENT POWERS, AND PURCHASING PROCEDURES.

Councilman Gubitosi requested an amendment to section 5-22 item I-18 to state professional contracts exceeding \$4,000.00 be awarded by resolution and not a fair and open bid process.

After discussion between Mr. Gubitosi and Ms. Malamut it was determined Council would be able to move forward with the introduction of this ordinance.

ON MOTION by Fox/Weber to open the public hearing for Ordinance 2023-4.

ROLL CALL:

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

Public Comment on Ordinance 2023-4: None in person or virtual.

ON MOTION by Gubitosi/Weber to amend the language in section 5-22, item I-18 of Ordinance 2023-4 to state award of contract is done by resolution only and not a fair and open bid process.

ROLL CALL:

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

ON MOTION by Gubitosi/Weber to close the public hearing and adopt for Ordinance 2023-4 with the requested amendments.

Mayor Fox voted no and stated he feels this ordinance is not in the spirit of the Borough’s Faulkner form of Government.

ROLL CALL:

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

ADOPTED

ORDINANCE 2023-6

AN ORDINANCE ESTABLISHING CERTAIN SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, AND THE STATE OF NEW JERSEY AND REPEALING ANY AND ALL OTHER ORDINANCES INCONSISTENT HEREWITH.

ON MOTION by Fox/DeNoble to open the public hearing for Ordinance 2023-6.

ROLL CALL:

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

Public Comment on Ordinance 2023-6: None in person or virtual.

ON MOTION by Fox/DeMarco to close the public hearing and adopt for Ordinance 2023-6.

ROLL CALL:

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

ADOPTED

ORDINANCE 2023-7

AN ORDINANCE AMENDING SECTION 123-8: “RULES AND REGULATIONS” OF CHAPTER 123: “BEACHFRONT AREAS AND ADJACENT WATERS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO REDUCE THE HOURS THAT BICYCLES ARE PERMITTED ON THE PROMENADE.

Councilman Weber stated he is in favor of this ordinance requested this ordinance is enforced once adopted.

Mayor Fox stated the Borough will be working closely with Ocean Grove on the time schedule for permitting bicycles on the boardwalk.

ON MOTION by Fox/Weber to open the public hearing for Ordinance 2023-7.

ROLL CALL:

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

Public Comment on Ordinance 2023-7: None in person or virtual.

ON MOTION by Fox/Weber to close the public hearing and adopt for Ordinance 2023-7.

ROLL CALL:

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

ADOPTED

COMMUNICATIONS: None

CONSENT AGENDA RESOLUTIONS:

2023-133 Approval for the Ocean Grove Historical Society to conduct their 5K Race on Saturday, October 21, 2023.

2023-134 Approval of the N.J. Coalition Against Sexual Assault to conduct their 5K Race/Walk on Sunday, September 24, 2023.

2023-135 Approval of an On-Premises 50/50 Raffle License in May for the Bradley Beach Elementary PTA and waiver of the \$20.00 Municipal Application Fee.

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

ROLL CALL:

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

RESOLUTIONS ADOPTED

INDIVIUAL RESOLUTIONS:

2023-136 Bill List for April 26, 2023.

Councilman Weber inquired about a quarterly payment to the State Department of Labor

BA Fehrenbach addressed this inquiry.

Councilman Weber inquired about a Professional Services invoice for HFA.

It was decided to hold payment on this invoice until clarity is provided and to pass the remainder of the bill list.

ON MOTION by Gubitosi/Weber to hold the payment for HFA until the inquiry is resolved and to pass the remainder of the bill list.

ROLL CALL:

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

ON MOTION by Fox/Weber to adopt Resolution 2023-136.

ROLL CALL:

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

ADOPTED

2023-137 Introduction of the 2023 Municipal Budget to be read by title only.

Mr. Fehrenbach gave the following statement:

It is vitally important that the budget as currently drafted be introduced this evening. Given comments I have heard, I fear that three members of the Governing Body might not vote in favor of the introduction. Such an action would not be responsible.

Here is why I believe it is in the best interest of our community and the Borough government to introduce the budget this evening:

- At this time, nearly one third of the year is over and we are on the verge of the Borough's most expensive period of the year. By the earliest date available for adoption of the budget, almost 5/12ths of the year will be over. If adoption is prolonged, even less time will be available.**
- There is only one person in the entire organization that is able to take a management position to control costs. That is the position of Borough Administrator. It will take the person in that position, either me as an Interim and/or the newly appointed Administrator, substantial and valuable time to effect savings.**
- Edmunds, the software system that contains the budget and accounts and control features cannot be implemented until there is an adopted budget. So, management and control actions must wait for the adoption of the budget and the posting of same to the Edmunds system.**
- There are four weeks between introduction and adoption during which additional discussions on the reasonableness of the proposed appropriations and revenue numbers can be held.**
- While I am very much concerned that our attempts to fashion a leaner budget, to meet the expectations of the council members, may have resulted in appropriations that are too lean and revenues that are too aggressive, we can go through deeper examinations as to why that is the case during these four weeks long period.**
- This is a budget, which I want to be a ceiling for probable expenditures, will provide a base from which to get to work on controlling expenditures as far below these levels as possible to provide adequate lapsed reserves to assist in rebuilding fund balance.**

I am a taxpayer in this community just as all of you are and as are the residents who come to the meetings. I do not like paying taxes, any taxes, any more than any of you or any of them. However, I might recognize the demand for services by residents and the real cost of these services more than most. As much as I would like to responsibly advise you of ways to reduce this budget substantially in a way that it would have a measurable effect on the tax levy increase, I cannot. This year's budget and tax levy increase is a function of last year's budget anticipating too much on the revenue side.

Mr. Fehrenbach further stated the expenditures in this budget are programed to be less than the 2022 expenditures. Mr. Fehrenbach continued he is willing to put in the necessary time and effort to review the budget with the Council, a starting point is necessary and that starting point is the budget introduction.

Councilman Gubitosi stated he feels as an elected official, it is his responsibility to question the budget and do what is best for the residents and for the Borough. Mr. Gubitosi stated he will not vote for a budget he does not understand and spoke about the one time revenues in 2022 and feels the spend is not down enough and stated his disappointment with the budget process to date and feels this is a disservice to the Council and the public.

Councilman Gubitosi read the following prepared statement:

In his most recent newsletter to our residents yesterday, I was happy to see Mayor Fox pronounce that the budget that is up for introduction tonight is "prudent, practical, and manageable."

The problem is, the Mayor said something similar to the public back on March 8, when it was announced that we needed a 20% tax increase (i.e.: \$1.5 Million). At the time, the Mayor blamed this increase largely on an increase in Pensions and Health Insurance of over \$1 Million. However, the Mayor's math was wrong and those increases were actually nowhere close to \$1 million.

Then we waited; A revised budget was not presented to the Council - until 5 weeks later -- in an email dated April 17th. At that time, the Mayor told the Council that his team brought the tax levy down from 20% to 6.9%!

Then, just a few days later, on April 21st the Mayor announced that the Tax Levy increase dropped AGAIN - this time reducing from 6.9% to 5.3%. Of course, this was announced at a hastily organized workshop, on a Friday afternoon, when many residents and a few Council members could not attend.

Let us recap; during the SEVEN WEEKS that have elapsed since the proposed 20% tax increase budget was shared with the public, this Council spent SIX weeks - focusing upon a BOGUS budget that never should have been shared with the Public in the first place. Then, in roughly one week our Administration eliminated almost \$1 Million, out of the original \$1.5 million in projected tax increase!!

Does anyone else see a "CREDIBILITY ISSUE" here?

So, while it is good to see that the Mayor believes that this version of the budget is "prudent, practical, and manageable", please forgive me if I question his judgement.

I cannot honestly sit here tonight and tell you that this is a bad budget. I also cannot sit here tonight and tell you that it is a good, prudent budget. This Council and this Administration should be working together. We all swore an oath of office to serve the public. We all should be sharing information and ideas to develop the best possible budget for Bradley Beach. Unfortunately, that has not happened yet.

Up until this evening, this Administration has “held all the cards.” They have conducted all the analysis and they have controlled all of the data. They have shared nothing. However, now the Administration needs our vote to introduce this budget. They are not going to get that vote from me tonight.

For the record, I am very willing to provide my “Yes” vote once my questions are answered and I am confident that this budget is serving the best interests of our residents. Until then, I will continue to vote “No.”

Mr. Fehrenbach stated he agreed with many of the things Councilman Gubitosi stated and explained the budget introduction is an authorization to publish and make the document public and not a vote on the final budget. Mr. Fehrenbach further explained a vote on the final budget occurs after a public hearing takes place which is presently scheduled to occur on May 24th.

The Council will have the opportunity to be able to thoroughly examine all of the items and the public will have the opportunity to look at the document as it presently exists when it is published and posted to the website.

A discussion ensued regarding the Local Budget Law.

Councilman Gubitosi expressed his disappointment with the current Administration’s budget process and limited access to the CFO to have questions answered.

Mayor Fox stated the budget process this year has been difficult and explained the date for the recent Workshop Meeting on April 21st was held in accommodation for a Council Member’s schedule, and detailed budget files were provided to the Council on Monday April 17th to show comparisons by year of the budget. Mayor Fox stated he feels this is a good budget and feels there will be ample time to answer any questions for the Council and the public.

Councilman Weber mentioned the budget process changes that occurred last year.

Bob Alison of Holman Frenia Alison, PC explained certain budget amendments may require independent public hearings and explained how that type of process works.

Mr. Fehrenbach explained there is a requirement to submit the budget to the DLGS following the introduction for review and comparison against the Annual Financial Statement. The DLGS will provide a document with questions they want answered in order to make changes prior to a public hearing.

Councilman Gubitosi reiterated his disappointment with various elements of the budget process specifically appropriated Salary and Wage breakdowns.

Mr. Fehrenbach reiterated the vote this evening is for budget publication and to begin the process required by the Local Budget Law of a four week review period.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-137.

Councilwoman DeMarco thanked Mr. Fehrenbach for his explanation of the budget and stated she personally asked the CFO several questions and received answers and stated not everyone’s experience is same and voted yes.

Councilwoman DeNoble stated she is waiting to see comparison for 2021, 2022, and 2023 Capital Outlays budgeting versus actual spend and feels there should be a round table to include the public voted no.

Councilman Weber feels the Fire Department is not getting what they are asking for and voted no.

ROLL CALL:

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

FAILED

2023-138 Temporary Budget Appropriations.

ON MOTION by Fox/Weber to adopt Resolution 2023-138.

ROLL CALL:

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

ADOPTED

2023-139 Award of Contract to Coast Cities Equipment for the purchase of a Hook Lift Truck for the Department of Public Works.

ON MOTION by Fox/Weber to adopt Resolution 2023-139.

ROLL CALL:

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

ADOPTED

2023-140 Award of Contract with Black Rock Enterprises for Bradley Boulevard Improvements.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-140.

ROLL CALL:

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

ADOPTED

2023-141 Authorizing the Mayor and Acting Borough Administrator to share all submitted resumes for the open position of Business Administrator with the entire Council.

Mayor Fox stated it is the Administration's responsibility to nominate a candidate for this position. We defined a process in March and communicated it to the Council. It was agreed upon. Councilman Gubitosi wants to re-define the process. In that we have scheduled interviews for next week and I will be releasing resumes by Friday, I am not sure this resolution is relevant. I make a motion to table this.

Councilman Gubitosi stated he does not support the motion to table this resolution and feels without this resolution there is no assurance the Council will receive the information requested.

Mayor Fox requested to move forward with the resolution for the sake of time and stated information will be forthcoming on Friday with clear parameters on confidentiality.

Councilwoman DeMarco stated the process as communicated to her has been followed and abstained on the adoption of this resolution.

Councilwoman DeNoble stated this should be a fair and open process with the Governing Body as they are all one vote and all information should be shared and voted yes.

Councilman Gubitosi agreed with Ms. DeNoble and stated regardless of who the Mayor selects as the top candidates the Council should have an understanding of all candidates that apply and stated any information collected so far has not been shared and this is the reason for this resolution.

Mayor Fox abstained stated the difficulty is a matter of trust. Two years ago, when the previous BA was hired, all of the Councilmen violated the hiring process. This year one has already solicited candidates on their own. We have followed the process and have three viable candidates we will be interviewing next week. This is again is an encroachment into areas that are not the responsibility of the Council.

ON MOTION by Fox/Weber to adopt Resolution 2023-141.

ROLL CALL:

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

ADOPTED

2023-142 Authorizing an Independent Investigation into the facts and circumstances regarding the Borough's recent preparation for and execution of Collective Bargaining Negotiations.

Councilwoman DeMarco inquired if a resident or elected official has concerns if there is an authorizing State Agency that oversees contract negotiations.

Mr. Fehernbach responded the Public Employment Relations Act empowers the Public Employment Relations Commission to be able to address grievances. Mr. Feherenbach stated he is not familiar with this situation and does not feel this matter rises to the level of an unfair labor practice.

Mr. Cannon responded stated an issue with the fairness of negotiations such as this would be a PERC matter and could be handled by the Local Government Ethics Board.

Ms. Demarco asked if the Governing Body would be notified if anyone filed a complaint with these State Agencies.

Mr. Cannon responded notification is given if there is probable cause.

Discussion ensued between Mr. Cannon and Chief Guida regarding the reporting and notification procedure with State Agencies.

Ms. DeMarco and Chief Guida confirmed with Mr. Cannon the Borough has not been formally or informally informed of an investigation.

Councilwoman DeMarco stated she is trying to ascertain if there a way to accomplish the goal of the resolution avoiding the use of taxpayer funds.

Mr. Cannon stated filing with the Local Government Ethics Board would be the only solution which he does not recommend as the Borough Counselor.

An intense and lengthy discussion ensued between Councilman Gubitosi and Police Chief Guida regarding the purpose of this resolution.

Councilwoman DeMarco inquired why the price in the original resolution was removed and what is the anticipated cost of an independent investigation.

Mr. Cannon responded it is not appropriate as the Borough Attorney to give costs stated he would get proposals to which the Council can discuss in an Executive Session.

Councilwoman DeMarco asked Mr. Cannon if he had an approximated guess of what this could cost.

Mr. Cannon responded a range of \$5,000.00 to \$10,000.00 dollars.

Mayor Fox stated One or some of the Council are taking ques from outside forces and is shadow boxing. Making something of nothing is step one. Step two, cast aspersions on peoples character. Step three, start a social media campaign whose narrative is in a word, disgusting in the context of what I see on social media and I feel this is political and unfortunate.

ON MOTION by Weber/DeNoble to adopt Resolution 2023-142.

Ms. DeMarco voted no and stated she is not in favor of using taxpayers' funds to accomplish this goal.

ROLL CALL:

AYES: DeNoble, Gubitosi, Weber

NAYS: DeMarco, Mayor Fox

ABSENT: None

ABSTAIN: None

ADOPTED

RESOLUTIONS TABLED APRIL 12, 2023

2023-122 Authorizing the purchase of Beach Access Mats and Connectors via State Cooperative Contract.

A lengthy discussion ensued amongst the Governing Body regarding the adjusted number of mats, cost, and Council involvement.

Mr. Fehrenbach suggested agreeing on a number of mats and cost this evening. Then schedule a meeting with the Beach Committee, the Mayor and a Council Member to go over the schematics.

Mayor Fox made a motion to withdraw the current resolution, seconded by Councilwoman DeMarco.

Councilman Weber made a motion to amend the resolution to reduce the amount of mats to seventy-five with an amount not to exceed \$19,000.00 dollars, seconded by Councilwoman DeMarco.

ON MOTION by Weber/Demarco to adopt Resolution 2023-122 with the amendments.

ROLL CALL:

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

ADOPTED WITH AMENDMENTS

2023-127 Authorizing the Borough Administrator to purchase a New Roofing System and retain a Certified Contractor from a New Jersey State Purchasing Cooperative for the Biase Center in an amount not to exceed \$145,000.00.

ON MOTION by Fox/Gubitosi to table Resolution 2023-127.

ROLL CALL:

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

ADOPTED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Councilwoman DeNoble:

- Attended the BBBOE Meeting on April 25th, congratulated the High Honor Roll Students, and mentioned the E-Friday program and Bike Safety presentation.**
- Mentioned the Arbor Day celebration and Tree Planting scheduled for Friday and Saturday may have to be postponed due to possible rain.**

- Spoke about the Tree Application called “Ask before you Axe” and explained the benefits of this application.
- Gave the Tourism Committee Activity Report.
- Announced a link to a public safety dashboard for beachgoers with real time beach conditions.

Councilman Gubitosi

- Gave the Weekly Police Activity Report.
- Spoke about Sylvan Lake Grant Funding.

Councilman Gubitosi asked when the Council will receive an update on DPW Negotiations.

Mr. Fehrenbach and Mayor Fox stated there is no information to report at this time.

Councilwoman DeMarco:

- The Beach Sweeps hosted by the Environmental Commission on April 15th was successful.
- The Environmental Commission participated in the Green Fair last week.
- Ms. DeMarco gave a update on the recent Land Use Board Bulk Variance Applications.

Councilman Weber:

- Requested better communication and consideration regarding scheduling of meetings.
- Gave the Fire Department and First Aid Weekly Activity Reports.
- Reminding everyone planting tree strips is the responsibility of the owner.
- Thanked everyone involved in the Green Fair Event.
- Mentioned the Plastic Advisory Committee report will be coming out with their report soon.

Mayor Fox:

I will continue to highlight the infrastructure projects going on.

The Outfall Pipe on Ocean Park/ McCabe Avenue beaches delivers Stormwater to the ocean. The replacement project started on Monday, April 17th and will conclude before July 1st. We have avoided intermittently closing the Promenade so far. Our professional partners are working with OEM and DPW to absolutely minimize disruption. We ask for your patience and understanding.

Next, completing Phase II of the Sewer project. We have curbing, driveway aprons, and of course- paving on Third and Fourth Avenues. Work resumed Monday. We are pushing to complete as soon as possible; and are targeting pre-Memorial Day. Our Engineers and contractors are “dovetailing” the concrete and paving to the extent we can.

We are in-process on the joint project with Ocean Grove, our partners on the Fletcher Lake Commission. The Walking Bridge between our two towns needed a major facelift. We started last week and are making good progress!!

The Bradley Beach Arts Council, led by Julia Rand, is excited about their Spring Program- Cats, Cats, and More Cats. It will be a great show. It is this Friday at 7:00P p.m., Saturday at 7:00 p.m. and Sunday at 3:00 p.m. Please try to attend!

The Earth Day Festival & Green Fair were held last Saturday and was a big success. The weather cooperated and many visitors and residents participated.

Along that theme, our Arbor Day celebration is this Friday at 4:00 p.m. at the Second Avenue Park. We will plant a tree for the 2023 Eighth Grade graduating class.

As mentioned, Saturday is the Shade Tree Commission Semi-Annual Plantings.

We are also happy to share our 130th Anniversary Plan , celebrating Bradley Beach since 1893 . The Borough, Bradley Beach Business & Community Alliance, and the Bradley Beach Historical Society will recognize our 130th Anniversary and our great town with:

- **Celebrating Bradley Beach 1893 Flags on Main Street**
- **Memorial Day Parade - Saturday 5/27**
- **130th Dinner and Music Celebration - Saturday 6/10 by the Gazebo**
- **Mapping Main Street Historical Exhibit**
- **Alliance Week 6/24-6/30**
- **This should be a great opportunity to celebrate as a community.**

The Library in partnership with the BBBCA and BYCC invite the Bradley Beach Community to participate in this year's One Beach, One Read Year. This year's book is *The Namesake* experiences as immigrants in America and how they deal with living in a new country while trying to hold on to their heritage.

The Library will host two screenings of the film on Tuesday, May 2nd and Thursday, May 5th at 5:30 p.m.

On Tuesday, May 16th a book discussion and potluck will be held beginning at 6:00 p.m. at the Bradley Beach Firehouse. See the website for details.

The Middle School One Beach, One Read will take place on Friday, May 19th at the Bradley Beach Elementary school at 1:45 p.m. to discuss *New Kid* and *Class Act* by Jerry Craft. After discussing the book, students will attend a comic book workshop.

Spring English Language Classes will be held Saturdays at 9:30 a.m. Intermediate English classes for Spanish speakers. Registration is required.

Do you need help with finding a job or updating your resume? Are you looking to transition to a new career? Do you need help learning new technologies or do you need help navigating the technology you encounter on a day-to-day basis? Contact the Library for help. The Library has a One-on-One Technology Assistance program that can help with all of the above.

The Library's photography contest runs through May 31st. This year's theme is "New." Entries will be displayed in the library in June.

Bocce registration started online today for residents through Community Pass. It will be open to non-residents starting Saturday April 15th for a \$15.00 fee.

Games will start May 1st and run until June 27th. People can sign up for Mondays at 4:00 p.m., 6:30 p.m. and Tuesdays at 6:30 p.m.

Summer camp will be here before we know it. Online registration will begin for residents on April 24th and for non-residents May 1st, also, through Community Pass.

Memorial Day Planning is ongoing.

Last meeting I announced our 130th Year Anniversary Celebration for June 10th.

We have a lot to be thankful for here in Bradley Beach, and much to celebrate. We will continue to focus on Service and Progress as a Municipal Team.

Public Comment

In Person:

Barbara Kenny, 216 Brinley Avenue, spoke about a letter sent to residents during the Election Campaign.

Michael Moss, 429 Monmouth Avenue, expressed his concerns regarding the zoning changes discussed in the workshop.

Thomas J. Coan, 612 Third Avenue, disagreed with Mr. Moss's comments regarding the zoning changes. Mr. Coan also expressed concerns regarding employee behavior during the meetings.

Brigitte McGuire, 610 Brinley Avenue, gave her opinions regarding Ordinance 2023-4 Chapter 5 Amendments and the budget introduction.

Nancy Meadow, 805 Beach Avenue, voiced complaints regarding behavior, announcing who is in the room for Zoom participants, the bill list items, questions not being answered, event advertisement, security and sanitation.

Rich Despina, 600 Third Avenue, expressed parking concerns on Third Avenue due to the Sewer Phase II project construction.

Linda Duffy, 312 Brinley Avenue, suggested appointing a Council Liaison to be involved in Contract Negotiations, stated she is disappointed with Resolution 2023- 122.

William Psiuk, 110 Fifth Avenue, expressed concerns regarding the Zoning Ordinance changes. Mentioned variances filed by Councilman Gubitosi.

Joe Sanfelice, Fire Department Member, mentioned repair of the Fire Department parking lot and expressed budget concerns regarding one shot revenues.

Anne Gubitosi, 615 Fourth Avenue, clarified the variances done on her property.

ZOOM: None

EXECUTIVE SESSION :

Resolution 2023-143 Retire into Executive Session to discuss Employment/Personnel Matters and A Pending/Anticipated Litigation Matter.

- **PBA Contract Negotiations**
- **Municipal Clerk Re-Appointment**
- **COAH**

ON MOTION by Fox/Gubitosi retire into Executive Session at 10:20 p.m. to discuss Employment/Personnel Matters and a Pending/Anticipated Litigation Matter.

ROLL CALL:

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

ON MOTION by Fox/to return from Executive Session at 12:05 a.m.

ROLL CALL:

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

ADJOURNMENT:

ON MOTION by Fox/Weber to adjourn at 12:05 a.m.

ROLL CALL:

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

THE COUNCIL BUSINESS MEETING ADJOURNED AT 12:05 A.M.


Erica Kostyz, RMC, CMR
Municipal Clerk

Brigitte McGuire, 610 Brinley Avenue

Questioned the Council President's action. The Council President provides the following statute to which her comments referred as an explanation:

Section 10:4-8 - Definitions

As used in this act:

a. "Public body" means a commission, authority, board, council, committee or any other group of two or more persons organized under the laws of this State, and collectively empowered as a voting body to perform a public governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person, or collectively authorized to spend public funds including the Legislature, but does not mean or include the judicial branch of the government, any grand or petit jury, any parole board or any agency or body acting in a parole capacity, the State Commission of Investigation, the Apportionment Commission established under Article IV, Section III, of the Constitution, or any political party committee organized under Title 19 of the Revised Statutes.

b. "Meeting" means and includes any gathering whether corporeal or by means of communication equipment, which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body. Meeting does not mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

c. "Public business" means and includes all matters which relate in any way, directly or indirectly, to the performance of the public body's functions or the conduct of its business.

d. "Adequate notice" means written advance notice of at least 48 hours, giving the time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be (1) prominently posted in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, telegrammed, or hand delivered to at least two newspapers which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings, one of which shall be the official newspaper, where any such has been designated by the public body or if the public body has failed to so designate, where any has been designated by the governing body of the political subdivision whose geographic boundaries are coextensive with that of the public body and (3) filed with the clerk of the municipality when the public body's geographic boundaries are coextensive with that of a single municipality, with the clerk of the county when the public body's geographic boundaries are coextensive with that of a single county, and with the Secretary of State if the public body has Statewide jurisdiction. For any other public body, the filing shall be with the clerk or chief administrative officer of such other public body and each municipal or county clerk of each municipality or county encompassed within the jurisdiction of such public body. Where annual notice or revisions thereof in compliance with section 13 of this act set forth the location of any meeting, no further notice shall be required for such meeting.

N.J.S. § 10:4-8

L.1975, c.231, s.3; amended by L.1981, c.176, s.2.

Nancy Meadow, 805 Beach Avenue
Status of the Irvington House Hotel?

Response: The Mayor had requested the Borough Attorney several weeks ago to work with the Land Use Board Attorney to produce an accurate statement of the extant conditions regarding this litigation. This statement for the residents is due from the Attorney by the end of the week of 5/5/2023.

Rich Despina, 600 Third Avenue

Asked if something could be done about damage to lawns due to curb and sidewalk work in the Phase II Sewer project as to installation of accessibility ramps at intersections.

Response: This concern has been reported to Avakian Engineering who is the project manager for this project.

Also asked about the status of the reopening of the Beach Cinema Theater?

Response: Renovations to the interior are taking place, but no firm date has been set for the Theater's opening.