

REGULAR MEETING MINUTES

August 13 at 6:30 pm

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 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 arrived 6:35), Cotler
Mayor Engelstad
Borough Attorney Marguerite Schaeffer
Municipal Clerk/Administrator Kelly Barrett
Chief Financial Officer Gail Krzyzyczuk
Deputy Municipal Clerk Erica Kostyz

WORKSHOP DISCUSSION –

Gerald Freda, Borough Engineer offered the following report on Borough Projects:

- Sanitary Sewer and Stormwater Rehabilitation – the project is close to completion, the contractor will return at the end of September to mill/pave and address the punch list. The project will then be closed out with the Environmental Infrastructure Trust Fund
- Ocean Park Avenue (Phase I) - is 100% complete
- Sylvan Lake Sluice Gate – bids will be advertised and the cost of the replacement will be shared with Avon by the Sea

Thomas Coan, 612 Third Avenue, questioned if the sewers will be replaced during the Ocean Park Avenue Project. He expressed concerns that the roadways will be replaced over old sewer lines.

Mr. Freda responded that a program to replace sewer lines would begin at the south end of town (sewers in the worst condition) and continue through the north end. His reports indicated that the sewer lines in the north end were old, but operable. The Borough has been awarded a grant to replace the roadways and replacement of the sewers would require the borough to bond for the funds.

ON MOTION by Engelstad/Goldfarb to approve the Regular Meeting Minutes of July 23, 2019

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

APPROVED

PUBLIC COMMENT

Thomas Coan, 612 Third Avenue, expressed concerns regarding the RFP process relating to the renovation and lease of the retired utility building at the oceanfront.

Paula Gentempo, 103 Fourth Avenue, suggested the RFP (retired utility building) be postponed and expressed concerns regarding the advertising.

Eileen Shissas, 112 Fourth Avenue, stated that she is not opposed to concessions and expressed concerns regarding the process, transparency and notification to property owners. She recommended the RFP be re-bid.

Terry Wright, 406 Madison Avenue, stated that the approval for the RFP being discussed tonight was approved in November, 2018. The retired utility building has been vacant for years with no revenue being generated and now there is a great idea to utilize the building as a concession. The rendering of the renovated building is beautiful and he doesn't understand the pushback and objections.

Harvey Rosenberg, 313 ½ Ocean Park Avenue stated that he was in favor of the RFP being awarded. He continued that we need to bring people to the beachfront and we need to move forward or we will move backwards.

Mary Spillman, 902 Ocean Avenue, stated that she understood the need for a restaurant but expressed concerns regarding cooking and fumes emanating from the cooking. She suggested postponing the RFP vote.

Julie Nutaitis, 605 Newark Avenue, stated that the borough needs to do their due diligence and obtain more details from the RFP responders.

Sal Galassetti, 220 Newark Avenue, stated that when he was a Councilman they discussed adding to the beachfront but it didn't go anywhere. We need more life at the beachfront, this is a great concept and the borough should not wait, it is a good idea.

Lauren Egbert, 404 ½ Brinley Avenue, the beachfront looks beautiful and public trust is important, the town deserves all of the required information from the RFP responder.

George Bachar, 407 Fletcher Lake Avenue, stated that Council approved the RFP process in November. He recommended the RFP be awarded this evening in order for the concession to be opened by Memorial Day.

Alan Gubitosi, 615 Fourth Avenue, stated that he agreed with an additional concession and the renovation and lease of the retired utility building. He expressed concerns regarding public involvement and the RFP process. He recommended the RFP vote be postponed this evening.

Jim Byrnes, 401 Fifth Avenue, stated that the lease of the retired utility building may require a use variance to obtain board approval.

Ms. Schaffer, stated that a change of use variance it is not required as it is a beach concession.

Councilman Bonnell stated that a use variance may not be required but we should receive board approval. He continued that the RFP's were not sufficiently shared with the public. He advised that he did not receive the documentation and had to request the floor plans. He stated that there were defects in both proposals and was concerned about the process and transparency. He recommended the entire Council and the Strategic Plan Beachfront Committee evaluate the proposals.

Ms. Barrett responded that all RFP documentation was provided to the entire governing body.

BOND ORDINANCE NUMBER 2019-19

BOND ORDINANCE PROVIDING FOR OCEAN PARK AVENUE ROADWAY IMPROVEMENTS (PHASE II), BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$325,000 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$182,250) AND AUTHORIZING THE ISSUANCE OF \$135,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

ON MOTION by Engelstad/Goldfarb to open the Public Hearing on Bond Ordinance 2019-19

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

Public Hearing:

Thomas Coan, 612 Third Avenue, expressed concerns regarding the eighty year old sewer pipe not being replaced. He recommended using the borough money prudently and give the north end the same new sewer lines as the south end.

Mr. Freda, Borough Engineer, stated that he takes direction from the governing body as they make the decision on projects and use of funds. He advised that the three blocks in Phase II of the Ocean Park Avenue project will run approximately \$300k.

William Psiuk, 110 Fifth Avenue, stated at the last meeting Councilman Bonnell referenced sewer replacement being done during Phase I of the Ocean Park Avenue project. He continued that he checked with the CFO and that was incorrect, there was not sewer repair done on Ocean Park Avenue. He questioned where the Councilman gets his information and figures from.

Councilman Bonnell, responded that he has back up paperwork and his figures come from the market.

Councilman Cotler, stated that a study was conducted regarding the conditions of the sewer lines and the replacement was prioritized based on the study. The older sewer lines in town do not need to be replaced if they are working sufficiently. Mr. Freda takes direction from the Council on how to proceed with project and expend funds appropriately.

Councilman Bonnell stated that the old sewer lines may be impacted during the milling and paving process. He continued, it is advisable to replace the sewer lines during the roadway improvements.

ON MOTION by Engelstad/Goldfarb to close the Public Hearing and adopt Bond Ordinance 2019-19

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

ADOPTED

Communication

A request from Simone Hazel, Main Street Business owner to conduct a town wide sidewalk sale on Saturday, October 19, 2019

ON MOTION by Engelstad/Cotler to move the request from Simone Hazel to the consent agenda

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

Councilman Weber stated that he agreed with Ms. Barrett that the RFP documentation was emailed to the entire governing body. However, the documentation received from Mr. Grillo was missing a lot of the required information. He was not opposed to the concession but has had issues with the process.

Ms. Schaffer provided an overview of the competitive contracting process and stated that all bids may be rejected. The evaluation committee may request additional information. The final contract will be detailed with all of the required financial information, bonds will be posted and all of the County and Borough codes must be complied with. The renovation of the building may cost \$300 thousand dollars to complete.

Mayor Engelstad stated that Councilman Cotler had left meeting at 7:15 pm to attend a religious service for his mother who had recently passed. He continued, Councilman Cotler wished to vote on the retired utility building bid award, therefore he would make a motion to table the RFP award vote.

ON MOTION by Engelstad/Bonnell to table the award of the Renovation & Lease of Retired Utility Building

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

TABLED

Councilman Weber questioned if the memo from the Borough Administrator was the report that was required in accordance with the public contracting law. He commented that the vote was not ready as he did not receive the required information and the evaluation breakdown from the committee.

Councilman Goldfarb stated that he had reviewed the RFP's submitted and he was pleased with the rendering that Mr. Grillo provided. He continued that the renovation of the building will take hundreds of thousands of dollars to rehab the bunker that is currently there. This concession will add a service to the beachfront and beachgoers near the north end. He referred to the detailed floor plan that Mr. Grillo proposed.

Mr. Weber stated that Councilman Goldfarb had plans that were not provided to the entire governing body.

Councilman Bonnell stated that the TM Foods proposal provided most of the required information. The Grillo proposal only submitted renderings and a floor plan (received once requested). He was unsure as to why the evaluation committee scored the Grillo proposal higher. This creates an issue with public trust. He researched TM Foods online and found they had years of experience with food prep concessions and Grillo's experience relates to food vendors. He recommended the borough go out to rebid with detailed specs, strict schedule and aggressive advertising.

Mayor Engelstad stated that if the vote was being taken tonight he would have voted for the Grillo proposal and negotiated a larger the annual lease payment. The Grillo proposal was well above the other proposal. He provided professional drawings and has been committed to Bradley Beach for years. Mr. Grillo most recently transformed an old gas station on Main Street to a beautiful coffee shop.

ON MOTION by Engelstad/Goldfarb to approve the Consent Agenda
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Engelstad
 NAYS: None
 ABSENT: Cotler
 ABSTAIN: None

- 2019-150 Authorized a sewer bill reduction of \$234.34 for 716-18 Main Street (Block 33 Lot 29)
- 2019-151 BILL LIST
- 2019-152 Authorized the promotion of Sgt. Terry Browning to the position of Lieutenant and Patrolwoman Josephine Celauro to the position of Sergeant of the Bradley Beach Police Department
- 2019-153 Authorized an agreement with SC Johnson to conduct the "Plastic Film" pilot program
- 2019-154 Authorized the Jersey Shore Rescue Mission Run on Saturday, October 26, 2019 on the beachfront promenade from 6 am to 12 noon
- 2019-155 Authorized a reduction in Adult Season Beach Badge Fees \$75 to \$50 Nunc Pro Tunc from August 2, 2019
- 2019-156 Authorized an Interlocal Agreement with the Borough of Allenhurst for Municipal Court staffing, facility use and security from January 1, 2020 through December 31, 2022

APPROVED

Authorized Simone Hazel, Main Street Business owner to conduct a town wide sidewalk sale on Saturday, October 19, 2019

Mayor Engelstad congratulated Lt. Browning and Sgt. Celauro on their promotions. He thanked Ms. Barrett for negotiating the Allenhurst shared service agreement.

MAYOR AND COUNCIL REPORTS

Councilman Weber announced that the SC Johnson Pilot Program will include them purchasing a vehicle for the borough to collect plastic film. He mentioned the DEP Agreement which protects the endangered shore birds by prohibiting trash containers, vehicles, raking and scraping of the Second Avenue beach to the Avon border from March 15th to August 15th.

Councilman Goldfarb commented that the borough is one of the top leaders of shared services agreements and thanked Ms. Barrett for her efforts in the recent negotiations. He commented on the success of the National Night Out and thanked all of the staff and volunteers for making the event a success.

Mayor Engelstad provided the following updates:

- The Health Department shut down the summer camp held at the Fifth and Ocean Avenue Synagogue.
- Ms. Barrett has been in communications with Altice (Cablevision) regarding the placement of the fiber cabinet and are discussing alternate location for the box.
- The Municipal Judge has order Giamanno's sidewalk be replaced/reopened by August 16th. He continued that Mr. Manno has apologized for the delay in construction which is due to the unexpected death of the contractor. A new financial partner will be taking over the construction.
- The United Methodist Church property ownership has transferred to the Camp Meeting Association. A meeting with the Camp Meeting Association has been scheduled to discuss the future plans for the property. The building is in dire shape and a tax lien has been levied against the church property as it is no longer being operated as a house of worship.
- Beach badge sales are up \$187K from last year at this time.

PUBLIC COMMENT

Mr. Freda apologized for his earlier comments as he takes his responsibility as Borough Engineer seriously.

Thomas Coan, 612 Third Avenue, stated that he hates to spend money twice by repairing Ocean Park Avenue roadway and not replacing the old sewer lines. He continued, we should bond to replace the sewer lines. He commented that Mr. Freda does great job and is an asset to the borough.

William Psiuk, 110 Fifth Avenue, requested clarification regarding DEP agreement regarding the trash on the west side of Second and Ocean Avenue.

Councilman Weber responded that the DEP agreement only includes the beach area (east side).

Al Gubitosi, 615 Fourth Avenue, requested the RFP documentation be posted on line. Mayor Engelstad responded that the RFP documents will be posted on line.

George Bachar, 407 Fletcher Lake Avenue, wished to elaborate on the success on the National Night Out's and the assistance from the Police Department and DPW.

Mayor Engelstad announced the volunteer survey available on line and the chance to win a beach buggy. He commended the Strategic Task Force committees on their volunteerism and hard work.

Mary Spillman, 902 Ocean Avenue, commented on the wonderful story time available for young children at the Fifth Avenue gazebo.

Ann Gubitosi, 615 Fourth Avenue, wished to recognize the police department and Officer Gale's efforts during the National Night Out event. She thanked the police department for donating the leftover food from the event to the Food Pantry.

Al Rappaport, 512 Newark Avenue, thanked the Mayor for the discussion regarding the RFP's and was concerned regarding missing documents.

Terry Wright, Madison Avenue, 406 Madison, stated that the Mayor and Council are elected to make decision and represent the residents. He commented that he didn't understand individuals stating "why are we rushing this RFP" when it was approved last November.

Eileen Shissas, 112 Fourth Avenue, expressed concerns regarding the way the proposals were presented.

Engelstad/Goldfarb moved to adjourn

ADJOURN 8:05 pm

KELLY BARRETT RMC, CMR
Municipal Clerk/Administrator