

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

MAY 10, 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 MAY 10, 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 May 10, 2023 Council Business Meeting:

Councilwoman DeMarco, Councilwoman DeNoble, Councilman Gubitosi, Councilman Weber, Mayor Fox (Via Zoom arrived at 7:30 p.m.)

Interim Borough Administrator, Gregory C. Fehrenbach

Municipal Clerk, Erica Kostyz

Borough Attorney: Gregory Cannon, Esq.

Police Department: Captain James Arnold, and Detective Lieutenant Terry Browning

Deputy Municipal Clerk: Michele Whille (ZOOM operator)

PRESENTATIONS:

A Proclamation Recognizing John Zech was read by Councilman Weber.

WHEREAS, John Zech has served on the Bradley Beach Fire Department from March of 1976 to present and on the First Aid Squad from 2007 to present; and

WHEREAS, this proclamation is being awarded to recognize Mr. Zech's loyal and dedicated volunteer services to both Departments for the past forty-five years; and

WHEREAS, Mr. Zech's selfless service and devotion to the Borough and the well-being of its residents has had a valuable effect on the safety and morale of his co-volunteers and the community through the years; and

WHEREAS, he is a respected member of the Community and a friend to many and we extend our sincere appreciation for his service.

NOW THEREFORE IT BE RESOLVED, on behalf of the Governing Body, employees, and residents of the Borough of Bradley Beach, we wish to express sincere thanks to John Zech for his dedicated and faithful service to the Bradley Beach Fire Department and the Bradley Beach First Aid Squad and highly commend him for the manner in which he has carried out his volunteer duties.

A Proclamation Recognizing EMS Services Week was read by Councilman Gubitosi

WHEREAS, emergency Medical Services is a vital Public Service; and

WHEREAS, the members of the Emergency Medical Services Teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, Emergency Medical Services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care and access to telemedicine; and

WHEREAS, the Emergency Medical Services System consists of First Responders, Emergency Medical Technicians, Paramedics, Emergency Medical Dispatchers, Firefighters, Police Officers, Educators, Administrators, Pre-Hospital Nurses, Emergency Nurses, Emergency Physicians, trained members of the public and other out of hospital Medical Care Providers; and

WHEREAS, the members of Emergency Medical Services Teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their Lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Bradley Beach do hereby proclaim the week of May 21st to May 27th 2023 as "EMS Services Week".

A Proclamation recognizing "Public Works Week" was read by Councilwoman Jane DeNoble

WHEREAS, Public Works services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS, the support of an understanding and informed public is vital to the efficient operation of Public Works systems and programs including water, sewer, streets, public buildings, solid waste collection, landfill, wastewater disposal, code enforcement and engineering to provide these essential services to our citizens; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skills of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff the Public Works Departments is materially influenced by the people's attitude and understanding the importance of the work they perform.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Bradley Beach, do hereby proclaim the week of May 21-27, 2023 as "Public Works Week" in the Borough of Bradley Beach and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which Public Works officials make every day to our health, safety, comfort, and quality of life.

BIDS:

Newark Avenue Concession Bid Opening

Clerk Kostyz confirmed no bids were received for this concession prior to the meeting and Counselor Cannon confirmed there were no bidders in the room during the meeting.

Resolution 2023-160 to readvertise for this concession bid was on the agenda for Council consideration later in the meeting.

ATM Machines on the Beachfront Promenade Bid Opening

One bid was received, opened by Counselor Cannon, and awarded to Coastal ATM, LLC. A Resolution to memorialize the award of contract will be presented to Council for consideration at the May 24th Council Business Meeting.

WORKSHOP DISCUSSIONS:

An Ordinance limited Construction hours for the Summer Season.

Councilman Gubitosi stated he likes the concept of limited construction during the summer season and asked Mr. Cannon if there was a draft of any language to be considered at this time.

Mr. Cannon responded there is not any draft language yet and stated it would be an insertion into the existing permissible construction and development code.

Councilman Gubitosi inquired if this would also be incorporated into the existing noise ordinance.

Mr. Cannon stated he would look into this while drafting.

Councilwoman DeNoble confirmed Saturdays are being added to the existing ordinance.

Councilman Gubitosi suggested the language state no construction occur the entire weekend.

Discussion ensued amongst the Governing Body regarding the hours and days construction would be allowed to take place.

Councilman Weber suggested Code Enforcement Office be a part of this ordinance change.

Discussion ensued regarding current enforcement of construction complaints.

Captain James Arnold confirmed the Police Department handled these types of complaints.

Public Comments for this Workshop discussion:

In Person:

Rich Despina, 600 Third Avenue, requested adding holidays to this ordinance.

Mea Molin, 302 Fourth Avenue, asked what defines construction.

Councilman Weber responded the operation of any machine equipment.

Julie Nutaitis, 605 Newark Avenue, requested adding sites must be kept clean in the ordinance.

Nancy Meadow, 805 Beach Avenue, she is in favor of restricting construction on holidays throughout the year and expressed concerns regarding construction worker vehicles.

Eileen Shissias, 112 Fourth Avenue, suggested including landscapers in the ordinance.

Thomas J. Coan, 612 Third Avenue, suggested including paint spraying machines and is in favor of restricting construction for all holidays.

Zoom:

Shana Greenblatt-Janoff, 414 Monmouth Avenue, gave several opinions and suggestions regarding landscaping, homeowner restrictions and notification to contractors of any ordinance changes.

Mr. Cannon and Mr. Gubitosi addressed Ms. Janoff's inquiries.

One-Way Street Designation discussion:

Councilman Weber opened the discussion and stated he is in favor of this idea and stated he brought this to the Police Chief five years ago and was told it was recommended a traffic study be performed to assess the necessity.

James Arnold, Police Captain and Traffic Safety Officer, stated he recently had a discussion with the Police Chief and it is his recommendation to not change the roadways to one-way streets as it can add confusion. Mr. Arnold stated a traffic study was done through the Police Department, he has reviewed all accident reports and no reason was found to change them to one-way streets. In addition, this can cause heavier traffic flow through other streets in the Borough.

Public Comments for this Workshop discussion:

In Person:

Patrick Freeman, 26 Atlantic Avenue, is in favor of making his street one-way.

Mary Backstrom, 218 Fourth Avenue, expressed concerns about one-way streets and road closures.

Rich Despina, 600 Third Avenue, feels a survey and traffic study should be done prior to making any street one-way.

Rona Parker, 27 Atlantic Avenue, is in favor of making her street one-way.

Eileen Shissias, 112 Fourth Avenue, feels there is a speeding issue throughout the town that needs to be strictly enforced.

Julie Nutaitis, 605 Newark Avenue, feels the speed limits need to be lowered throughout the town.

Beth Kepler, 504 Central Avenue, made several random statements not related to this discussion.

Mea Molin, 302 Fourth Avenue, suggested a speed bump noise study and is in favor of lowering the speed limit in town.

Captain Arnold stated the speed limit is governed by State statute and cannot be lowered by the Borough.

Thomas J. Coan, 612 Third Avenue, suggested an engineer study be done for road standards prior to making any streets one-way and is not in favor of speed bumps.

Mr. Cannon explained the state process to lower the speed limit.

Zoom:

Paul Neshamkin, 411 ½ LaReine Avenue, feels the speed limits should be lowered throughout the town.

Anita Nezario, 116 Newark Avenue, suggested lifting the stop sign higher on her street for drivers to have a better view of it.

Don Greenberg, 302 Park Place Avenue, stated he is in favor of lowering the speed limit and not in favor of placing speed bumps on the streets.

MINUTES APPROVAL

ON MOTION by Gubitosi/Weber to approve the Budget Workshop Minutes of April 21, 2023.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber

NAYS: None

ABSENT: Mayor Fox

ABSTAIN: None

APPROVED

ON MOTION by Weber/DeNoble to approve the Council Business Meeting Minutes of April 26, 2023.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber

NAYS: None

ABSENT: Mayor Fox

ABSTAIN: None

APPROVED

ON MOTION by DeNoble/Gubitosi to approve the Executive Session Minutes of April 26, 2023.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber

NAYS: None

ABSENT: Mayor Fox

ABSTAIN: None

APPROVED

Public Comments on Agenda Items:

In Person:

Nancy Meadow, 805 Beach Avenue, stated several bill list complaints.

Eileen Shissias, 112 Fourth Avenue, made statements regarding the Beer Garden (Resolution 2023-145) permit for the Memorial Day Festival, Memorial Day posters throughout the town and items on the bill list.

Mary Backstrom, 218 Fourth Avenue, made a statement regarding the bill list format.

Mea Molin, 302 Fourth Avenue, made a statement regarding residents having to ask questions offline and expressed concerns regarding Resolution 2023-158 for the Beach Chairs and Beach Umbrellas concession.

Councilman Weber explained what this concession consists of and assured Ms. Molin this is not a huge concessions.

Thomas J. Coan, 612 Third Avenue:

- **Opposed to Resolutions 2023-146, 147, and 148 for Beer Garden permits.**
- **Opposed to Resolution 2023-137 Budget Introduction.**
- **Suggested charging \$12.00 for the Daily Beach Badges and is not in favor of weekly badges and recommended a late season badge.**
- **Commented on bill list items.**

Michal Ziolkowski, Co-Owner of the Bradley Brew Project, explained the Borough Events are an important legal privilege to brewery businesses and a lifeline to this industry which is dropping in profit by twenty percent year after year.

Mr. Ziolkowski further explained the formal and rigorous application process that begins through the State Alcoholic Beverage Control (ABC). Mr. Ziolkowski stated of the three festivals BBP was approached by the Borough or entities within the Borough to support these festivals and the third event was publicly advertised for vendors to which BBP responded. Mr. Ziolkowski stated BBP were asked by the town to participate in two of the events they applied for.

Councilman Weber asked who BBP was approached by.

Mr. Ziolkowski responded the BBBCA and further explained there were plans to consider other venues in addition to the Beer Garden.

Councilman Weber asked if other establishments with liquor licenses had the opportunity to participate in the Borough events.

Mr. Ziolkowski stated he believes other businesses with liquor licenses had the opportunity.

Councilman Gubitosi asked what event was advertised in the newspaper.

Mr. Ziolkowski responded the Memorial Day Festival.

Councilman Gubitosi stated his issue and frustration with this situation is the Council has not had ample involvement with the event planning in the Borough and the other liquor licensees did not have the opportunity for participation.

Mr. Ziolkowski stated the Memorial Day Festival was advertised in the paper.

Mayor Fox joined the meeting via ZOOM at 7:30 p.m.

Discussion ensued between the Mayor Fox and Councilman Gubitosi regarding advertisement for Borough events and if all Main Street businesses and businesses with liquor licenses were given the opportunity to participate.

Mr. Ziolkowski added to this discussion and stated he was told by the BBBCA other vendors were going to be involved in the events and did not see any lack of opportunity where any businesses were excluded from participation in any of the events.

Mayor Fox added BBP is sponsoring part of Parkfest this year.

Further and lengthy discussion ensued regarding the difference in liquor licenses and Limited Brewery licenses, the current ordinance on alcoholic beverages on Borough grounds, committees and members, past Borough events that involved alcohol.

Mr. Ziolkowski stated the Beer Garden is held in a fenced in area and a person will be checking identification.

Paula Gavin, 106 Evergreen Avenue and President of the BBBCA, stated she approached BBP and other businesses throughout the town and encouraged them to participate in the 130th Anniversary Event. Ms. Gavin stated a wine garden was also considered, however no one in the BBBCA or PTA felt they had the experience or ability to conduct this.

Thomas McGuire, 610 Brinley Avenue, stated he is in support of the Bradley Brew Project doing a Beer Garden for the Memorial Day Festival.

William Psiuk, 110 Fifth Avenue, stated he is partially on the Memorial Day Committee.

ZOOM:

Paul Neshamkin, 411 ½ LaReine Avenue, stated he is in support of the Bradley Brew Project doing a Beer Garden for Memorial Day.

Shana Greenblatt-Janoff, 414 Monmouth Avenue, expressed concern the Evergreen Avenue Beach will be ready for access by Memorial Day and feels Memorial Day is a somber holiday of reflection and should not involve alcohol.

Don Greenberg, 302 Park Place Avenue, stated he is in favor of having a Beer Garden for the Memorial Day Festival.

ORDINANCE INTRODUCTION(S): None

ORDINANCE ADOPTION(S): None

COMMUNICATIONS:

- **DPW Seasonal Employee Memo**
- **Lifeguard Seasonal Employee Memo**
- **Beach Staff Seasonal Employee Memo**

CONSENT AGENDA RESOLUTIONS:

2023-145 Bill List for May 10, 2023

2023-149 Authorizing various Mercantile License Fee Refunds for State Licensed Businesses throughout the Borough.

2023-150 Approval of an On-Premises 50/50 Raffle License in June for the Bradley Beach Elementary School PTA and waiver of the \$20.00 Municipal Application Fee.

2023-151 Approval for the Bradley Beach Elementary School PTA to hold their End of Year Extravaganza on June 9, 2023 from 5:00 p.m. to 8:00 p.m. and waiver of the \$25.00 Special Event Application Fee.

ON MOTION by DeMarco/Weber to move Resolutions 2023-146, 2023-147, and 2023-148 to the Individual Resolutions to be voted upon separately.

ROLL CALL:

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

RESOLUTIONS MOVED TO INDIVIDUAL LIST

ON MOTION by DeNoble/Gubitosi adopt the remainder of Consent Agenda Resolutions.

ROLL CALL:

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

RESOLUTIONS ADOPTED

INDIVIDUAL RESOLUTIONS:

2023-146 Approving a Limited Brewery Off-Premises Event Permit ABC Application to CEEBEE, LLC for the Memorial Day Festival on May 27th and May 28th at the Promenade on Ocean Avenue.

Councilman Weber does not feel it is appropriate to celebrate Memorial Day with alcoholic beverages at the beachfront and requested the Memorial Day Committee inform the Council of their plans in the future.

Councilman Gubitosi agreed with Councilman Weber and requested more Council involvement in the future.

Councilwoman DeNoble agreed with Councilmen Weber and Gubitosi.

Mayor Fox stated given the previous success of the BBP Beer Garden event, he hopes this would be voted on with positivity and also stated a memorial service is held on Memorial Day itself to reflect and remember fallen heros.

Councilwoman DeMarco asked if there has been an uptick in disorderly conduct at any of the previous events that BBP held a Beer Garden at.

Detective Lieutenant Browning responded no.

Councilwoman DeMarco stated she has a different opinion than her Council Colleagues and feels this would be a great event for the community. Ms. DeMarco also stated this would be the point to which Council would get involved which is for an Off Premises License.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-146.

ROLL CALL:

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

FAILED

2023-147 Approving a Limited Brewery Off-Premises Event Permit ABC Application to CEEBEE, LLC for Bradley Beach 130th Anniversary Event June 10, 2023 at the Promenade.

Councilwoman DeNoble feels this event is more consistent with the Borough Ordinances.

Councilman Gubitosi requested the BBBCA include all businesses in the future.

ON MOTION by Fox/Weber to adopt Resolution 2023-147.

ROLL CALL:

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

ADOPTED

2023-148 Approving a Limited Brewery Off-Premises Event Permit ABC Application to CEEBEE, LLC for the Bradley Beach Park Fest Event July 9, 2023 in Riley Park.

Councilwoman DeNoble asked if this was advertised for other businesses to participate.

Mayor Fox stated he was not sure if this was advertised in the paper, however the Parkfest organizers spoke to several of the businesses in town.

A discussion ensued regarding who the organizational promotional firm is for Parkfest.

ON MOTION by Fox/Weber to adopt Resolution 2023-148.

Councilwoman DeNoble voted no and feels this is not consistent with Borough Ordinances.

Councilman Gubitosi stated he is concerned the other businesses are not involved however warned he will vote no going forward if there is not better communications with the Council and other businesses.

ROLL CALL:

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

ADOPTED

2023-152 Resolution Re-Appointing Erica Kostyz, RMC, as Municipal Clerk of the Borough for a three-year term beginning on April 28, 2023 and expiring on April 27, 2026, thereby granting Tenure to said Borough Employee pursuant to N.J.S.A. 40A:9-133.7.

ON MOTION by DeMarco/DeNoble to adopt Resolution 2023-152.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

2023-153 Approval of Temporary Budget Appropriations.

ON MOTION by Fox/Weber to adopt Resolution 2023-153.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

2023-154 Approval to execute a Grant Contract with the NJDEP for the Stormwater Assistance Grant in the amount of \$25,000.00 to fund the Development of an MS4 Infrastructure Map.

Councilman Weber inquired if most of the funds for this grant will be paid to the Engineer to make a map of the Stormwater System.

Mr. Fehrenbach responded yes and explained this is a grant from the State to satisfy a requirement that they have.

Councilwoman DeNoble inquired if this is a matching grant and what the cost is to do this map.

Mr. Fehrenbach responded this is not a matching grant and hopes any proposals come in under \$25,000.00.

ON MOTION by Gubitosi/Weber to adopt Resolution 2023-154.

ROLL CALL:

AYES: DeMarco, Gubitosi, Weber, Mayor Fox

NAYS: DeNoble

ABSENT: None

ABSTAIN: None

ADOPTED

2023-155 Authorizing the Mayor and Municipal Clerk to execute the FY2024-FY2026 revised Amendment Agreement with Monmouth County for Cooperative Participation in the Community Development Program pursuant to the Interlocal Services Act.

Councilman Gubitosi confirmed this resolution enables the Municipality to apply for grants.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-155.

ROLL CALL:

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

ADOPTED

2023-156 Establishing Daily and Weekly Beach Badge Fees for 2023.

Discussion ensued regarding the purpose and revenue for weekly badges.

ON MOTION by Fox/Weber to adopt Resolution 2023-156.

ROLL CALL:

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

ADOPTED

2023-157 Beach Operations Schedule for 2023.

Councilman Weber requested having lifeguards on after hours for safety purposes in September.

ON MOTION by Weber/DeNoble to adopt Resolution 2023-157.

ROLL CALL:

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

ADOPTED

2023-158 Authorizing advertisement for Open Public Auction for a Concession at Oceanfront and Brinley Avenue, with two additional optional locations, for the Rental of Beach Umbrellas and Chairs.

It was confirmed the concession owner from last year relinquished their contract therefore the two year option to renew their contract is not an option and the reason for going out to bid this year.

ON MOTION by Gubitosi/DeNoble to adopt Resolution 2023-158.

ROLL CALL:

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

ADOPTED

2023-159 Authorizing award of Professional Engineering Services with CME Associates for General Engineering Services pertaining to Zoning Ordinances for Chapter 450.

ON MOTION by Gubitosi/Weber to adopt Resolution 2023-159.

ROLL CALL:

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

ADOPTED

2023-160 Authorizing Re-Advertisement for Open Public Auction for a Concession License at Oceanfront and Newark Avenue.

ON MOTION by DeNoble/Gubitosi to adopt Resolution 2023-160.

ROLL CALL:

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

ADOPTED

2023-161 Authorizing Re-Advertisement for Open Public Auction for ATM Machines on the Beachfront Promenade.

ON MOTION by DeMarco/Gubitosi to withdraw Resolution 2023-161.

ROLL CALL:

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

WITHDRAWN

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. (Previously tabled 4/12/23 and 4/26)

Mayor Fox stated a quote will be coming in tomorrow.

Councilman Gubitosi inquired if this needs to be included in the Capital Outlay account.

Mayor Fox stated this project has been bonded.

Mr. Fehrenbach stated there has been money set aside over the years for this purpose, therefore there is no need to add additional funds. Mr. Fehrenbach continued the delay is caused by finding contractors to give firm prices to do this work.

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

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

TABLED

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

Councilman Gubitosi stated his prior frustrations regarding the lack of information he feels is not being shared with the Council, however after having meetings last week with the Interim BA and the Mayor and having some of his questions answered, he will vote yes to introduce the budget.

Mr. Fehrenbach clarified the action this evening is to approve for publication of the budget.

Councilwoman DeNoble stated this is a good start however she would like to have another workshop prior to adoption.

ON MOTION by Gubitosi/Weber to adopt Resolution 2023-137.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Councilman Gubitosi

- Gave the weekly Police Activity Report.
- Requested committees keep better communication with the Council regarding Borough events.
- Thanked Council President DeMarco for running the meeting this evening.

Councilwoman DeNoble:

- Made a statement regarding anonymous OPRA requestors.
- The Memorial Day House Decorating contest deadline is May 22nd.
- Gave a report of the May 3rd Shade Tree Commission Meeting and stated the Arbor Day Event and Tree Planting were successful.
- Gave a report of the May 2nd Board of Education Meeting.
- Bradley Beach Elementary Alumna and reporter Linda Deusche will be giving a presentation of her memoirs on May 11th at the Bradley Beach.
- Teacher Appreciation Week was last week. Students showed their appreciation for their teachers throughout the week.

Councilman Weber:

- Gave the Fire Department and First Aid Squad weekly Activity Report.
- Commented/questioned if the town's motto is still "New Jersey's Favorite Family Resort".
- Stated he would like to know more about the outside entity handling Parkfest.
- Thanked the Police Department for their participation this evening.
- Requested to have a future discussion regarding the maintenance of trees on Main Street.
- Spoke about enforcement for garbage can lids, loose bags of trash, and signs.
- Inquired about enforcement regarding alcohol during special events – answered by Mr. Cannon.

Councilwoman DeMarco:

Gave a report on the Environmental Commission.

Mayor Fox

Had no report.

Public Comment

In Person:

Mike Ziolkowski, Owner of Bradley Brew Project, thanked the Mayor and Council for passing the two resolutions approving the 130th Anniversary and Parkfest events.

Mary Backstrom, 218 Fourth Avenue, made statements about town events.

Julie Nutaitis, 605 Newark Avenue, made statements about more trees on Newark Avenue and better Council communication.

Thomas McGuire, 610 Brinley Avenue, made statements about committees and better communications.

Cindy Lukenda, 218 Fourth Avenue, made statements about better communications and town events.

Nancy Meadow, 805 Beach Avenue, voiced complaints regarding the bill list and the Borough Website.

Brigitte McGuire, 610 Brinley Avenue, expressed concerns regarding funding for the 130th Event.

Thomas J. Coan, 612 Third Avenue, thanked the Governing Body for the workshops and made statements regarding Main Street tree maintenance and Communication Memos.

Rich Despina, 600 Third Avenue, made statements regarding questions and comments and better communications.

William Psiuk, 110 Fifth Avenue, stated Officer Johnson will be the Grand Marshall for the Memorial Day Parade and Ceremony.

ZOOM:

Randy Bonnell, 506 Third Avenue, inquired about the replacement of contractor for the Sewer project.

This inquiry was addressed by Mr. Fehrenbach during the meeting and offline.

Paul Neshamkin, 411 ½ LaReine Avenue, stated he was happy to see the historical signs back on the boardwalk and also stated the 130th Celebration is being funded through the BBBCA and not being paid for with tax payer funds.

EXECUTIVE SESSION :

Resolution 2023-162 Retire into Executive Session to discuss a Personnel Matter and a Litigation Matter.

- **Collective Bargaining Negotiations**
- **Rapaport vs. Bradley Beach**

ON MOTION by DeMarco/Weber retire into Executive Session at 10:15 p.m. to discuss a Personnel Matter and a Litigation Matter.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber

NAYS: None

ABSENT: Mayor Fox

ABSTAIN: None

ON MOTION by DeMarco/to return from Executive Session at 11:01 p.m.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber

NAYS: None

ABSENT: Mayor Fox

ABSTAIN: None

ADJOURNMENT:

ON MOTION by DeMarco/Weber to adjourn at 11:01 p.m.

ROLL CALL:

AYES: DeMarco, DeNoble, Gubitosi, Weber

NAYS: None

ABSENT: Mayor Fox

ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 11:01 P.M.


Erica Kostyz, RMC, CMR
Municipal Clerk

Questions answered offline for 5/10/23

Thomas McGuire, 610 Brinley Avenue

Question: Who is on the Memorial Day Committee?

Response: There have been Memorial Day Parade Committees for more than 30 years. The 2023 Memorial Day Committee has the following members: George Bachar, Meredith DeMarco, Larry Fox, Jerry Fragetti, Norman Goldfarb, Lori Klein, Courtney Pappas, Sandy Pappas, Harvey Rosenburg, with staff members Michele While, Paul Murphy, James Arnold, Biaggio Cofone.

Nancy Meadow, 805 Beach Avenue:

Suggestion: The public would be better served with better descriptions of purchases on the Bill List Reports from Edmund Budget and Account Control system.

Response: While this system is used in more than 300 municipalities, we will examine what changes might be made to describe the services more accurately and/or materials being purchased.

Question: Asked about a report on Irvington Manor.

Response: Because of the ongoing litigation, the Mayor asked the Borough Attorney and the Land Use Board Attorney to prepare an accurate information notification to the residents about the status of this property. The report went out last week. A follow-up inquiry was made of the Mayor and he had the Borough Attorney respond with factual information.

Statement: Communication Director employed by the Borough is not doing their job.

Response: The Borough does not employ a Communications Director or any single person whose responsibility is communications as some much larger municipalities do. Rather there are three different people as part of their other regular responsibilities, each that perform limited communications functions. This arrangement exists to keep personnel costs as low as possible.

Statement: At the last meeting of the Council the Interim Administrator handed Ms. Meadows a list of positions and allocations by fund. He told me that this did not exist as requested but was created since the Mayor had promised to provide it. This is a problem, it ought to have already existed.

Response: Ms. Meadow misunderstood the statement. The format in which she requested the information, by title and allocation, did not exist and so therefore under the Open Public Records Law the data she requested did not need to be supplied. However, since the Mayor assured her that she would receive the data she requested, staff had to create this list by title from the list that is by employee to satisfy the Mayor's promise to Ms. Meadow.

Bridgit McGuire, 610 Brinley Avenue:

Question: Are Municipal tax dollars are going to the BBBCA for the 130th Anniversary Celebration?

Response: Yes, the Borough agreed to pay for the costs of pole banners and regular banners, restroom, and barricades costs. These costs will be paid for by the Tourism Trust and not from tax dollars as asked. The amount is not to exceed \$5000.

Question: The County provides funds to the Borough annually for tourism purposes. She understands that in 2023, the funds that would have gone to the Borough are going to the BBBCA. If this is true, how much and how did this happen?

Response: Paula Gavin attended a meeting of the County Tourism Agency. She was approached by Carolyn Burtnick, Monmouth County Tourism Director who offered to sponsor four events for a total of \$2000. Of the four events to be sponsored Parkfest and the 130th Anniversary Celebration will each receive \$500.

Shana Greenblatt-Janoff, 414 Monmouth Avenue,

Question: when will the railings be installed and will the Evergreen Beach access be open by Memorial Day?

Response: The railing is being supplied by a vendor. The railing is currently being treated to resist salt damage. The vendor will install the railing. He has assured DPW that the railing will be installed prior to Memorial Day.

The Evergreen Beach entrance is vital to the repair work to the outfall. For the safety of all beach users the Outfall hazard needs to be corrected. This project is projected to be completed by July 1st as has been the case since at least late March. The project is on track with few if any hinderances to meet the timeline objective. In the meantime, the Second Avenue entrance will be open which is less than one block away.

Randy Bonnell, 506 Third Avenue:

Question: Why are there a different contractor performing concrete work on Third Avenue than was doing the concrete work on Second Avenue last autumn?

Response: Mr. Freda of Avakian Engineering, the supervising engineer, reported and continues to report that the general contractor specializes in the laying sewer pipe but has a subcontractor, Blackrock Enterprises perform the concrete work replacing curbs and driveway aprons. He reports that this subcontractor was doing the work last autumn and continues to do so now. There has not been a change.