

**BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES
MARCH 27, 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 MARCH 27, 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 March 27, 2024 Council Business Meeting:

**Councilwoman DeNoble, Councilman Gubitosi, Councilwoman Mahoney, Councilman Weber,
Mayor Fox
Acting Borough Administrator, Meredith DeMarco
Municipal Clerk, Erica Kostyz
Borough Attorney, Gregory Cannon
Michele Whille, Deputy Municipal Clerk, Zoom Facilitator
Police: Captain James Arnold, Lieutenant Detective, Terry Browning, and Sargeant William Major**

Mayor Fox:

Reiterated the Governing Body's process to welcome disagreements but try to understand different perspectives. Mayor Fox encouraged everyone to have a constructive voice this evening, gauge their tone as we are all neighbors and continue join in the vision to improve Bradley Beach.

Councilwoman DeNoble called a point of order and stated the residents are the most valuable asset in the Borough and that the Governing Body works for them.

EXECUTIVE SESSION:

ON MOTION by Fox/Mahoney to retire into Executive Session at 6:35 p.m. to discuss Personnel, Investigation, and Litigation Matters.

- McGuire vs. Bradley Beach
- Affordable Housing Litigation
- Personnel Investigation discussion
- BBFD Appeal

Resolution 2024-73 Retire into Executive Session.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ON MOTION by Fox/Mahoney to return from Executive Session at 8:10 p.m. and conclude the Council Business Meeting.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

WORKSHOP(S):

Sale of Sewer Considerations – Scott King of DeCotiis Law Firm

Mr. King presented a high-level review of several options for the Borough's Sewer and Wastewater System.

The options presented:

- **Maintain Status Quo – Keep the system as is.**
- **Public/Private Contract to have an entity manage the Borough Sewer System (governed by specific statute).**
- **Municipal Sale or long-term lease of the Sewer System.**
- **Participate in the Water Infrastructure Protection Act (WIPA).**

Mr. King focused on the Public/Private contract and Municipal Sale and stated both options are governed by specific state statute, are strictly regulated and time consuming.

Additional items discussed:

- **Pros and cons**
- **Long term leases and sales**
- **Staffing for the lease of the system.**
- **Sale of the system and debt.**

PRESENTATIONS: None

MINUTES APPROVAL

Councilman Gubitosi made a motion to remove a statement from the Mayor that was not read aloud during the Council Meeting and provided to the Clerk after the meeting to be placed in the minutes. Seconded by Councilwoman Mahoney.

ROLL CALL:

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

STATEMENT REMOVED PRIOR TO MINUTES BEING POSTED TO THE WEBSITE.

ON MOTION by Fox/DeNoble to approve the Council Meeting Minutes of March 13, 2024.

ROLL CALL:

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

APPROVED

ON MOTION by Fox/DeNoble to approve the Executive Session Minutes of March 13, 2024.

ROLL CALL:

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

APPROVED

The Acting Borough Administrator exited the meeting at approximately 8:45 p.m.

Public Comments and Questions on Agenda Items:

In Person:

Thomas J. Coan, 612 Third Avenue, commented on the verbiage in Resolution 2024-79 pertaining to the Certification of the Audit.

Eileen Shissias, 112 Fourth Avenue, challenged several items on the bill list questions and complained the BA was not present to answer questions.

Nancy Meadow, 805 Beach Avenue, challenged bill list items.

Shana Greenblatt Janoff, 414 Monmouth Avenue, read the following statement pertaining to 319 LaReine Avenue and Resolution 2024-82:

I would like to address the 319 LaReine Avenue property. Last fall, there was a workshop where consensus was reached to have the Borough go ahead and sell the parcel with four deeded conforming sub-divided lots. There was consideration to put the onus on the buyer to demolish the structure, with the caveat that elements deemed historically significant, and worthy of resale be pulled for the borough. I recall a lengthy presentation by an antiques representative who deals in resale of artifacts and the suggestion that there is a market for some of the elements contained within the church structure.

Later in the fall, and out of the blue, a proposal by the mayor was made to include an affordable housing plot on this site, with Habitat for Humanity as the target investor. As I recall, there was a great deal of concern expressed about this and it seemingly went nowhere.

Concerned that this asset has dragged out, I have publicly asked in three recent council meetings, about the LaReine property, and told each time by the mayor and B.A. that the borough is working with an engineer to prepare an RFP. No other details.

So tonight, we have a resolution, not an RFP. My question: Is this Resolution the context for the RFP? Do the bids come in with no RFP?

Resolution 2024-82 challenges my understanding. It makes no mention of the historically significant assets and their preservation. Further, I am stumped at a decision to go forward with affordable housing on this property for a couple of reasons:

#1 it does not align with the single-family housing stock within the neighborhood, and #2 it assumes a shortfall on the sale for Option A, which requires ¼ of the overall plot to be designated at below market rate. And further, how does this square with the lack of Affordable Housing requirement for developers on properties such as 301 Main, the Auto Tech site, and the multi-unit rental building west of Boro Hall? Why does the Borough take the financial hit with no responsibility seemingly on developers?

Now to the resolution. It says The Land Use Board of the Borough retains authority in the areas of subdivision review and approval, site plan review and approval and the issuance of variances. The property is located in an R-1 Single Family Zone. Now, the Land Use Board members are appointed by the Mayor. And it is noticeable that residents with different viewpoints never seem to get appointed to the Board.

The resolution goes on to say: The invitation to bid shall require each bidder to submit one bid under each Option A (with restrictions) and Option B (free of restrictions). Both Options A and B each have the same minimum Bid Price of \$2,718,100.00.

So, my questions:

1. What is the incentive for a developer to bid above the minimum for "Option A" which assumes a lower profit margin on an "Affordable Housing" lot?
2. Why two variables (or options)? What is the thinking behind structuring it this way?

(Option A (with restrictions))

B. The resulting vacant property shall be subdivided into three market rate lots and one affordable housing lot able to have up to two (2) affordable dwelling units situated thereon in accordance with the Major Subdivision Plat prepared by CME Associates, dated 04/18/2023.)

My questions regarding Option A:

1. Has it been determined who will own/manage the affordable housing lot? Is it Habitat for Humanity?
2. Will variances be required for the 2-unit building (*remember* it is an R-1 Single Family Zone) in Option A, and put in place by the borough and Land Use board?
3. I do not recall an affordable dwelling 2-unit structure in CME Assoc. Subdivision document. Can you share it with the public?

(Option B as set forth in the statute would be a sale of the property "free of all such restrictions)

The resolution goes on to say: The Municipality may elect or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the governing body following the sale, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected.

My questions: So, who determines the winning bid? The Municipality or the Governing Body? And if not approved by the Governing body, how does the sale proceed, are there second and third choices?

Ms. Greenblatt presented copies of her questions to the Governing Body and asked for answers via email.

Julie Nutaitis, 605 Newark Avenue, feels Council should not approve the bill list and there is no accountability with finances in the Borough.

Beth Kepler, 504 Central Avenue, also feels Council should not approve the bill list and complained the Acting BA was not present.

Mary Backstrom, 218 Fourth Avenue, requested the Mayor not interrupt residents speaking.

William Psiuk, 110 Fifth Avenue, stated recommendations were made by the Land Use Board for Ordinance 2024-1 and no changes were made and requested the Governing Body table it for further review.

Discussion ensued amongst Mr. Psiuk, Mr. Cannon and the Governing Body pertaining to Land Use Board recommendations and modifications to the ordinance.

Linda Duffy, 312 Brinley Avenue, challenged the budget amounts in resolution 2024-80, the bill list item for Bernstein and Associates and inquired about no deed restrictions listed in 2024-82.

Paul Neshamkin, 411 ½ LaReine Avenue, requested the Governing Body table Resolution 2024-82.

Thomas McGuire, 610 Brinley Avenue, inquired about deed restriction definition which led to a lengthy discussion between Mr. McGuire and the Governing Body.

Refet Kaplan, 409 Brinley Avenue, challenged why the Acting BA left the meeting and inquired if the public is allowed to comment on a public official's job performance. Mr. Kaplan's inquiry was answered by Mr. Cannon.

Cindy Lukenda, 218 Fourth Avenue, inquired if the Governing Body would agree to selling the 319 LaReine Avenue property as four single family homes for affordable housing.

Mayor Fox responded given new information that was received earlier in Executive Session, it would be best to re-examine some elements relating to Affordable Housing.

Lauren Egbert, 404 ½ Brinley Avenue, requested the Governing Body not pass Resolution 2024-82 and requested examining other options for 319 LaReine Avenue.

Gail Osterman, 402 Brinley Avenue, requested preserving 319 LaReine Avenue for future generations.

Zoom:

Herb Kenny, 216 Brinley Avenue, requested the Executive Session be at the end of the meeting, inquired when he will be able to view the audit and who signs off on the audit report.

Mayor Fox replied the audit can be viewed tomorrow after Resolution 2024-79 is passed and is signed by himself and the Acting BA.

David Rinkowski, 304 Third Avenue, inquired about a charge to Rutgers State University on the Bill List and complained the BA was not present for the meeting.

Ms. Kostyz confirmed this was for a class however was not certain what employee attended this class.

ORDINANCES:

INTRODUCTION(S):

ORDINANCE 2024-3

AN ORDINANCE AMENDING CHAPTER 350: "PROPERTY MAINTENANCE AND HOUSING STANDARDS" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO ESTABLISH STANDARDS FOR THE STORAGE OF SALT AND OTHER SOLID DE-ICING MATERIALS IN ACCORDANCE WITH NJDEP REQUIREMENTS.

Councilman Gubitosi confirmed with Mr. Cannon this Ordinance is a standard State mandate.

ON MOTION by Fox/DeNoble to introduce Ordinance 2024-3.

ROLL CALL:

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

INTRODUCED

ADOPTION(S):

ORDINANCE 2024-1

AN ORDINANCE AMENDING ARTICLE II: "TERMINIOLOGY" AND ARTICLE VIII: "OFF-STREET PARKING, DRIVEWAY AND LOADING REQUIREMENTS" OF CHAPTER 450: "ZONING" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO REQUIRE AND REGULATE ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT AND MAKE-READY PARKING SPACES PURSUANT TO STATE LAW MANDATES.

ON MOTION by Fox/DeNoble to table Ordinance 2024-1 for further review of Land Use Board recommendations.

ROLL CALL:

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

TABLED

ORDINANCE 2024-2

AN ORDINANCE AMENDING CHAPTER 396: "STORMWATER MANAGEMENT" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO ADOPT NEW REGULATIONS CONSISTENT WITH AMENDMENTS TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S STORMWATER MANAGEMENT RULES.

ON MOTION by Fox/Mahoney to open the public hearing for the adoption of Ordinance 2024-2.

ROLL CALL:

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

Public Comment: None

ON MOTION by Fox/DeNoble to close the public hearing and adopt Ordinance 2024-2.

ROLL CALL:

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

ADOPTED

COMMUNICATIONS : None

CONSENT AGENDA RESOLUTIONS:

2024-74 Bill List for March 27, 2024.

2024-75 Approval for the Congregation Agudath Achim of Bradley Beach to conduct their Jewish Sabbath Service at the Fifth Avenue Gazebo on Friday, June 14, 2024 from 6:00 p.m. to 8:00 p.m.

2024-76 Approval for Jersey Shore Running Club to conduct their 5K “Runapalooza” Run for Saturday, April 6, 2024 from 8:00 a.m. to 1:00 a.m.

2024-77 Approval for the Tears Foundation to conduct their Annual Remembrance Walk for Sunday, May 5, 2024 from 7:00 a.m. to 1:00 p.m.

2024-78 Award of Bid for the Miniature Golf Course Concession License.

Councilman Gubitosi inquired about the fees for Resolutions 2024-76, 77, and 78 which were addressed by Ms. Kostyz.

Councilman Gubitosi stated while he appreciates the residents that came forth this evening and requested Council vote no on the bill list, he will not be doing this as he still feels a good portion of the items on there are applicable.

Councilman Gubitosi inquired about the Web Alliance bill and feels the Borough is overpaying the website vendor.

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

ROLL CALL:

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

ADOPTED

INDIVIDUAL RESOLUTIONS:

2024-54 Approval to apply for a Grant from the New Jersey Department of Community Affairs for approximately \$100,000.00 for Improvements to the Bradley Beach Recreation Center.

Councilman Gubitosi inquired if there is a potential for a dog park with this grant.

Mayor Fox said the grant is geographical and stated it is possible.

ON MOTION by Fox/Weber to adopt Resolution 2024-54.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

2024-79 Governing Body Certification of the 2022 Audit and Group Affidavit.

Councilman Gubitosi gave the following statement:

While I will certify my review of these “Comments and Questions”, I believe I am obligated to share my opinions of this report with the public. In my opinion, Bradley Beach failed our 2022 Audit miserably. The “Comments and Recommendations” section highlighted incredible financial incompetency by our Administration. Our 2022 Financial data was so poorly maintained that overarching Audit Finding (2022-001) stated:

“Internal control procedures were not in place for preventing, or detecting and correcting, misstatements of account balances recorded in the general ledger on a current and timely basis.” “General ledgers that are not completely and accurately maintained present a reasonable possibility that a MATERIAL MISSTATEMENT in financial statement balances will not be prevented, or detected and corrected, on a timely basis by management or employees.”

This is the one of the worst types of audit assessments that can be received. Think about the wording: “a MATERIAL MISSTATEMENT is reasonably possible” – that just should not be the case. And it goes on to say “it will not be prevented or corrected.”

There were sixteen comments in all, and 8 of the comments – half of them – were repeated from the 2021 Audit. Half of these “corrective action” comments were left unaddressed for over a year. A quick summary of the remaining comments includes:

- Trust Accounts were not properly established with the State of New Jersey (005 - Prior Year).**
- Employment contracts - must be reviewed (006 Prior Year)**
- Monthly receipts and disbursements (must) be recorded in the general ledger and reconciled to the bank account statement. This suggests that we were not doing this consistently. (008 - Prior Year)**
- Proper authorizations were not obtained for “Over-expenditures of appropriations in the current fund and the beach utility operating fund.” (009 - Prior Year)**
- Bank Account reconciliations were not completed and accurately reconciled to the general ledger. (010)**

- A Borough Officer's certification was not consistently made on goods and services received (011)
- Bradley Beach is not in compliance with a State Statute that requires "a responsible individual to authorize and supervise the activities of the payroll service provider" (015)

To make matters worse:

- As of the year-end 2022, the Auditor was unable to balance our "Cash" on hand to the general ledger. Our actual cash was roughly \$75,000 less than what our "books" reflected. Said another way, the Auditor could not account for \$75,000. (Misc. Reimbursements Exhibit A-4)
- Even more discouraging, the Auditor confirmed that in 2022, **THE BOROUGH DID NOT PAY OURSELVES BACK \$1 million** that we borrowed from our Surplus!
- I went back 14 years, spanning twelve audit reports, back to 2010. Every year, as a matter of course, the Borough borrows from our Surplus, **ALWAYS** with the intent to reimburse our Surplus. In the summer of last year -- June of 2023 -- our Mayor, our Business Administrator, and our CFO informed the Council that \$700,000 of this \$1 million borrowing had been paid back to the Borough! So, the Council was told that in the prior year - 2022 -- \$700,000 of the million had been paid back. And I was upset about that, and I believe other Council members were as well. We all thought that we had dipped into our surplus of \$300,000.
- How could the Administration be so unaware of our 2022 financial statement results -- six months **AFTER** the 2022 books should have "closed"? They told us, **SIX MONTHS AFTER** the close of the year, that \$700,000 had been paid back. Now we are finding out that only \$22,000 had been paid back, not \$700,000. We did not pay back \$1 million.
- Please note that the Council **RELIED** upon these misstated amounts when negotiating with the Mayor on the 2023 budget! I personally pushed very hard to determine what was the amount that we had replenished of our surplus, because I thought that might serve as a guideline to use to estimate the subsequent year, 2023. Because we borrowed again in 2023 \$1.1 Million. If I had known at that point that in the year just passed that we had paid back none of it, I would have looked at that borrowing very differently.
- For those in attendance tonight, I prepared an Exhibit that summarizes a brief history of this Borough's ability to pay back our borrowed surplus. For those joining by Zoom I will ask our Clerk to include this exhibit in the Minutes. I went back to 2010 and I looked at every single audit report. And I pulled out every single year how much we borrowed and how much we replenished. Out of the 12 years reviewed, only in three of them did we not replenish the full amount we borrowed. In aggregate, on average of 134%. So even the three bad years were more than offset by the good years. The worst year, we still replenished 77% over three-quarters of the amount we borrowed. In 2022 we borrowed \$988,000 and we replenished 2%.

Note: Exhibit presented to the audience during the meeting is attached.

- This news is **EXTREMELY DISHEARTENING**. It shows us all what a state of chaos and disarray our Financial Department was through the year 2022. Our Auditor tells us that we cannot even reconcile our bank accounts and that we did not even know that we could not replenish **ONE MILLION DOLLARS OF OUR SURPLUS**. I don't know when the Administration found this out, but I found out about a week ago when this Audit report was made available to me.

ON MOTION by Fox/Mahoney to adopt Resolution 2024-79.

ROLL CALL:

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

ADOPTED

2024-80 Authorizing Amendments to the Temporary Budget.

ON MOTION by Fox/Weber to adopt Resolution 2024-80.

ROLL CALL:

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

ADOPTED

2024-81 Approval of a Shared Service Agreement with Neptune City for Summer Camp.

ON MOTION by Fox/DeNoble to adopt Resolution 2024-81.

ROLL CALL:

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

ADOPTED

2024-82 Authorizing the Sale of 317-319 LaReine Avenue also known as Block 41, Lot 1 on the Tax Maps of the Borough in accordance with N.J.S.A. 40A:12-13

Councilman Gubitosi:

I came here tonight with ZERO intention of voting “Yes” on this tonight, even before we held our Executive Session. This Resolution was prepared in a vacuum, without any effort to request or receive input from the Council. I sat here in an earlier Council meeting and gave four specific criteria that I would need to vote “Yes” on the ultimate disposition of this property, and it included deed restrictions and it included that the Borough would not do demolition ourselves. When this bid package came back to the Council it was all over the place. It returned to a plan to satisfy Fair Share Housing - and there was no way that I was going to sit here and vote to dedicate one lot to satisfy that obligation - one lot that could be worth a half million or a million dollars or more. I felt there would be more opportunities to satisfy our obligation to satisfy Fair Share Housing - and in the Executive Session we held tonight I think we discovered that there probably are other opportunities. This bid package design was premature and ill-conceived.

Mayor Fox in response to Councilman Gubitosi:

"I think your comments are just a little bit off on this. The package went out on March 12th at 4:48 p.m. The memo in the package cited your four specific requirements and they were "addressed." You did not open the email until March 20th. I take exception to the fact that you say that you were not notified about this. Eight days went by since you did not even open your email. The Mayor made other comments suggesting that Mr. Gubitosi did not act promptly to review and respond.

Councilman Gubitosi responded:

"Mr. Mayor, I would like to make a comment back. In fact, as you accuse me of "misinforming people." I have a prepared statement that I was not going to read until now.

On March 12, I received an email from our Business Administrator, and it stated that there are four Councilman Gubitosi requirements" as I understand them:

- 1) The Governing Body should approve a subdivision plan and have it processed before The Land Use Board prior to the sale.
[Gubitosi: "That is accurate!"]**
- 2) The Governing Body should approve the requirements in detail to prequalify potential developers. [Gubitosi: "That is also accurate!"]**
- 3) Not in favor of the Borough managing the demolition of the buildings.
[Gubitosi: "I was absolutely adamant about that!"]**
- 4) A public auction opposed to an RFP process. [Gubitosi: "I wanted a Public Auction, not an RFP process. So, Mr. Mayor, you are right, my comments were addressed by the Business Administrator.]**

Then, the Business Administrator said, in her note: "I have been able to satisfy these requests to varying degrees" And, then the Business Administrator states: "I am unsure how to address" the First, Second, and Third requirements.

Further intense discussion ensued pertaining to the bid package and Council involvement.

ON MOTION by Fox/Gubitosi to table Resolution 2024-82.

ROLL CALL:

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

TABLED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Councilman Weber:

- Presented the First Aid Squad Operational Report.
- Volunteers are needed for the Tree Planting to take place on May 4th.
- The Fire Department Fish Fry was great.
- Mentioned a Coin Toss has not occurred in a long time and encouraged residents to support this event in July.

Councilwoman Mahoney:

Land Use Board

Three applications came before the land use Board on March 21st.

The first for 302 Park Place Avenue to extend a driveway, add a second story on an existing structure, construct a garage and an outdoor shower was approved 6 to 3 with four variances.

900 Ocean Ave sought a Use Variance from a bed and breakfast to a single-family home, due to a fire and replace the lost garage apartment with a driveway. The application was pushed to the May 16th meeting for more testimony.

Finally, 27 1/2 Pacific Ave applied to enclose an area under an existing garage. The changes required 2 Bulk Variances and a Use Variance. The application was carried out until the May 16th meeting for more testimony.

The next Land Use Board meeting will be held April 18th at 6:30 p.m.

The 2022 Audit

We received the 2022 audit and in this meeting are being asked to certify that we have received the audit and read the comments and recommendations. With that said, not only did the audit find fifteen internal control and compliance matters, but eight of those issues were from 2021. Shockingly, the 2021 audit only mentioned eight internal control and compliance matters. This means no corrective action was taken on those eight items between 2021 and 2022 and seven more control and compliance matters were identified. The audit report found a material weakness in our internal control over financial reporting, by failing to maintain accurate general ledgers for all funds on a current and timely basis.

Though the Borough's response to this material deficiency was agreement with the finding and that it would enhance its internal control system to ensure the maintenance of complete and accurate general ledgers for all funds, the question remains, how? These same issues with the general ledger were cited in the 2021 audit and never ameliorated.

This is not progress and again the residents suffer.

The 2024 Budget

On to the 2024 budget. I optimistically and perhaps naively joined this Council with the goal of getting the budget process started early and running smoothly. I wanted transparency, accountability, and clear reporting. This is what I was good at in my past life on Wall Street. Though Municipal budgets are a different beast, in some ways, deadlines are an immutable task.

It was March 27th, almost 6:00 p.m. when I wrote this, and we still have no preliminary budget. On top of that, when I first sat down with this Administration in October we had talked about delivering clear

quarterly numbers for each fund showing actual costs and percentages versus budget. I am hopeful that I can see 2023 actual versus budget at the end of March. As for the budget, I have no idea. It is not for a lack of trying on the part of this Council. Now seeing the inner machinations of communications, requests and "answers," my sympathy extends to my fellow Council members.

Like the audit, this is not progress and you, the people of Bradley Beach, again suffer.

Councilman Gubitosi:

Police

Detective Lieutenant Browning said: "Thankfully we have not had anything significant to report in regard to crime or arrests since the last Council meeting." Great news. I also had the chance to meet with Captain Arnold and we discussed some Capital Improvement needs for the Police Department.

2024 Budget

Somebody told me that the 2024 budget was sent out earlier this evening. I Have not seen it yet but that is obviously good news. I thought we would get it January 31st, and then we passed a Resolution allowing the budget to be delivered on February 27th, and here we are on March 27th and we now have a draft of the preliminary budget. The reason I say this is because it has taken at least a month, I could say two but we are now a month late in receiving this budget, and my concern is now that the way this works is: "Wait around, wait around, wait around," until we finally get the budget, and then it is "ALL HANDS ON DECK" and "GET THIS ADOPTED IMMEDIATELY." It is just not going to work that way this year. We will continue to try to work collaboratively, but speaking only for myself, I am not approving any budget unless I am very comfortable that it is as accurate as I can determine it to be. Now realizing that the numbers I worked with last year were not reliable.

Sylvan Lake Commission

The Sylvan Lake Commission members reached out to Mayor Fox just a few days ago to express concerns about the "Critical status of the flume on the east end of Sylvan Lake." They noted that the flume was broken and water is rapidly draining from Sylvan Lake endangering the fish and fowl life and causing an odor to develop. Mayor Fox responded on Monday that work is proceeding this week. The Commission members were very happy that they received such a quick response from the Mayor.

Local 152

I have got to make a quick comment about Local 152. A number of our Union members joined us at a Council meeting and expressed concerns about the progress of negotiations. It has been 15 months. I do not understand why so little progress has been made.

The Council has requested repeatedly for us to have a seat at the table. Keep in mind, we ultimately have to approve any contract that is negotiated. We have requested repeatedly to have a voice at the table, any one of us. Because we get feedback, from our own employees, that our negotiating team is "not being reasonable." I do not know if that is true. I am not accusing our negotiating team of any wrongdoing or poor negotiating, but why not allow one additional Council member to join these negotiations?

In one of the last meetings, somebody referenced the Bill List invoices for negotiations by our Attorneys, and noted that we are coming close, maybe even exceeding paying legal bills that are greater than what we would negotiate as a merit increase for our employees. I think total salaries for this group might approximate \$1.5 million and a 3% increase would be \$45,000? A 4% increase would be? You guys do the math. But if that is the kind of magnitude that we are talking about to provide a merit pay increase, it seems silly to me that we are paying our Lawyers \$40,000 or more in time. It makes no sense to me that the

Council is not allowed to participate to some degree if not just to offer a different perspective here. I am openly asking the Mayor to share with the Council the Union's most recent proposal, to allow us to sit in Executive Session, with the Labor Attorney, with the Business Administrator, with the resident volunteer who is negotiating and explain to us where we stand.

Fallen Heroes Trust Fund

Finally, I want to make a financial appeal to everyone for our Fallen Heroes. At the moment, we are woefully short of our goal, with Memorial Day rapidly approaching. Our Fallen Heroes are Bradley Beach's own Armed Forces members who were killed in action. Mr. Paul Neshamkin has set up a collaboration with the Council and the Historical Society's website. We can make contributions there! Thank you very much.

Councilwoman DeNoble:

- The Sixth Grade Elementary School Students took a tour of the trees on their campus with Shade Tree Commission Member Noelle Weinberg and Council Liaison DeNoble.
- Tourism had a meeting on March 18th. Director Amy Hall secured \$2000.00 sponsorship from the Monmouth County Tourism Division. The Shamrock Hunt was a huge success.
- April 21st is the fourth annual Earth Day Festival and Green Fair in Riley Park.
- The Board of Education had a meeting on March 19th. The school was awarded a \$392,000.00 grant from the New Jersey Natural Gas Save Green Project for replacement of two steam boilers.
- The Bradley Beach BOE presented their 2024/2025 tentative budget .
- The Bradley Beach Girls Basketball Team are the National Division Champions.

Mayor Fox:

Mayor's Wellness Campaign

Almost 3 years ago we formed the Mayors Wellness Committee. In year two (2022), we submitted our application and were surprised to receive from the New Jersey Health Care Quality Institute their "silver" status; A Healthy Town to Watch. We were very happy to achieve this. Last year, we continued our journey to good health, and I am happy to report that for 2023 we have achieved "Healthy Town Designation. We were among seventeen towns to achieve this. We thought we were a year for the "GOLD;" but we again exceeded our expectation. "Being honored as a Healthy Town, the highest designation of the statewide Mayors Wellness Campaign, is a tribute. Thanks to our sixteen-person steering Committee, to the committed efforts of everyone on our Committee, and for all the residents of our Borough who join with us and participate in our programs. We are grateful for this recognition, which affirms that working to bring people together is the pathway to make us and our community healthier in "body, mind and spirit." I am so, so thankful and grateful to our community.

I want to congratulate our shore or Monmouth County Healthy Town recipients, Bay Head, Wildwood Crest, Asbury Park, and Freehold. Also, Stone Harbor, Brigantine, Atlantic City, Red Bank and Brick received "Town to watch for up and coming awards!"

Community Project funding secured by Bradley Beach \$1,416,279.

I announced a great award of community funding we got thanks to our team and Senator Booker and Congressman Pallone's respective staffs on 2 Community Funding Project. The two applications were for Sylvan Lake improvements and Main Street Improvements the award was only for Main Street. As I said, improvements like brick pavers, streetlights, tree wells, benches, and corner configurations were in the application. We will see how much milage we can get from \$1,416,279.00 for the Main Street Project. Thanks to the teams that worked on these funding grants. More to follow. We met with the Borough Engineer on March 15th to get going.

That is all for now.

Please check the website for the Library and Recreation upcoming activities

Public Comments:

In Person:

Beth Kepler, 504 Central Avenue, addressed the recent Superior Court decision regarding the former Police Chief.

John Ross, 107 Second Avenue, addressed ongoing parking issues he stated he has been having for several years.

Nancy Meadow, 805 Beach Avenue, voiced several complaints regarding the website, plastic film pick-up, expenditure of funds, Municipal employees, and receiving the Mayor's Newsletter.

Mayor Fox stated the Municipal Employees work hard everyday and do a good job.

Edward Vecchione, 205 Evergreen Avenue, suggested putting a process in place to answer bill list questions prior to bill list approval.

Brigitte McGuire, 610 Brinley Avenue, expressed concerns regarding the 2022 and 2023 surplus replenishment.

Thomas J. Coan, 612 Third Avenue, expressed concerns pertaining to the audit, street striping, and purchase of benches in front of his property on Main Street.

Eileen Shissias, 112 Fourth Avenue, presented bill list questions to Council to be answered at a later date.

Lauren Egbert, 404 ½ Brinley Avenue, requested striping for parking be done throughout the town.

Linda Duffy, 312 Brinley Avenue, thanked Councilman Gubitosi for the Audit exhibit he shared with the public.

Thomas McGuire, 610 Brinley Avenue, spoke positively about the updated Mercantile License form and expressed concerns pertaining to the budget.

Zoom:

Ray Castellano, 604 Bradley Boulevard, expressed concerns pertaining to the budget and suggested outsourcing a company to handle the budget.

ADJOURNMENT:

ON MOTION by Fox/DeNoble to adjourn the Council Business Meeting at 11:00 p.m.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber

NAYS: None

ABSENT: Mayor Fox

ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 11:00 P.M.

Erica Kostyz

Erica Kostyz, RMC, CMR
Municipal Clerk

Bradley Beach Current Fund Surplus Replenishment History

Year	Borrowed Surplus	Replenished Surplus	Replenish %	Fund Balance Incr / (Decr)	Ending Fund Balance
2010	\$400,000	\$478,943	120%	\$78,943	\$634,194
2011	\$465,000	\$373,383	80%	(\$91,617)	\$542,577
2012	\$421,312	\$703,041	167%	\$281,729	\$824,306
2013	\$413,500	\$935,741	226%	\$522,241	\$1,346,547
2014	\$515,000	\$840,340	163%	\$325,340	\$1,671,887
2015	\$735,627	\$849,628	115%	\$114,001	\$1,785,888
2016	\$785,568	\$903,118	115%	\$117,550	\$1,903,438
2017	\$785,000	\$1,011,407	129%	\$226,407	\$2,129,845
2018	\$997,000	\$950,600	95%	(\$46,400)	\$2,083,447
2019	\$997,000	\$765,523	77%	(\$231,477)	\$1,851,969
2020	\$897,000	\$1,971,256	220%	\$1,074,256	\$2,926,225
2021	\$1,100,000	\$1,107,125	101%	\$7,125	\$2,861,287 *
2022	\$988,556	\$22,223	2%	(\$966,333)	\$1,894,954
2023	\$1,100,000	????			

The goal of the budget process every year is to PAY BACK -- or "Replenish" -- 100% of the money we borrow from Surplus.

For 12 years (2010 through 2021):

- o The average percentage of Surplus Replenished by the Administration was 134%.
- o In only three out of 12 years did the Borough fall short of their goal of 100% replenishment of our Surplus.
- o The lowest percentage Replenishment was 77% (i.e.:over 3/4 replenished).

In 2022:

- o 98% of the amount that the Borough "Borrowed" from our Surplus was **NOT PAID BACK.**
- o In Spring of 2023 - The Administration told the Council that \$704,250 had been replenished for 2022.
- o The Council relied upon this **INACCURATE** information when setting the 2023 budget.

* 2021 Ending Balance adjusted downward \$72,064