

**BOROUGH OF BRADLEY BEACH**  
**COUNCIL BUSINESS MEETING MINUTES**

**SEPTEMBER 13, 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 SEPTEMBER 13, 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 September 13, 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 September 13, 2023.**

**PRESENTATIONS:**

**Bradley Beach Fire Department Electronic Sign Revision:**

**Robert Napoli, President of the Bradely Beach Fire Department gave a brief presentation regarding a slight change in placement of the electronic sign that was discussed and approved via Resolution 2022-138 at the May 10, 2022 Council Business Meeting.**

**The Mayor and Council were in alignment with the change in placement of the sign.**

**T&M briefing on the Demolition Management Proposal**

**Mayor Fox:**

**The intent of this item was to keep the public informed of the progress of the 319 LaReine Church Project. After Greg Fehrenbach, Councilman Gubitosi, and I met with the three Engineering Companies, we asked them to clarify via addendum sent to them yesterday, so that there is good clarity. We fully expect a resolution and award at our September 27<sup>th</sup> meeting. After the meetings, I believe we have alignment and a “go forward”.**

**Update on Appraisal of 319 LaReine Avenue Church Artifacts:**

**Mayor Fox:**

**We have been addressing and making good progress on the assessment of artifacts. I thought it would be helpful to ask the appraiser, Rose O’Connor-Myer, to provide a brief update.**

**Councilman Weber left the Meeting Room for this discussion.**

**Rose O’Connor-Myer of the Shore Antique Center in Allenhurst gave a brief presentation regarding her recent appraisal of the artifacts in the 319 LaReine Avenue Church. Ms. O’Connor-Myer provided useful suggestions and information for the best use of the items in the Church moving forward. In addition, Ms. O’Connor-Myer spoke about her extensive background in the appraisal and art field.**

**Further discussed was the stained glass and the challenge of removal, the organ, the bell, the pews, and unique woodwork (ex. molding and pocket doors). Suggestions and possibilities included donating, keeping, or auctioning the items of value.**

**Residents that provided comments and inquiries on this discussion:**

**Paul Neshamkin, 411 ½ LaReine Avenue**

**Rick Bartolomei, 116 Newark Avenue**

**Linda Duffy, 312 Brinley Avenue**

**Jack Gentempo, 103 Fourth Avenue**

**Mayor Fox announced he would be temporarily leaving the meeting and returning virtually due to a family situation.**

**MINUTES APPROVAL**

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

**ROLL CALL:**

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

NAYS: None

ABSENT: Mayor Fox

ABSTAIN: None

**APPROVED**

ON MOTION by Weber/DeNoble to approve the Council Business Meeting Minutes of August 16, 2023

**ROLL CALL:**

AYES: DeMarco, DeNoble, Gubitosi, Weber

NAYS: None

ABSENT: Mayor Fox

ABSTAIN: None

**APPROVED**

**Mayor Fox returned to the Council Business Meeting virtually at 7:45 p.m.**

ON MOTION by DeNoble/Weber to approve the Executive Session Minutes of August 16, 2023.

**ROLL CALL:**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**APPROVED**

ON MOTION by Weber/Gubitosi to approve the Special Meeting Minutes August 23, 2023.

**ROLL CALL:**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**APPROVED**

**Public Comments on Agenda Items:**

**In Person:**

**Paul Neshamkin, 411 ½ LaReine Avenue, expressed frustration regarding the demolition discussion of 319 LaReine Avenue and requested looking into other alternatives to save the building.**

**Jim Shissias, 112 Fourth Avenue, requested the sewer operations be treated as a priority to research reducing operating costs.**

**Mea Molin, 302 Fourth Avenue, expressed concerns regarding information in a recent newsletter involving Councilman Gubitosi and 319 LaReine Avenue.**

**Councilman Gubitosi and Mayor Fox responded to Ms. Molin’s inquiries.**

**Herb Kenny, 216 Brinley Avenue, stated inquiries regarding the Sewer Change Order Resolution 2023-232, the Bill List and Auditor Resolution 2023-234.**

**Mr. Kenny’s inquiries were addressed by Mr. Fehrenbach.**

**Randy Bonnell, 506 Third Avenue, asked if Ms. DeMarco participated in the interviews with the other candidates for the BA position.**

**Ms. DeMarco responded she did not participate in the other candidate interviews.**

**Linda Duffy, 312 Brinley Avenue, inquired if the CFO position is full time and who would be replacing Ms. DeMarco on the Council.**

**Mayor Fox and Mr. Cannon addressed Ms. Duffy’s inquiries.**

**Alice Harkin, 409 McCabe Avenue, expressed concerns regarding the sewer upgrade.**

**Thomas J. Coan, 612 Third Avenue**

- **Pointed out typo errors in resolution 2023-235.**
- **Is not in favor of approving Resolution 2023-234 for the Auditor.**

**Zoom**

**Eileen Shissias, 112 Fourth Avenue, inquired about several bill list items which were addressed by Mr. Fehrenbach.**

**The following residents voiced concerns and opinions regarding Resolution 2023-237 pertaining to the Chief Financial Officer Appointment of Nancy Britton and Resolution 2023-238 pertaining to the BA Appointment of Meredith DeMarco:**

**Shana Greenblatt-Janoff, 414 Monmouth Avenue, read a prepared statement.**

**Nancy Meadow, 805 Beach Avenue**

**Mea Molin, 302 Fourth Avenue**

**Allen Rapaport, 512 Newark Avenue**

**Julie Nutaitis, 605 Newark Avenue**

**Brigitte McGuire, 610 Brinley Avenue**

**Alice Harkin, 409 McCabe Avenue**

**Thomas J. Coan, 612 Third Avenue**

**Don Greenberg, 302 Park Place Avenue**

**ORDINANCE INTRODUCTION(S):**

**ORDINANCE 2023-14**

**AN ORDINANCE AMENDING CHAPTER 365: “RENTAL PROPERTY” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO RE-ENACT CERTAIN RENTALS OVERLAPPING THE SCHOOL YEAR.**

**Councilman Gubitosi explained the purpose for this ordinance amendment is to place an item previously stricken that protects renters with school age children back into the ordinance.**

ON MOTION by Fox/Gubitosi to introduce Ordinance 2023-14.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**INTRODUCED**

**ORDINANCE ADOPTION(S): None**

**CONSENT AGENDA RESOLUTIONS:**

**2023-228 Approval of an Off-Premises 50/50 Cash Raffle License and waiver of the Municipal Raffle License Fee for the Bradley Beach PTA .**

**2023-229 Approval of a Bingo License for Friends of the Bradley Beach Library.**

**2023-230 Authorizing the Jersey Shore Rescue Mission to conduct their 5K Walk/Race for Saturday, October 28, 2023 from 9:00 a.m. to 11:00 a.m.**

**2023-231 Special Item of Revenue – Chapter 159 Stormwater Infrastructure Map Upgrade Grant.**

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

ROLL CALL:

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

**ADOPTED**

**INDIVIDUAL RESOLUTIONS:**

**2023-232 Authorizing Change Orders for the Sanitary Sewer Rehabilitation Phase II Contract awarded to M.S.P. Construction Corporation in the total amount of \$4,123,267.90.**

**Councilman Weber requested the Borough be mindful of zoning compliance moving forward.**

**Councilman Gubitosi expressed concerns the change orders were not brought to the Council's attention and concerns with the amounts of the change orders.**

**Mr. Fehrenbach responded to Councilman Gubitosi's concerns.**

ON MOTION by Fox/Weber to adopt Resolution 2023-232.

ROLL CALL:

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

**ADOPTED**

**2023-233 Bill List for September 13, 2023.**

ON MOTION by Fox/DeNoble to adopt Resolution 2023-233.

ROLL CALL:

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

**ADOPTED**

**2023-234 Authorizing the Award of a Non-Fair and Open Contract for a Registered Municipal Auditor for 2022.**

**Councilman Gubitosi explained the Auditor was hired in 2022 to perform the 2022 Audit and the resolution is to ensure payment to the Auditor.**

**Councilman Gubitosi requested the Council will have some access to the Auditor to ask questions and participate in the preliminary findings.**

**Mr. Fehrenbach stated to comply with the quorum law. one additional Council person can participate with the Mayor to discuss the Audit findings. Mr. Fehrenbach stated he will confer with the Auditor this is acceptable.**

ON MOTION by Fox/Gubitosi to adopt Resolution 2023-234.

**ROLL CALL:**

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

**NAYS:** DeNoble

**ABSENT:** None

**ABSTAIN:** None

**ADOPTED**

**2023-235 Authorizing the sale of Surplus Property no longer needed for public use on an Online Auction Website.**

**Councilwoman DeNoble inquired if an inventory list was provided to the Council.**

**Mr. Fehrenbach responded he can supply a copy of the inventory list that is maintained for the Municipality's insurance policy to the Governing Body.**

ON MOTION by Fox/DeNoble to adopt Resolution 2023-235.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**ADOPTED**

**2023-236 Authorizing the renewal Membership in the Monmouth Municipal Joint Insurance Fund for years 2024, 2025, and 2026.**

ON MOTION by Fox/Weber to adopt Resolution 2023-236.

**ROLL CALL:**

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

**ADOPTED**

**2023-237 Appointment of the position of Chief Financial Officer in accordance with N.J.S.A. 40A:9-140.10.**

**Mayor Fox provided the following explanation regarding this resolution:**

**Since our current CFO, Anthony Mannino’s term expires at the end of the year, we have been actively recruiting a replacement. Greg Fehrenbach has led this effort and we are grateful for his expertise and ability to bring us to where we are today.**

**After a search and interview process and on the recommendation the full Governing Body, I am today proposing a person who has the professional qualifications and experience to serve Bradley Beach.**

**Nancy Britton, is currently the Assistant CFO, Assistant Tax Collector, and QPA in the Borough of Fair Haven. Prior to that, Nancy was the Assistant to the CFO, QPA, Purchasing Agent/TACO in Monmouth Beach. Nancy has served several Municipalities over the last 19 years.**

**Councilwoman DeNoble stated given Ms. Britton’s educational background she feels confident in voting yes on this resolution.**

**Councilman Gubitosi asked if this resolution is to extend this offer or if Ms. Britton has accepted the position.**

**Mr. Fehrenbach responded it is his belief that with the adoption of this resolution Ms. Britton will accept the offer of CFO and feels it is in the best interest of the Council to adopt this resolution.**

**Councilman Gubitosi thanked Mr. Fehrenbach for his assistance with this appointment.**

**ON MOTION by Fox/DeNoble to adopt Resolution 2023-237.**

**ROLL CALL:**

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

**ADOPTED**



**2023-238 Granting Advice and Consent to the Mayor's Appointment of the Borough Administrator.**

**\*Council President DeMarco left the meeting room for the discussion of this resolution.\***

**Councilmember statements pertaining to this resolution.**

**Mayor Fox thanked Mr. Fehrenbach for his assistance with the BA search process.**

**Mayor Fox spoke of Ms. DeMarco's professional qualifications and experience to serve the Borough and feels this nomination is appropriate.**

**Councilwoman DeNoble:**

**There are so many issues with Mayor Fox's proposed appointment of Councilwoman Meredith DeMarco for Business Administrator.**

**First is the ethics of a newly elected, sitting Councilwoman applying for the position. Secondly, is Councilwoman DeMarco's lack of any experience as a BA and the lack of foundational educational degrees and certificates.**

**As I stated at the June 14<sup>th</sup> Borough Council meeting, the Council interviewed three of Mayor Fox's selected recommendations and advised the Mayor of our selection, a highly qualified candidate with a Master's Degree in Public Administration and decades of experience. Instead, Mayor Fox is now single handedly proposing the appointment of Councilwoman Meredith DeMarco, a far less qualified candidate and is also proposing a top line salary for us residents to pay.**

**I would like the public to know that Ms. DeMarco called me yesterday to personally ask me if she has my support which is completely inappropriate and unprofessional as a candidate. I was shocked to be put in a very uncomfortable position as she was trying to gain my favor.**

**My goal is to hire the highest qualified candidate to get Bradley Beach back on the right track. This is a very important hire for all of us.**

**I took an oath on January 1st, to best serve the residents of Bradley Beach. I take that oath extremely seriously and would never abandon it for personal, financial and personal gain as we are seeing here. The Oath of Office is to serve, not self-serve.**

**Councilman Gubitosi:**

**I am very troubled by the Mayor's nomination of Ms. DeMarco to serve as our Business Administrator. What many people do not realize is that, over five months ago, the Mayor shocked three of the Council members, informing us that Ms. DeMarco, our Council Colleague, had submitted an application and was chosen by Mayor Fox to be a finalist for the Business Administrator position. We were told that close to thirty resumes were submitted, however the Mayor rejected all but three of those resumes before the Council had an opportunity to review them. He did invite us to interview the three finalists, including Ms. DeMarco. After the interview process the Mayor polled the Council members. We unanimously expressed our support for one of the Mayor's finalists, however, the Mayor promptly let us know that our preferred candidate was not his preferred candidate.**

**Why put us through this disingenuous process? Asking us to interview three finalists that he selected? Why does the Mayor pretend to solicit our Advice and Consent when he never intends to collaborate or compromise? The Mayor's top candidate, Ms. DeMarco, was really his only finalist. Apparently, the other two candidates that the Council interviewed were not intended to be considered by the Council at all! The selection of "Finalists" by the Mayor, and the interview process overall, was a SHAM exercise. It was a disgrace for all involved, including the candidates themselves. Not getting the answer he wanted from the Council, Mayor Fox then initiated a lawsuit against the Council, and he delayed any BA nominations for many months, hoping that the Court would rule that he did not need the Council's "Advice and Consent" for the BA position. However, the Court said that Advice and Consent is necessary, for a permanent position. However, there is a loophole. Apparently the Mayor can temporarily appoint what is referred to as an "Acting" BA without Council consent. Then, whenever that temporary position expires, the Mayor can attempt to holdover acting (temporary) position. This loophole could effectively create temporary appointments that can span years.**

**So, the loophole exists and the Mayor is likely to jump through it. If you want evidence of the deceit and disdain that he has for the public, look no further than tonight's agenda. This resolution's language reads: "Granting Advice and Consent to the Mayor's Appointment of the Borough Administrator". This is all part of an act. The Mayor knows that he does not have the Council's support. Ironically, the Mayor drafted this language for the Public Agenda, but it's doubtful that he has any intention of respecting his own language. Because of this loophole, the Mayor is creating an adversarial situation. He is not truly asking for or expecting our consent. Should the Council vote "No" on this resolution, do not look for the Mayor to nominate the Council's preferred candidate next. No, he delayed the replacement of our Business Administrator for six months. Now he may act upon this loophole to get his way. At this point, all I can say is that, as a member of this Council, I will continue to fight for what is right for our residents.**

**I want people to know that my biggest concern is not about how the Mayor continues to disrespect this Council and the public. My biggest concern is not about the SHAM processes that the Mayor uses to advance his own agenda. In order to hire Ms. DeMarco as our BA, he wasted our time and the time of all of the people who submitted resumes and who interviewed for this important position. Those are definitely problems that need to be recognized. However, my biggest concern is what I perceive to be a lack of ethical behavior on the part of Mayor Fox. Consider the following:**

- 1. The Mayor aggressively supported Ms. DeMarco during her campaign for the Council, paying for campaign literature and supporting fund-raising for Ms. DeMarco. Despite the negative campaigning that the Mayor conducted against Ms. DeNoble, Mr. Weber, and myself, this Council embraced Ms. DeMarco, one of the Mayor's Candidates. In an effort to demonstrate true collaboration, this Council unanimously appointed Ms. DeMarco to serve as our Council President. We certainly had the votes to do otherwise.**
- 2. Then, only months into Ms. DeMarco's three-year term on the Council, the Mayor informed us that he was determined to appoint Ms. DeMarco to the Business Administrator role, despite Council's advice to the contrary. Making matters worse, we were not allowed to share this information with the public, because we were asked to protect Ms. DeMarco's right to confidentiality. Of course, Ms. DeMarco could not easily recuse herself from every Council vote that spanned many months, so, we all were forced to sit silent for five months, keeping the public in the dark, because of the Mayor's**

calculated inaction. In my opinion, for all this time, every single Council vote could have been perceived as a “Conflict of Interest”. Whenever any member of the Council might have opposed the Mayor, voting against the Mayor could have been at least, awkward.

3. If Ms. DeMarco is appointed to the BA position, people will likely ask very challenging questions, questions that I do not have answers to: “Did the Council President have an unfair advantage over other Candidates during this process, especially Candidates who were more qualified?” “What is the commitment, if any, that an elected official owes to the people who put them in office”? “Is it appropriate for Bradley Beach to pay a market competitive salary and benefits to a person with no experience as a Business Administrator?”
4. For the record, let me say, I know Meredith DeMarco to be a good person, with a strong record of public service and a demonstrated commitment to Bradley Beach. Over the years I have worked side-by-side with her on the Planning Board and I have considered her to be a friend. I am not here tonight to disparage Ms. DeMarco. The simple fact, as I see it, is that there is a much more qualified candidate for the role of Business Administrator that had the unanimous support of this Council. This was a candidate who the Mayor himself presented to us as one of his finalists. The candidate that the Council favored has a Master’s Degree in Public Administration and has over 20 years experience serving as a Business Administrator in other Municipalities.
5. Perhaps most importantly, I believe that the Mayor’s effort to appoint Ms. DeMarco places her in conflict with the oath she took to serve the public as their Councilperson. Her position as Council President and her strong campaign relationship with Mayor Fox raise too many concerns regarding potential conflicts of interest. It raises questions about the fairness of this process and about Ms. DeMarco’s ability to perform the duties of Business Administrator effectively and without bias. This whole process is wrong. This Council should not have been put in a position where we are forced to even ask these difficult questions.

Months ago, I spoke with Ms. DeMarco about this challenging decision. I told her that while she is a friend, my duty is to the public and that I believe I must support the hiring of the person who is best qualified to do this job. Unfortunately, I expect that my past friendship with Ms. DeMarco is now damaged, perhaps irreparably. I also resent the fact that Councilwoman DeNoble, Councilman Weber, and I were forced to conceal from the public many potential conflicts of interest that arose in the governance of our Borough, during our Council meetings. For the loss of my friendship, and for the potential conflicts of interest that were never made known to the public, I blame one person, Mayor Larry Fox.

**Councilman Weber:**

It is really disappointing that the Mayor appointed someone to the BA position that he knew did not have the support of the remainder of the Council. Who does that? Any other elected official, at any other level of government would find out where their legislative "advice and consent" body was on their nominee. Finding no support, either the candidate would withdraw their nomination, or the executive who nominated them would withdraw the name. We have all seen nominations for positions get put forth and withdrawn due to lack of support. And then the person who can make it through, the person who gets the advice and consent gets the job.

But not here, not in Bradley Beach. Not in a town where one person thinks their opinion is the only one that counts.

**I went through this exact scenario six years ago in 2017. Back then a BA candidate, with close ties to the Administration, who had no experience as an actual Borough Administrator, was appointed over the objections of two Council members.**

**Back then, I wanted a different candidate. I wanted the candidate who had a Master's Degree in Public Administration, who had actual Administrator experience in towns much bigger than ours.**

**But we did not get that candidate back in 2017. We got the candidate who had Municipal experience, a lot of it, but none of it as an actual Administrator. I think the results were poor and the Borough suffered for it.**

**So it is now 2023 and the exact same thing is happening. A highly qualified candidate is being passed over by the Mayor for someone he is close to, and who will likely align with him on all things and not push back against him.**

**The Mayor is the one who chose the three finalists. He clearly thought that any of those three could do the job. So, then the exercise becomes finding the best qualified of the three, that is why the Council was invited to interview all three. You have to ask the question; then why did the Council even interview the other candidates? Why, if the Mayor was going to ignore our suggestions and just pick the person he wanted. Why waste our time?**

**I think this comes down to the Mayor's ego. He does not want someone with more experience than him. He does not want someone who makes better decisions than him, and he does not want someone to push back and tell him that his ideas make no sense.**

**A couple of other towns in Monmouth County were looking for Administrators in this time period, Red Bank and West Long Branch. I think a competitive candidate would have applied to those towns and been a finalist in their search. I have no evidence for this one way or the other, but that is a question for the candidate, but I am pretty sure the Mayor's choice for this job did not apply in these other towns.**

**Now there are people who are going to speak tonight and say that they think Meredith DeMarco is a nice person, or she is a hard worker, or she is likeable etc. etc., But that is not the point. I want those people to put themselves in my shoes. The shoes of a guy who interviewed three candidates, and I am being asked to give support to the one with the least experience of the three. What would you do? Never mind all the fine attributes and nice characteristics of Meredith DeMarco, she is the least experienced of the three. And I, of all people up here, should know better than to put the town through the same thing that happened to us in 2017.**

**Mayor Fox:**

**On the "ethics" issue. The Council interviewed Ms. DeMarco and had no issues with her applying. There were no ethical concerns until I stated my desire to nominate her for the appointment. In addition, the Municipal Attorney was aware of the appointment in mid-May but did not have an issue. It seems like when all else fails in some Councilmembers arguments, they mention "ethics".**

**Mayor Fox also stated he did not ask Ms. DeMarco to apply for the position, it was her decision to apply. Mr. Fehrenbach, a professional recruiter was asked to look at the candidates and agreed on the finalists and the final choice and feels Ms. DeMarco is the best candidate for the job.**

ON MOTION by Fox/Weber to take a roll call vote for Resolution 2023-238.

**ROLL CALL:**

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

**RESOLUTION FAILED**

**ANNOUNCEMENTS: None**

**\*Council President DeMarco returned to the Council Business Meeting\***

**MAYOR AND COUNCIL REPORTS:**

**Councilwoman DeNoble:**

- The 2023-2024 School year began 9/4/23 and the next BOE meeting will take place on 9/19/23.
- The Shade Tree Commission had a meeting on 9/6/23. Items discussed included applications to remove trees, finances, and the planting of twenty-four Wishing and Honor Me Trees.
- The Tourism Commission had a special meeting on 8/28/23 to discuss a last minute contract with an event planner and a possible violation of the Tourism Ordinance.
- Councilpersons Weber, Gubitosi, and DeNoble assisted in the Bradley Beach Fire Department 5K Race on 8/19/23. Ms. DeNoble thanked the BBFD for their service.
- Ms. DeNoble stated the Bradley Beach Fire Department has been serving the public since June 5, 1893.

**Councilman Gubitosi:**

- Provided the weekly Police activity report.
- The Sylvan Lake Commission is in the process of securing potential grant funding through NJDEP for restoration of the Sylvan Lake.
- Provided an update on drop-off and pick-up locations on Ocean Avenue for wheelchair bound persons.

**Prepared statement read by Councilman Gubitosi:**

**Handicapped Pick-up and Drop offs on Ocean Avenue:** Last week I met with the Mayor, representatives from our Police, DPW, and Beach Manager. We discussed preliminary options for improving handicapped access to our boardwalk and beaches. After a one-hour meeting, we agreed that there are still challenges to resolve; specifically, any changes must comply with traffic safety regulations. I plan to meet with Chief Guida in the weeks ahead to continue these discussions.

**Parking Striping:** A few years ago, the Mayor initiated the striping of parking spaces on Newark Avenue. This was done without Council approval and most importantly, without soliciting resident input. At that time, the Council passed a resolution creating a law that requires all parking changes to follow a formal due-diligence process, including 1) Involving a Traffic Engineer, 2) Engaging the Residents, and 3) Requiring Council approval. Recently, the Mayor has begun to explore potential striping on Fourth Avenue and LaReine Avenue. Decisions like these must be thoughtful and well communicated. Our residents' feedback is critical. Parking is a very important issue in a beach community and any changes clearly need to align with a longer-term strategy for managing parking.

The Council plans to introduce a resolution on September 27<sup>th</sup> that reinforces the due diligence protections we initiated in 2021.

**Tourism Trust and Ordinance:** I want people to know that I am working with Mr. Fehrenbach to better understand how to reconcile our Edmunds Financial Reporting System Trust Account balances with our Annual Financial Statement Trust Account balances. In my first effort to reconcile these balances, I could not come close to balancing. I do not understand the volume of activity that flows through the Tourism Trust and I want to make sure that this Trust Account is being utilized appropriately. Today, I received an email that offers some explanation for the disparities I observed, however a few questions remain and the HFA team is working to help resolve my questions. On a related note, I was very disappointed to see that the Mayor over-ruled our Tourism Commission recommendations to improve the Latin Festival. I participated in the Commission meeting, as a resident, and listened to a great exchange of ideas among Tourism Commission members and residents that would 1) Reduce costs by roughly \$5,000, 2) Utilize local talent, 3) Align the Festival date with Hispanic Heritage Month, and 4) Provide more time to advertise and build resident participation. My understanding is that the Mayor “over-ruled” this Commission’s thoughtful work and proceeded to hire the Latin Fest vendor of his choice. If this is true, this would seem to directly conflict with our law, the Tourism Ordinance which gives this power solely to the Tourism Commission. Further, I understand that the Mayor told our Tourism Director something to the effect that it was “Ok to not obey our Ordinances”. I sincerely hope that did not happen, but I plan to follow up on these important Tourism issues and provide an updated report at our September 27<sup>th</sup> meeting.

#### **Councilman Weber**

- Asked patrons and residents to stay out of the water for safety purposes.
- Commended Officer Andrew Redmond and the Police Department for assisting in a choking incident at a restaurant this past weekend.
- Thanked everyone involved with assisting in the BBFD 5K Race.
- Requested Borough vehicles are turned off when not in use.
- Councilman Weber requested to research a cost-effective way to provide lawn maintenance for the elementary school.

Councilman Weber inquired if a resolution was necessary for the change in location for the Fire Department electronic sign.

Clerk Kostyz responded that a resolution was adopted last year allowing the sign to be installed and it was determined by the Zoning Officer a resolution was not necessary for the change in location.

- Councilman Weber Announced the Eighth Grade Car Wash will take place this weekend.

#### **Mayor Fox**

Provided the Fire Department and First Aid Squad activity reports.

A tough weekend last. The weather had cooperated through Labor Day weekend; but variable storms put a big damper on our Latin Fest and Local Summer festivities. We have rescheduled the Local Summer festivities for this Sunday from 5:00 p.m. to 7:30 p.m. at the Brinley Avenue beach.

I have not updated you on one of our barometers, badge sales. On July 26<sup>th</sup>, cumulatively, we were somewhat behind last year’s sales. As of August 15<sup>th</sup>, sales are at almost \$1500k, about \$30k more than the same period last year.

### Mayors Wellness Walk

We had a so-so turnout last Saturday; and are continuing to enhance the event at this and future Wellness Walks with a “WALK and TALK”. At this walk – Dr. Kate Florio took us through a talk on “Happy Feet” – she did a great job! Thanks to Hackensack Meridian for being such great partners. Mark your calendar for our remaining two “Walks and Talks”. We are planning to have some additional fun activities for our residents, friends, and visitors.

Sunday, OCTOBER 22<sup>nd</sup> at 9:00 a.m. - Healthy Dog, Healthy You  
Kathleen Heaney, DVM, President of Heaney Veterinary Consulting.

Sunday, November 12<sup>th</sup> at 10:00 a.m. – “The Importance of Exercise” will be presented by the Jersey Shore Medical Rehab Team.

### Infrastructure project: The Biase Center Roof Replacement:

The finishing touches are being done within the building, followed by a final inspection. The roof was completely replaced. We will be moving Community Development and Meals on Wheels back into the building. The Seniors, Arts Council, and Committees/Commissions will have access to the facility. By month-end.

Fletcher Lake. Our partners, Neptune Township (specifically Ocean Grove) started a project to repair the northeast bulkhead portion of Fletcher Lake. The project is near completion.

We have completed plans and had a plan run-through for the Lake Terrace Park Improvements.

We talked earlier about the 319 LaReine Avenue Church disposition. We are clarifying a few requirements in an addendum and will be ready to authorize one of the engineering companies at our next meeting. In the meantime, we will be working on artifact disposition. We will keep you posted as we move into this important phase.

### Library

Sign up for a new library card or check out library materials by presenting your card between September 5<sup>th</sup> and October 11<sup>th</sup> and you will be entered into a drawing for a gift card.

Contemporary Solo Guitar Concert on Tuesday, September 19<sup>th</sup> at 6:00 p.m. - Guitarist Carlos Pavan will conduct a concert of South American and Argentine music with Classical and Jazz influences. This is an indoor concert and space is limited. Registration is required.

Interactive Movie Night Finding Nemo - Tuesday, September 26<sup>th</sup> at 5:30 p.m. Have fun doing activities and enjoying snacks while watching Finding Nemo. Participants will receive a goody bag and instructions to do certain parts of the movie. Children younger than age 8 will need an adult to read the instructions. Registration is required.

Let’s Speak Italian – Wednesdays at 11 am September 27<sup>th</sup> – November 8<sup>th</sup> – Join us for a free introduction to Italian for beginners. The instructor will teach Italian basics. Space is limited and registration is required.

Manhattan Short Film Festival – September 28<sup>th</sup> through October 8<sup>th</sup>, various times. Discover your inner film critic by casting your vote for Best Film and Best Actor in the 26<sup>th</sup> Annual Manhattan Short Film Festival. You will join film lovers in over 500 venues across the globe gathering to see the ten finalists in this year’s event. With past finalists garnering Oscar nominations and short films continuing to move into the Hollywood mainstream, come see this entertaining program featuring the best short films in the world today! Registration required.

To kick off the school year the Recreation Committee held our Second Annual Back to School Bingo Event. It was a great time and so many kids walked away with much needed school supplies and backpacks. Thank you to everyone who donated.

This month started our first Fall Bocce League on Wednesday nights as well as our first Ladies Round Robin Bocce League on Friday mornings.

Crosswords and Coffee will be starting back up on September 19<sup>th</sup> and every Tuesday after that at 10:00 a.m. at the Recreation Center.

We also have a Community Clothing Swap coming up on September 23<sup>rd</sup> from 10:30 a.m. to 1:00 p.m. at the Recreation Center. There will be live music and a light breakfast as well as fun giveaways. More information on the clothing swap can be found on the borough website under the Recreation Department.

The Bradley Beach Senior Meetings will pick back up as well this month on September 27<sup>th</sup> from 12:00 p.m. to 3:00 p.m. Please join us for lunch, great conversation and some fun bingo. There will be a guest speaker this month discussing Healthcare.

With the holidays quickly approaching we have many exciting things planned for the coming months at the rec and all over Bradley Beach so make sure to check the website for updates.

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

**Councilwoman DeMarco:**

- The Land Use Board met on 8/17/23.
- Announced on behalf of the Environmental Commission the annual Fall Beach Sweep will take place on Saturday, October 21<sup>st</sup> from 9:00 a.m. to 12:30 p.m.

**Public Comment**

**In Person:**

Beth Kepler, 504 Central Avenue, expressed several complaints regarding a letter that was submitted to the Attorney General's Office.

Nancy Meadow, 805 Beach Avenue, expressed opinions and complaints regarding emergency shelters, the SDL portal, the number of children in the elementary school, and the legislation of meetings held by Commissions.

Thomas McGuire, 610 Brinley Avenue, asked several questions regarding the repercussions of not complying with an ordinance and asked what the next steps are regarding the BA Appointment.

Mr. Cannon and Mayor Fox attempted to address Mr. McGuire's inquiries.

Shana Greenblatt-Janoff, 414 Monmouth Avenue, expressed concerns regarding payment for Interim BA Services.

Mea Molin, 302 Fourth Avenue, expressed concerns regarding the BA appointment.

Brigitte McGuire, 610 Brinley Avenue, expressed concerns regarding the leadership in the Borough.

Refet Kaplan, 409 Brinley Avenue, asked Ms. DeMarco if she will still be considering accepting the BA appointment.



**Ms. DeMarco responded she would not be answering that at this time.**

**Alice Harkin, 409 McCabe Avenue, requested the beach bathrooms stay open year round.**

**Allen Rapaport, 512 Newark Avenue, inquired who monitors the Interim Administrator's working hours.**

**Mr. Fehrenbach responded that the Mayor reviews the Administrator time log each month.**

**Don Greenberg, 302 Ocean Park Avenue, inquired about a piece of equipment listed on Resolution 2023-235.**

**Mr. Fehrenbach addressed this inquiry.**

**William Psiuk, 110 Fifth Avenue, announced COVID-19 test kits are available after the meeting and stated he is in favor of Ms. DeMarco for the BA appointment.**

**Tracey Davidson, 304 Fourth Avenue, inquired where residents can file an ethics complaint.**

**Mr. Cannon addressed this inquiry.**

**Kristen Mahoney, 200 LaReine Avenue, expressed concerns regarding the BA appointment.**

**Thomas J. Coan, 612 Third Avenue, inquired about the Executive Session resolution.**

**Mr. Cannon responded the Executive Session for this evening is cancelled.**

**Linda Duffy, 312 Brinley Avenue, suggested planting milkweed on the beach because it kills lantern flies, complained about not having access to acquire permit information on the SDL portal anymore and feels not displaying permit placards, when necessary, should be enforced.**

**Cindy Lukenda, 218 Fourth Avenue, expressed concerns regarding the BA appointment and mentioned repairs needed to her lawn and her neighbor's lawn at 200 Fourth Avenue.**

**ZOOM:**

**Paul Neshamkin, 411 ½ LaReine Avenue, stated the articles and artifacts were moved and requested better communications in the future.**

**Paula Gentempo, 103 Fourth Avenue, requested to save the Church.**

**EXECUTIVE SESSION :**

**Resolution 2023-227 to Retire into Executive Session to discuss a Legal Matter.**

- **Affordable Housing**

**THE EXECUTIVE SESSION DID NOT OCCUR.**

**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 10:25 P.M.**

*Erica Kostyz*

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Erica Kostyz, RMC, CMR  
Municipal Clerk