

**BOROUGH OF BRADLEY BEACH
WORKSHOP & DEPARTMENT REPORT COUNCIL MEETING MINUTES
FEBRUARY 14, 2024 AT 6:30 P.M.**

A 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 and time.

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 FEBRUARY 14, 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 February 14, 2024 Workshop/Department Report Council 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 Whille, Deputy Municipal Clerk, Zoom Facilitator

Police Captain, James Arnold

Police Lieutenant Detective, Terry Browning

Borough Engineer, Bennett Matlack from CME

Mayor Fox:

As previously communicated, we are trying a few new approaches to our meeting process in 2024. This is our first “Workshop/ Departmental read-out” meeting. Unfortunately, our Acting Borough Administrator had a death in the family last week and our DPW Supervisor had an unavoidable family commitment that just came up. With that, we are pushing the DPW Departmental review to March 13th.

We will continue to “tighten up our clock management;” but ensure everyone is heard. We ask everyone to work with us in the coming weeks and months to optimize this process.

MAYOR AND COUNCIL REPORTS:

Mayor Fox:

Thanks to our Public Works and other Public Safety departments for all of their work around storm this week.

We are completing the final touches and have a phased re-occupancy of the Biase Center building. I think everyone will see that it is “better than ever.” First move is the Community Development team starting Friday. Meals on Wheels will be later in the next week or the following Monday. The February Senior Club meeting will be on February 28th at the Biase Center. We continue to work with the Historical Society on plans, both interim and longer term.

Please check the website for the Library and Recreation upcoming activities.

Councilman Weber:

- Stated he does not agree with the time limit on public comments on the agenda.
- The Fletcher Lake Commission is grateful for the signage prohibiting motorized vehicles on the footbridge. The Fletcher Lake Commission has requested another sign prohibiting feeding wildlife.

Councilwoman Mahoney:

- The Environmental Commission met February 5th and are in the process of completing the Sustainable Certification for Bradley Beach. The Commission is developing new educational materials to distribute at the Green Fair to be held on April 21st. The Commission is moving ahead with the “Adopt a Drain” program which will be introduced at their next meeting on April 1st.
- The Land Use Board will have their meeting February 15th.

Councilman Gubitosi:

- Updated the public on the status of the 2024 Budget and the 2022 Audit.
- Presented the weekly Police activity report.
- The Governing Body is working on finalizing the Memorandum of Understanding for the BBBCA.
- The next Sylvan Lake Commission will be held February 21st.

Councilwoman DeNoble:

- Presented a report on the Shade Tree Commission meeting held February 7th.
- Presented a report on the Tourism Commission meeting held February 13th.
- The Green Fair will be held April 21st from 11:00 a.m. to 4:00 p.m.
- The Board of Education received their Audit Report and got an excellent report on their financial status.
- Read a statement on behalf of Michael Heidelberg of the Board of Education in reference to School Board Recognition Month.

Councilman Weber announced the Fire and First Aid Reports will be presented at every other meeting of the month moving forward.

WORKSHOP(S):

Fallen Heros Discussion – presented by Councilman Gubitosi

Items presented in this workshop:

- Introduction of William Duffy, program creator.
- Fallen Hero Forms of Recognition – Banners, brochures, and monuments.
- Recommendations to include location of banners and monuments and placing monuments in one location.
- Costs, establishing a Fallen Heroes Trust Account for private donations, and how to request donations.
- Potential goal of completion.

Public Comment on this Workshop item:

In Person:

Paul Neshamkin, 411 LaReine Avenue, spoke highly of Mr. Duffy and stated he is in favor of moving all monuments in the Borough to one location.

Thomas J. Coan, 612 Third Avenue, suggested mounting additional names on the other monuments in the Borough to the monument in Riley Park.

PRESENTATIONS:

Proclamations: Presented by Mayor Fox and Councilwoman Mahoney

2024 Black History Month Proclamation

WHEREAS, the Mayor and Council of the Borough of Bradley Beach takes pride in recognizing February 2024 as “Black History Month”, celebrating the many notable contributions that people of African descent have made to the state and the country; and

WHEREAS, African Americans have played significant roles in the history of economic, cultural, spiritual, and political development while working tirelessly to maintain and promote their culture and history; and

WHEREAS, since 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience, which dates thousands of years and includes some of the greatest, most advanced and innovative societies that we can all draw inspiration from; and

WHEREAS, since 1976, every American President has designated February as “Black History Month” and endorsed a specific theme; and

WHEREAS, the theme for Black History Month 2024 focuses on African Americans and the arts and is infused with African, Caribbean, and Black American lived experiences; and

WHEREAS, in the fields of visual and performing arts, literature, fashion, folklore, language, film, music, architecture, culinary, and other forms of cultural expression the African American influence has been paramount; and

WHEREAS, because of their determination, hard work, and perseverance, African Americans have made valuable and lasting contributions to the country and state, achieving exceptional success in all aspects of society including business, education, politics, Science, athletics, and the arts; and

WHEREAS, this observance presents a special opportunity to become more knowledgeable about black heritage and to honor the many black leaders who have played a part in the progress of our community.

NOW THEREFORE BE IT RESOLVED, the Governing Body of the Borough of Bradley Beach do hereby proclaim February 2024 as “Black History Month” in the Borough of Bradley Beach.

Harvey Rosenberg Proclamation

WHEREAS, on behalf of the Borough of Bradley Beach, the Mayor and Council wish to record their deep sorrow over the passing of Mr. Harvey Rosenberg on December 31, 2023 and;

WHEREAS, Mr. Rosenberg was a beloved Husband, Father, Grandfather, Friend, Resident, and Community Volunteer, and;

WHEREAS, He was a full- time resident of the Borough of Bradley Beach for over twenty years, Vice Chairman of the Land Use Board and Co-Chairman of the Memorial Day Committee and;

WHEREAS, Mr. Rosenberg was a Bradley Beach Lifeguard in his youth and a graduate of Ohio State University, and;

WHEREAS, His life in the Borough was dedicated to the best interests of the Community and his family, and;

WHEREAS, The Borough of Bradley Beach along with Mr. Rosenberg’s family are blessed to have known him and been a part of his life.

NOW, THEREFORE BE IT RESOLVED, in recognition of Harvey Rosenberg’s many contributions to our Borough and its citizens, the Governing Body of the Borough of Bradley Beach do hereby express our deep appreciation for his dedication to the progress of this Community and extend to his family our sincere sympathy upon his passing.

BBBCA Town Survey and Recommendations Presentation – Ed Mulligan, BBBCA Member:

Mr. Mulligan gave a presentation on the recent survey done pertaining to Main Street and the businesses in the Borough.

The following items were discussed:

- Beautification**
- Diversity of businesses**
- Appearance, appeal and amenities**
- Safety and services**

- **Parking and striping**
- **Grants and securing funds.**
- **Plans moving forward.**

The Mayor and Council all agreed this was a great presentation and discussed trees on Main Street, the number of residents and businesses that responded to the survey, working with Manasquan to get guidance on how to secure funds.

CME 2024 Projects Presentation – Bennet Matlack, Borough Engineer

Mr. Matlack gave a presentation on Streetscape Improvements to Main Street. Items in the PowerPoint presentation included:

- **BBBCA Survey**
- **2020 Main Street Walkable Community Workshop.**
- **Existing conditions on Main Street.**
- **Proposed concepts for Main Street (Bus bulbs, curb extensions, ADA compliant curb ramps, streetscape improvements, bike lanes, and reduction/no reduction in parking).**
- **Uneven sidewalk pavers.**
- **Safety upgrades**
- **Funding sources**
- **Preparation of a preliminary improvement plan.**

Concerns and suggestions addressed by Council included ADA Compliant curb ramps, a more comprehensive plan pertaining to the sewers, relocating wires underground, parking, and funding and benefits to the community, bike lane safety.

Asset Activation Planning Grant Presentation- Bennet Matlack, Borough Engineer

Mr. Matlack gave a presentation pertaining to this planning grant recently awarded to the Borough in the amount of \$50,000.00. Mr. Matlack stated he will be meeting with the Economic Development Authority (EDA) next week to get the ground rules of this grant.

Concerns and suggestions were pertaining to the usage of this grant and researching all options and not just limiting this to one Borough asset.

Mr. Matlack concluded his presentation with updates on the following Borough projects:

- **Lake Terrace Park Project – under construction, anticipated to be completed in March.**
- **Improvements to Park Place Avenue – work anticipated to start in March.**
- **Improvements to Fifth Avenue – currently in design phase work anticipated to begin in the summer.**
- **Recreation Center Improvements – County and State Grant received for this project for a total of \$339,000.00. Upcoming plans to do environmental work followed by design work. More information to follow. Mayor Fox stated the Borough will be applying for an additional recreation grant from the State within the next few weeks.**

Councilman Gubitosi confirmed with Mr. Matlack several evaluations are still being considered to include trees, pickleball court repairs, and a potential dog park at the greenhouse location.

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:

Cindy Lukenda, 218 Fourth Avenue, expressed concerns pertaining to the BBBCA's role in the Borough and materials being used for Borough projects.

Tracie Davidson, 304 Fourth Avenue, inquired if other non-profits can give presentations at Council Meetings.

Mayor Fox stated yes and advised contacting the Borough Administrator.

Jack Gentempo, 103 Fourth Avenue, gave several suggestions to include reducing the speed limit on Main Street and better views of the Ocean.

Thomas McGuire, 610 Brinley Avenue, gave several suggestions and opinions regarding the presentations done this evening.

Thomas J. Coan, 612 Third Avenue, thanked Mr. Mulligan and Mr. Matlack for their presentations and referenced striping, benches, paver repair, streetlights, hatch crosswalks, coordinated walk signs, and uniform garbage cans.

Henry Machos, 209 Third Avenue, expressed concerns pertaining to residential tax increases and commercial property decreases.

Beth Kepler, 504 Central Avenue, stated she is in support of Resolution 2024-48 to pay Councilman Gubitosi's legal fees.

Zoom:

Donald Greenberg, 302 Park Place Avenue, mentioned there were issues viewing the PowerPoint presentation information via Zoom and stated he is in favor of bike lanes on Main Street and proactive bicycle enforcement.

Eileen Shissias, 112 Fourth Avenue, requested Code Enforcement enforce building owners bring their buildings up to code and requested more suitable restroom facilities at the beach.

Linda Duffy, 312 Brinley Avenue, expressed opinions and suggestions pertaining to the Lake Terrace Park Project, bicycle enforcement, and site triangles.

ORDINANCE INTRODUCTION(S): None

ORDINANCE ADOPTION(S): None

COMMUNICATIONS :

- Grant Award – verbal brief by Mayor Fox.

Mayor Fox spoke about potential ideas for the Biase Center and trying to deal with competing assets and fitting all the activities in town in a comfortable way.

CONSENT AGENDA RESOLUTIONS: None

INDIVIDUAL RESOLUTIONS:

2024-46 Authorizing and providing for the issuance and sale of \$11,580,500.00 Bond Anticipation Notes of the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey to the Monmouth County Improvement Authority, and determining various matters in connection Therewith.

Councilman Gubitosi expressed concern regarding the BAN amount.

Mayor Fox stated the current amount listed is the high-end amount recommended by the CFO and he believes this amount will end up being lessened, however the amount would not exceed the current amount listed.

A lengthy discussion ensued amongst the Governing Body and the Borough Attorney regarding whether to pass the resolution with the current amount, the current rates, and the urgency of passing this resolution. The Mayor committed to the Council the BA and the CFO will give a thorough explanation of the dollar amount to the Council within a week.

ON MOTION by Fox/Gubitosi to adopt Resolution 2024-46.

Ms. DeNoble voted no and stated she was not comfortable voting on this resolution, not having the explanation concerning the rate and voted no.

ROLL CALL:

AYES: Gubitosi, Mahoney, Weber, Mayor Fox

NAYS: DeNoble

ABSENT: None

ABSTAIN: None

ADOPTED

2024-47 Requesting permission for the Dedication by Rider of a “Fallen Heros” Trust Fund to accept bequests, legacies, and gifts pursuant to N.J.S.A. 40A:5-29 in order to honor the deceased Veterans of the Borough of Bradley Beach.

Councilman Weber confirmed with the Mayor this resolution is to create a Trust Fund.

ON MOTION by Fox/Weber to adopt Resolution 2024-47.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

2024-48 Authorizing the retention of Plosia Cohen, LLC to defend Councilman Alan Gubitosi in the matter of Humphrey v. Bradley Beach, et al. – Docket No. Mon-L-258-24.

ON MOTION by DeNoble/Weber to adopt Resolution 2024-48.

ROLL CALL:

AYES: DeNoble, Mahoney, Weber

NAYS: None

ABSENT: None

ABSTAIN: Gubitosi, Mayor Fox

ADOPTED

2024-49 Authorizing the retention of Michael L. Collins, Esq. of King Moench & Collins, LLP to represent the Borough Council in the matter of Fox v. DeMarco, et al. – Docket No. Mon-L-1595-23.

Councilman Gubitosi explained to the public this resolution is appointing an attorney to defend the Borough with the Mayor's lawsuit and replacing Mr. Cannon who has recused himself from this litigation.

ON MOTION by Gubitosi/DeNoble to adopt Resolution 2024-49.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber

NAYS: None

ABSENT: None

ABSTAIN: Mayor Fox

ADOPTED

ANNOUNCEMENTS: None

Public Comments:

In Person:

Shana Greenblatt- Janoff, 414 Monmouth Avenue

- **Inquired about the legality of the timeline for the payments being made to Mr. Fehrenbach, former Interim Administrator. – Addressed by Mr. Cannon.**
- **Inquired if it is in the best interest of the Borough to continue employment with Kimberly Humphrey as QPA being she has filed a lawsuit against the Borough. – Addressed by Mr. Cannon.**
- **Inquired about the status of 319 LaReine Avenue. – Addressed by Mayor Fox.**

Nancy Meadow, 805 Beach Avenue, expressed complaints regarding legislation, the recreation sign, website meeting listings, response received from the Borough and OPRA Attorney pertaining to financial records she requested for the Ocean Park Outfall Pipe, the new meeting format.

Tracie Davidson, 304 Fourth Avenue, had Zoning and Land Use Board inquiries which were addressed by Mr. Cannon.

Jack Gentempo, 103 Fourth Avenue, made a statement in favor of saving 319 LaReine Avenue.

Anita Nazario, 116 Newark Avenue, inquired about receiving answers to questions for the entire public to view. - Addressed by Mayor Fox and Mr. Cannon.

Beth Kepler, 504 Central Avenue, made a statement pertaining to bullying and commended Councilwoman DeNoble for voting no to Resolution 2024-46.

Thomas J. Coan, 612 Third Avenue

- **Inquired about the status of the 2022 Audit. – Addressed by Mayor Fox**
- **Inquired about the status of the paid administrative leave for the Police Chief. – Addressed by Mr. Cannon.**

William Psiuk, 110 Fifth Avenue, stated several sets of Shade Tree Commission Minutes were not posted to the Borough Website and inquired about missing funds in 2023. Councilman Weber and Councilwoman DeNoble stated the funds were located and this issue was corrected.

Please note, all 2023 Minutes for this Commission have since been posted as of 2-16-24.

Rick Bartolomei, 116 Newark Avenue, inquired about the status of concession RFP's. – Addressed by Mayor Fox & Ms. Kostyz.

Thomas Mc Guire, 610 Brinley Avenue, made a statement about “viewpoint discrimination”.

Zoom:

Herb Kenny, 216 Brinley Avenue, inquired about the new meeting format, meeting the CFO, the Biase Center Renovation, and Sewer projects.

Donald Greenberg, 302 Park Place Avenue, stated concerns the CFO and Acting BA were not present at the meeting to answer questions pertaining to Resolution 2024-46.

ADJOURNMENT:

ON MOTION by Fox/Gubitosi to adjourn the Council Business Meeting at 10:05 p.m.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 10:05 P.M.

Erica Kostyz

Erica Kostyz, RMC, CMR
Municipal Clerk