

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

AUGUST 16, 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 AUGUST 16, 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 August 16, 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.

Police Department: Lieutenant Detective Terry Browning

Deputy Municipal Clerk: Michele Whille (ZOOM operator)

WORKSHOP DISCUSSIONS: None for August 16, 2023.

PRESENTATIONS:

Chinatown by the Sea Proclamation - read by Mayor Fox.

Whereas, Chinese Americans first came to Bradley Beach circa 1923 when the Church of All Nations, a Methodist Settlement House on New York City’s Lower East Side, took over Cliff Villa at 110 Cliff Avenue as a summer getaway for immigrants eager to escape the teeming, hot city streets; and

Whereas, Chinese Americans stayed at Cliff Villa during the first few weeks of every summer and eventually began renting rooms for themselves for the entire season in the 1930s; and

Whereas, Chinese Americans began buying homes in Bradley Beach following the purchase of a bungalow on Newark Avenue for \$2,000 in 1943 by Lee Ng Shee, wife of Lee B. Lok, a successful Chinatown merchant; and

Whereas, Newark Avenue, considered by many as the equivalent of Mott Street in NYC’s Chinatown, became the epicenter of Chinese American life down the shore; and

Whereas, Chinese Americans have a deep, abiding connection to Bradley Beach; and

Whereas, Chinese Americans contribute to the rich diversity of Bradley Beach, a special seaside town that first welcomed them and made them feel comfortable a century ago;

Now, therefore be it here proclaimed, that the Mayor and Council of Bradley Beach do recognize as part of the 130th anniversary of the Borough’s founding, the designation of “Chinatown by the Sea” to encompass Newark Avenue, Cliff Avenue, and neighboring streets that generations of Chinese Americans have called home.

MINUTES APPROVAL

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

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED

Public Comments on Agenda Items:

In Person:

Joe Kulick, 509 Monmouth Avenue, inquired if Ordinance 2023-13 would be applicable to the dumpster that is in front of the Auto-Tek building.

Councilwoman DeNoble stated the ordinance is meant to address a time limit that is reasonable for the people doing the construction as well as the surrounding neighbors.

Brigitte McGuire, 610 Brinley Avenue, mentioned the Risk Management Consultant Brown & Brown supported the Mayor's campaign and inquired if this was filed publicly.

Mr. Fehrenbach stated the contract with Brown and Brown was cancelled on July 3rd.

Mayor Fox stated contributions can be made by professionals to political campaigns.

Mr. Cannon confirmed contributions are legal and explained the pay-to-play law.

Herb Kenny, 216 Brinley Avenue, asked the Mayor about a response to an email he sent regarding corrections to his last newsletter regarding taxes.

Mayor Fox stated he replied to Mr. Kenny's email and suggested he call him with any further questions.

Thomas J. Coan, 610 Third Avenue, stated he hopes an agreement can be reached regarding the DPW contract in the Executive Session this evening and thanked the Council for beginning the process for an amendment to the dumpster ordinance.

Eileen Shissias, 112 Fourth Avenue, inquired how many people went to the King Lear performance.

Mayor Fox stated he did not know exactly how many people went to the performances but thinks it was more than one hundred people.

Zoom:

Donald Greenberg, 302 Park Place Avenue, feels the length of time listed in Ordinance 2023-13 should be extended to six weeks instead of four.

Paul Neshamkin, 411 ½ LaReine Avenue, feels the Borough should search for a buyer for the for the 319 LaReine Avenue building to save it as is.

ORDINANCE INTRODUCTION(S):

ORDINANCE 2023-12

CHAPTER 450 AMENDMENTS

ON MOTION by Fox/Weber to table Ordinance 2023-12 to the September 13th Meeting Agenda.

ROLL CALL:

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

TABLED

ORDINANCE 2023-13

AN ORDINANCE AMENDING CHAPTER 348: “PORTABLE STORAGE UNITS AND DUMPSTERS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO UPDATE THE REGULATIONS PERTAINING TO SAME.

Councilwoman DeNoble requested to table this ordinance pending review and discussion with the Construction Official and the Police Chief as soon as possible.

Mr. Fehrenbach requested to set up a committee consisting of two Council Member volunteers to which the Mayor and Council agreed.

ON MOTION by DeMarco/DeNoble to table Ordinance 2023-13 to the September 13th Meeting Agenda.

ROLL CALL:

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

TABLED

ORDINANCE ADOPTION(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 Gubitosi expressed concerns regarding the language for inspections in section by 365-16 letters H and I.

Mr. Cannon addressed Councilman Gubitosi’s concerns regarding these sections.

Councilman Gubitosi requested the prior section 365-24 referencing rentals with children overlapping the school year be placed back in the ordinance.

Discussion ensued about having to re-introduce the ordinance by doing this. It was decided to adopt this ordinance as is and doing an amendment ordinance at the next meeting for this particular section for economy purposes.

ON MOTION by Fox/Weber to open the public hearing for the adoption of Ordinance 2023-3.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Comment:

Thomas J. Coan, 612 Third Avenue, thanked the Council for putting this ordinance in motion for the residents.

ON MOTION by Fox/Gubitosi to close the public hearing and adopt Bond Ordinance 2023-3.

ROLL CALL:

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

NAYS: None

ABSENT : None

ABSTAIN : None

ADOPTED

CONSENT AGENDA RESOLUTIONS:

2023-213 Bill List for August 16, 2023.

2023-214 Approval for Special Olympics New Jersey to reschedule their previously approved 5K Race from Saturday, November 4, 2023 to Saturday, November 18, 2023 from 10:30 a.m. to 12:00 p.m. (Pass through run only confirmed twice).

2023-215 Approval for the Bradley Beach Historical Society to conduct their Chinatown by the Sea Celebration at the Firehouse Banquet Hall on Saturday, August 26, 2023 from 1:00 p.m. to 7:00 p.m.

Councilman Gubitosi requested moving Resolution 2023-216 from the Consent Agenda to the Individual Resolutions in order to read aloud the names of the Probationary Firefighters.

ON MOTION by Mayor Fox to move Resolution 2023-216 to the individual resolutions to be voted on separately, seconded by Councilwoman DeMarco.

ROLL CALL:

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

RESOLUTION 2023-16 MOVED TO INDIVIDUAL RESOLUTIONS.

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

ROLL CALL:

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

ADOPTED

INDIVIDUAL RESOLUTIONS:

2023-216 Approval of Probationary Firefighter Appointments.

Mayor Fox read aloud the names of all the Probationary Firefighters listed within this resolution.

Councilman Gubitosi stated he wanted to have these names read aloud to recognize the importance of volunteer efforts with Fire and First Aid.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-216.

ROLL CALL:

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

ADOPTED

2023-200 (A) Amendment to the Fund Account Number for Resolution 2023-200 Authorizing CME to prepare an application to the County of Monmouth for Open Space Trust Funds to fund improvements to the Recreation Center Park at 39 Main Street at a cost of \$1,200.00.

Councilman Gubitosi inquired if there are any added items are being requested.

Mr. Fehrenbach stated the purpose of this resolution is due to a typographical error and not to add any additional items and reiterated the additional items originally requested.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-200(A).

ROLL CALL:

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

ADOPTED

2023-217 Authorizing the execution of a Commodity Resale Agreement with the County of Monmouth.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-217.

ROLL CALL:

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

ADOPTED

2023-218 Authorizing an extended Grace Period for the 2023 Third Quarter Real Estate Taxes.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-218.

ROLL CALL:

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

ADOPTED

2023-219 Rejection of Bids for the Improvements to Park Place Avenue – Phase I Project and authorization of Re-Bid to secure better pricing.

Councilman Gubitosi mentioned there were only two bidders for this and inquired why there was little interest in this.

Mr. Fehrenbach stated he did not know however the assumption could have been the result of the timing when this was bid upon. The re-bid will be given a greater amount of time to secure more bids.

Councilman Gubitosi asked if the Engineer can do more to solicit bids.

Mr. Fehrenbach stated he would discuss this with the Engineer.

Councilman Weber inquired if the second bid will secure better pricing due to the time of year.

Mr. Fehrenbach stated the Engineer indicated from recent experience in other districts seem to be having similar effects with inflated bid amounts in the summer versus the fall or winter.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-219.

ROLL CALL:

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

ADOPTED

2023-220 Rejection of Proposals for the Sanitary Sewer System Analysis.

Councilman Weber asked if this resolution means the Borough is not going to pursue this project.

Mr. Fehrenbach responded no and stated the Council needs to decide as to how they would like to proceed. Mr. Fehrenbach stated this resolution is based on the analysis that was provided by Mr. Fehrenbach earlier in terms of the advice he had received from NJDEP.

Councilman Gubitosi confirmed this resolution is to formalize the Governing Body is not moving forward with the bidders however he personally is still interested in a less expensive cost with a professional to continue the process of exploring this for due diligence.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-220.

ROLL CALL:

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

ADOPTED

2023-221 Authorizing CME Engineers to perform additional Engineering Services for the Borough.

Councilman Gubitosi expressed concern regarding the lack of specificity of services and is not comfortable approving this resolution.

Mr. Fehrenbach stated Borough staff periodically need engineering advice for several reasons. At present, the Borough does not have an appointed Engineer, and this is the reason for this resolution. Mr. Fehrenbach suggested lowering the amount in the resolution to prevent the staff's hands from being tied if this type of resource is not available to them.

Mayor Fox confirmed with Mr. Fehrenbach the amount being proposed in the resolution is for smaller expenditures.

Further conversation continued regarding expenditures for professionals. It was decided to reduce the amount in the resolution from \$20,000.00 to \$10,000.00.

ON MOTION by Gubitosi/Weber to amend the amount requested within Resolution 2023-221 from \$20,000.00 to \$10,000.00.

ROLL CALL:

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

ON MOTION by Gubitosi/Weber to adopt Resolution 2023-221 with the amended amount of \$10,000.00.

ROLL CALL:

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

ADOPTED

2023-222 Resolution for renewal of Membership in the Monmouth Municipal Joint Insurance Fund.

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-222.

ROLL CALL:

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

ADOPTED

2023-223 Authorizing T&M Associates to provide professional Environmental and Engineering Services, Bidding Assistance, and Construction Administration Services for the Demolition of Structures located upon 319 LaReine Avenue.

Councilman Gubitosi expressed several concerns regarding the necessity of this resolution and the need for an engineer to coordinate this project.

A very lengthy discussion ensued amongst Councilman Gubitosi, the Mayor and Mr. Fehrenbach regarding environmental analysis, architectural salvage, lack of Council involvement with salvage companies, hiring a sub-contractor through a demolition company to do an assessment at a more competitive rate, and potential value of items within the building.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-223.

ROLL CALL:

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

RESOLUTION FAILED

2023-224 Authorizing the minor encroachment of entry pathway, including to stairs, and the existing driveway for 704 Fourth Avenue, A/K/A Block 58, Lot 12 to be located within the Municipal Right-of-Way.

ON MOTION by Fox/DeMarco to adopt Resolution 2023-224.

ROLL CALL:

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

ADOPTED

Mr. Fehrenbach communicated an additional item to be addressed regarding a resolution to be voted upon for Oliwa & Company to perform the 2022 Municipal Audit and the authorize the Mayor to execute the letter of engagement with Oliwa & Company with their proposal for a total cost of \$29,000.00 from November of 2022.

Mr. Cannon recited how the resolution would read. Mr. Cannon explained this resolution would be to approve Mr. Oliwa’s proposal for the 2022 Audit and further stated the Governing Body would have to make a motion to amend the agenda to adopt this resolution for this evening. Mr. Cannon explained the Auditor would like a fully vetted resolution allowing his firm to perform the work.

A lengthy discussion ensued regarding the legality of moving forward with this decision this evening being that it was not noticed to the public prior to this evening. Mr. Cannon suggested the Governing Body give their consent as a straw poll vote in front of the public and formal action be placed on the August 13th Agenda. Also discussed was confusion as to Oliwa being given the authorization in 2022 to perform the audits for both the 2021 and 2022.

All the Governing Body gave consent to authorize Oliwa & Company to go forward with the 2022 Audit, authorize the Mayor to execute the letter of engagement from Oliwa & Company and to place a resolution ratifying this on the September 13th Meeting Agenda.

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Mayor Fox

An interesting weekend in the Bradley Beach Summer of 2023. The forecast was for good weather, but Mother Nature threw us a curve mid-Saturday afternoon. Two big thunderstorms cleared the beach and caused us to cancel “The Wags” in our Summer Concert Series; we are re-scheduling, stay tuned. Hopefully, that is the end of bad weekend weather for the next three weeks. We are confident our positive trend will continue, along with our success as a community.

Update on badge sales: On July 26th, cumulatively, we were somewhat behind last year’s sales. As of August 15th, sales are approximately \$1500k, about \$30k more than the same period last year.

Mayors Wellness walk last week:

We had a great turnout last Saturday and are continuing to enhance the event at this and future Wellness Walks with a “Walk and Talk.” At this walk, Armin Shahroki, MD Chief, Geriatric Service at Jersey Shore University Medical Center discussed healthy aging. Thanks to Hackensack Meridian for being such great partners.

Mark your calendar for our remaining three “Walks and Talks.” We are planning to have some additional fun activities for our residents, friends, and visitors.

- **Saturday, September 9th at 9:00 a.m. Happy Feet – Kate Florio, DPM of JSUMC**
- **Sunday, October 22nd at 9:00 a.m. Healthy Dog, Healthy You – Kathleen Heaney, DVM & President of Heaney Veterinary Consulting.**
- **Sunday, November 12th at 10:00 a.m. The Importance of Exercise – JSUMC Rehab Team**

An important topic that affects all of us is drug abuse. Like last year, we are participating in International Overdose Awareness Day on August 31st. We did a proclamation at the July 26th Council Meeting, and you will see the memorial flags in Riley Park signifying deaths in Monmouth County. The good news is that there are much fewer flags in 2023 versus 2021 and 2022. But we still have work to do as a society. Please wear purple on August 31st. Also, Support local charities, and consider donating to Project Opioid, and harness Social Media for the Good using hashtags:

- **#IOAD2023**
- **#EndOverdose**
- **#OverdoseAware**

This Saturday is the annual Bradley Beach 5K sponsored by the Bradley Beach Fire Company. Please join and participate. Walk or run, it will be fun. Thanks to Todd Migdon, and the Fire Department for coordinating.

Tomorrow, we have the Songwriters on the Beach at 7:00 p.m. Matthew Smith of “Hodera” and Mile Pellegrino of “Latewaves”. Saturday, we hope to have our fourth band “The Verdict” at 7:00 p.m. tying into the theme of our annual Pirate Day.

Infrastructure project: The Biase Center roof replacement:

The finishing “punch list” for the roof replacement has been completed. The roof was completely replaced. We are focused on getting the mold remediation completed. We are awaiting test results and have a plan of action. 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.

Fletcher Lake:

Our partners, Neptune Township (specifically Ocean Grove) started a project to repair the northeast bulkhead portion of Fletcher Lake. Work began six 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.

We had a small but important improvement to the Playground area. We had suggestions to get some shade onto the area, so we are trying this shade cover. Hopefully, it will work well, and we may then add a few more.

Our Summer Camp wrapped up last Friday, another successful year. Thanks to Courtney Pappas and her team.

On the Library Front:

Thursday, August 17th at 6:00 p.m. – Road Trip Across America Concert. Join pianist and vocalist Jay Daniels as we embark upon a journey of musical discovery that will take us on a "Road Trip Across America." Along with these musical treasures, Jay will share many of the stories behind the songs and the artists that made them popular. This is an outdoor event on the library lawn. Please bring blankets or chairs. In the case of bad weather, the concert will be moved indoors. Registration is required.

Tuesday, August 22nd at 4:30 pm – The Great Plankton Race. Learners in grades K-4th will explore the tiny plants and animals that drift in the ocean at the mercy of the ocean currents. This is an indoor event, and space is limited. Registration is required.

Tuesday, August 29th at 5:30 p.m. – Puzzle Pandemonium. Sign up in teams of 3-5 to complete a 300-piece puzzle appropriate for adults or children ages seven and older. Teams will work on the same puzzle and see who can complete it first in a relaxing environment. Snacks provided. Registration is required. Most groups can finish a puzzle in an hour.

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. 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 the areas so that they get established.

We will continue to focus on Service and Progress as a Municipal Team.

Councilwoman DeNoble:

- **The Board of Education had a meeting 8/15/23 to include retreat completion, strategic planning and goals, Student Code of conduct, review of Board policy for possible changes, and the school budget status.**
- **The Shade Tree Commission met on 8/2 to discuss applications for tree removal/replacement, Wishing Trees and Honor Me applications and the next tree planting to take place on 10/14/23, and grant funds for Sylvan Lake tree replacement.**

Ms. DeNoble gave following statement:

I am the Liaison for the Tourism Commission and according to Ordinance 24-16 I am responsible for advising the governing body of the Commission's work.

In February I inquired about the accounting status of the Tourism Trust Account; six months later, I received it today.

Our Tourism Director, Amy Hall, scheduled a meeting with Mayor Fox and Greg Fehrenbach last week to discuss the accounting for the Tourism Trust and events to date.

Interestingly, at the start of the meeting, I was told that it was disrespectful that I praised the Tourism Director publicly but did not include another Borough employee who took an active role in coordinating our events. That was certainly not my intention, and I did not know the magnitude of the work that was put in by this additional employee, and I would like to say, "thank you."

However, this raised a new concern for me. I was informed a former Business Administrator directed that employee to take on Tourism responsibilities, which is a violation of our current Ordinance, Chapter 24-16. By Ordinance, our Tourism Commission consists of only one employee, the Director of Tourism, and four Commission Members. This cannot be changed without amending the ordinance by Council, which was never done.

I was also told that the Tourism Trust accounting was not available as there are deviations between the Annual Financial Statement (AFS) and the Edmunds System. This has proven to be true, and this is a problem. According to Edmunds currently there is \$76,845 in the account.

There was a Tourism Commission Meeting, the next day, August 8th, via Zoom. It was agreed in September, the Commission will discuss the events that were well attended and cost efficient, and they will start scheduling for 2024. No discussion of cancellations.

Unfortunately, the next day two of the three "Sunday Concert Series" were cancelled. The musician was informed that it was due to lack of funding. They were not cancelled by the Tourism Commission. Clearly the Tourism Commission is having a lack of communication with the Administration, and a lack of information.

Speaking of a lack of Communication with the Administration, Bradley Beach is facing major challenges in our Administration.

1. Our taxes are way up.

2. After much negotiation the Council agreed to adopt the Mayor's 2023 Budget, but we required a spend reduction plan to be delivered in 45 days. Almost 60 days later, we still do not have a detailed, actionable plan to reduce spending.

3. Our processing of invoice payments to vendors is still being “cleaned up” as we continue to pay invoices over six months late.
4. Our Administration struggles to assemble financial reports for the Council to understand spending in various categories of expense stating that there are more important priorities for them to address.
5. Our 2022 Audit Report is due shortly, and just one day ago, the Council learned the Audit process has not yet even started.

We are code red. It is not fair to ask Mr. Fehrenbach, or any person, to perform the Business Administrator role on a part-time basis. We need a full-time BA with oversight and experience. Someone who has the time needed to get this Borough back on track.

Back in May, the Council interviewed three applicants selected as finalists by Mayor Fox. Three Council Members attended those interviews, and all agreed one candidate was the most qualified, with a Master’s Degree in Public Administration and decades of experience working as a BA.

Yet we are still waiting for the Mayor’s nomination, despite him stating to the public his nomination would be imminent. I asked the Mayor to add his BA nomination to tonight’s agenda. I was told to wait until his lawsuit is settled.

Bottom line, our employees deserve better, our suppliers and vendors deserve better, and most of all, the residents of Bradley Beach deserve better.

Councilman Gubitosi:

Stated he was unaware until this evening Brown and Brown, the Risk Management Consultant was terminated. Mr. Gubitosi asked BA Fehrenbach if there has been a replacement for this appointment.

Mr. Fehrenbach responded there has not been a replacement and further explained this was a risk management position in health benefits. Because the Municipality is based on the State health benefits currently and has a small prescription plan through the union, there seemed no need for Risk Management Consultant Services along with the Governing Body’s strong encouragement to find solutions to contain costs for 2023 as soon as he became aware of a 90 day cancellation clause it was an administrative decision to remove this service to save costs for 2023.

Mr. Fehrenbach confirmed risk management consultant services are necessary for general liability, workers compensation, etc. in terms of relationship with the Monmouth Municipal Joint Insurance Fund and not for the State health benefits plan.

Councilman Gubitosi requested Council be made aware in the future of such changes.

A lengthy discussion ensued between Mr. Fehrenbach, Councilman Gubitosi, and Mayor Fox regarding the financial management plan and reducing the budget.

Continuation of Councilman Gubitosi’s Council Report:

- Gave the weekly Police Activity report.
- Sylvan Lake will be meeting this evening to discuss a Goose Management Plan.
- Gave an update regarding communications with the County pertaining to disabled parking on Ocean Avenue.

Councilwoman DeMarco:

Reported there will be a Land Use Board Meeting on Thursday, August 17th.

Councilman Weber:

- **Thanked the Probationary Firefighters.**
- **Announced the Bradley Beach Fire Department 5K Race will be held this weekend and thanked all departments involved in advance.**
- **Councilman Weber stated he hopes that the Council strives to lower the budget for 2024 and gave Mr. Fehrenbach suggestions as to what he is anticipating in the financial management plan to be presented to Council by the Mayor and the BA at the end of August.**

Public Comment

In Person:

Herb Kenny, 216 Brinley Avenue, expressed concerns regarding an email response from the Mayor pertaining to the tax increase and asked Mr. Fehrenbach about the Audit completion and suggested training management on fiscal productivity.

Mr. Fehrenbach addressed Mr. Kenny's Audit inquiry.

Julie Nutaitis, 605 Newark Avenue, expressed frustrations regarding the Business Administrator position not being filled to date.

Nancy Meadow, 805 Beach Avenue expressed concerns regarding lifeguard coverage, events and information enclosed in the tax bills.

Beth Kepler, 504 Central Avenue, inquired about the past due overtime pay, legal fees incurred for the Mayor's lawsuit, and professional appointments.

Mr. Cannon addressed these inquiries.

Eileen Shissias, 112 Fourth Avenue, requested additional lifeguard coverage when there is a large amount of children on the beach.

Thomas J. Coan, 612 Third Avenue, expressed concerns regarding the Audit and requested more committees in the Borough.

Jim Shissias, 112 Fourth Avenue, requested further research for cost effective methods for a Sewer Analysis.

Linda Duffy, 312 Brinley Avenue, stated National Night Out was a success, expressed concerns regarding the budget, one-way signs and speeding in town.

William Psiuk, 110 Fifth Avenue, thanked all employees and businesses involved with National Night Out.

ZOOM:

Donald Greenberg, 302 Park Place Avenue, expressed concerns regarding usage of Round-Up at public locations in the Borough.

Mayor Fox stated he will investigate this.

EXECUTIVE SESSION :

Resolution 2023-225 Retire into Executive Session to discuss Personnel, Contractual, and Legal Matters.

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

ON MOTION by Fox/Gubitosi to retire into Executive Session at 9:10 p.m. to discuss Personnel, Contractual, and Legal Matters.

ROLL CALL:

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

ON MOTION by Fox/DeNoble to return from Executive Session at 9:35 p.m.

ROLL CALL:

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

ADJOURNMENT:

ON MOTION by Fox/DeNoble to adjourn the Council Business Meeting.

ROLL CALL:

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

THE COUNCIL BUSINESS MEETING ADJOURNED AT 9:35 P.M.

Erica Kostyz

Erica Kostyz, RMC, CMR
Municipal Clerk