

**BOROUGH OF BRADLEY BEACH**  
**REGULAR COUNCIL MEETING MINUTES**

**October 12, 2021 at 7:00 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.

**CALL TO ORDER**

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

Sunshine Law

The meeting has been noticed publicly according to the Open Public Meetings Act requirement for the “Annual Notice” and posted on the official bulletin board in the Borough Office.

**ROLL CALL 7:00 pm**

Present: Council: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
Borough Administrator, Kimberly M. Humphrey  
Municipal Clerk, Erica Kostyz  
Borough Attorney Alternate, Andrew Sobel

Mayor Fox read the following mask policy:

**Our Office of Emergency Management has COVID-19 Mask Policy Effective July 6, 2021. The guidance further recommends that individuals not vaccinated continue to wear a mask and social distance when indoors. We ask for conformance to this requirement. This is about protecting our fellow citizens and children from the Delta variant.**

**Resolution 2021-246 Retire into Executive Session to discuss an Attorney/Client Privilege Matter.**

**ON MOTION by Fox/Bonnell to Retire into Executive Session at 7:05 p.m.to discuss an Attorney/Client Privilege Matter**

**ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox**  
**NAYS: None**  
**ABSENT: None**  
**ABSTAIN: None**

**APPROVED**

ON MOTION by Fox/Bonnell to Return from Executive Session at 7:32 p.m.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

The Regular Council Meeting resumed.

**Presentations: Sewer Project Phase II**

**Borough Engineer Gerald Freda gave a presentation on the Phase II Sewer Project. Mr. Freda stated Phase II will be bigger than Phase I completed in 2018 and once completed both projects combined will cover approximately 38% of the Borough.**

**Mr. Freda stated the project will impact Second, Third, Fourth and Fifth Avenue from the ocean to the railroad tracks.**

**Councilman Weber inquired about replacing a lateral.**

**Mr. Freda confirmed the lateral will be replaced from the main to a clean-out behind the curb and explained this is a benefit to property owners as a third of their sewers are being replaced at no cost.**

**Councilman Bonnell asked if the residents will be able to contact the contractor to work on their property.**

**Mr. Freda replied yes.**

**Public Comment on this presentation:**

**Thomas J. Coan, 612 Third Avenue, inquired about the slate curbing curbing.**

**Mr. Freda stated in the contract currently being worked on with the Administrator, they are working on getting a price to replace the curbs, especially Second and Third Avenue.**

**Mr. Coan asked if there will be any coordination with the NJAW to also replace the water lines.**

**Mr. Freda stated the water lines have been replaced on these streets. Mr. Freda also stated all the streets will be re-paved from curb to curb with new handicapped ramps.**

**Tom Gavin, 414 Fourth Avenue, inquired about the time frame this work will be done stated his home is under renovation presently that will require sewer work.**

**Mr. Freda stated it will most likely be within the next year providing there are no setbacks.**

ON MOTION by Fox/Bonnell to approve the Workshop Meeting Minutes for September 21, 2021.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**APPROVED**

ON MOTION by Fox/Weber to approve the Regular Council Meeting Minutes for September 21, 2021.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**APPROVED**

ON MOTION by Fox/Weber to approve the Executive Session Minutes for September 21, 2021.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**APPROVED**

ON MOTION by Fox/Sexsmith to approve the Executive Session Minutes for October 5, 2021.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**APPROVED**

**Public Comments/Questions on Agenda Items:**

**Jack Gentempo, 103 Fourth Avenue, inquired about a payment on the bill list to NW Financial and asked what the firm did for the 319 LaReine Avenue Church project.**

**Mayor Fox answered Mr. Gentempo's inquiry.**

**Mr. Gentempo inquired how many of RFP's that will be advertised for 2022.**

**Administrator Humphrey responded RFP's will be advertised for all the yearly Professional Services in the Borough and explained the RFP process.**

**Deborah Bruynell, 401 Fifth Avenue, thanked the Shade Tree Commission for awarding her Chestnut Tree "Tree of the Month" in the Borough.**

**Ordinance Introduction(s):**

**ORDINANCE 2021-29**

**AN ORDINANCE AMENDING CHAPTER 123: "BEACHFRONT AREAS AND ADJACENT WATERS" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO UPDATE CERTAIN WARNING SIGNAGE PERTAINING TO THE BOROUGH'S ROUGH SURF MANAGEMENT**

ON MOTION by Fox/Weber to introduce Ordinance 2021-29.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**INTRODUCED**

**BOND ORDINANCE 2021-30**

**BOND ORDINANCE PROVIDING FOR THE SANITARY SEWER REHABILITATION PROJECT - PHASE II, APPROPRIATING \$4,650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,650,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY.**

ON MOTION by Fox/Sexsmith to introduce Bond Ordinance 2021-30.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**INTRODUCED**

**Ordinance Adoption(s):**

**ORDINANCE 2021-27**

**AN ORDINANCE AMENDING SCHEDULE VIII: “ALL-WAY STOP INTERSECTIONS” AND SCHEDULE VI: “THROUGH STREETS” AND SCHEDULE V: “ONE-WAY STREETS” ATTENDANT TO CHAPTER 9: “TRAFFIC” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO IMPLEMENT NEW REGULATIONS ON 2<sup>ND</sup> AVENUE AND 3<sup>RD</sup> AVENUE AND A NEW STOP SIGN ON NEWARK AVENUE AND MADISON AVENUE IN THE BOROUGH**

ON MOTION by Fox/Sexsmith to open the public hearing for Ordinance 2021-27.

ROLL CALL AYES: Bonnell Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**Public Comments: None**

ON MOTION by Fox/Sexsmith to close the public hearing and adopt Ordinance 2021-27.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ADOPTED**

**ORDINANCE 2021-28**

**AN ORDINANCE AMENDING ARTICLE I: “PLANNING BOARD” AND ARTICLE II: “ZONING BOARD OF ADJUSTMENT” CONTAINED IN CHAPTER 60: “LAND USE PROCEDURES” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO MERGE THE BOROUGH’S LAND USE BOARDS INTO AN EXPANDED SINGLE BODY.**

ON MOTION by Fox/Bonnell to open the public hearing Ordinance 2021-28.

ROLL CALL AYES: Bonnell Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Mayor Fox stated he would have liked to wait until 2022 to move forward with this ordinance to weigh out the pros and cons of merging these boards.

Councilman Bonnell stated there are still a few minor references to the Zoning Board to be changed.

**Public Comments:**

**Deborah Bruynell, 401 Fifth Avenue, asked Councilman Bonnell who he spoke to in other municipalities to collect his data pertaining to merged boards.**

**Mr. Bonnell answered Ms. Bruynell's inquiries.**

**Alice Connolly, 509 Newark Avenue, inquired if a variance request is denied under the combined board what recourse does the resident have to appeal the denial.**

**Councilman Bonnell replied the appeal process involved for a denial will remain the same as before.**

**Alternate Borough Attorney Andrew Sobel added the resident may apply to the Superior Court to appeal the determination.**

**Borough Attorney Alternate Andrew Sobel answered Ms. Connolly's inquiry**

**William Psiuk, 110 Fifth Avenue, stated he is not in agreement with this merger and should be decided by the residents by referendum.**

**Linda Curtiss, 202 Third Avenue, stated she is not in favor of the merging of boards and feels this should be done in 2022 and feels the ordinance verbiage in inaccurate.**

**Terence Wright, 406 Madison Avenue, is not in favor of this ordinance and feels this should be done through a referendum to let the residents decide.**

**Anita Nazario, 116 Newark Avenue, stated she is in favor of this ordinance and feels merged boards will be more efficient.**

**Paul Neshamkin, 411 1/2 LaReine Avenue, stated he strongly supports the merging the boards.**

**Jane DeNoble, 612 Third Avenue, stated she is in favor of the board merge.**

**Jack Gentempo, 103 Fourth Avenue, stated he strongly supports this merge.**

**Brigitte McGuire, 610 Brinley Avenue, stated she is in favor of the board merge.**

**David Critelli, 210 Evergreen Avenue, inquired how many shore towns have merged.**

**Mr. Bonnell stated most of the shore towns have merged and the list is posted in the July Meeting Minutes.**

**Clerk Kostyz states she would send the list to Mr. Critelli.**

**John Naples, 1009 Ocean Avenue, expressed concerns of eliminating volunteers and creating a heavier workload and is not in favor of merging the boards.**

**Dr. Harold Cotler, 306 Monmouth Avenue, stated this ordinance should be tabled until next year.**

ON MOTION by Fox/Bonnell to close the public hearing and adopt Ordinance 2021-28.

Councilman Gubitosi, read a statement (**attached**) in support of this ordinance and merge.

Councilman Weber, gave a statement in support of this ordinance and merge.

ROLL CALL AYES:      Bonnell, Gubitosi, Sexsmith, Weber  
                  NAYS:        Mayor Fox  
                  ABSENT:   None  
                  ABSTAIN: None

**ADOPTED**

**Communications:**

- **DPW Salary Memo**
- **Police Department Resignation and New Hire Memo**
- **Letter of Resignation from Public Defender Ronald Troppoli**

**CONSENT AGENDA:**

**Resolution 2021-247 Bill List for October 12, 2021.**

**Resolution 2021-248 Authorizing a Street Opening Deposit Refund to John Kelly Mechanical Contractor, LLC in the amount of \$500 for 306 Second Avenue.**

**Resolution 2021-249 Authorizing a Street Opening Deposit Refund to Christi Dunnican in the amount of \$500 for 623 Second Avenue.**

**Resolution 2021-250 Authorizing Gazebo Rental Deposit Refunds.**

**Resolution 2021-251 Authorizing the 2021 Halloween Curfew.**

**Resolution 2021-252 Authorizing a revision to the Special Events Application to include Borough Code Chapter 359, Sections One through Four Prohibiting the Release of Balloons.**

ON MOTION by Fox/Sexsmith to approve the Consent Agenda.

ROLL CALL AYES:      Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
                  NAYS:        None  
                  ABSENT:   None  
                  ABSTAIN: None

**APPROVED**

**RESOLUTIONS:**

**2021-253 Authorizing the iTaxMap Shared Services Agreement with Monmouth County.**

ON MOTION by Fox/Weber to Authorize the iTaxMap Shared Services Agreement with Monmouth County.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**APPROVED**

**2021-254 Award of Contract to Realty Data Systems for Real Property Data Collection and Verification Services**

ON MOTION by Fox/Sexsmith to Award a Contract to Realty Data Systems for Real Property Data Collection and Verification Services.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**APPROVED**

**2021-255 Award of Contract to Fernandes Construction, Inc. for the Drainage and Sump Pump Improvements for Monmouth Avenue and Burlington Avenue in the amount of \$252,590.**

ON MOTION by Fox/Sexsmith Award of Contract to Fernandes Construction, Inc. for Drainage and Sump Pump Improvements for Monmouth Avenue and Burlington Avenue in the amount of \$252,590.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**APPROVED**



**2021-256 Authorizing the Borough Administrator/Qualified Purchasing Agent to advertise for Request for Proposals for 2022 Professional Appointments.**

ON MOTION by Fox/Sexsmith to Authorize the Borough Administrator/Qualified Purchasing Agent to advertise for Request for Proposals for 2022 Professional Appointments.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**APPROVED**

**2021-257 Appointing a Public Defender and Alternates.**

ON MOTION by Fox/Sexsmith to Appoint a Public Defender and Alternates.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**APPROVED**

**2021-258 A Resolution to submit a Grant Application for Together North Jersey.**

ON MOTION by Fox/Bonnell to approve a submission of a Grant Application for Together North Jersey.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**APPROVED**

**2021-259 Appointing Colleen Castronova as the Muncipal Tax Collector effective January 1, 2021.**

ON MOTION by Fox/Sexsmith to table Resolution 2021-259.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**TABLED**

## **MAYOR AND COUNCIL REPORTS:**

### **Mayor Fox reported the following:**

The aggregate value of Bradley Beach Property for 2022 at an approximate 14% increase. This is more than 2021 and 2020 combined. This should reduce the tax rate in 2022; and our ability to manage our municipal spend that transfers into a municipal tax levy, will indicate where we come out in the context of your tax bill. We will be working hard on this, as we did last year.

This past Saturday the Shade Tree Commission Planted sixteen trees around town. This is their biggest undertaking in terms of planting since its inception over a year ago, great job! This Friday the Fire Department/ Company is holding a Fish Fry from 5pm-8pm. Please come out and support our Firefighters.

Also, please mark your calendar for an October 23<sup>rd</sup> Beach Sweep! This annual effort sponsored by the Environmental Commission not only assists the Public Works Department, but also “inventories” the types of waste showing up on our shorelines. Please take time to participate. Details on the Environmental Commission page on the website.

We are excited that the LaReine Avenue Engineering/ Architectural Study will get underway this week. This 8-week study will provide critical information on this project. We just had a successful bid award on a water project we have been working on, sump pump and street water overflow. We are starting on the South end of town where the problem is most severe; and will assess the effectiveness for future rollout.

I am excited that we are moving on our “Phase II” Sewer Project. We hope to begin the project this upcoming Spring. Phase II encompasses Second Avenue through Fifth Avenue; and all north to south streets within this area. We will keep our focus on subsequent phases, so we do not experience the lapse we experienced from Phase I to II.

We are completing the process of executing the Parking and Road Improvements on the one-block area near Main Street and Second/Third Avenue. The changes yielded a safer condition on both blocks, more spaces (now at 75 delineated spaces), and increased our “green space” in town. We have some minor re-paving on a few areas and some water/ landscaping; but we are getting there. I appreciate the patience of the residents and business owners.

### **Library announcements:**

Halloween Scavenger Hunt - Pick up a Scavenger Hunt Form at the library and find items from around town. Return the form by 1 pm on October 30<sup>th</sup> to pick a prize from the prize box.

The Friends of the Library will have a book sale on the front lawn Saturday, October 16<sup>th</sup> from 9-3. \$5 per bag, bring your own bag! Lots of topics and genres to choose from.

Tuesday, October 19<sup>th</sup> at 6:00 pm “Cat Behavior Webinar”; Decode the mysteries of cats and why they do what they do! Learn how evolution and adaptive forces helped shape them. Registration is required.

Halloween Decor Contest - Starting October 22<sup>nd</sup>, email the library a picture of an outdoor Halloween decoration by October 30<sup>th</sup>. The public will vote on their favorite and the winner will win a gift card to be picked up from the library.

**Thursday, October 28<sup>th</sup> at 6:30 pm – “When There Were Witches”; Join archivist and historian Mickey DiCamillo to learn about the Salem Witch Trials. The program includes an opportunity to interact with transcripts from the trials. The presentation will be via Zoom. Registration required.**

**As I will continue to mention, big initiatives are continuing to get our focus:**

- **The COAH (Affordable Housing) requirements to get into compliance.**
- **The LaReine Avenue Church assessment**
- **Many Personnel related corrective actions**
- **Getting Infrastructure projects on track- the Sewer project Phase 2 is almost 2 years behind and I would like to begin to assess a bulkhead extension from Third Avenue to Avon.**
- **Council Improvements of a Standing Committee Process**

**Councilman Bonnell had no report.**

**Councilman Gubitosi reported the following:**

- **Gave a report Sylvan Lake beautification.**

**Councilman Sexsmith reported the following:**

**POLICE:**

A subject was arrested in Tennessee stemming from an incident in our town where he took a vehicle without the owner's consent. A subject was arrested for Burglary and Criminal Mischief to a residence. Two subjects were arrested for active warrants. Two other subjects were arrested for Possession of a Controlled Dangerous Substance.

The Police investigated five motor vehicle accidents, one of which resulted in a vehicle driving into Sylvan Lake. The Bradley Beach Police Department responded, and Patrolman Anthony Badalamenti immediately entered the lake to extract the driver. The Bradley Beach Office of Emergency Management was activated and resources from the Police, Fire and First Aid Departments as well as a local towing company were all utilized to remove the vehicle from the lake. The driver of the vehicle was transported to the hospital by the Bradley Beach First Aid Department and was admitted for observation.

**FIRST AID:**

For the operational period ending, October 12, 2021, the Squad responded to 7 day calls and 3 night calls for a total of 10 calls. 9 were for medical 1 for fire. The Squad stood by with the Fire Department and assisted the Police in the removal and transport of a driver who crashed their vehicle into Sylvan Lake.

There were 9 requests for medical, 1 for fire, there was one request for a water rescue in Bradley Beach there were no COVID-19 cases. The Squad also provided medical support for the Alzheimer's walk on Ocean Avenue.

The Squad fulfilled 95% of their assignments for this operational period with the assents of Neptune EMS this is the time of year that the ambulance is serviced due to the supply line back log the Squad was forced to sideline 88-57 till parts become available. The Squad thanks Neptune for their assistance.

**FIRE DEPARTMENT:**

For the operational period ending October 12, 2021, the Department had 1 request. The Department participated in and assisted the Police and first aid in the removal and transport of a driver who crashed their vehicle into Sylvan Lake.

Thank you, citizens of Bradley Beach! Through the very generous donations to the Department fund drive, the Department was able to meet their goal of purchasing a new Thermal Imaging Camera replacing a twenty-year-old unit that has serviced the department well. This is a vital lifesaving piece of equipment for rescue, fire location and with the latest technology our firefighters will be better equipped to service the citizens. Again, many thanks to the community and the women and men of the Fire Department.

The Department fulfilled 100 % of their assignments for this operational period.

Both Departments are still looking for volunteers and offer free training for qualified individuals. Anyone wishing to volunteer for the Fire Department or First Aid Squad can find the applications Borough's website.

The cooperation that exists between the Fire and First Aid Squad that is allowing both departments to keep answering the citizen's needs for medical care and fire protection.

Councilman Sexsmith thanked Mayor Fox, Administrator Humphrey and Councilman Weber for replacement of the tree outside of the Fire Department and read the sign placed there in memory of Shirley Napoli member of the Ladies Auxiliary for 70 years.

Councilman Sexsmith mentioned the Fish Fry this Friday and encouraged everyone to vote in favor of the Referendum question supporting the LOSAP program in Bradley Beach for the General Election.

**Councilman Weber reported the following:**

- **Congratulated April Davis who was named to the Board of Education and commended the**
- **Mr. Weber stated he is pleased the Theater was sold without the assistance of town's funds.**
- **Thanked everyone that assisted with the Shade Tree Commission planting last Saturday.**
- **Encouraged the residents to attend the Fish Fry on Friday October 15<sup>th</sup>.**

**In Person Public Comment:**

**Nancy Meadow, 805 Beach Avenue, expressed concerns with the language in Ordinance 2021-29, information on the website, the Standing Committee Process and Borough Finances.**

**Julie Nutaitis, 605 Newark Avenue, commended Councilman Gubitosi's statement for Ordinance 2021-28 and encouraged everyone to be respectful of opinions and ideas.**

**Tom Gavin, 414 Fourth Avenue, commended Councilman Gubitosi's statement and commended**

**the residents in town for their welcoming demeanor.**

**Terence Wright, 406 Madison Avenue, inquired about a request for referendum requirements in relation to town population, conflict of interest with 319 LaReine Avenue and Councilman Weber's involvement in relation to his residence.**

**Thomas J. Coan, 612 Third Avenue, thanked Councilman Sexsmith for the LOSAP comments in his report and thanked the Council for merging the boards.**

**Jane DeNoble, 612 Third Avenue, thanked Mayor Fox and Councilman Weber on behalf of the Shade Tree Commission for volunteering with the tree planting this past Saturday. Ms. DeNoble gave a description of various types of trees planted throughout the town and thanked resident Eileen Shissias for recommending the use of a wholesale nursery.**

**Public Comment received through Email:**

**Nadya Romero, 102 Newark Avenue**

**I own a property on Newark Avenue. I would like to know at whose suggestion do we now have a "Newark Avenue Beautification Pilot"? In the past we at Newark Avenue have rejected striped parking, and the Mayor decided to do it anyway, without the approval of the residents affected. Are the residents of Newark Avenue asking for a "Newark Avenue Beautification Pilot"? Or is this another action imposed on the Newark Ave residents, without asking the residents. Why is Newark avenue targeted with Pilots. Why is this ONLY for Newark Avenue? You tested the**

striped parking on Newark, now why testing again on Newark? Pick on a different street.

**Shana Greenblatt-Janoff, 414 Monmouth Avenue**

As a resident and stakeholder in Bradley Beach, I would like to speak in favor of the merging of the Planning and Zoning Boards beginning in the 2022 calendar year. I applaud the Council for its interest in creating a more efficient and transparent body for oversight of development in our small and densely populated borough. As we currently see Bradley Beach busting at the seams with property turn-over, higher ratables and increased tax revenue, NOW is the time to ensure that development aligns with the vision we have set for our small community in our building ordinance. Bradley's population of approximately 5,000 primary residents enables the borough to enact the merging of the two boards without costly referendum. That nearly 70% of the smaller Monmouth County towns currently have a unified Land Use board is testament to the suggestion of a more functional and efficient means of monitoring town development. I have heard mention that it would be a shame to let go volunteers in town who wish to participate in this process of oversight; this is purely incidental and should not factor into the decision to merge or not. (There are currently plenty of volunteer opportunities and needs in town to accommodate civic investment.) A merging of Planning and Zoning is a necessary step in creating a more transparent, fluid, well-informed oversight body for Bradley Beach, and will help us avoid the missteps in overdevelopment and variance violation that have unfortunately been going on for way too long. I am strongly in favor of the merged boards for the new year.

**Allen Rapaport, 512 Newark Avenue**

I unfortunately cannot attend tonight's meeting, due to a conflict with the Hackensack River Keepers Gala. I would like to comment on the pending merger of the planning and zoning boards. About two weeks ago I attended a council "Workshop". I heard a lot of false and inaccurate information about the merging of the boards. This is by no means a power grab, All appointments to the combined board will still be done by Mayor Fox. The remedies any applicant for either board will remain the same as governed by the NJ municipal land use laws, Not change! The boards are have elected officials on the planning hearings and when a zoning application is heard, they will step off. I heard something about attendance. Let me say as a 15 year planning board member in the Borough of Norwood, Bergen County, our board secretary always calls and emails to see who will or can attend. The board secretary in Bradley Beach, is amazing in my opinion. I know because I have emailed questions off hours and she answers me! Amazing dedication! So, I am confident she will do the same. On the same issue if a member finds this too difficult to attend for 2-3 meetings, the chairperson should ask them to resign! My opinion. Finally, the consistency of one board is clear. Adherence to the master plan for zoning and planning. Not needing to ask what did the other board do or what does the other board think. It would be all the same citizens. Clear as day to me. This is a best for Bradley Beach solution. Thank you all for the tome and the service by all out volunteers.

**Rona Parker, 27 Atlantic Avenue**

Since expressing my initial opposition to the merger of the Zoning and Planning Boards I have eagerly read opinions on both sides. Although I have searched, I still have been unable to find even one compelling argument that answers this question: How will a merger that reduces the number of actively engaged citizens make our government more representative, more reflective, and more responsive to public input? As a result, I continue to voice my strong opposition to this proposed merger and respectfully ask that this ordinance be defeated and, furthermore, that members of both the Planning and Zoning Boards be given a vote of confidence by permitting them to continue their important designated board responsibilities.

**George Januzzi, 608 Evergreen Avenue**

**I would like to thank the Council for taking action to merge the Planning Board and Zoning Board of Adjustment into a single Board. The merger of the Boards will provide for efficiency through a streamlined application and development process, as well as consistency in the interpretation and application of the Borough's Zoning Ordinances, all in support of the Borough's Master Plan. A combined Board will have a greater appreciation for the intent of the Master Plan and a Board trained and experienced in both Planning and Zoning will benefit the residents of Bradley Beach.**

**Kathleen Heaney and Kurt Schwinghammer, 303 Fletcher Lake Avenue**

**I am writing to voice my opinion as to the merger of the Planning Board and Zoning Board.**

**I listened to comments from a prior Council meeting on this matter. The justification appears to be an attempt for greater consistency. While I agree that consistency can be good, I don't believe now is the right time to implement such a merger. and I believe this one reason for board merging can be accomplished simply by having one representative sit on both boards. This could certainly rectify any consistency issues.**

**There are multiple reasons to keep the two boards including:**

- 1) The cost of maintaining both boards is small.**
- 2) The amount of work needed now is daunting. As I understand it, the Borough has a responsibility to complete its work for the Council on Affordable Housing early next year. Why reduce the**

amount of people

available to work on this and other such tasks? Is Council willing to pick up this workload?

3) I also believe this work would benefit from the diversity of experience and perspective provided by the membership of both Boards.

Having separate boards will allow for a more cost effective way to manage appeals. This to me is the main reason to keep both boards. It will save our town a lot of money addressing appeals in court. Unfortunately, I cannot attend tonight's Council Meeting and ask that you forward my comments to the attendees.

Michael and Rachel Hahn, 513 Newark Avenue

I am writing to support the proposal of the Planning and Zoning Boards. Undertaking such a merger would undoubtedly enhance efficiency, generate cost savings (e.g., attorney's fees), reduce potential conflict between the two boards, reduce constituent confusion about which boards undertake particular activities and simplify the review process. It is my understanding that a number of other Boroughs and towns of comparable sizes have merged such boards with success. Therefore, while we are unable to attend the Council meeting tonight, we want to express our endorsement of the proposed merger.



## Statement given by Councilman Gubitosi prior to adoption of Ordinance 2021-28

I'd like to speak for a moment about TWO topics: One is "Merging the Boards" and the second, which is arguably much more important, is the topic of "Civility" -- or the concept of mutual respect.

There was a time – not that long ago – when individuals were allowed to have differing opinions. In fact, society used to encourage people with differing opinions to speak out, to challenge the majority opinion. Great things come from innovative, independent thought and open public debate.

Sitting here on this dais, I'm struck by the anger and the accusatory tones that have been directed at the Council in recent meetings and in the press and social media. "Group Think" is alive and well – no doubt fostered by the terrible political divisions of late in our Federal government. I welcome opposing views and I encourage them. I can always learn from others who present cogent, insightful, advocacy for – or against – a particular position.

At the end of the day, we are all neighbors. I believe that we all want what is best for Bradley Beach. It is hurtful when residents accuse me, as a member of the Council, of malicious intentions. This happens every time a Council person's ETHICS are questioned. It happens every time a BASELESS accusation is made. For the record, a few examples:

1. "This is a POWER GRAB" (note: there is no power gained in Merging the Boards – not by any Council member, not by any Board member. No individual gains some unknown "power")
2. "IF IT AINT BROKE DON'T FIX IT" (I truly believe that elements of the current Zoning process are "broke" – so these words encourage me to find a solution)
3. "This is a RUSH TO JUDGEMENT" (I am trying to fix something that is of critical importance to Bradley Beach – what is the compelling reason to wait? In the world of municipal government, new professionals are hired -- and appointments to Boards and Commissions often align with the first Council meeting of the year; our annual "REORGANIZATION" meeting. This is precisely the timing that aligns with our annual REORG meeting.)
4. Our prior Mayor recently complained that The Council is trying to justify this decision "Because other towns are doing it" (for the record, opponents of merging the boards asked the Council what other towns "like us" are doing and we conducted research to provide them with an answer. This is not a reason to merge, instead it provides a broader perspective on prevalent practice of other municipalities in Monmouth County – as requested by opponents of merging the boards)
5. The Council is "Working against the Mayor" (In our first 9 months together, this Council has had many votes split different ways. If I'm not mistaken, this might be the first time we have been split 4 to 1 with the Mayor as the dissenting vote. I've been out-voted 4 to 1 on at least two Ordinances that I can think of – but no one wrote to the newspapers about the Council working against me ☺! Again, we are individuals with different perspectives – and, WE ARE ALLOWED TO DISAGREE)
6. The only towns that consolidate Land Use Boards are those that don't have enough volunteers (This is silly. This decision should be about ZONING – not how many volunteers we might add or subtract. The only criteria for this decision should be "What is best for Bradley Beach Zoning?" For the record, I strongly doubt that the DRIVING FACTOR behind 29 municipalities in Monmouth County merging their boards was "lack of volunteers")
7. This will jeopardize COAH (affordable housing) or other important initiatives in the Borough (This is simply not true – the Borough's lead planner for our COAH Compliance initiative assured me, personally, that a merger of the Boards would not adversely impact our COAH Compliance initiatives in any way)
8. This will bring down property values (Anyone who understands how a Consolidated Board would operate, understands that this is false and – worse – sensationalistic. Such statements are totally

without basis in fact. If you don't believe me, ask the Borough's Tax Assessor. Statements like this are designed for one purpose only: To create division and fear).

The list of accusations – mostly unfounded accusations – goes on. Some individuals disagree with my position but think my mind will change if I am attacked, or shouted down in public. They are mistaken. It's not that I'm NOT listening. I AM listening. Unfortunately for these individuals, I am listening for logical, accurate, and respectful rationale to consider alternatives – of which unfortunately, few have been offered.

There are at least two counter arguments to merging the Boards that I believe ARE valid, and I would like to summarize and address each one for the record:

- One point well made: “Combining the Boards will reduce the number of volunteers.” This is certainly true. I love our volunteers in Bradley Beach. My wife and I have spent the better part of the last decade actively volunteering in Bradley and recruiting others to volunteer. And yet, while we will lose Board volunteers through this merger – As a Council member, my FIRST COMMITMENT is to do what is right for the governance of Bradley Beach. Period.
- Another counter point considered: “This is creating more work for Mayor Fox, and a delay into 2022 would be helpful, giving him more time.” This does create more work for the Mayor – as he must spend some time over the next few months determining the composition of the new, consolidated Land Use Board. Although I am sympathetic towards the increased demands this places on the Mayor's time – similar to the concern related to paring back our volunteer numbers – my FIRST COMMITMENT is to doing what I believe is right for Bradley Beach.

In closing, I believe merging the Planning Board and the Zoning Board of Adjustment will strengthen our Zoning practices and policies. It should help Bradley Beach better manage over-development and help us strengthen the rights of all homeowners in Bradley. A combined Board will be responsible for guiding the evolution of our Master Plan – and then *this same Board* will use this perspective to assess individual applications for variances. The consistency of *process* created by creation of one Board, can only serve to strengthen the consistency of our Zoning *enforcement*.

I am a neighbor to everyone in our community, a proud resident of Bradley Beach, and an active volunteer. As a homeowner, I don't want to reduce property *values*. As a grandfather of 5 young girls, I don't want to reduce *opportunities for women*. There is no “power” I can grab through this merger. As a member of this Council, I am motivated to do what I think is in the best interest of Bradley Beach – my home and yours. People have every right to disagree with my beliefs, but it is wrong to question my motives.

Hopefully – going forward – at least some of us can try to restore a small degree of *CIVILITY* to the “politics” in Bradley Beach.

Fox/Bonnell moved to adjourn.

**THE COUNCIL MEETING ADJOURNED AT 9:45 P.M.**

*Erica Kostyz*

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Erica Kostyz, RMC, CMR  
Municipal Clerk