

**BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES
APRIL 24, 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 APRIL 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 April 24, 2024 Council Business Meeting:

**Councilwoman Mahoney, Councilman Weber, Mayor Fox
Municipal Clerk, Erica Kostyz
Borough Attorney, Gregory Cannon
Michele Whille, Deputy Municipal Clerk, Zoom Facilitator
Police: Captain James Arnold, Lieutenant Detective Terry Browning**

Mayor Fox:

Expressed condolences on behalf of the Governing Body for the passing of Paul Neshamkin's wife, Ruth Nesahmkin.

Mayor Fox extended Passover wishes to the Jewish community in town.

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.

Mayor Fox stated he plans to workshop proposed changes in May to hopefully improve the proposed changes to better conform the agenda and improve the meeting conduct.

WORKSHOP(S): None for this meeting.

PRESENTATIONS:

National Volunteer Week Proclamation presented by: Mayor Fox

WHEREAS, National Volunteer Week, enacted in 1974 by President Richard Nixon, celebrates the spirit of volunteerism, urging all Americans to seek opportunities to provide service to their community; and

WHEREAS, the Borough of Bradley Beach is fortunate to have dedicated volunteers who generously give their time, energy, and talents to help make our community a better place; and

WHEREAS, the work of these volunteers contribute to the quality of life in the Borough in countless ways; and

WHEREAS, these volunteers serve on a variety of Boards, Commissions, Committees and extends to include many non-profit organizations; and

WHEREAS, volunteers also share their time to help with various Borough sponsored events; and

WHEREAS, volunteering changes the lives of volunteers in a positive way, increasing self-confidence, self-esteem, and physical well-being; offering the chance to make new connections and providing opportunities to learn new skills and abilities; and

WHEREAS, the Borough of Bradley Beach recognizes that volunteering improves the quality of life and increases community participation and ownership. Volunteers are vital to our future as a desirable, caring, and productive city.

NOW THEREFORE BE IT RESOLVED, the Governing Body of the Borough of Bradley Beach does hereby recognize the week of April 21st – 27th as “National Volunteer Week” and expresses gratitude to all local volunteers for their tireless dedication and service to the community.

Administrative Professionals’ Day Proclamation presented by: Mayor Fox

WHEREAS, Administrative Professionals, including Administrative Assistants, Office Assistants, Receptionists, Billing Clerks, Finance Specialists, Deputy Clerks, and other Administrative Support Staff, make up one of the largest segments of the Labor Force in America; and

WHEREAS, Administrative Professionals play an essential role in coordinating the office operations of businesses, government agencies, educational institutions, and other organizations; and

WHEREAS, the work of Administrative Professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service, and other vital office management responsibilities; and

WHEREAS, Administrative Professionals Day is observed annually in workplaces around the world to recognize the important contributions of administrative staff; and

WHEREAS, we recognize the importance and contributions of highly skilled Administrative Professionals to the success of office operations.

NOW THEREFORE BE IT RESOLVED, the Governing Body of the Borough of Bradley Beach do hereby recognize April 24, 2024 as Administrative Professionals’ Day and do hereby recognize and appreciate these Administrative Professionals and their valuable contributions in the workplace and support their continued professional growth.

Municipal Clerks’ Week Proclamation was presented by: Mayor Fox

WHEREAS, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Professional Municipal Clerk is the oldest among public servants, and

WHEREAS, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local Governing Bodies and Agencies of Government at other levels; and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Professional Municipal Clerk serves as the information center on functions of Local Government and community; and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county, and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Bradley Beach , does recognize the week of May 5 through 11, 2024, as Professional Municipal Clerks Week, and further extend appreciation to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

National Military Appreciation Month presented by: Mayor Fox

WHEREAS, in 1999 Senator John McCain introduced legislation to designate the month of May as “National Military Appreciation Month” and both the Senate and House of Representatives adopted resolutions calling for Americans to recognize and honor U.S. Service Members; and

WHEREAS, National Military Appreciation Month (NMAM) is celebrated every May and is a declaration that encourages U.S. citizens to observe the month in a symbol of unity; and

WHEREAS, NMAM honors the current and former members of the U.S. Armed Forces, including those who have died in the pursuit of freedom; and

WHEREAS, the month of May is characterized by six national observances which highlight the contributions of those who have served - Loyalty Day on May 1st, Public Service Recognition Week May 3rd – 9th, Victory Day in Europe a/k/a V-E Day on May 8th, Armed Forces Day on May 16th, and Memorial Day on May 25th.

NOW THEREFORE BE IT RESOLVED, the Governing Body of the Borough of Bradley Beach do hereby proclaim the month of May as National Military Appreciation Month and encourage all citizens to recognize the services of all current and former military personnel and to take part in all national observances.

MINUTES APPROVAL

ON MOTION by Fox/Weber to approve the Council Meeting Minutes of April 10, 2024.

ROLL CALL:

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

APPROVED

ON MOTION by Fox/Weber to approve the Executive Session Minutes of April 10, 2024.

ROLL CALL:

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

APPROVED

Public Comments Agenda Items:

In Person:

William Psiuk, 110 Fifth Avenue, pertaining to Resolution 2024-101 Mr. Psiuk suggested additional tree wells that need trees planted.

Brigitte McGuire, 610 Brinley Avenue, urged the Council not to pass the Budget Introduction Resolution 2024-86.

Julie Nutaitis, 605 Newark Avenue, urged the Council not to pass Resolution 2024-86 and expressed opinions about waiving fees for any organization’s special events in the park.

Paula Gavin, 106 Evergreen Avenue, stated the BBBCA is fulfilling the ordinance and has committed to pay for any expenses incurred with DPW or the Police Department.

Nancy Meadow, 805 Beach Avenue,

- Agreed with the opinions of Ms. McGuire and Ms. Nutaitis.
- Suggested researching different forms of Government before passing an ordinance for a referendum question to change the form of government.
- Complained about several items on the bill list.

Lauren Egbert, 404 ½ Brinley Avenue, inquired about Ordinance 2024-6.

Mr. Cannon explained the purpose and procedures of this ordinance for the public.

Anita Nazario, 116 Newark Avenue, requested the amount of time DPW and Police are spending on these events can be captured for public view.

Linda Duffy, 312 Brinley Avenue, had several bill list inquiries.

Mayor Fox asked Ms. Duffy and the public to submit bill list questions separately.

Mike Flynn, 600 Fourth Avenue, inquired if the Annual Financial Statement has been submitted to the state.

Mayor Fox stated he would find out and answer Mr. Flynn offline.

Cindy Lukenda, 218 Fourth Avenue, requested a more organized method be designed to answer the public's questions.

Mary Backstrom, 218 Fourth Avenue, expressed her opinions and offered suggestions pertaining to the length of meetings.

Zoom:

Eileen Shissias, 112 Fourth Avenue, asked several bill list and budget questions.

Mayor Fox asked Ms. Shissias to submit her questions separately.

Herb Kenny, 216 Brinley Avenue, asked Mr. Cannon about the Mayor's ability to not answer questions verbally at the meeting. Mr. Kenny also asked several bill list questions.

ORDINANCES:

INTRODUCTION(S):

ORDINANCE 2024-6

AN ORDINANCE AUTHORIZING THE BOROUGH CLERK TO PLACE UPON THE NOVEMBER 5, 2024 GENERAL ELECTION BALLOT A QUESTION ASKING VOTERS WHETHER OR NOT THEY WISH TO ESTABLISH A CHARTER COMMISSION TO STUDY AND POSSIBLY RECOMMEND CHANGES TO THE BOROUGH'S FORM OF GOVERNMENT.

Councilman Weber stated appreciated the public’s comments on this topic and feels this is the best course of action for the Borough.

Mr. Cannon explained the petition process of forming a Charter Study Commission at the request of Councilman Weber.

Mayor Fox voted no and stated he is not confident this course of action is what the Borough needs right now and feels there are many other more important community issues to focus on.

ON MOTION by Weber/Mahoney to introduce Ordinance 2024-6.

ROLL CALL:

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

INTRODUCED

ADOPTION(S):

ORDINANCE 2024-4

AN ORDINANCE SUPPLEMENTING THE BOROUGH’S REVISED GENERAL ORDINANCES WITH NEW CHAPTER 352 (PREVIOUSLY RESERVED) ENTITLED “PUBLIC FACILITY RENTALS” TO AUTHORIZE THE BOROUGH’S EXISTING FACILITY RENTAL FEES, POLICIES, AND PROCEDURES.

ON MOTION by Fox/Mahoney to open the public hearing for the adoption of Ordinance 2024-4.

ROLL CALL:

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

Public Comment: None

ON MOTION by Fox/Weber to close the public hearing and adopt Ordinance 2024-4.

ROLL CALL:

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

ADOPTED

ORDINANCE 2024-5

CALENDAR YEAR 2024

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).**

ON MOTION by Fox/Mahoney to open the public hearing for the adoption of Ordinance 2024-5.

ROLL CALL:

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

Public Comment: None

ON MOTION by Fox/Weber to close the public hearing and adopt Ordinance 2024-5.

ROLL CALL:

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

ADOPTED

COMMUNICATIONS :

- **SLEO Seasonal Employment Memo**

Councilman Weber confirmed the SLEO employees listed in this memo are not related to any Borough employees.

CONSENT AGENDA RESOLUTIONS:

2024-92 Bill List for April 24, 2024.

2024-93 Approval for BBPTA to conduct two On-Premises 50/50 Cash Raffles for Thursday, May 30th and June 6th from 6:30 p.m. to 8:30 p.m.

2024-94 Approval for Kaleidoscope for Hope to conduct their Annual 5K Walk/Race for Saturday, September 28, 2024 from 6:00 a.m. to 12:00 p.m.

2024-95 Approval for the National Multiple Sclerosis Society to conduct their Charity Bicycle Ride for Saturday, May 11, 2024 from 6:30 a.m. to 4:00 p.m. (Pass through only).

2024-96 Approval for the Sharing Network Foundation to conduct their 5K Walk for Saturday, May 18, 2024 from 8:30 a.m. to 11:30 a.m. (Pass through only).

2024-97 Authorizing the Appointments of Special Class I Law Enforcement Officers attending the May class at the Monmouth County Police Academy.

Councilman Weber had a Bill List inquiry pertaining to Creative Management for gasoline.

Mayor Fox stated he would follow-up on this and get Councilman Weber an explanation for the charges.

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

ROLL CALL:

AYES: Mahoney, Weber, Mayor Fox

NAYS: None

ABSENT: DeNoble, Gubitosi

ABSTAIN: None

ADOPTED

INDIVIDUAL RESOLUTIONS:

2024-86 Introduction of the 2024 Budget to be read by title only. (Previously failed 4/10/24)

ON MOTION by Fox/Weber to discuss Resolution 2024-86.

Councilwoman Mahoney voted no and gave the following statement:

On March 27th this Council was given three excel workbooks with multiple tabs in each. It was a lot of information, a lot of schedules, a lot of numbers. I was warned that Municipal Budgets were a beast like no other, especially in NJ where GAAP accounting is not used; but this was clearly unlike any budget I had done in the past.

This council has repeatedly asked questions and requested to speak to the CFO. A simple question? Why the numbers for each of the funds (beach, sewer and current) do not equal to the budget asked in two different files. The budget prep file has a recommended budget ask of \$ 2,024,325 \$16,055,417.66. The 2024 Budget appropriation and Revenue file has a recommended budget of \$16,629,144.16, a \$500,000 difference. If you add up the balances of the three funds (oh, from the new PDF that was given to us before the last council meeting) the actual total is \$15,833,306.00

At 2:30 p.m. today the mayor sent us an email telling us we should not use the data that had been previously sent and to instead use other files. There is a glitch in Edmunds. The data is wonky. We have therefore been asked to use summary, PDF data. We do not want summary, high-level, so-called “user-friendly PDF data.” Mr. Gubitosi told me that the Auditor Bob Oliwa said we need to use Edmund’s system data, and that is what we have been asking for.

We would like to see three years 2024, 2023, and 2022.

Three categories: Appropriations, Revenue and Actual for 2022 & 2023.

For all three of these we want detailed line items, in excel. This information comes from Edmunds.

Mayor Fox explained the difference between the Edmunds Revenue document versus the User-Friendly schedule provided to the State.

Councilman Weber no and feels there is a discrepancy with the amounts and more work needs to be done on this Budget before introduction.

Mayor Fox voted yes and stated many questions have been answered and feels the budget is reasonable. Mayor Fox also stated he is waiting for the Council to provide any recommendations and changes.

ROLL CALL:

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

FAILED SECOND TIME

2024-98 Approval for the BBBCA to conduct their various Community Events for the remainder of 2024.

A lengthy discussion ensued pertaining to waiving the \$2500.00 fee required for Special Events if Borough Services are needed from DPW or the Police Department. Council Members Mahoney requested to change the verbiage to state BBBCA would pay one \$2500.00 fee to cover expenses from either or both departments for all eight events listed in this resolution.

Mayor Fox voted yes, however, feels this change in verbiage is showing a lack of support for an organization whose sole purpose is to promote the town.

ON MOTION by Weber/Mahoney to amend the verbiage in Resolution 2024-98.

ROLL CALL:

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

ON MOTION by Fox/Mahoney to adopt Resolution 2024-98.

ROLL CALL:

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

ADOPTED

2024-99 Approval for Fresh Markets NJ, LLC to conduct their Farmers & Makers Markets in Riley Park on June 1st, July 6th, August 3rd, and September 7th from 10:00 a.m. to 2:00 p.m.

The same discussion ensued pertaining to the \$2500.00 fee for this Organization. It was decided by Councilmembers Mahoney and Weber Fresh Markets NJ, LLC would pay one \$2500.00 fee to cover any expenses from either or both departments for all four events listed in the resolution.

ON MOTION by Weber/Mahoney to amend the verbiage in Resolution 2024-99.

ROLL CALL:

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

ON MOTION by Fox/Weber to adopt Resolution 2024-99.

ROLL CALL:

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

ADOPTED

2024-100 Approving Facility Rental Application, Regulations, and Fees.

Councilman Weber confirmed with Mr. Cannon the purpose of this resolution.

ON MOTION by Fox/Weber to adopt Resolution 2024-100.

ROLL CALL:

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

ADOPTED

2024-101 Replanting Trees on Main Street.

Councilman Weber stated this is to replace trees in existing tree wells on Main Street.

Mayor Fox voted no and explained planting these trees on Main Street is going to be complex and there is a chance these trees will have to be moved in the future when improvements to Main Street take effect.

ON MOTION by Weber/Mahoney to adopt Resolution 2024-101.

ROLL CALL:

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

ADOPTED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Councilman Weber:

- Stated the Ordinance for tree planting is the decision of the Mayor and Council.
- Replied to Ms. Shissias's earlier inquiry regarding the Council's involvement with the Budget.
- Stated the lack of trust between the public and administration is a cause of lengthy meetings.
- The Shade Tree Commission will have an Arbor Day Celebration on Friday, April 26th at the Second Avenue Park.
- The Shade Tree Commission will have a tree planting on Saturday, May 4th and is still accepting volunteers.
- Gave the Police weekly activity report and announced National Take Back Day is on Saturday, April 27th.
- Gave the First Aid weekly operational report.

Councilwoman Mahoney:

- The Environmental Commission will conduct their meeting on Monday, May 6th.
- Ms. Mahoney stated her thoughts and opinions pertaining to the length of meetings.

Mayor Fox:

Main Street- A small team kicked off yesterday and we had a productive meeting. We will keep you posted.

Infrastructure project status- We have had two meetings with CME on the north side Promenade Building , the Promenade Grant, the Main Street Grant, the Sylvan Lake Grant, and the other grants. I will be framing a status process for all projects to keep the Community informed.

The Sylvan Lake Flume process is complete. The secondary repair will most likely start in October.

Thanks to the Bradley Beach and Belmar DPW teams for working together and solving an equipment problem. Belmar saved Bradley Beach about \$8k through sharing resources to repair a Bobcat.

Food Pantry- I am personally heartbroken with the announcement yesterday of the premature closing of the Bradley Food Pantry. The Bradley Food Pantry committed to relocating and has been very active in acquiring a new property. Unfortunately, the pressure applied in the interim has created an untenable situation.

Please check the Website for all Library and Recreation upcoming activities.

Public Comments:

In Person:

William Psiuk, 110 Fifth Avenue, on behalf of OEM, requested a resolution be passed at the next meeting to request financial for general financial support for a regional flood study in 2025.

Rick Castellano, 604 Bradley Boulevard, inquired about grant funding mentioned at the last meeting.

Mayor Fox stated he would respond offline.

Cindy Lukenda, 218 Fourth Avenue, requested the Land Use Board have two meetings a month and thanked the Police Department and Animal Control for their assistance with a racoon incident this past weekend.

Brigitte McGuire, 610 Brinley Avenue, feels Resolutions 2024-98 and 2024-99 should have been tabled and thanked the Council for voting no to Resolution 2024-86 Budget Introduction. Ms. McGuire stated she was not satisfied with her OPRA response for American Relief Funds.

Nancy Meadow, 805 Beach Avenue, commented and expressed opinions pertaining to the QPA Contract, the Website, Recreation expenses, and the OPRA response she received for recent requests submitted.

Linda Duffy 312 Brinley Avenue, inquired about the number of votes needed for a referendum question.

Mr. Cannon addressed this inquiry.

Mike Flynn, 600 Fourth Avenue, commented on the audit corrective action plan.

Lauren Egbert, 404 ½ Brinley Avenue, expressed concerns pertaining to the Audit and the DPW contract.

Zoom:

Molly Conger (fictious person) commented on racial topics.

Paul Neshamkin, 411 LaReine Avenue, thanked the Governing Body and the public in attendance for the condolences expressed and the Police Department for their recent assistance. Mr. Neshamkin also announced the Borough needs donations for the Fallen Heroes Trust Fund.

EXECUTIVE SESSION: None

ADJOURNMENT:

ON MOTION by Fox/Weber to adjourn the Council Business Meeting at 9:00 p.m.

ROLL CALL:

AYES: Mahoney, Weber, Mayor Fox

NAYS: None

ABSENT: DeNoble, Gubitosi

ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 9:00 P.M.

Erica Kostyz

Erica Kostyz, RMC, CMR
Municipal Clerk