

REGULAR MEETING MINUTES

February 27, 2018

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room, 701 Main Street, and Bradley Beach, New Jersey on the above date.

CALL TO ORDER

Announcement by Ms. Barrett that the audio recorder was not working properly and the meeting would not be recorded through the audio system. However, the meeting was being videoed and available for view on the borough website.

Mayor Gary Engelstad 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.

ROLL CALL 6:30 pm

Present: Council: Weber, Goldfarb, Bonnell, Cotler
Mayor Engelstad
Borough Attorney Michael DuPont
Gerald Freda, Borough Engineer
Municipal Clerk/Administrator Kelly Barrett
Deputy Municipal Clerk Erica Kostyz

WORKSHOP DISCUSSION(s):

Zoning Ordinance Chapter 450-10

Mayor Engelstad stated that the governing body requested that the zoning officer review the “Prohibited Uses in all Zones” 450-10 ordinance for clarity. Mr. Curry stated that George Waterman, Zoning Officer reviewed and made recommendations that would benefit the town. Councilman Cotler commented that the borough should look to the future as we do not want to deter businesses of the future (example: Tesla Car Company). Councilman Weber stated that a business may always apply for a variance if it is listed as a prohibited use. Mayor Engelstad stated that the next step would be to refer the ordinance review to the Planning Board for recommendations.

ON MOTION by Engelstad/Goldfarb to refer Ordinance 450-10 to the Planning Board for recommendations

ROLL CALL AYES: Weber, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Municipal Court Update

Mr. DuPont, Borough Attorney provided an update on the Judge Thompson (previous Municipal Court Judge) incident. He stated that he had spoken to the County Counsel regarding concerns of Councilman Bonnell regarding the borough being held responsible for reimbursement to the

County and how it may impact our taxpayers. Mr. DuPont stated that he was informed by the County Counsel that it was unlikely that the County would pursue reimbursements from the towns involved due to the large number of documents as it would require forensic accounting of all transactions. The Counsel would be meeting He also commented on an email received by Judge Capotorto (current Municipal Court Judge) clarifying a phone conversation he had with Councilman Bonnell regarding his concerns for borough residents. Judge Capotorto advised Councilman Bonnell that there will be no ramifications to the Borough at this time. Councilman Weber had expressed concerns for residents that may be negatively impacted by Judge Thompson's actions, relating to future employment and/or over paying for a ticket. Mr. DuPont confirmed that the contempt imposed by Judge Thompson was monetary and will not impact future employment possibilities and the individuals were not assessed additional fines. Councilman Bonnell questioned when the issue is completely resolved would it be memorialized formally. Mr. DuPont responded that he was certain it would be memorialized.

APPROVAL OF MINUTES

ON MOTION by Engelstad/Weber to approve the Beach Budget Workshop Meeting Minutes of February 13, 2018

ROLL CALL AYES: Weber, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

APPROVAL OF MINUTES

ON MOTION by Engelstad/Weber to approve the Regular Meeting Minutes of February 13, 2018

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

APPROVAL OF MINUTES

ON MOTION by Engelstad/Weber to approve the Executive Session Minutes of February 13, 2018

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Ms. Barrett clarified that the Ladies Auxiliary had obtained a 501C (non-profit status) last November and the monies collected for the 125th Dinner Dance would be deposited through their account.

PUBLIC COMMENT

Thomas Coan, 612 Third Avenue expressed concerns regarding a resolution on the Consent Agenda: Authorizing support of legislation to allow property tax payments to be deductible as a charitable continuation. He stated that the language in the resolution was flawed and it did not apply to Bradley Beach. The resolution would promote evasion of state taxes and the governor asking to support is self-serving on part of the governor.

Mayor Engelstad responded that he applauds Governor Murphy for the idea of recouping something that was lost during this tax reform as it drastically impacts NJ, CT, and CA. This legislation will allow deductions to stay in place for the taxpayers.

John Naples, 506B Ocean Avenue, stated that he did not understand the urgency of changes to Ordinance 450-10 “Prohibited Uses in all Zones”. He continued, this ordinance was adopted for a reason and why waste tax payer’s dollars for a review. It should be required that businesses that are a prohibited use go through the variance process.

Mayor Engelstad responded that the list is outdated and needs to be updated.

ORDINANCE 2018-3

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER ONE HUNDRED TWENTY THREE, ARTICLE ONE, SECTION EIGHT H, BEACH FRONT AND ADJACENT WATERS RULES AND REGULATIONS.

ON MOTION by Engelstad/Goldfarb to open Public Hearing on Ordinance 2018-3
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

Public Hearing

Jack Gentempo, 103 Fourth Avenue, directed a question to the Chief, “Is the revised ordinance (2018-3) enforceable? The Chief responded yes the amended ordinance is enforceable.

ON MOTION by Engelstad/Cotler to close the Public Hearing and adopt
 Ordinance 2018-3
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

ADOPTED

COMMUNICATIONS

Authorized the request from Avon’s First Aid Squad to hold their Annual 5K Run/Walk through the south end of Bradley Beach on Saturday, June 2, 2018 (8:30 am – 10:00 am) with street closures at Bradley Blvd, Atlantic and Burlington Avenue(s)

Authorized Meghan Lull to hold her wedding on Newark Avenue beach, September 15, 2018, from 3:00-4:00 pm (set up and break down 12:00- 5:00 pm). Also authorized the use of a light weight arbor for the ceremony and for her golden retriever on the beach to act as the ring bearer.

ON MOTION by Engelstad/Cotler to remove the awarding of the Riley Park Improvement Project to: Mixalia Enterprises, LLC. 420 Sycamore Avenue, Shrewsbury, NJ 07702 in the amount of \$214,000.

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ON MOTION by Engelstad/Weber to approve the Consent Agenda

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

CONSENT AGENDA

Resolution 2018-36 Bill List

Resolution 2018-37 Authorizing the annual agreement with Goose Control Technology (Egg Treatment \$1,750)

Resolution 2018-39 Appointment of Carli Jensen to the Environmental Commission from 2/27/18 through 12/31/19

Resolution 2018-40 Authorizing various Special Event

ADOPTED

ON MOTION by Engelstad/Weber to approve support of legislation to property tax payment to be deductible as charitable contributions

ROLL CALL AYES: Weber, Goldfarb, Engelstad
NAYS: Bonnell, Cotler
ABSENT: None
ABSTAIN: None

Resolution 2018-36 Authorizing the support of legislation to property tax payment to be deductible as charitable contributions

ADOPTED

Councilman Weber stated that he was voting yes to support the legislation regarding property tax deductible. This legislation is a longshot predicated on IRS acceptance and a way for NJ to push back as a high tax state.

Council Goldfarb agreed with Councilman Weber, as this legislation is a way for the towns to support the governor in pursuing alternative measures and it is not breaking the law.

Councilman Bonnell stated that he was voting no because at face value this legislation causes more problems than solves them. He was concerned on how it would impact residents paying taxes through their mortgage company.

Councilman Cotler voting no to the resolution in support of the legislation as it requires a further study. He continued that there needs to be a fiscal review of the State and Federal Government spending.

Mayor Engelstad voting in favor of the legislation as the tax reform is aimed at high tax states such as NJ, NY and CT. He applauds the governor for his efforts.

MAYOR AND COUNCIL REPORTS

Councilman Weber advised that a meeting was held at the school to discuss the borough providing snow removal and lawn care services at the school. The school's request was for the DPW to clear a 4" path, which is much less than what the DPW currently provides. He reminded everyone that the school was conducting a fund raiser supporting the 8th grade trip to Washington DC. To ensure safety at the school the Chief has offered an officer at the school until the end of the school year. He had discussed school safety with school Superintendent Dr. Wisniewski and provided the following safety measures that are currently taken at the school:

Locked school doors, cameras in the main office requiring visitors to be buzzed into the school. A device alerting the BBPD assistance needed and the police arrive within minutes of the alert.

Monthly security drills

Blue strobe lights located in busy loud areas (cafeteria, basketball games, etc.) to notify of emergencies.

All teachers have intercom access.

Environmental Commission update: trash containers on the boardwalk will contain trash and recycling with clear markings. The existing trash receptacles will be used on the sidewalk Ocean Avenue east. There are reminder flyers regarding disposal of trash available if need. A film titled "Plastic Ocean" will be played in April at the Senior Building and may encourage people to participate in the April 21st beach sweep. Reminded all if they "See something Say Something" as this was helpful to the police in an issue with pet waste.

Councilman Goldfarb stated that he spoke with the Chief and the borough needs to be proactive regarding school safety. The Chief offered for security a Class II Officer being stationed at the school. He continued, he had attended a meeting with Councilman Bonnell, Ms. Barrett, Mr. Freda and representatives from Neptune Township to discuss improvements to the bulkhead at Fletcher Lake. Mr. Freda provided information regarding the condition of the bulkhead: the borough's side of the lake was not as bad as Neptune's side but we would need to make repairs in the future. It is beneficial for Neptune and Bradley Beach to enter into an agreement for a joint project to get overall price. Mr. Freda commented that we do not need to do the job today but the cost will escalate the longer we wait. Councilman Goldfarb added that Neptune Township will be paying for soft costs which benefits the borough. Neptune Township will be attending the March 27th meeting to provide a presentation of the improvement project.

Councilman Bonnell reported that the Lifeguard station should be complete mid-March and the fountain is almost complete.

Councilman Cotler stated that he held a successful first parking committee meeting and plan on meeting again on March 13th. His goal is to come up with a responsible resolution and recommendation and is aware that no one will be 100% satisfied but no one will be 100% dissatisfied. He continued, the Fire Department be holding its Spring Fish Fry on March 16th and come and enjoy, bring your friends and family.

Mayor Engelstad announced that the borough received a letter from the state advising that as a result of the transportation fund tax the borough will be receiving \$270K in grant fund. This grant will pave a portion of Ocean Park Avenue. He stated that he attended a meeting at the governor's office with Mayors throughout the state and discussed school safety, the opioid epidemic and affordable housing. The Governor heard loud and clear from the Mayors of the importance of the 2% arbitration continuation. He announced that the 125th Dinner Dance scheduled on March 23rd is sold out, however, ad space is still available if anyone is interested.

Sue Monroe, 500 LaReine Avenue, Board of Education, invited the Mayor and Council to attend the BBES Budget Workshop scheduled for March 20, 2018 at 7 pm.

Mike McCarthy, 604 ½ McCabe Avenue, stated that he has no driveway and has to park his truck on the street. He disagreed with changing the ordinance and stated that the truck parking issue continues to come up over the years.

Councilman Cotler stated that his goal is come up with a rational plan and not to impose any undue hardship to residents. He is aware of the responsible people who work, live and pay taxes in town. The committee will meet again in two weeks, they will then forward their recommendations to the borough attorney for review. The complete recommendations will be sent to the Mayor and Council for an introduction to the amended ordinance and a public hearing at the second reading giving the residents the opportunity to comment. He invited Mr. McCarthy to attend the next committee meeting.

Julie Nutaitis commented that she was interested in joining the parking committee and did not receive a response back and requested a response in the future.

Councilman Weber expressed concerns of a six member committee may become deadlocked.

Councilman Cotler responded that the committee will not be voting only preparing recommendations for the Mayor and Council to review.

Thomas Coan, 612 Third Avenue commented further that he agreed with Councilman Cotler in reference to the legislation on tax reform. The state needs to look in the mirror. He requested an update on the 811 Ocean Avenue property from Mr. DuPont. Mr. DuPont responded that he anticipates good news and will advise at the next meeting on the 13th. He addressed Councilman Weber on the possibility of banning plastic bags within his borough. Mr. DuPont commented that when he was an elected official in Red Bank he proposed the banning of plastic bags and he was premature but now is the time. Mr. Weber stated that he was in complete support of banning plastic bags and stated tell your friends and get organized. He continued he would try and get the three needed votes from the governing body to adopt an ordinance.

John Naples, 506B Ocean Avenue, expressed concerns regarding the programs held at the gazebo during the week on school nights prior to school closing.

Mayor Engelstad stated he would contact Nicole, Tourism Director regarding the programs being held at the gazebo when school was still in session.

Henry Machos, 209 Third Avenue, stated he had a home on Sylvan Lake and questioned the size of the outfall pipe and will it be able to provide ample drainage?

Mr. Freda responded that the pipe was a large diameter 60-72". He stated that one way to control flooding is to drain the lakes before storms, however, we are unable to drain the lakes during high tides.

Mayor Engelstad stated that he was cautiously optimistic the Army Corp of Engineers would come back with funding for the lakes.

Eric Scholtz, 202 Evergreen Avenue, stated that the borough has done the right thing to prepare for storms and is there any way we could be in front of the line for the next round of funding. The borough installed pavers when the other towns install wood or composite boardwalk that get destroyed during storms and they are replaced with funds from FEMA.

Mayor Engelstad stated that he understands the frustration but does not anticipate additional funding.

Mr. Freda stated that Bradley Beach is fortunate as it is not in a flood zone and FEMA funds go to towns in the flood zone.

Amanda Wheeler, 409 Evergreen Avenue, stated that Sylvan Lake floods during high tide cycles by Avon as that area is not protected by dunes.

Nancy Forsyth, 607 Fourth Avenue, stated that in the past she was on the lake committee and attempted to have the lakes dredged. The overwhelming cost of dredging the lakes is disposing of the silt as it is contaminated.

Frank Capinegro, 510 Fourth Avenue, questioned if a Class II Officer stationed in the school would have a weapon. The Chief responded, yes, a Class II Officer carries a weapon but would prefer placing a regular Police Officer in the school as school resource officer.

ON MOTION by Engelstad/Goldfarb moved to adjourn

ADJOURN 8:45 PM

KELLY BARRETT
Municipal Clerk/Administrator

