

**BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES
JANUARY 24, 2024 AT 6:30 P.M.**

A regular 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.

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 JANUARY 24, 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.

CALL TO ORDER

Mayor Fox opened the meeting with a salute to the flag.

Sunshine Law was read.

ROLL CALL AT 6:30 P.M.

Present at the January 24, 2024 Council Business Meeting:

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

Acting Borough Administrator: Meredith DeMarco (via Zoom)

Municipal Clerk: Erica Kostyz

Borough Attorney: Gregory Cannon

Michelle While, Deputy Municipal Clerk, Zoom Facilitator

Police Captain, James Arnold

Police Lieutenant Detective, Terry Browning

Mayor Fox stated the full Governing Body will attempt to renew an agreement made in 2023 to work together constructively and stay on journey to create a brighter Bradley Beach as it relates to how everyone operates as a Council and in the meetings.

Mayor Fox stated he and the Council will take new approaches to the meeting process for 2024 to include Workshops and Departmental reports to provide insight. In addition, there will be an attempt to improve time management during meetings and ensure the public is heard.

Mayor Fox made a motion to move item number thirteen (Mayor and Council Comments) to item number five as a trial for a new Agenda format. Seconded by Councilman Gubitosi.

MAYOR AND COUNCIL REPORTS:

Mayor Fox:

- Thanked the DPW and the other Public Safety Departments for all their work in the recent snowstorm.
- Thanked the Mayor's Wellness Campaign.
- Thanked the BBBCA for their work with the Fire Department and First Aid Squad with the January Jam which raised funds for those entities.
- Advised the public to check the website for the upcoming Library and Recreation activities.

Councilwoman DeNoble:

- Attended the Tourism meeting on 1/23/24 to discuss upcoming events and advertising.
- The Bradley Beach Elementary School PTA will be holding a Gift Auction and luncheon at St. Theresa of Calcutta Church on Sunday, April 14th. The PTA is also accepting donations for gift baskets.
- The Senior Club hosted a Winter Assembly presented by the Bradley Beach Elementary School Third Grade this afternoon.
- Commended the Bradley Beach Elementary School Superintendent for doing an excellent job.
- Announced the Senior Club meets every fourth Wednesday of the month at the Firehouse and anyone fifty-five and over is welcome.

Councilman Gubitosi:

- Gave weekly the Police Activity Report.
- Attended BBBCA five-year plan event and commended Ms. Gavin on her presentation.
- Explained Resolution 2024-41 on the agenda is for Sylvan Lake repair costs that will be split with the Borough of Avon.

Councilwoman Mahoney:

- Thanked the Police, OEM, and Fire Departments for all their work during the recent snowstorm.
- Attended the January 18th Land Use Board Meeting and congratulated all members re-appointed and appointed.

Councilman Weber reported the following:

- Attended the January Jam and stated this was a great event.
- Attended the BBBCA five-year plan event and stated this was a well-attended event.
- Reminded everyone to shovel their sidewalks during snowstorms.
- Gave the Fire Department and First Aid Squad weekly activity reports.
- Reported the Elementary School Girls Basketball Team will be having their playoff game at the Elementary School tomorrow afternoon.

PRESENTATIONS – None

MINUTES APPROVAL

ON MOTION by Fox/DeNoble to approve the Council Reorganization Meeting Minutes of January 24, 2024.

ROLL CALL:

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

APPROVED

Public Comments and Questions on Agenda Items:

In Person:

Eileen Shissias, 112 Fourth Avenue, had Bill List item inquiries pertaining to:

- **Middlesex County JIF payment – addressed by Mr. Cannon.**
- **Format of items on the Bill List - addressed by Ms. DeMarco**
- **Colliers Engineering – addressed by Ms. DeMarco**
- **Government Management Advisors – addressed by Ms. DeMarco**

Discussion ensued between Ms. Shissias and Ms. DeMarco regarding Mr. Fehrenbach’s continued volunteer services and access to Borough Hall information.

Brigitte McGuire, 610 Brinley Avenue, inquired if Mr. Fehrenbach is still negotiating the DPW contract.

Ms. DeMarco responded Mr. Fehrenbach is continuing to assist with this project.

Ms. McGuire expressed her concerns and opinions regarding the Tourism Liaison appointment.

Beth Kepler, 504 Central Avenue, had a bill list inquiry pertaining to a camera repair.

Ms. DeMarco replied the repair was for a Police Department camera.

Nancy Meadow, 805 Beach Avenue, expressed several complaints pertaining to bill list items.

Jim Shissias, 112 Fourth Avenue, stated his inquiries were answered by residents that spoke previously.

Thomas J. Coan, 612 Third Avenue,

- **Land Use Board Member Appointment Memo Amendment inquiry – addressed by Mayor Fox.**
- **Biase Center inquiry – addressed by Mayor Fox**
- **Bill List complaint pertaining to OPRA Attorney fees.**

Refet Kaplan, 409 Brinley Avenue, inquired about the Tourism Liaison appointment.

Mayor Fox responded he would be willing discuss this offline.

Zoom:

Herb Kenny, 216 Brinley Avenue,

- **Bill List inquiry for Black Rock Enterprises – addressed by Ms. DeMarco.**
- **Resolution 2024-42 inquiry – addressed by Ms. DeMarco.**

Mary Backstrom, 218 Fourth Avenue, stated she is not in favor of Mr. Fehrenbach continuing his services on a voluntary basis now that there is a fully performing Business Administrator.

ORDINANCE INTRODUCTION(S): None

ORDINANCE ADOPTION(S): None

COMMUNICATIONS :

- **Memo Amendment to Arts Council Appointment Members names from 1/10/24.**
- **Memo Amendment to the Land Use Board Appointment Expiration Dates from 1/10/24 and Vice-Chair Appointment announcement.**
- **Council Liaison Amendment Memo.**

CONSENT AGENDA RESOLUTIONS: None

INDIVIDUAL RESOLUTIONS:

2024-41 Authorizing Emergency Contracts with Colliers Engineering and Design to reestablish flood controls to Sylvan Lake.

Councilman Weber confirmed this resolution is for repairs and will not incur additional costs.

ON MOTION by Fox/DeNoble to adopt Resolution 2024-41.

ROLL CALL:

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

ADOPTED

2024-42 Authorizing Emergency Contract with Paul Davis Restoration of Morris and Passaic Counties for the Biase Center.

ON MOTION by Fox/Gubitosi to adopt Resolution 2024-42.

ROLL CALL:

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

ADOPTED

2024-43 Authorizing Change Order Number One and Supplemental Order Number One for the Biase Center Mitigation Services

ON MOTION by Fox/Mahoney to adopt Resolution 2024-42.

ROLL CALL:

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

ADOPTED

2024-44 Bill List for January 24, 2024.

ON MOTION by Fox/Gubitosi to adopt Resolution 2024-42.

ROLL CALL:

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

ADOPTED

2024-45 Extending the date for Presentation of the Borough's 2024 Municipal Budget per the State of New Jersey's current extensions of 2024 Municipal Budget Deadlines.

Councilman Gubitosi stated he and the Administration agreed to provide this data to the Council as soon as possible by the deadline of February 27th.

ON MOTION by Fox/Gubitosi to adopt Resolution 2024-42.

ROLL CALL:

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

ADOPTED

ANNOUNCEMENTS: None

Public Comments:

In Person:

Beth Kepler, 504 Central Avenue, gave a prepared statement pertaining to the Chief of Police Administrative leave. *See attached*

Eileen Shissas, 112 Fourth Avenue, reiterated her objections regarding vendors for the Memorial Parade.

Linda Duffy, 312 Brinley Avenue, commended the Police Department for fundraising for the K-9 vehicle and stated she is glad that they received it. Ms. Duffy requested the Police Department monitor the speeding on Brinley Avenue.

Nancy Meadow, 805 Beach Avenue, suggested renewing a resolution for the Purchasing Manual. Ms. Meadow expressed her complaints pertaining to the Borough calendar recycling information and website Newsletters mentioning non-Borough organizations.

Brigitte McGuire, 610 Brinley Avenue, inquired about the Request for Proposal status for the 319 LaReine Avenue Church.

Ms. DeMarco responded that the RFP will be drafted by the engineering firm and has not been drafted yet. Ms. DeMarco further explained the advice of the Financial Advisor provided on how the RFPs should be drafted and stated the Borough is trying to ascertain the correct legal way of how to go about this.

Ms. McGuire also suggested the Newsletters do not include the mention of private entities.

Thomas J. Coan, 612 Third Avenue, stated he is not in favor of doing an RFP for demolition of the 319 LaReine Avenue Church.

Thomas McGuire, 610 Brinley Avenue, feels there should be more transparency for the public pertaining to the Police Chief Administrative leave.

Mayor Fox and Mr. Cannon reiterated this is a personnel matter that is confidential.

Nancy Costa, 619 Fifth Avenue, stated this was her first time attending a meeting and expressed her disappointment at the behavior of other attendants.

Zoom:

Shana Greenblatt-Janoff, 414 Monmouth Avenue, inquired what the timeline is for the demolition of the Church.

Ms. DeMarco stated she is getting the correct information to present a timeline to the Governing Body.

Further intense discussion ensued between Ms. Greenblatt-Janoff, Ms. DeMarco, and Mayor Fox regarding the priority for this project.

ADJOURNMENT:

ON MOTION by Fox/Gubitosi to adjourn the Council Business Meeting at 7:50 p.m.

ROLL CALL:

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

THE COUNCIL BUSINESS MEETING ADJOURNED AT 7:50 P.M.

Erica Kostyz

Erica Kostyz, RMC, CMR
Municipal Clerk

January 21, 2024

Beth Kepler

504 Central Avenue

Bradley Beach, NJ 07720

Department of the Treasury

Division of Pension and Benefits

Po Box 295

Trenton, NJ 08625-0295

RE: Chief of Police, Leonard Guida, Borough of Bradley Beach, NJ

Dear Sir or Madam;

In November of 2023, the Monmouth County Prosecutor's Office opened an investigation and an Internal Affairs Complaint was filed, against Leonard Guida, Chief of Police, of the Bradley Beach Police Department. As of Monday, January 21, 2024, he remains on Administrative Paid Leave. He is scheduled to retire at the end of 2024.

As a victim, resident, and tax payer of the Borough of Bradley Beach, New Jersey, I am writing to this Pension Board to notify you of this situation, and to request that this Board not make any decision with regard to Chief Guida's retirement and/or pension, until **AFTER** the conclusion and the final determination of the Monmouth County Prosecutor's investigation can be reviewed, and taken into full consideration by you.

We the People of Bradley Beach are deeply concerned about the potential possibility that Chief Guida may attempt to preserve his pension from being penalized as a result of the current investigation, and submit his resignation and retire prematurely.

Should he be found by the authorities to be in violation of his Oath of Office, as Chief of Police, he could and should be subject to penalties, in the way of a decrease to his overall pension benefits. If it is determined, by the Monmouth County Prosecutor, Chief Guida committed a crime(s) of moral turpitude, (1) an act or behavior that gravely violates the sentiment or accepted standard of the community. (2) A quality of dishonesty or immorality that is determined by a court to be present in the commission of a criminal offence, a crime involving moral turpitude.

A crime of moral turpitude is a crime that disrespects and antagonizes societal norms. They contradict rules upheld by polite society to a point where the crime itself is seen as shocking and disgusting. Moral turpitude refers to conduct that is immoral, dishonest, or unjust. Thus, a crime of moral turpitude can range from one involving intentional and knowing harm to the degree of shocking the average person's conscience, to one that is considered immoral, base, evil, depraved, reckless, and vile, breaching the decency that each human owes to society to refrain from harming others. I believe the Chief of Police has the highest bar, and the greatest expectation to protect ALL of those he swore an Oath to serve. That definition is loosely based on the various crimes involving moral turpitude (CIMT) by governing legal and administrative bodies and case law at the New Jersey state and federal levels. Legally, the crime of moral turpitude breaks down into categories based on the type of conduct and victim. All such crimes reflect a rupture in a community's common moral bond and trust. As such, an individual facing a conviction for crimes involving moral turpitude risks a prison sentence and jeopardizes their legal standing in the community, their professions, and the country.

As such, Chief Guida should not be permitted to retire as a way to circumvent accountability for his actions and inactions, nor should he be granted the ability to collect his full pension, without there being a financial penalty, by way of his pension being penalized and decreased by this Board. Should Chief Guida, in fact submit his request for retirement and to collect his pension, I ask to be notified so myself and other resident victims may appear before you, to testify to our objections as to why Chief Guida should not be granted 100% of his pension, without penalty. If there is a moral turpitude clause in his contract, it should be exercised.

Thank you for your time and careful consideration of his matter.

Sincerely,



Beth E. Kepler

BEK/bek

Cc; Borough of Bradley Beach Mayor Larry Fox, Council President Jane DeNoble, Councilman Al Gubitosi, Councilman John Weber, and Councilwoman Kristen Mahoney, and Greg Cannon, Esq.