

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

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

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

A 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 July 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: Gregory Cannon Esq. (arrived at 6:35 p.m.)

Borough Planner: Jennifer Beahm (Present for the Executive Session)

Fair Share Housing Attorney Alternate: Wendy Rubenstein-Quiroga (Present for the Executive Session)

Police Department: Lieutenant Detective Terry Browning

Deputy Municipal Clerk: Michele Whille (ZOOM operator)

EXECUTIVE SESSION :

Resolution 2023-207 Retire into Executive Session to discuss Litigation and Contractual Matters.

- **Affordable Housing Certification Litigation**
- **Rapaport vs. Bradley Beach**
- **704 Fourth Avenue**

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

ROLL CALL:

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

ON MOTION by Fox/DeMarco to return from Executive Session at 7:25 p.m.

ROLL CALL:

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

WORKSHOP DISCUSSIONS:

Sanitary Sewer Assessment Consultant:

Mayor Fox stated the Interim BA put together an analysis report for the Council to review due to the complexity of this RFP request.

Mr. Fehrenbach stated the report begins by indicating where the proposals received were in meeting the requirements that are provided by the Local Public Contracts Law and going through a comparison of like items because each of the three Engineers that submitted proposals responded in a different fashion.

Mr. Ferhenbach stated Colliers Engineering went to the greatest extent of explaining the requirements under the water infrastructure statute.

Councilman Gubitosi thanked Mr. Fehrenbach for providing the report and stated the report explained the many inconsistencies in the proposals and described concerns that were raised regarding the process needing to provide financial analysis versus independent Engineering analysis. Mr. Gubitosi stated if any of the Council wishes to pursue this “due diligence exercise” he is not likely to move forward with the three proposals submitted due to inconsistencies.

Councilman Gubitosi reiterated to the public two residents on the former strategic task force recommended to the Council at that time to evaluate the cost of maintaining the sewers versus the cost of selling the sewers. Mr. Gubitosi stated the purpose of this exercise was a due diligence process to get an expert opinion on the cost of the sewers over the next several years.

Councilman Gubitosi asked Mr. Fehrenbach if the Borough would be in a position to restructure an RFP to continue the process envisioned initially to conduct due diligence on whether it is prudent to pursue this project further.

Mr. Fehrenbach responded after going through the analysis of the Engineer's fee structures and the fee each firm offered, he tried to a similar comparison and in doing this it extracted the financial element of the project, so the Governing Body were only analyzing the Engineering insight of the job. Mr. Fehrenbach stated each firm has a great amount of experience in water and sewer infrastructure engineering work. Of the three firms, Remington & Vernick appears to be the most experienced because they have done this type of work once before. Mr. Fehrenbach continued an explanation of the information contained in the three RFP submittals and his experiences with this type of project in two Municipalities he previously worked in.

Mr. Fehrenbach stated his report to the Council contains a series of questions about what is to be gained by this expenditure in the vicinity of \$50,000.00 to \$80,000.00 and is this a proven expenditure given the discussions over the last few months regarding finances.

Councilman Gubitosi feels there are two sides to this and feels this is a due diligence exercise if it saves the Borough money.

Mr. Fehrenbach feels in the event the Governing Body is interested in pursuing this course of action the proposals submitted by the three firms originally would be able to do the engineering side of this project. The Governing Body would need to develop an RFP for the financial side of the investigation once the engineering is completed and are able to supply this to the financial analyst to get projections on how this would affect the Borough.

Councilman Weber asked if the RFP can be redone.

Further discussion ensued on how the RFP was done originally and redoing the RFP to get proposals for the financial analysis versus doing two RFP's.

Councilman Gubitosi and Councilman Weber were in favor of redoing the RFP process.

Councilwoman DeMarco raised concerns if funds are budgeted for this.

Public Comment:

In Person:

Jim Shissias, 112 Fourth Avenue, spoke about WIPPA and how this would benefit the Borough and feels it would be prudent to restart the RFP process.

Beth Kepler, 504 Central Avenue, asked each Council Member if they reviewed each line of the 2023 Budget.

Thomas J. Coan, 612 Third Avenue, thanked the Mayor for holding this workshop for the public.

Terence Wright, 406 Madison Avenue, feels the Council should concentrate on the best practical way to upgrade the sewer system and keep ownership.

Rick Bartolomei, 116 Newark Avenue, reiterated his findings regarding costs selling the sewer utility when he was on the Strategic Planning Committee.

A repeat discussion ensued amongst the Governing Body and Mr. Fehrenbach on how to move forward. It was decided to revisit this at the August 16th Council Business Meeting.

ZOOM: None

Change in Form of Government/Charter Study Commission Ordinance:

Mayor Fox stated this item was placed on the Agenda by Council majority. Mayor Fox stated he was not in agreement with placing this on the agenda due to a timing issue.

Councilwoman DeNoble stated recently the Council was in court and a judge suggested visiting the Borough's current form of Government which is a Small Municipality form of Government. Ms. DeNoble stated she has done a lot of research on this and went over the pros and cons with a Mayor strong form of government and mentioned other forms of government to consider one of which is the Borough Form.

Mr. Cannon clarified Bradley Beach could not change to the Borough form of Government as it is not one of the optional forms of Government under the Faulkner Act.

Mr. Cannon explained the two ways to begin a Charter Commission either by direct petition by the voters of the town or by adopting an ordinance of the Governing Body. Mr. Cannon stated either of those actions result in placing a referendum question on the General Election ballot. The question is not up for interpretation or envision. It is set forth for in the statute voters are presented with the question shall Charter Commission be elected to study the Charter of the Borough and to consider a new Charter or improvements in the present Charter to make recommendations thereon.

Mr. Cannon further explained at that same election candidates can run for the five member Charter Commission. These candidates do not run under a party or designation and are not allowed to bracket themselves and must run as individual citizens for the Commission. The five members elected have nine months to study the Charter and can recommend no changes, recommend a change in the optional forms of Government listed in the Faulkner Act, or the Charter Commission can draft a special Charter and then have a Municipal Governing Body have the State Legislature pass a specific law that allows just that Municipality to have that special Charter however Mr. Cannon stated this is rare.

Mr. Fehrenbach asked how long this process takes.

Mr. Cannon responded approximately 15 months.

Councilman Weber asked for a description of the forms of Government under the Faulkner Act.

Mr. Cannon responded with the five forms which are the Mayor and Council form, the Council-Manager form, Small Municipality form, Mayor-Council-Administrator form, and Special Charter form.

Councilman Weber and Mayor Fox both stated this will not be done for the 2023 General Election Ballot as there is not enough time.

Councilman Weber stated he is in favor of going through this process.

Mayor Fox stated the judge in this case inferred making a change should require looking at a referendum. Mayor Fox does not feel in his personal opinion the Borough has outgrown this form of Government.

Councilwoman DeMarco stated there should be an ample amount of education for the public and suggested a series of town meetings to discuss this.

Councilman Gubitosi stated if the Borough moves forward with this it is the residents' decision not the Council's.

Mayor Fox stated in recent conversations with Mr. Schueler who ran the Commission thirty years ago and subsequently became the Mayor and was in the position for sixteen years and was told this is a very interesting but time consuming process.

The following residents stated their inquiries, opinions, and suggestions for this topic:

In Person:

Mark Kretzer, 122B Park Place Avenue

Terence Wright, 406 Madison Avenue

Nancy Meadow, 805 Beach Avenue

Brigitte McGuire, 610 Brinley Avenue

Thomas J. Coan, 612 Third Avenue

Beth Kepler, 504 Central Avenue

Donald Greenberg, 302 Park Place Avenue

Thomas McGuire, 610 Brinley Avenue

Debbie Bruynell, 401 Fifth Avenue

Dwight Gerdes, 414 LaReine Avenue

Jim Byrnes, 401 Fifth Avenue

Alan Rapaport, 512 Newark Avenue

Thomas Gavin, 414 Fourth Avenue

ZOOM:

Mea Molin, 302 Fourth Avenue

Randy Bonnell, 506 Third Avenue

Regulations Controlling Dumpsters in the Right-of-Way:

Councilwoman DeNoble requested visiting this ordinance to regulate the time limit that dumpsters can stay on public streets.

Mr. Cannon presented Avon’s ordinance for example.

Mr. Fehrenbach asked for clarification if Councilwoman DeNoble wanted to address dumpsters in the right of way only not dumpsters on private property.

Councilwoman DeNoble stated she would like to visit both.

Councilman Gubitosi feels the current ordinances are strong in this area and suggested placing limits on extreme cases.

Councilman Weber stated he would like to get the public’s opinion on this.

Councilwoman DeMarco mentioned the Construction Official weighed in on this and stated concerns if the Borough puts limits on people’s private property specifically and right of ways people will pile debris in their front yards and order the dumpster when they need it to avoid having a time limit on a dumpster.

Public Comment:

In Person:

Thomas J. Coan, 612 Third Avenue, feels this should be dumpsters should be controlled on public and private property.

ZOOM: None

PRESENTATIONS:

A Proclamation recognizing International Overdose Awareness Day was read by Mayor Fox.

WHEREAS, each year we lose thousands of people from drug overdose globally. Some survive, but suffer a permanent injury, with devastating impact to their family and friends; and

WHEREAS, the Borough of Bradley Beach is not immune. You may have seen it happen to people and around you. Tomorrow, it could happen to a loved one. This is not an invisible issue; and

WHEREAS, International Overdose Awareness Day provides an opportunity for us to reflect on practical ways prevent overdose in our community. Overdose is preventable. Knowing the real facts about drugs and what to do when seeing someone experiencing and overdose DOES save lives. International Overdose Awareness Day events that aim to educate our communities about drugs can help.

NOW THEREFORE BE IT RESOLVED, I, Larry Fox, Mayor of the Borough of Bradley Beach, do hereby proclaim August 31, 2023 as International Overdose Awareness Day in the Borough of Bradley Beach to make citizens aware of this devastating situation.

A Proclamation recognizing National Night Out was read by Mayor Fox.

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime prevention program on August 1, 2023 entitled “National Night Out”; and

WHEREAS, the Annual “National Night Out” provides a unique opportunity for the Borough of Bradley Beach to join forces with thousands of other communities across the country in promoting cooperative, Police-Community Crime Prevention efforts; and

WHEREAS, it is essential that all citizens of the Borough of Bradley Beach be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime in the Borough; and

WHEREAS, Police-Community partnerships, neighborhood safety, awareness, and cooperation are important themes of the “National Night Out” Program; and

WHEREAS, a celebration is planned for Neighborhood Watch Groups in the Borough of Bradley Beach from 6:00 p.m. to 8:00 p.m. on August 1, 2023 at Ocean Avenue between Fourth Avenue and Fifth Avenue.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bradley Beach, proclaim August 1, 2023 as “National Night Out 2023”.

MINUTES APPROVAL

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

ROLL CALL:

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

APPROVED

ON MOTION by DeNoble/Weber to approve the Special Council Meeting Minutes of July 18, 2023 for the 501 Lake Terrace Appellate Hearing.

Councilman Gubitosi requested a minor adjustment in verbiage to which Ms. Kostyz agreed to amend.

ROLL CALL:

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

APPROVED

Public Comments on Agenda Items:

In Person:

Thomas McGuire, 610 Brinley Avenue, requested Ordinance 2023-3 be amended to remove the names and genders of children on a Certificate of Occupancy application.

Mr. McGuire inquired if there is a system in place to track the applications and enforcement.

Mr. Fehrenbach addressed these inquiries.

Eileen Shissias, 112 Fourth Avenue, asked several questions pertaining to items on the bill list which were addressed by Mr. Fehrenbach and Mayor Fox.

A lengthy discussion ensued regarding trust accounts and how they operate. Mayor Fox offered to address Ms. Shissias's inquiries offline.

Nancy Meadow, 805 Beach Avenue, inquired about Resolution 2023-210 and had a bill list inquiry regarding the payroll vendor which was addressed by Ms. Kostyz and Mr. Fehrenbach.

Mr. Fehrenbach provided clarification regarding the payroll company and Provident Bank in reference to payroll expenses up to a certain amount.

Zoom: None

Mayor Fox made a motion to move "Communications" up on the Agenda, seconded by Councilwoman DeMarco.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

COMMUNICATIONS :

Seasonal Lifeguard Employee Memo (Luke Cousins)

Local Summer 2023

Linda Curtiss, 202 Third Avenue, announced Local Summer Event sponsored by the Borough and the Bradley Beach Business Community Alliance will take place on Sunday, September 10th on the Brinley Avenue Beach at 5:00 p.m. Ms. Curtiss further stated this event is free and the Alliance will supply drinks and the event will include games, prizes and beach music.

Councilman Weber inquired what this will cost the Borough.

Ms. Curtiss responded that the costs are being paid for by the Alliance.

ORDINANCE INTRODUCTION(S):

ORDINANCE 2023-3

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 365: “RENTAL PROPERTY” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO ENACT LANDLORD REGISTRATION REGULATIONS.

Councilman Weber requested an amendment to not include the names of minors on the Certificate of Occupancy and state their ages only.

The Governing Body agreed with this amendment.

Mr. Cannon made the amendment to the Ordinance.

ON MOTION by Fox/DeNoble to introduce Ordinance 2023-3.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

INTRODUCED

ORDINANCE ADOPTION(S):

BOND ORDINANCE 2023-10

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2023-02 ADOPTED ON FEBRUARY 8, 2023, PROVIDING FOR MCCABE AVENUE STORMWATER OUTFALL IMPROVEMENTS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$500,000 FOR A TOTAL APPROPRIATION OF \$1,500,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$500,000 FOR A TOTAL DEBT AUTHORIZATION OF \$1,500,000, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

ON MOTION by Fox/Weber to open the public hearing for the adoption of Bond Ordinance 2023-10.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Comment: None

ON MOTION by Fox/Weber to close the public hearing and adopt Bond Ordinance 2023-10.

ROLL CALL:

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

ADOPTED

ORDINANCE 2023-11

AN ORDINANCE AMENDING CHAPTER 423: “TOWING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO UPDATE THE RATES AND CHARGES FOR TOWING VEHICLES WITHIN THE BOROUGH.

ON MOTION by Fox/DeMarco to open the public hearing for the adoption of Ordinance 2023-11.

ROLL CALL:

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

Public Comment: None

ON MOTION by Fox/Weber to close the public hearing and adopt Ordinance 2023-11.

ROLL CALL:

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

ADOPTED

CONSENT AGENDA RESOLUTIONS: None for July 26th.

INDIVIDUAL RESOLUTIONS:
2023-208 Bill List for July 26, 2023

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-208.

ROLL CALL:

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

ADOPTED

2023-209 Approving Certification of the U.S. Equal Employment Opportunity Commission.

ON MOTION by Fox/DeNoble to adopt Resolution 2023-209.

ROLL CALL:

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

ADOPTED

2023-210 Appointing Cathy Liput as an Alternate Deputy Registrar effective July 26, 2023 to December 31, 2023.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-210.

ROLL CALL:

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

ADOPTED

2023-11 Authorizing the Borough Administrator to make an Application to the County of Monmouth for Open Space Trust Funds to fund improvements to the Recreation Center Park located at 39 Main Street.

ON MOTION by Fox/Weber to adopt Resolution 2023-211.

ROLL CALL:

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

ADOPTED

2023-212 Authorizing an Award of a contract for Professional Engineering Services with CME Associates for Engineering Construction Inspection and Construction Administration Services for Park Place Avenue Phase I Improvements.

Councilman Gubitosi inquired about the price quote from CME included in the proposal.

Mr. Fehrenbach explained the reason for the dollar amount in the price quote.

ON MOTION by Fox/DeNoble to adopt Resolution 2023-212.

ROLL CALL:

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

ADOPTED

ANNOUNCEMENTS:

Mr. Fehrenbach stated the recent bids submitted for the Park Place Avenue – Phase I Improvements came in higher than anticipated for what has been budgeted. Mr. Fehrenbach a resolution to reject all bids and rebid for better pricing will be presented to the Council for the August 16th Council Business Meeting. Mr. Fehrenbach requested the Governing Body agree to allow the Engineer to begin a process to truncate elements of the design plan to bring the cost of the project down to fit within the money funded and to rebid for the project.

The Governing Body agreed and gave Mr. Fehrenbach approval.

Mr. Fehrenbach stated the Community Development Department needs an Engineer to advise of a curb and sidewalk situation on Ocean Park Avenue and requested the Department be able to utilize Engineering consultation services from CME Associates for a fee of \$400.00 to \$800.00.

The Mayor and Council agreed and gave Mr. Fehrenbach the approval to allow CME to provide engineering advice to the Community Development Department.

MAYOR AND COUNCIL REPORTS:

Mayor Fox

Another successful week in our Bradley Beaches Summer of 2023. This week is following the same pattern!

Last Saturday we had our second “Saturday in the Park Summer Concert Series,” and the Moroccan Shepherders did not disappoint! Riley Park was packed, and Main Street businesses were getting the benefit of the event.

This Saturday we have The Eddie Testa Band, another very popular area band. Please join us at 5:00 p.m. to 7:00 p.m. Grab a dinner box at one of our fabulous restaurants.

Tomorrow for our Songwriters on the Beach Series on the beach we have Brian Dunne and Spirit Fox.

On July 14th and 15th, The Arts Council put on their annual Shakespeare performance. This year King Lear was performed by a talented group of actors. Julia Rand and Jackie Schneider led a moving adaptation of this compelling play. We had two great audiences that thoroughly enjoyed the production. The Arts Council asks for donations to the Alzheimer’s Foundation in honor of the production.

I have heard many compliments on the upgrade and types of events we are providing. I think we are becoming a destination. Thanks to all that put these events together.

Infrastructure project: The Biase Center roof replacement update.

The Carmen A. Biase Center at our Municipal Complex has had a roof leak for some time. We started work a few weeks ago and are nearing completion. The roof has been completely replaced. We are getting a mold remediation effort for the building interior in place. We will then move the Community Development Department and Meals on Wheels back into the building. Groups like the Seniors, Arts Council, and Committees and Commissions will have access to the facility. There is some equipment configuration and coping that needs to be applied. The next phase will complete the project.

Fletcher Lake. Our partners, Neptune Township (specifically Ocean Grove) started a project to repair the northeast bulkhead portion of Fletcher Lake. Work began four weeks ago with good progress. This is a key project in terms of the safety and stability of the bulkhead and contributes to our continued improvements to Fletcher Lake. Thank you to the Neptune and the Fletcher Lake Team for advocating for this important project.

The Fletcher Lake Team enhanced the recent bridge with solar powered lights for the bridge posts. Thanks for your efforts.

We are partnering a pilot with Feel Good Shuttles. The Bradley Beach Pilot is up and running. The Feel Good Shuttles group has reported a big uptick in Bradley Beach participation. We are testing and assessing how we might proceed in 2024. We see benefits in freeing up parking, safety, and support to businesses and improving our environment. You just set up an appointment and FGS will pick you up.

More information about Feel Good Shuttles is also on their website. Rides are free, tips are encouraged.

This should complement the restaurant experience in Bradley Beach. Restaurants have become a defining characteristic of our community.

Those residents that had grass repaired by the Borough due to the sewer, curb, and street corner repairs, please water your grass in the areas so that they get established, thanks.

The Mayors Wellness Campaign has an announcement: We are enhancing our Mayors Wellness Walks with a “WALK and TALK” component. Our first “talk topic” is Beach Safety- so important to our residents and visitors. Two great speakers, join us Sunday, July 30th at 9:00AM at the Fifth Ave Gazebo.

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

Councilwoman DeMarco:

Provided a report of the applications at the July 20th Land Use Board Meeting.

Councilman Weber:

- **Thanked the Fire Department for allowing the Arts Council to utilize their facilities for their recent production.**
- **Reminded the audience the Fire Department 5K event will take place on August 19th.**
- **Urged everyone to be extra vigilant during the upcoming heat wave and stated he hopes the lifeguards will be working extra hours.**

Councilman Weber confirmed with Mayor Fox the Shuttle Service Pilot is a free program.

Mayor Fox stated the lifeguard staff’s time is monitored very closely.

Councilwoman DeNoble:

- **Thanked the teachers that attended the AVID program. This program closes the opportunity gap by preparing all students for college and career readiness.**
- **Complimented the Tourism Director for doing a great job with the Communications to include the Mayor’s Newsletter and events and stated she will be having a Tourism meeting soon to discuss and evaluate the events and programs.**
- **Announced the Shade Tree Commission needs a volunteer and encouraged anyone interested to apply.**

Mayor Fox made a correction and stated he does the Newsletter and provides the finished product to the Tourism Director who releases this letter to the public.

It was also corrected from the previous Council Business Meeting, the last Tourism Committee meeting occurred two and a half years ago and not three years as stated on July 12th.

Councilman Gubitosi:

- **Provided the weekly Police Activity report.**
- **Announced National Night Out will take place on Tuesday, August 1st.**
- **Requested Administration develop a plan to communicate the implications of the recently adopted Noise Ordinance amendments with the residents and the contractors.**
- **Stated the Mayor and BA are in the process of preparing a Spend Management Plan requested by the Council in June.**

Councilman Gubitosi stated during a conversation he had with the Tax Assessor he was told the Municipal Tax Levy was 13.2% versus the 11.6% stated by the Governing Body to the public and offered some reasons that could have caused confusion amongst the Council. Mr. Gubitosi stated the Tax Assessor was adamant about this amount and the overall impact is 7.9% versus the 6.3% communicated to the public.

Councilman Gubitosi reiterated his request to implement a plan for pick up and drop off locations for wheelchair bound individuals at the July 12th meeting and was told Ocean Avenue and that he was told the County would not view this favorably due to funding. Mr. Gubitosi stated he called the County of his own volition to discuss this further with and was told by the individuals he spoke with that the County would be open to discussing this matter and would require a consensus between the Borough and the County to move this from concept to implementation. Mr. Gubitosi feels this is a great opportunity to do something valuable for disabled individuals.

Mr. Fehrenbach stated he was not given the information by the Tax Assessor, that Mr. Gubitosi received. Therefore, was unable to validate this information stated by Mr. Gubitosi and when we came up with a similar percentage this did not take into account the new construction that occurred in 2022 that changed the base amount going into 2023. Mr. Fehrenbach stated he will contact the Tax Assessor regarding this to find out how he came to that number and stated the actual effect that will be seen on the tax bill will result in the 11.6% not the 13.2% due to the additional construction in 2022.

Further discussion ensued between Councilman Gubitosi and Mr. Fehrenbach regarding this information. Mr. Fehrenbach stated he would contact the Tax Assessor.

Mayor Fox left the meeting at 10:45 p.m. due to a family emergency and requested Council President DeMarco preside over the remainder of the meeting.

Lieutenant Detective Terry Browning advised the public to stay hydrated and practice safety precautions with neighbors and pets during and advised anyone needing assistance to contact the Police Department during the upcoming heatwave.

Public Comment

In Person:

Shana Greenblatt-Janoff, 414 Monmouth Avenue, requested an update on the repair for the Sylvan Lake Park sign and the police cones on the Evergreen Beach. Ms. Greenblatt expressed concerns regarding the Tourism Trust Fund use for the 130th Event and overtime and manpower for special events.

Eileen Shissias, 112 Fourth Avenue, clarified funds were not used from the Beach and Sewer Utilities for the 130th Celebration.

Donald Greenberg, 302 Park Place Avenue, inquired about the status of the BA Appointment.

Council President DeMarco responded to this inquiry.

Nancy Meadow, 805 Beach Avenue, expressed concerns regarding lifeguard uniforms, lifeguard duties, beach signage, the website, Borough lawsuits, Local Summer, and cooling stations.

Thomas J. Coan, 612 Third Avenue,

- Inquired about the status of the CFO Appointment – addressed by Mr. Fehrenbach and Mr. Cannon.
- Thanked Ms. Kostyz for processing his attorney’s invoice from 2022.
- Inquired about the tax increase amount – addressed by Mr. Fehrenbach.

Beth Kepler, 504 Central Avenue, read a letter she intends to submit to the State Office of the Attorney General and provide to the Mayor and Council and Borough Attorney regarding what she feels are unethical business practices being conducted by the Mayor and administration.

Brigitte McGuire, 610 Brinley Avenue, spoke about her recent meeting with Mr. Fehrenbach regarding Borough finances. Ms. McGuire also expressed frustration regarding the tax increase.

Alan Rapaport, 512 Newark Avenue, spoke about the appellate hearing for 501 Lake Terrace that did not occur on July 18th due to lack of a quorum. Mr. Rapaport expressed his disappointment that the Mayor and Council President were not in attendance and felt this was disrespectful.

Council President DeMarco responded her attendance should not have been anticipated and that she gave ample notice she would be unable to attend this meeting. Ms. DeMarco stated she called the Municipal Clerk at 4:00 p.m. and confirmed at that time there was a Council quorum to conduct the meeting.

A discussion ensued between Mr. Rapaport and Mr. Cannon regarding the next step for this litigation.

Barbara Kenny, 216 Brinley Avenue, asked when the Municipal Tax Bills will be mailed.

Mr. Fehrenbach stated he did not have an exact date, however, estimates the bills will be sent to residents possibly by August 10th.

Mia Mustascio, 401 McCabe Avenue, thanked the Council for revisiting the dumpster issue.

ZOOM: None

ADJOURNMENT:

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

ROLL CALL:

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

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


Erica Kostyz, RMC, CMR
Municipal Clerk