

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

JUNE 14, 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 BUDGET PUBLIC HEARING AND COUNCIL BUSINESS MEETING OF JUNE 14, 2023 WAS AVAILABLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE. THE REMAINDER OF COUNCIL MEETINGS (RESOLUTION 2022-265 WAS 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 June 14, 2023 Budget Public Hearing and Council Business Meeting:

**Councilwoman DeMarco (via ZOOM), Councilwoman DeNoble, Councilman Gubitosi, Councilman Weber, Mayor Fox
Interim Borough Administrator, Gregory C. Fehrenbach
Municipal Clerk, Erica Kostyz
CFO Assistant, Christopher Clinton of HFA
Borough Attorney: Gregory Cannon, Esq.
Police Department: Detective Lieutenant Terry Browning
Deputy Municipal Clerk: Michele Whille (ZOOM operator)**

Public Hearing on the 2023 Introduced Municipal Budget:

ON MOTION by Fox/Gubitosi to open the Public Hearing for the 2023 Introduced Municipal Budget.

ROLL CALL:

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

2022 Municipal Budget Public Hearing Commentary:

In Person:

Thomas J. Coan, 612 Third Avenue, confirmed the hearing this evening is for the budget introduction that took place on May 10th. Mr. Coan stated he is opposed to this budget due to the funds being taken from the surplus.

Mr. Coan asked Mr. Fehrenbach if the Police vehicle is included in this budget to which Mr. Fehrenbach replied yes. Mr. Coan feels appropriations need to be cut and funds need to be better managed.

Mr. Coan asked Mr. Clinton if there is a reasonable expectation as to when the funds would be put back into the surplus.

Mr. Clinton responded Mr. Mannino has been working on this.

Mr. Fehrenbach stated the current discussion is for the local municipal budget in accordance with the provisions of the local budget and additional ideas will be discussed at a later time.

Nancy Meadow, 805 Beach Avenue, inquired about the amount in salaries/wages and Social Security for the Beach Utility.

Mr. Fehrenbach responded that the beach salaries include allocations for personnel in the Public Works and Police Department in addition to the beach staff.

Brigitte McGuire, 610 Brinley Avenue, made a statement regarding anticipated surplus replacement and feels the Borough needs to focus on how funds are being spent and become more conservative with funds.

Linda Duffy, 312 Brinley Avenue, asked if the anticipated raise for Public Works is included in the budget and how much it is.

Mr. Fehrenbach responded a provision has been made to cover this cost and the amount will depend on the contract negotiations once completed.

ZOOM: None

ON MOTION by Fox/Gubitosi to close the Public Hearing for the 2022 Municipal Budget Adoption Hearing.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Fehrenbach gave a prepared statement with the hope the Governing Body will consider this anticipated budget amendment. Mr. Fehrenbach stated this amendment is the result of a consensus building process having been reached over a number of individual perspectives and proposals which have been pushed forth. This difficult, but necessary amendment should be viewed as a decision of the entire Governing Body.

Mr. Fehrenbach stated he and the Chief Financial Officer, Mr. Mannino, have proposed and strongly support less reliance on the anticipated surplus to increase the ability of surplus to rebuild during the upcoming fiscal year and years. Reducing the anticipated revenue has a similar effect on the final tax levy amount as increasing expenditure. Mr. Fehrenbach stated this recommendation being made would result in a \$400,000.00 reduction in the anticipated surplus. Mr. Fehrenbach stated it has been suggested the amount be reduced even further and stated this can cause a greater increase in the property tax for all residents.

Mr. Fehrenbach stated the increase in the tax levy under this proposed amendment would result in an additional cost of approximately \$941,000.00 over the tax levy of 2022 so that the net percentage increase in the tax levy would be 11.6%.

Mr. Fehrenbach and the CFO strongly support this amendment and strongly urge the Governing Body to support it. Mr. Fehrenbach requested the Governing Body to introduce the proposed amendment and schedule a public hearing for the June 28th Council Business Meeting.

Councilman Gubitosi asked if there will be sufficient time to send out tax bills and other communications necessary to the public.

Mr. Fehrenbach stated an extension of the grace period for tax bills may be necessary, however he does not feel this would cause any operational issues or costs for the Municipality.

Councilman Gubitosi thanked Mr. Fehrenbach for his assistance over the last few weeks with the budget process and Council inquiries and reiterated his concerns and reservations with this budget and expressed concerns regarding Borough spending and surplus replenishment.

Further discussion ensued between Councilman Gubitosi and Mr. Fehrenbach regarding the First Aid Contribution amount for the amended budget, deficit funding, and cutting services.

Councilman Gubitosi stated the questions he does not have answers to regarding expenditures from 2022 to include, materials for refurbished Borough offices, special events, ad hoc consultants, the new website, overtime. Councilman Gubitosi stated he is not in favor of cutting services.

Mr. Fehrenbach stated his objective is to solve the current issues that can be solved and make the organization more efficient moving forward and reducing the demands that are placed on property tax.

Councilwoman DeNoble thanked Mr. Fehrenbach and feels the Borough is spending too much money and would like to see a plan on how to cut future spending.

Councilman Weber stated he is glad the amount of anticipated surplus has been lowered and inquired about the amounts in the appropriation lines in the amendment.

Mr. Fehrenbach went through and explained the reasoning for the amounts in the following line items:

- Legal services (Increased to fund COAH Special Master and litigation costs.)
- Zoning (Increased due to underestimated amount of funds needed for the GovPilot program.)
- Insurance Increase (Increased due to costs for Fire and First Aid responsibilities and some deductible coverages.)
- Police Department (Decreased due to inappropriate funding for Crossing Guard costs.)
- Municipal Court (Increased to fund all the positions in that department.)
- Road Repair and Maintenance (Decreased due to offset of anticipated grant funds.)
- Recreation (Decreased due to analysis done on salaries and wages.)
- Utilities were reduced with no padding in any of the utility appropriations.

Councilwoman DeMarco stated the Borough is paying for past financial decisions, however, should take this as a lesson to start the financial analysis and budget process sooner than in previous years.

Mayor Fox stated in this change \$95,000.00 was added for refinements that Mr. Fehrenbach articulated. The surplus is more reassuring in that the fund balances for Current, Sewer, and Beach have a level of stability. Mayor Fox continued in 2022 the Borough did erode approximately \$300,000.00 in Current surplus that looks to be approximately \$64,000.00 for 2023 which is a trend that needs to be reversed moving forward therefore spending will need to be looked at aggressively and adjust a few things. Mayor Fox stated he feels confident some things can be re-engineered and stabilized.

Resolution 2023-177 Adoption or Amendment to the 2023 Municipal Budget.

ON MOTION by Fox/Gubitosi to the adopt Resolution 2023-177 amending the 2023 Municipal Budget.

ROLL CALL:

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

APPROVED

Councilman Gubitosi made the following motion, seconded by :

I motion that the Council directs the Mayor and the Business Administrator to develop a “Spending Plan,” to be shared with the Council in the next 30 days. This “Spending Plan” will:

1. Aggressively reduce spend for the remainder of 2023 and for 2024, including restrictions to the extent possible on:
 - a. New hires
 - b. Overtime
 - c. Discretionary dollars spent under “Other Expense” budget categories.

- d. Procurement practices to ensure competitive pricing of materials and supplies.
 - e. Potential savings opportunities - or revenue growth opportunities - tied to shared services.
 - f. Vehicle and equipment management.
 - g. Increased use of purchasing collaboratives and discounted services.
 - h. Negotiated discounts related to professional services firms as appropriate.
 - i. Revenue enhancement opportunities related to Borough services (e.g.: Code, Construction, Police, etc.)
 - j. Other?
2. Define and develop a policy for managing the use of Borough properties by applicants to require:
- a. Appropriate resources are identified and provided to the applicant (e.g.: Porto-potties, Rubbish and Recycling Containers, Tables, Chairs, etc.) and to
 - b. Reimbursement from all applicants for Borough costs related to labor, materials, equipment, set-up, clean-up, and waste/recycling disposal, etc., and
 - c. Indemnification for the Borough against injury, accidents, etc., and
 - d. Reimbursement for property damage
 - e. Other?

Discussion ensued regarding amending the amount of time from 30 days to 45 days in order to generate the requested report.

ON MOTION by Gubitosi/Weber to direct the Mayor and Business Administrator to develop a spending plan to be shared with the Council in the next 45 days.

Mayor Fox abstained and stated he has several questions regarding policies, procedures, and timing.

ROLL CALL:

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

APPROVED

WORKSHOP DISCUSSIONS:

Revisions to Chapter 310 Noise.

Councilman Gubitosi and Councilman Weber addressed their concerns and several requests and concerns received from residents regarding the amendments to this ordinance. Items discussed:

- **Definitions: "HOLIDAYS" - Suggest that we do not list specific Holidays. Instead, reference that "Holidays includes all Federally Recognized Holidays" - or some other language that provides flexibility to change over time.**
- **Radios, Televisions, etc. - Should the evening time limit be 8:00 PM or remain at 10:00 p.m.**
- **Other Noises - Should the evening time limit be 8:00 p.m. or remain at 10:00 p.m.**
- **Loading Operations - Add sentence/caveat to end of paragraph same as Subsection K "This subsection shall not apply to Solid Waste and Recycling removal services provided by or contracted by the Borough of Bradley Beach."**
- **Construction Noise - DELETE "Residential" or keep this applicable to both "Commercial and Residential Construction.**

- **Construction Noise - expand sentence to be: "No construction noise shall be permitted on any Holiday or Sunday, through 8:00 am of the following day."**
- **Construction Noise - Is it appropriate to require a permit for an emergency or should we use language that states "This prohibition may be suspended in the event of an emergency."**
- **Power Tools - Add "hardscaping" - i.e., "any power saw, sander, drill, grinder, garden, landscaping and hardscaping equipment or tools of like nature."**
- **Power Tools - Add language "and Sunday" to sentence: "On Saturday and Sunday from 10:00 am to 6:00 pm**
- **Power Tools - Delete language at end of sentence "~~from October 1 until the Friday of Memorial Day weekend.~~"**
- **Commercial Tree Service Noise - expand sentence to be: "No operation of tree removal trimming, cutting, grinding or similar powered equipment by commercial tree service companies shall be permitted on any Holiday or Sunday, through 8:00 a.m. the following morning. Construction noise shall be permitted on any Holiday or Sunday, through 8:00 am of the following day."**
- **Add a new subsection "T" for "Fireworks" - Not allowed on private property? If permitted with a permit - then specify that a permit is required?**
- **Enforcement - Should we expand enforcement to include Code Enforcement to enforce during work hours and for Police to enforce "after hours"?**

Discussion ensued between various audience members, the Governing Body, and the Borough Attorney regarding the construction.

Councilwoman DeNoble stated the time for radios and televisions should remain at 10:00 p.m.

Further discussion ensued between the Governing Body and Lieutenant Detective Browning regarding noise enforcement.

Councilman Weber asked Mr. Cannon if the additional changes discussed can be addressed this evening without having to do a re-introduction.

Mr. Cannon stated the changes being made are substantiative, therefore the ordinance would require re-introduction.

Councilwoman DeMarco agreed with Councilwoman DeNoble and feels 8:00 p.m. is too early to restrict certain noises and clarified the changes requested with Mr. Cannon regarding emergency construction.

Public Comments for this Workshop discussion:

In Person:

Shana Greenblatt-Janoff, 414 Monmouth Avenue, asked if professional landscapers would be allowed to work on Saturdays during the summer.

Councilman Gubitosi responded yes.

Ms. Greenblatt-Janoff feels it is important contractors be notified of the changes being made to this ordinance.

Anita Nazario, 116 Newark Avenue, feels decibel levels and curfew times should not be removed from the ordinance.

Thomas McGuire, 610 Brinley Avenue, clarified residential power tools can be used on Sundays and stated he is in favor of leaving the time at 10:00 p.m. for radios, televisions, and other noises.

A lengthy discussion ensued between Mr. McGuire, Councilman Gubitosi, Councilman Weber, and Lt. Browning regarding protection for events at private venues (ex. synagogue, gazebo).

Paula Gentempo, 103 Fourth Avenue, requested restrictions should be placed on using landscaping equipment on the weekends.

Robin DeFelice, 111 Park Place Avenue, also requested restrictions on landscaping equipment on weekends.

Susan Fisher, 506 Monmouth Avenue, read a statement in favor of amending this ordinance.

Nancy Meadow, 805 Beach Avenue, gave suggestions for clarification regarding interior construction and paving work.

Steven Ecker, 506 Monmouth Avenue, expressed frustration about his neighbor's construction.

Thomas J. Coan, 612 Third Avenue, feels the Police Department should be responsible for enforcement of this ordinance and the curfew should be 10:00 p.m.

ZOOM: None

PRESENTATIONS:

A Proclamation recognizing Juneteenth was read by Mayor Fox.

WHEREAS, Juneteenth, also known as Emancipation Day, is the oldest known celebration Commemorating the end of enslavement in America; and

WHEREAS, Juneteenth is a day of reflection, a day of renewal, a pride-filled day. It is a moment in time taken to appreciate the progress and contributions made by African American to this society; and

WHEREAS, Juneteenth is inclusive of all races, ethnicities, and nationalities – recognized by Americans everywhere as a symbolic milestone in our journey toward a more perfect union; and

WHEREAS, it is a day where we take one step closer together – to better utilize the energy wasted on racism. Juneteenth is a day that we pray for peace and liberty for all, a celebration of freedom.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bradley Beach, do hereby proclaim, Monday, June 19, 2023 as “JUNETEENTH” in the Borough of Bradley Beach and encourage all citizens young and old to pay tribute to the journey, embrace the past, as well as the future that unity, respect and appreciation brings.

MINUTES APPROVAL

ON MOTION by Fox/DeNoble to approve the Council Business Meeting Minutes of May 24, 2023.

ROLL CALL:

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

APPROVED

ON MOTION by Fox/Weber to approve the Executive Session Minutes of May 24, 2023.

ROLL CALL:

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

APPROVED

Public Comments on Agenda Items:

In Person:

The following residents had bill list inquires and complaints which were addressed by Mr. Fehrenbach:

**Eileen Shissias, 112 Fourth Avenue
Brigitte McGuire, 610 Brinley Avenue
Kristin Mahoney, 200 LaReine Avenue
Nancy Meadow, 805 Beach Avenue
Linda Duffy, 312 Brinley Avenue**

Mary Backstrom, 610 Brinley Avenue, stated she was pleased with the paving work on Fourth Avenue.

Shana Greenblatt-Janoff, 414 Monmouth Avenue, suggested adding tree removal companies to the Noise Ordinance Amendment and requested the public be presented with a report of costs for Memorial Day Festivities and Special Events in the Borough.

Mr. Fehrenbach stated he has been working with the Governing Body to create a Special Event Policy.

Ms. Greenblatt-Janoff inquired about Resolution 2023-188 and the fate of several assets in 319 LaReine Avenue.

Mayor Fox addressed this inquiry.

Mr. Fehrenbach requested Resolution 2023-188 be pulled from the Agenda this evening.

Paul Neshamkin, 411 ½ LaReine Avenue, stated there are extraordinary assets in 319 LaReine Avenue that should be preserved and not be lost. Mr. Neshamkin stated he is still actively applying for historic registry.

Jack Gentempo, 103 Fourth Avenue, spoke in favor of not demolishing 319 LaReine Avenue.

Bob Sorrentino, 401 Ocean Park Avenue, gave the following statement:

Shortly after the Methodist Church was purchased in 2020, Mayor Engelstad put out a message to the citizens of Bradley Beach for volunteers to form a committee to restore and create a Community Center in the Church.

I answered that call and was quickly put in touch with Paul Neshamkin. I met with Paul and at that time a 501C3 was formed to generate revenue to carry out this task.

It was my understanding at that time that the Mayor and Council were 100% behind this endeavor. At that time there was never any question and I recall that the town would first protect the asset, a term that in the last year has been used a lot. For reasons never explained, this was not done.

It was my belief that the people of this town have misled over the past few years, as we have been told that public funding and/or grants were not available, that in kind, contributions or money contributions were not permitted and that the building had to adhere to be 100% ADA compliant. Most, if not all of this was inaccurate.

It is sad that in the same week we celebrate the 130th Anniversary of the town, we are taking a vote to demolish a landmark that was built only six years after the formation of the town. I do not understand the non-binding vote, but that was not to spend ten million dollars. Since that time, to my knowledge there has not been any effort to explore other options or revisit funding.

I would also ask that the Borough Attorney explain once again why a duly elected Councilman is prohibited from voting on a resolution that impacts the entire population and if he can please site specific examples of when the Mayor or any other Council member was prohibited from such a vote. To me, this is the same as telling any other state or federal representative that they cannot vote on a fiscal decision in their district.

Herb Kenny, 216 Brinley Avenue, stated disappointment with the Budget Hearing and the absence of the CFO.

Mr. Kenny inquired about the liquor license renewal for The Bradley Movie Theater.

Ms. Kostyz addressed this inquiry.

ZOOM:

Randy Bonnell, 506 Third Avenue, inquired about the sewer project completion and the budget.

An argumentative discussion ensued when Mr.Fehrenbach tried to respond to the sewer project inquiry. Mayor Fox attempted to address the budget inquiry.

Mr. Fehrenbach stated in regard to the Sewer Project Completion, he has been told by Mr. Freda will try to make sure the contractor returns next week to complete the landscaping work completed.

ORDINANCE INTRODUCTION(S):

ORDINANCE 2023-9

AN ORDINANCE AMENDING CHAPTER 310: “NOISE” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO UPDATE NOISE REGULATIONS TO ADDRESS CURRENT ISSUES AND NUISANCES WITHIN THE BOROUGH, ESPECIALLY DURING THE SUMMER SEASON.

ON MOTION by Weber/DeNoble to table Ordinance 2023-9.

ROLL CALL:

AYES: DeMarco, Gubitosi, Weber

NAYS: DeNoble, Mayor Fox

ABSENT: None

ABSTAIN: None

TABLED

ORDINANCE ADOPTION(S):

BOND ORDINANCE 2023-08

BOND ORDINANCE PROVIDING FOR SEWER IMPROVEMENTS ALONG PARK PLACE AVENUE AND FIFTH AVENUE, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

ON MOTION by Fox/Gubitosi to open the public hearing for Bond Ordinance 2023-8.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Comment on Bond Ordinance 2023-8: None

ON MOTION by Fox/Gubitosi to close the public hearing and adopt Bond Ordinance 2023-8.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

COMMUNICATIONS:

- Seasonal Lifeguard Salary Adjustment Employee Memo.
- Seasonal Lifeguard Employee Memo.
- Seasonal Beach Staff Employee Memo.
- Recreation Summer Camp Employee Memo.
- Seasonal DPW Employee Memo

CONSENT AGENDA RESOLUTIONS:

2023-178 Bill List for June 14, 2023.

**2023-179 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Gladys & Carlotta, Inc.
T/A Bradley Liquors.**

**2023-180 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Swami Charan, Inc.
T/A Shore Wines & Liquors.**

**2023-181 Approval of Annual Renewal of Alcoholic Beverage Liquor License for KDK of Bradley, LLC
T/A Bradley Beach Bowl.**

**2023-182 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Portuguese Shamrock,
LLC, T/A Elbow Room Bar and Kitchen.**

**2023-183 Approval of Annual Renewal Alcoholic Beverage License for UVA on Main, LLC,
T/A Pagano's UVA Restaurant and Wine Bar.**

**2023-184 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Vic's Bar &
Restaurant, Inc.**

2023-185 Approval of Annual Alcoholic Beverage Liquor License for D'Arcy, LLC T/A D'Arcy's Tavern.

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

ROLL CALL:

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

RESOLUTIONS ADOPTED

INDIVIDUAL RESOLUTIONS:

**2023-186 Approving a Block Party request on the 500 Block of Burlington Avenue for Saturday,
July 15, 2023 from 5:00 p.m. to 9:00 p.m. with a rain date of Saturday, July 22, 2023.**

ON MOTION by Fox/Weber to adopt Resolution 2023-186.

ROLL CALL:

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

ADOPTED

2023-187 Approval of Temporary Budget Appropriations.

ON MOTION by Fox/DeNoble to adopt Resolution 2023-187.

ROLL CALL:

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

ADOPTED

2023-188 Authorizing CME Associates to prepare Bid Specifications for the demolition of Structures located upon the Borough's Property at 319 LaReine Avenue.

ON MOTION by Fox/Gubitosi to table Resolution 2023-188.

ROLL CALL:

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

TABLED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Councilwoman DeNoble

Shade Tree Commission:

- **Provided an update of the June 7th meeting.**
- **Tree of the Month – Blackjack Oak**

BOE:

- **The Eighth Grade Washington Trip was a success.**
- **The D.A.R.E. Program held a ceremony for students graduating from the D.A.R.E. Program.**
- **Third Grade Students took a Civics' field trip to the Borough Hall. Ms. DeNoble stated she would have liked to have been there, however she was not invited.**
- **The Bradley Beach Elementary School PTA has postponed their Carnival to June 30th.**
- **The Eighth-Grade Graduation will be held tomorrow, June 15th.**

Tourism:

- Presented the town events taking place from June 19th to September 1st.

Councilwoman DeNoble stated while she is looking forward to these events, she is concerned on how the events are being paid for as they are expensive and require assistance from DPW. Ms. DeNoble suggested the Borough start self-funding these events through sponsors.

Councilwoman DeNoble gave her update on the Borough Administrator nomination status and thanked Mr. Fehrenbach for his services as Interim Administrator for the past 90 days. Ms. DeNoble stated she and other Council Members expected this nomination to be presented at the May 10th Council Business Meeting and does not feel there is a reasonable explanation for the delay in hiring a candidate for this position.

Councilwoman DeNoble made a motion for a “Vote of no confidence in the Mayor’s handling of the Business Administrator’s search.” Councilman Gubitosi seconded this motion.

ROLL CALL:

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

Councilman Gubitosi

Police Department:

- Provided the weekly activity report.
- The Police Chief and members of the Police Department will be holding a “Meet and Greet” at the Perfect Perk on Saturday, June 17th from 10:00 a.m. to 1:00 p.m.

Sylvan Lake:

- Announced the next meeting will be on June 21st to address NJDOT funding opportunities and seeking funds for winter storm fence replacement and for plantings in Bradley Beach Park, and geese control. Mr. Gubitosi stated the Walking Path has been removed from the proposal.

Councilman Gubitosi asked Mr. Fehrenbach if there is an update with CME regarding Request for Proposals for garbage and recycling services.

Mr. Fehrenbach replied he is arranging for a meeting with staff to determine the advantages or disadvantages of either approach, then provide this report to the Governing Body to decide if they are interested in pursuing the RFP course of action further.

Councilman Gubitosi stated he feels this will be a waste of Borough resources to outsource these services to an outside firm from a cost perspective.

Mayor Fox disagreed and stated it is worth looking into automating versus outsourcing the garbage and recycling from a financial perspective.

Further discussion ensued between Councilman Gubitosi and Mr. Fehrenbach regarding a more detailed way of tracking expenses in the Edmunds Software system.

Councilman Weber:

- **Thanked all the Memorial Day Committee volunteers.**
- **Thanked all the volunteers involved with the 130th Anniversary Celebration.**
- **Presented the Fire Department and First Aid Squad activity reports.**
- **The Shade Tree Commission is looking to purchase a cost-effective plaque of recognition to recognize trees in the Borough that are older than the town.**
- **Thanked the Fletcher Lake Commission for their beautification efforts around the lake.**
- **Spoke about the cost of events. Councilman Weber stated he is in favor of having every expense over \$4,000.00 be presented to the Council first for approval.**
- **Advised the public to stay off the beach jetties for safety reasons.**

Mayor Fox:

On the three key infrastructure projects going on:

Beachfront- our Outfall Pipe on Ocean Park/ McCabe Avenue beaches - this outfall pipe delivers stormwater to the ocean. The replacement project started on Monday April 17th and was to conclude before July 1st. The project was completed yesterday, June 13th, two weeks earlier than the commitment date. McCabe and Ocean Park beaches were open starting last Friday, June 9th. We avoided intermittently closing the Promenade at the expense of some inconvenience to the Evergreen Avenue beachgoers. As of yesterday, all beach operations are back to normal.

Phase II of the Sewer project has been completed. We have curbing, driveway aprons, and paving completed. We have some residual landscaping to finish. We will take the summer off on additional road work, with the exception of minor projects that will not disrupt.

We have completed 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 have completed, along with the replacement of benches at Fletcher Lake and planned improvements at the Lake Terrace Park, our North End is looking good. So, in effect we will move the three projects to the “complete” column.

We have a few projects that we are initiating, the biggest is the replacement of the Biase Center roof. We had a kick-off review with the architect and the contractor on June 5th and we expect to start work on June 19th. Following about two weeks to complete, we move to mold remediation. I will frame and summarize upcoming projects in the coming weeks.

The Eighth-Grade Graduation is tomorrow night. The class came back from their Washington trip last week. Chief Guida, Council President DeMarco, and I spent an hour with the students talking about their trip, explaining Federal, State and Local Government responsibilities, and encouraging them to engage in a career in Government Service.

The 130th Anniversary Celebration last Saturday was a huge success. The participation by our community (over 400 people) at this wonderful event on our Promenade is a reflection of the spirit, unity, and fellowship that defines Bradley beach. I am so grateful for the leadership of our twenty-five volunteers, who spent 1500 + hours pulling off this big success. What a way to continue our Summer of 2023.

Library

Summer Reading began June 12th and runs through August 7th. The program is open to all ages. Register through the Library's reading challenge website and track your reading to earn points. You can then spend those points to try and win prizes.

Adult Zentangle Color Workshop, Thursday, June 15 at 5:30 p.m. This class uses different color options to "pop" your tiles such as gel pens, graphic pens, charcoal pencils, shaders, and toned paper. Space is limited, registration required.

Yarn Circle, Wednesday, June 21 at 1:30 p.m. You are invited to bring your own knitting or crocheting project and supplies and work on it alongside fellow crafters during this monthly event. All experience levels can join, and there will be instructors handy to help those who are just starting to knit or crochet.

Health and Wellness Book Club, Thursday, June 29th at 6 p.m. The first meeting of the club will establish its purpose and how it will operate. The club will be facilitated by Gig Naples, a Bradley Beach resident who has always had an interest in wellness. This program is in partnership with the Mayor's Wellness Campaign. Registration is required.

Recreation

The next Senior Meeting is June 28th from 12:00 p.m. to 3:00 p.m. at the Banquet Hall.

Summer Camp starts June 26th and will run through August 11th. We have so many fun and exciting things planned for this year.

Summer Bocce League will begin the first week of July. Sign-ups will be through Community Pass.

We have a ton of health and wellness activities happening on the beach with Salted Soul Yoga as well as a few others. Dates and times can be found on the website calendar.

We will be holding a six-week Soccer Clinic on Tuesday nights starting July 11th for Bradley Beach Middle School students. Sign-ups will begin June 15th through Community Pass. More information can be found on the website.

The Recreation Committee is also working on our Second Annual Back to School Bingo Event for August and will be accepting school supply donations soon.

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.

Councilwoman DeMarco

Environmental Commission:

- **Dedicated their last meeting to the "Adopt a Dream" Program and have assigned tasks to the Commission members.**

Land Use Board:

- **Will hold their meeting tomorrow, June 15th.**

Public Comment

In Person:

Richard Despina, 600 Third Avenue, provided suggestions regarding geese removal.

Rick Bartolomei, 116 Newark Avenue, requested an updated status for the Sewer Analysis Proposal.

Mr. Fehrenbach addressed this inquiry.

Nancy Meadow, 805 Beach Avenue, stated she is in favor of a special event cost report and voiced complaints regarding beach ramps, beach lockers and the website.

Linda Duffy, 312 Brinley Avenue, mentioned a Chief Financial Officer responsibility in Chapter 5, thanked Mr. Fehrenbach for his service to the Borough, stated she is not in favor of doing a garbage and recycling study.

Steve Ecker, 506 Monmouth Avenue, requested plastic construction debris found in the beach lockers be cleaned up after constructing the lockers.

Anita Nazario, 116 Newark Avenue, inquired if the fees incurred from outside guests from the 130th Event will go towards the costs.

Thomas McGuire, 610 Brinley Avenue, inquired about the spend threshold amendment in Chapter 5, the current lawsuit amongst the Governing Body, and thanked Mr. Fehrenbach for his services. Mr. McGuire read a statement regarding allowance of combative behavior during meetings.

Thomas J. Coan, 612 Third Avenue, expressed concerns regarding water service boxes after the Sewer project is complete.

Mr. Coan asked about the affordable units at 301 Main Street or the Auto Tek property.

Mr. Fehrenbach stated he is not familiar with details of the Special Master and the Planner that are involved with the Fair Share Housing situation in the Municipality.

Mr. Coan inquired about increased ratables.

Mr. Fehrenbach addressed this inquiry.

Cindy Lukenda, 218 Fourth Avenue, thanked Mr. Fehrenbach for his service to the Borough and made a statement regarding unity amongst the Governing Body.

Thomas Gavin, 414 Fourth Avenue, gave the following statement:

First, I want to compliment the BBBCA and the Committee that organized and hosted the 130th Anniversary Gala. It was fun to see so many people in town involved in this event and the feedback has been so positive.

Second, I want to thank the town for completing the last phase of the current sewer project by repaving Fourth Avenue and the contiguous side streets. The company did an exemplary job. My neighbors and I all thought it looked like a ballet of uniquely different participants.

Many people have asked me recently why I have not been personally attending Council Meetings since December. First, thank you for your concern. My wife and I have experienced three tragic and significant passings in our family in the last five months that have caused me to spend much of my free time involved in family legal matters; but that is not the only reason.

The animosity, personal attacks, and lack of community expressed continuously from a select few, makes this an event I do not wish to attend in person. Zoom is bad enough, but at least I can do necessary work while listening.

It concerns me greatly the divisions in the Borough I love. There is absolutely no way I could even want to have coffee with some who speaks in this manner, but if I need to, the acceptance of my role would require me to have an open mind and consider myself the “smartest person in the room”. I have one friend who uses that moniker, and they deserve it. Also, I would never consider using some derogatory physical reference on another person in a public setting. I would also expect an apology if someone did use such a term to me personally.

The fact that it seems many choose this forum to question our Mayor’s motives, mental acuity, personal choices, as well as making him out to be the one that is always wrong, should bring to the fore the fact that this view is very narrow-minded. When I ran for Council, I experienced vulgarity directed at me. My running mate and I faced lies, accusations, and innuendos that came from the lowest form of information and deceit. I chalked it off to politics, but I have to admit, I was surprised, shocked, and disappointed by the people that continued to speak about these issues as if they were truths. Did it deter me from public service? No, as a matter of fact, it caused me to redouble my efforts to find ways I could help our Borough in opportunities where I could use my many skills and experiences to share our Borough’s unique settings with others. Truth is a key item in all conversations, and as I have no agenda, as some do, I feel very comfortable discussing items where my insight and background can help.

I also want to say I consider Larry Fox and his family my friends. I am happy to say that and look forward to that continuing in the future. I completely understand his process in seeking legal advice regarding some Council actions. I do not agree with several of the previous and current Council members’ pursuits to move the balance of power in our form of Government to the Council versus the Mayor’s Office. I feel if such a move is warranted or wanted by our Borough, as previous Council President Sexsmith discussed, there are legal ways to move that process to the forefront. By ordinance is not the way, as that is obviously politically motivated. Also, the loudest and most repetitive voices bringing up these issues are just that, loud and repetitive. That does not make them truthful, accurate, or correct.

I am not alone in my thoughts regarding these business meetings and the commentary that accompanies them. Many residents have brought this up while in conversation and discussed it at great length. Their wishes to go and participate in our selected form of Government in our Borough are outweighed by the malicious commentary of the few. These good, respectful, hardworking, and thoughtful residents have zero intention to come in here to listen to the recalcitrant few repeating their mantras.

An additional point is the constant pursuit of negative commentary by some directed at our Police Department with experienced, professional, open-minded leadership and Officers. I doubt there are more than a handful in town who believe anything differently, and I would question the motives of this limited group. Yes, transparency is key, and that we have, but disrespect of any member of this force is unacceptable. I have a very strong faith and trust that every day we are protected by the ladies and gentlemen of our Police Department.

In closing, I encourage the current Council, listen to one another, work together, do not bind yourselves to opposing camps. It is for the betterment of the Borough, under our current form of Government, that we all elected you work within.

Our election cycles allow us to make changes voters feel important, but once elected it is for the betterment of the Borough as a whole, not for particular platforms or agendas, that we look for you all to perform within.

You do not have to do drinks and dinners together, but your responsibilities as elected members are a higher calling than personal fealties.

Brigitte McGuire, 610 Brinley Avenue, reiterated a comment made by Mr. Gavin to Councilwoman DeNoble.

ZOOM:

Randy Bonnell, 506 Third Avenue, asked Council President DeMarco about a recent inquiry he requested from her and did not receive a response to.

Councilwoman DeMarco responded a newsletter was presented to the public within 24 hours of the inquiry and that in addition, Mr. Fehrenbach provided Mr. Bonnell with answers to his inquiry.

Mr. Bonnell made several unpleasant comments towards Mayor Fox.

EXECUTIVE SESSION :

Resolution 2023-189 Retire into Executive Session to discuss Litigation Matters.

- **Rapaport vs. Bradley Beach**

ON MOTION by Fox/Gubitosi to retire into Executive Session at 10:45 p.m. to discuss Litigation Matters.

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 11:15 p.m.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADJOURNMENT:

ON MOTION by Fox/to adjourn at 11:15 p.m.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 11:15 P.M.

Erica Kostyz, RMC, CMR
Municipal Clerk