

BOROUGH OF BRADLEY BEACH

COUNCIL REORGANIZATION MEETING MINUTES

JANUARY 10, 2024 AT 6:00 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 REORGANIZATION MEETING OF JANUARY 10, 2024 WAS AVAILABLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE. THE COUNCIL MEETINGS (RESOLUTION 2023-289 ADOPTED DECEMBER 6, 2023) FOR CALENDAR YEAR 2024 WAS ADVERTISED IN THE NEW COASTER, THE COAST STAR, AND THE ASBURY PARK PRESS ON DECEMBER 14, 2023.

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 6:00 P.M.

Present at the January 10, 2023 Council Reorganization Meeting:

**Councilwoman DeNoble, Councilman Gubitosi, Councilwoman Mahoney, Councilman Weber,
Mayor Fox**

Municipal Clerk, Erica Kostyz

Borough Attorney: Gregory Cannon, Esq.

Deputy Municipal Clerk: Michele Whille (ZOOM Facilitator)

Police Captain, James Arnold

Lieutenant Detective, Terry Browning

PRESENTATION:

A Proclamation Honoring Leroy Christensen of the Fire Department.

Mayor Fox presented the following Proclamation:

**Borough of Bradley Beach
Proclamation
Honoring Leroy Christensen for his Volunteer Services**

WHEREAS, Leroy Christensen as a lifelong resident of this Borough, joined the Bradley Beach Fire Department in 1972; and

WHEREAS, after several years serving as a Line Officer, the Membership elected Mr. Christensen to the position of Chief of the Department in 1986; and

WHEREAS, Mr. Christensen, to this current day, remains a Life Member and Ex-Chief in good standing, with fifty-two years of uninterrupted loyal service to the community; and

WHEREAS, Mr. Christensen currently serves as a Fire Apparatus Driver and for several decades, he has consistently maintained an excellent response percentage with the Bradley Beach Fire Company responding to calls each day and night; and

WHEREAS, Mr. Christensen shall retire from the fire line on January 11, 2024 after fifty-two years of dedication to the Bradley Beach Fire Department and will conclude with a final drive of the Pumper Truck throughout the town on his final day.

NOW THEREFORE BE IT RESOLVED, this proclamation is being awarded to recognize Mr. Christensen's loyal and dedicated commitment to the Volunteer Fire Services of this Community. Mr. Christensen's selfless service and devotion to the Borough and well-being of its residents has had a valuable effect on the safety and morale of his co-volunteers and the community through the years. We look forward to Mr. Christensen's continued contributions to the Bradley Beach Fire Department.

Resolution 2024-4 Approving the Bradley Beach Fire Department to donate outdated Fire Department Bunker Gear and Helmet to retiring member Leroy Christensen.

ON MOTION by Fox/DeNoble to adopt Resolution 2024-4.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

ORGANIZATION OF MAYOR AND BOROUGH COUNCIL

Mayor Fox announced Jane DeNoble for Nomination of Council President for the term commencing January 1, 2024 to December 31, 2024.

Resolution 2024-5 Nomination of Council President for 2024.

ON MOTION by Fox/Gubitosi to adopt Resolution 2024-5.

ROLL CALL:

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

ADOPTED

Mayor Fox announced the Council Liaison Assignments for 2024:

<u>2024 Liaison Assignments- Borough of Bradley Beach</u>	
<u>Committee/Commission</u>	<u>2024 Committee/Commission</u>
Fletcher Lake Commission	Councilman Weber
Sylvan Lake Commission	Councilman Gubitosi
Recreation Commission*	Mayor Fox
Tourism Commission	Mayor Fox
Library Board of Trustees	Mayor Fox
Environmental Commission	Councilwoman Mahoney
Shade Tree Commission	Councilwoman DeNoble & Councilman Weber
Arts Council	Mayor Fox
Board of Education	Councilwoman DeNoble
Land-Use Board	Councilwoman Mahoney
Police Liaise	Councilman Gubitosi
Fire/ EMS Liaison	Councilman Weber

Councilwoman DeNoble motioned a Point of Order to report she had asked Mayor Fox to reappoint her to the Tourism Commission multiple times and was told no. Ms. DeNoble shared information from the Tourism Director pertaining to a tort claim of harassment filed by the Director against the Mayor.

Mayor Fox explained his rationale which pertains to legislative work that needs to be done with the Borough Ordinance. Mayor Fox stated he shared this with Ms. DeNoble recently and suggested forming a small group to discuss the improvements needed for the ordinance and was told by Ms. DeNoble she did not feel the need to do this.

Councilman Weber stated the issue is not legislating the Tourism Ordinance, it is the comfort of the Tourism Director with the Liaison. Mr. Weber asked if the Mayor would consider appointing another Council Member as the Liaison.

Mayor Fox responded that question had already been answered.

Councilman Gubitosi stated:

The problem with what you heard the Mayor just say, and the inference that I heard, was that Ms. DeNoble was not willing, or was not able to get things done that the Mayor could accomplish. Specifically, when you said that you wanted to create a small committee and that she was not supportive of the creation of a small committee. I want to say on behalf of Ms. DeNoble that during her first year serving as the Liaison to the Tourism Commission she has been a champion of the Tourism Commission. To remove her after one year, especially after one very productive year, is a slap in the face. In just one year, she has fought hard to develop appropriate practices and controls that ensure that our Commission is operating according to our Tourism Ordinance. Previously, there were many inconsistencies in how the Commission operated. This was not always the Commission's fault. In fact, in many cases the Mayor himself instructed employees to overrule our laws and he inappropriately directed staffing and event management. During 2023, Council President DeNoble fought to restore the proper functioning of the Tourism Commission, and I personally criticized the illegal payments made from the Tourism Trust, that were authorized by the Mayor. So, in my mind, this goes beyond Ms. Hall's Harassment complaint. She has also filed a Notice of Tort, which means she has the potential to sue the Borough. She also expressed that she wanted this to be known publicly because she believes that the Mayor is disingenuous in his desire to work with her as the Liaison to the Tourism Commission.

No one wants to start the year on a note like this. Ms. DeNoble struggled, as she told me earlier today, because she really did not want to make this statement. She did this on behalf of Ms. Hall. The reason I am backing her up is because she has done a wonderful job in year one as the Tourism Liaison, and has brought a lot of inappropriate behaviors to light and has corrected a lot of them. And yet, the response that our Mayor has given is: "I can do the job a lot better going forward." That is wrong, and that is likely to put the Borough at greater risk of liability.

Councilwoman Mahoney stated she feels these comments have everything to do with reorganization and this situation should be considered very carefully.

MINUTES APPROVAL

ON MOTION by Fox/Gubitosi to approve the Council Business Meeting Minutes of December 6, 2023.

ROLL CALL:

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

APPROVED

ON MOTION by Fox/Weber to approve the Executive Session Minutes of December 6, 2023.

ROLL CALL:

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

APPROVED

ON MOTION by Fox/Gubitosi to approve the Special Meeting Minutes of January 4, 2024.

ROLL CALL:

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

APPROVED

Public Comments on Agenda Items: None

ORDINANCE INTRODUCTION(S): None

ORDINANCE ADOPTION(S): None

COMMUNICATIONS:

- **Acting Borough Administrator 90-day Re-Appointment Memo – Meredith DeMarco**
- **Appointments Memo – Yearly Terms**
- **Appointments Memo – Various Terms**

Councilwoman DeNoble motioned a Point of Order to request Mr. Cannon to explain the purpose of the 90-day Re-Appointment Memo for the Acting Borough Administrator.

Mr. Cannon stated this is a very complicated legal question and stated this position is a holdover appointment until the Judge decides.

Mayor Fox made a motion to move Resolutions 2024-22, 2024-23, 2024-25, 2024-26, 2024-27, 2024-31, 2024-33, 2024-34, 2024-35, 2024-36, 2024-37, and 2024-39 to the Consent Agenda, seconded by Councilman Gubitosi.

ROLL CALL:

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

RESOLUTIONS MOVED FROM INDIVIDUAL TO CONSENT

NEW BUSINESS & CONSENT AGENDA RESOLUTIONS:

2024-6 Establishing Depositories for funds received by the Borough.

2024-7 Designates a Cash Management Plan for the Deposit of all Monies received by the Borough.

2024-8 Establishing Change Funds for 2024.

2024-9 Establishing Petty Cash Funds for 2024.

2024-10 Designation of Newspapers and Internet Websites for the Borough of Bradley Beach.

- 2024-11 Authorizing the Borough Council to donate two 2024 Adult Seasonal Beach Badges to various Bradley Beach Non-Profit Organizations.**
- 2024-12 Approving the Tax Assessor to act as agent for the Borough for the purposes of filing and settling Tax Appeals up to \$20,000.00, on behalf of the Tax District for the 2022 Tax Year.**
- 2024-13 Establishes the Grace Period for Delinquent Tax Payments for 2024.**
- 2024-14 Appointment of Public Agency Compliance Officer for 2024.**
- 2024-15 Elected Fire Department Officials for 2024.**
- 2024-16 Elected First Aid Squad Officials for 2024.**
- 2024-17 Authorizing the cancellation of Tax and Sewer Payments under and/or over the amount of \$10.00.**
- 2024-18 Authorizing Contracts with approved State Contract Vendors for Contracting Units pursuant to N.J.S.A. 40A:11-12A through December 31, 2024.**
- 2024-19 Approving the Police Department to donate Surplus Special Police Utility Pants to the Bradley Food Pantry and the Jersey Shore Rescue Mission.**
- 2024-20 Approval of a Lien Redemption Refund for 605 Monmouth Avenue in the amount of \$3,748.94.**
- 2024-21 Approval of a Lien Redemption Refund for 511 Fifth Avenue in the amount of \$96,080.45.**
- 2024-22 Authorizing the Execution of a Shared Service Agreement with the Borough of Belmar for K-9 Services.**
- 2024-23 Authorizing a Mortgage Discharge for Block 46, Lot 22.**
- 2024-25 Borough Prosecutor Appointment for 2024 – Shamy Law Firm.**
- 2024-26 Borough Public Defender Professional Appointment for 2024 – Starkey, Kelly, Kenneally, Cunningham, and Turnbach.**
- 2024-27 Alternate Public Defender Professional Appointment 2024 – Greer Law Firm.**
- 2024-31 Borough Conflict Counsel Professional Appointment for 2024 – Rainone, Coughlin, Minchello.**
- 2024-33 2024-33 Bond Counsel Professional Service Appointment for 2024 – Dilworth Paxon, LLC.**
- 2024-34 Borough Fair Share Housing Attorney Professional Appointment for 2024 – Weiner Law Group.**
- 2024-35 Borough Engineer Professional Service Appointment – CME Associates.**

2024-36 Engineering Consulting Pod Professional Service Appointments for 2024 – H2M Architects, CME Associates, Colliers Engineering, Leon S. Avakian, Inc. and Remington and Vernick Engineers.

2024-37 Borough Planner Professional Appointment for 2024 – Leon S. Avakian, Inc.

2024-39 Financial Consultant Professional Appointment for 2024 – Acacia Financial Group, Inc.

Councilman Gubitosi had inquiries pertaining to the following Consent Agenda Resolutions:

2024-33 Bond Counsel Attorney – Inquiry addressed by Mayor Fox.

2024-36 Engineering Consulting Pod – Mayor Fox named the firms included in this appointment.

Councilman Gubitosi requested discussion pertaining to the following Consent Agenda Resolutions:

2024-6 (Depositories) – Inquired who decides how the funds are allocated to the banks listed in resolution and if any analysis has been done to ensure the funds are being allocated in a cost-effective manner.

Ms. DeMarco replied an analysis has been started to determine the cost-effective manner of banks.

2024-10 (Newspapers and Websites) – Requested verbiage be changed to add more definition for use of the internet websites. Ms. Kostyz agreed to amend the verbiage of the resolution pertaining to more definition for use of websites.

2024-18 (Authorizing State Contract Vendors for Contracting Units) – Inquired about various vendors listed in the resolution.

Inquiries addressed by Ms. DeMarco and Mr. Cannon.

Councilman Weber inquired if a resolution is done for the donation of Junior beach badges to the Eighth Grade Class.

Mayor Fox stated the badges that were given to the Eighth Grade Class last year were a private donation and did not require a resolution.

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

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

RESOLUTIONS ADOPTED

INDIVIUAL RESOLUTIONS:

2024-24 Risk Management Professional Service Appointment for 2024.

Councilman Gubitosi stated he has concerns and requested to solicit additional bids for this appointment to get a more competitive analysis.

Councilwoman DeNoble requested the same.

ON MOTION by Gubitosi/DeNoble to table Resolution 2024-24.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

TABLED

2024-38 IT Consultant Professional Appointment for 2024.

Mayor Fox made a motion to withdraw this resolution as it is not a Professional Service Appointment.

Councilman Gubitosi stated he was under the impression this was a professional Service Appointment.

Mayor Fox iterated an analysis was done in 2023 by then Interim Borough Administrator Gregory Fehrenbach that stated this service does not fall under the umbrella of professional service contracts. Mr. Fehrenbach also confirmed this with the State Department of Consumer Affairs (DCA).

ON MOTION by Fox/Mahoney to withdraw Resolution 2024-38.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

WITHDRAWN

2024-28 Borough Attorney Professional Service Appointment for 2024 – Cleary, Giacobbe, Alfieri, Jacobs, LLC.

Councilman Gubitosi made the following statement pertaining to this resolution:

This is just sad. The Mayor sent Mr. Cannon a “termination” notice just a few days before Christmas, even though he had no Authority to do so. As you can see, Mr. Cannon continues to serve as our Borough Attorney in 2024. This “termination” action was just a few days after Mayor Fox asked Mr. Cannon to resign of his own accord, an invitation that Mr. Cannon graciously declined. The Mayor’s actions here are sad because Mr. Cannon continues to serve the entire Governing Body with professionalism and integrity. We are not an easy group to serve given our differences - and there have been times that Mr. Cannon and I have not agreed on certain matters of law. I believe he serves the entire Governing Body

fairly and to the best of his ability, but Mayor Fox does not like anyone who disagrees with him. The Mayor's efforts here are petty, and soon will be proven to be illegal. Now, Mayor Fox accuses Mr. Cannon of "Ethical" violations because Mr. Cannon is changing the name of his Firm in 2024 without telling the Mayor and because Mr. Cannon did not recuse himself from defending the Council during the Mayor's lawsuit in 2023. Also, we are in the middle of defending ourselves from a new lawsuit brought by the Mayor, and I doubt the Court will allow either the Mayor or the Council to make any changes to positions that are currently under the Court's review. The Firm Mr. Fox wishes to retain is Cleary, Giacobbe, Alfieri, Jacobs, LLC. Assemblyman Sean Kean is an attorney for this firm. Mr. Kean is also a strong political ally of the Mayor's.

ON MOTION by Fox/DeNoble to adopt Resolution 2024-28.

ROLL CALL:

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

FAILED

2024-29 Borough Labor Counsel Professional Service Appointment for 2024 – Eric M. Bernstein & Associates.

ON MOTION by Fox/Gubitosi to adopt Resolution 2024-29.

ROLL CALL:

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

FAILED

2024-30 Borough OPRA Counsel Professional Service Appointment for 2024 – Eric M. Bernstein & Associates.

ON MOTION by Fox/Mahoney to adopt Resolution 2024-30.

ROLL CALL:

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

FAILED

2024-32 Tax Appeal Attorney Professional Service Appointment for 2024 – Shain Schaffer, P.C.

Councilman Gubitosi made the following statement pertaining to this resolution:

There are a handful of appointments in which we disagree with Mayor Fox. The Council believes that we should have the right to approve or consent to the Mayor’s nominations. The Mayor believes that he does not need Council approval. And that is why the Mayor continues to bring lawsuits against the Council. This particular disagreement between the Mayor and all four Council members truly makes no sense. In other discussions, the Mayor demands that we:

- 1. “Preserve Continuity of Government,” and yet, the Mayor will not continue to use the attorney who has worked with our Tax Assessor for many years serving Bradley Beach;**
- 2. “Listen to our Professionals, and yet, our Tax Assessor strongly recommends that we keep our current attorney, who is an expert in his field, with many more years of experience than the Mayor’s proposed replacement. In two separate emails sent to the Mayor and the BA over the past week, our Tax Assessor has pleaded for the Mayor to support his desired Tax Appeals attorney, Greg Pasquale.**
- 3. “Best serve Bradley Beach,” regarding the new Tax Appeal Attorney, the Mayor has told the Council that he is confident and comfortable that our needs are being met. Yet, the Mayor never attempted to call the Tax Assessor when the Tax Assessor personally recommended that we keep the current attorney. The Mayor will not acknowledge that the replacement attorney is relatively inexperienced and has never gone to trial for a Tax Appeal case. Even now, there is an existing Tax Appeal case in court for which the Borough is at risk for tens of thousands of dollars. This would be defended by a new trial attorney if we follow the Mayor’s choice. In an email sent to the Mayor and our BA today, the Tax Assessor reported that over the last four years the Borough has refunded \$4,000.00 out of a total appeals amount that approximates \$400,000.**

I know these things because I called our Tax Assessor to understand his request and his concerns. I texted the Mayor this morning and pleaded with him to actually reach out to our Tax Assessor to hear these concerns himself. Unfortunately, Mayor Fox prefers to play “political favorites” rather than continue to use the Tax Appeal Attorney who is most qualified to serve Bradley Beach and protect us from hundreds of thousands of dollars of potential risk. The Firm Mr. Fox wishes to retain is Shain Shaffer, PC. Attorney and Partner Peg Schaffer is one of the Mayor’s strongest political allies.

Mayor Fox explained Shain Schaffer had a change in Tax Attorneys in October of 2023 and was assured by this firm there was adequate coverage and expertise in place. Mayor Fox stated there are three cases currently on the docket. Mayor Fox stated he has spoken with the new Tax Attorney and feels she will perform more than adequately. Mayor Fox further explained any case that goes to Tax Court is reviewed by Shain Schaffer’s practice and the company that left did so under questionable circumstances that he was made aware of.

A discussion ensued between Councilman Gubitosi and Mayor Fox pertaining to the new Tax Appeal Attorney’s credentials.

ON MOTION by Fox/Gubitosi to adopt Resolution 2024-32.

ROLL CALL:

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

FAILED

2024-40 Borough Auditor Professional Service Appointment for 2024 – Oliwa & Company CPAS

ON MOTION by Fox/Gubitosi to adopt Resolution 2024-40.

ROLL CALL:

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

ADOPTED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Mayor Fox:

Here we are in 2024. Many thanks for the extra efforts Public Works, our Public Safety Team, Police, Fire, EMS, and OEM. Our Borough Staff, Council, and volunteers that made 2023 a success.

The responsibilities of governance continue to be daunting, satisfying, and challenging.

We continue to be in a great position as a community. We are blessed with both opportunities and challenges which, if we choose to work on them in a smart, unified manner- will ensure success in 2024 and beyond, together.

We are ending 2023 fiscally sound and our financial systems and controls continue to improve. Welcome to our new CFO, Ricky Gartz.

What else happened in 2023?

Safety, Security, and Services:

Our Police, Fire, EMS and Department of Public Works continued to serve the community and improve an already great record. All Teams are to be commended. On a special note, I would like to congratulate the Police Department on keeping us safe. We live close to a few “challenging” towns with high crime rates. Our Team is dedicated to keeping us safe, always.

On Affordability:

Our Municipal Tax Levy, which we control, is almost 40% of the total Tax Levy for our residents. In 2021 and 2022 there was virtually a zero increase. Not the case for 2023, and we are focused on reducing and managing our spend level. Our Municipal Tax Rate has consistently come down. We need to keep this increase to an absolute minimum in 2024 and beyond.

On Main Street:

We did some preliminary work in 2021 and 2022; and really did not have a good focus on this in 2023. This year, 2024, needs to be the year we take the Main Street Plan to the next level. We need to keep a focus on a 2 to 3 year plan.

2024 and beyond:

Last year at this time I said Bradley Beach has a few big opportunities and challenges to address, those were:

The Showroom Theater closing - Cinema Labs acquisition is finally moving forward for 2024.

The 319 LaReine church – progress, albeit slow, and nearing a final disposition.

A renewed strategy for Main Street has started with lots more to do.

I view the beachfront as a priceless asset that we are the stewards of. Similarly, Main Street should be viewed as our 401K. We did some preliminary work in 2021 and 2022 and really did not have a good focus on this in 2023. As I said, this year, 2024, needs to be the year we take the Main Street Plan to the next level. We need to keep a focus on a 2 to 3 year plan.

We will continue to assess improvements to the Beachfront, including a Coastal Resilience Grant Application with a view toward extending our bulkhead south.

We moved through a number of Infrastructure projects, among which is our “Phase II” Sewer Replacement Project and Sump Pump Outflow Remediation, significant progress and much more.

For 2024:

- 1) A continued focus on Affordability (spending and Municipal Tax Rate)
- 2) A renewed strategy for Main Street, started.
- 3) Continued improvements to the Beachfront (including a coastal resilience assessment with a view toward extending our bulkhead south).
- 4) Infrastructure improvements
 - Sewers
 - Outfall pipe
 - Coastal resilience
 - Our parks
- 5) Closing out the 319 LaReine Transaction
- 6) Affordable Housing- completing, submitting, and starting our plan.

Borough Council Meeting- format for 2024:

Just as we are looking at what we will be doing in 2024, how we do things can improve, too. With that we are assessing two different meeting formats for 2024.

The first meeting of each month would be a combination of Workshops and Departmental Report-Outs”; This would keep a good focus on improvements and initiatives.

The second meeting of each would be the Business Meeting for resolutions, ordinance introductions and adoptions, approval of bill lists, etc.

We will be working together, Council members, Acting Business Administrator, Municipal Clerk, and Department Heads to make these changes. We would begin this in February. Our January 10th meeting is primarily the annual reorganization meeting and January 24th will be a regular Business Meeting.

As important as the what is the how. How will we as a community conduct ourselves? We can do better. For those who follow National Politic, the filters on disrespect have been taken off, I think that this filters down to a local level, unfortunately. It is not right, and we will be addressing it. I am working initially with Councilman Weber, more to come.

In conclusion, I will continue to seek Feedback and Communication from our residents and professionals. I know I will disappoint some of you as we go forward, one cost of progress. My focus has been and will be the “Greater good of all residents.” I hope we get most of it right. I am sure you will let us know.

The Mayors Wellness Committee will hold the first of a series of Zoom meetings beginning this Thursday. Signups are on the Website.

On January 20th, there is a benefit fundraiser for our Fire and First Aid at the Firehouse; registration is limited, check the website.

Councilwoman DeNoble:

- **Provided a Shade Tree Commission Liaison Report.**
- **Provided a Board of Education Liaison Report.**
- **Provided a Tourism Event report for 2024.**
- **Thanked the residents for attending the meetings in 2023 and the employees for their hard work in 2023.**

Councilwoman DeNoble the stated she was informed the Acting BA stated due to concerns raised by some Borough Employees, the Council was not included in the Employee Holiday Party. Ms. DeNoble said she was shocked and embarrassed by this and that these issues were not brought to the Council’s attention sooner. Ms. DeNoble stated she has the utmost respect for all of the hard-working Borough employees and expressed everyone needs to work together to serve the residents of the Borough and hopes 2024 brings communication, collaboration, and real progress everyone can be proud of.

Councilman Gubitosi:

- Spoke about the Shared Service Agreement with the Township of Ocean for CFO Services and spoke highly of the new CFO Richard Gartz.

Councilman Gubitosi thanked Ms. DeMarco for her efforts with the Budget.

- Provided the Police Activity Report.
- Mentioned the upcoming change in the 2024 meeting format.

Councilman Gubitosi stated the following:

Related to our Police Department, I wanted to mention our K-9 Unit. Tonight, we approved Resolution 2024-22, Authorizing a Shared Service Agreement with Belmar for our K-9 Police-Dog services. I am very excited about this agreement because it recognizes the wonderful work a small team of our Police Officers have accomplished in creating a K-9 Unit that I believe is the envy of Monmouth County. Recently, I had the pleasure of speaking to a few of our Officers who manage this unit. The stories that they shared over thirty minutes or so were fascinating. I was so impressed that I asked if they might consider making a presentation to our public, perhaps at an upcoming Council meeting in April or May. The officers and Captain Arnold seemed willing to do so. I am formally asking the Mayor and our Acting Business Administrator to work with our Police Department to schedule this presentation for the public.

Councilwoman Mahoney:

- The Land Use Board will hold their Reorganization meeting on 1/18/24.
- Thanked the OEM, DPW, Fire Department, and Police Department for their assistance in removing large cans that were causing obstruction on her street last evening.

Councilwoman Mahoney made the following statement:

With regard to the Holiday Party, which the Council was not afforded the opportunity to attend, yet the Mayor did, I was given a history lesson as to perhaps why we were left out. I was not quite three months "on the job" when I received an email on December 21st from our Acting BA, Ms. Demarco. According to Ms. DeMarco, Borough Employees had communicated to her the following:

Some Borough Employees watch the Council meetings and during these meetings their work is often criticized, demeaned, and underappreciated and when these public remarks are not disputed by Borough Council it creates an environment where the staff feel they are not supported by the Council. Though some of these comments are valid, most are received as being hurtful, uninformed and lead to feelings of frustration.

On December 6th, the Governing Body passed a resolution asking the Administration to provide policies to protect resident confidentiality when residents submit a complaint about Zoning, Code or Law Enforcement. Specifically, this new policy would prevent pitting neighbor against neighbor when residents called the Borough to report the breaking of an ordinance whether it be noise, construction, parking, etcetera. This was in response to the Council listening to concerns raised by our residents. In her email, Ms. DeMarco cited the December 6th resolution and stated: "no formal complaints have been received in 2023 regarding employees breaking confidentiality."

Finally, Ms. DeMarco shared employee concerns that arose because I had dropped off a de minimis holiday gift for a hard-working employee. I simply wanted to thank this employee for going "above and beyond" to help the Council. In this same email, Ms. DeMarco shared with me the following observation: *"I am sure the staff would appreciate thank you notes for all their hard work this year much like the Christmas gift you gave to "blank" which employees noticed you delivering. If you need a staff list to address these thank you notes, please let me know."*

Strangely, I had dropped off this gift almost two weeks after the holiday party had occurred. So, if anyone felt slighted, as Ms. DeMarco indicated, it should not have had consequences on the invite list.

We cannot fix what we do not know is broken and taking down the “out of order” sign will not remedy the problem.

I would like to echo Council President DeNoble, by saying: We all serve the residents of Bradley Beach. That includes the Mayor, the Council, the Business Administrator, and all of the Borough's employees. Personally, I believe there is a solution for everything. Certainly, we must promote an environment of goodwill and collaboration among the Administration, the employees, and the Council. It might be annoying and tedious for us to keep doing this runaround, but the only ones truly suffering are the residents of Bradley Beach.

Councilman Weber:

- Congratulated Roy Christenson and all of the Fire and First Aid Squad Officers for 2024.
- Attended the League of Municipalities Convention in November.
- Suggested to discontinue the pick-up of plastic film in the Borough, however encouraged residents to continue to dispose of plastic waste at the town yard.
- Attended an online seminar on Energy Aggregation in December.
- Participated in a Shade Tree gathering in December to include other towns in the area.
- Councilman Weber stated he will be involved in an effort to unify the branding of the town.
- Requested better behavior at Council Meetings from attendees in future Council Meetings.
- Requested closing the gaps in the dunes.

PUBLIC COMMENTS:

In Person:

Shana Greenblatt – Janoff, 414 Monmouth Avenue

- Thanked the Governing Body for all they do for the residents.
- Inquired what the process is for the appointments that did not receive votes – inquiry addressed by Mr. Cannon who stated the firms that were appointed the prior year will remain in place until their successor is appointed.
- Inquired about the 90-day BA Appointment Memo – inquiry addressed by Mr. Cannon.

Brigitte McGuire, 610 Brinley Avenue, requested agenda items be addressed more clearly for the audience's benefit, expressed concerns regarding the Tourism Director's Tort Claim, and requested moving forward with a change in form of Government.

Julie Nutaitis, 605 Newark Avenue, expressed concerns with the Tourism Director's complaint against the Mayor, the Council being excluded from the Employee Holiday Party, and Ms. DeMarco's experience as a BA.

Tracey Davidson, 304 Fourth Avenue, inquired about a residence on Fourth Avenue that is being renovated will open the Borough to potential litigation.

Ms. DeMarco and Mr. Cannon addressed Ms. Davidson's inquiry.

Ms. Davidson requested the Council work together more collaboratively.

Thomas J. Coan, 612 Third Avenue, expressed concerns pertaining to the Fourth Avenue residence under renovation.

Nancy Meadow, 805 Beach Avenue, stated she is glad Councilman Weber will be addressing the branding of the town, expressed concern pertaining to banks, does not feel the town should continue with Tourism events due to finances, and expressed concerns with privacy issues.

Mary Backstrom, 218 Fourth Ave, commended the Police Department and the DPW.

Cindy Lukenda, 218 Fourth Avenue, inquired when the Police Chief investigation - inquiry addressed by Mr. Cannon.

Ms. Lukenda requested better communications for residents with special needs storms and emergencies.

Jeanne Leahy, Park Place Avenue, wished everyone a Happy New Year and inquired about the status of the Biase Center.

Greg Janoff, 414 Monmouth Avenue, inquired about the status of 319 LaReine Avenue

Mayor Fox stated Administration is in the process of completing an RFP to bid on a qualified firm for disposal of the site.

Zoom:

Don Greenberg, 302 Park Place Avenue, inquired if the appointment resolutions on the agenda not being posted are in violation of the 48-hour Open Public Meetings Act.

Inquiry addressed by Mr. Cannon who confirmed the resolutions themselves do not have to be posted.

Mr. Greenberg inquired if the Mayor being the Tourism Liaison put the borough at legal risk due to the Tourism Director's Tort Claim.

Inquiry addressed by Mr. Cannon who declined to answer at this time.

Mr. Greenberg suggested trying a pilot program for beach dunes.

Herb Kenny, 216 Brinley Avenue, inquired about the 2022 Audit and Land Use Board Appointments.

Inquiry addressed by Mayor Fox.

Mr. Kenny inquired if the Holiday Party was paid for by the employees or the taxpayers.

Ms. DeMarco confirmed the party was paid for by the employees.

Rick Bartolomei, 116 Newark Avenue, inquired about the status of the boardwalk concessions.

Mr. Cannon addressed this inquiry and stated the RFPs would be ready this week.

ADJOURNMENT:

ON MOTION by Fox/DeNoble to adjourn at 8:20 p.m.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

THE COUNCIL REORGANIZATION MEETING ADJOURNED AT 8:20 P.M.

Erica Kostyz, RMC, CMR
Municipal Clerk