

**BOROUGH OF BRADLEY BEACH  
COUNCIL BUSINESS MEETING MINUTES  
MAY 22, 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 MAY 22, 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**

**Council President opened the meeting with a salute to the flag.**

**Sunshine Law was read.**

**ROLL CALL AT 6:30 P.M.**

**Present at the May 22, 2024 Council Business Meeting:**

**Council President DeNoble, Councilman Gubitosi, Councilwoman Mahoney  
Acting Borough Administrator, Meredith DeMarco (left at 8:15 p.m.)  
Municipal Clerk, Erica Kostyz  
Borough Attorney, Gregory Cannon  
Michele Whille, Deputy Municipal Clerk, Zoom Facilitator  
Police: Chief James Arnold, Lieutenant Detective, Terry Browning**

**Mayor Fox was not in attendance for the 5/22/24 Council Business meeting. Council President DeNoble conducted this meeting.**

**Council President DeNoble:**

**Requested a moment of silence for Mayor Fox and his family due to the passing of a family member. Ms. DeNoble thanked the audience for their presence and introduced all Borough Employees in attendance.**

**EXECUTIVE SESSION:**

ON MOTION by DeNoble/Gubitosi to retire into Executive Session at 6:35 p.m. to discuss Anticipated/Pending Litigation Matters.

- Affordable Housing Litigation
- Land Use Approvals Enforcement

**Resolution 2024-115 Retire into Executive Session.**

ROLL CALL:

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

ON MOTION by DeNoble/Gubitosi to return from Executive Session at 7:20 p.m. and conclude the Council Business Meeting.

ROLL CALL:

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

**WORKSHOP(S): None**

**PRESENTATIONS:**

- **Certificates of Appreciation were acknowledged by Councilman Gubitosi and Councilwoman Mahoney to resigning members Susan Roach of the Fletcher Commission and Daniel Leyes of the Environmental Commission.**

**Council President DeNoble, Councilwoman Mahoney, and Councilman Gubitosi read proclamations.**

**Keith, Winters, Wenning & Harris 80<sup>th</sup> Anniversary Proclamation:**

**WHEREAS, Keith, Winters, Wenning & Harris, L.L.C. was founded and established in Bradley Beach in 1944 and has been serving clients throughout New Jersey for 80 years; and**

**WHEREAS, Keith, Winters, Wenning & Harris L.L.C. is built on providing personal service to clients and a commitment to the highest quality of professional conduct; and**

**WHEREAS, over the years Keith, Winters, Wenning & Harris, L.L.C. has earned a reputation by staying abreast of changes in the law and new solutions to provide the best representation to all of their clients; and**

**WHEREAS, Keith, Winters, Wenning & Harris, L.L.C. has remained focused on personalized attention, outstanding service, and a commitment to being a good neighbor; and**

**WHEREAS, Keith, Winters, Wenning & Harris, L.L.C. will continue to provide quality customer service and deliver trust to their clients and the community for generations to come; and**

**NOW THEREFORE BE IT RESOLVED**, the Governing Body of the Borough of Bradley Beach does hereby recognize the 80<sup>th</sup> Anniversary of Keith, Winters, Wenning & Harris, L.L.C. in the Borough of Bradley Beach.

**Pride Month Proclamation:**

**WHEREAS**, the Governing Body of the Borough of Bradley Beach recognizes and proclaims the month of June 2024 as Lesbian, Gay, Bisexual, Transgender and Queer/Questioning and Plus (LGBTQ+) “Pride Month”; and

**WHEREAS**, all human beings are born free and equal in dignity and rights. LGBTQ+ individuals have had immeasurable impact to the cultural, civic, and economic successes of our country; and

**WHEREAS**, the Borough of Bradley Beach is committed to supporting visibility, dignity, and equality for LGBTQ people in our diverse community; and

**WHEREAS**, while society at large increasingly supports LGBTQ equality, it is essential to acknowledge that the need for education and awareness remains vital to end discrimination and prejudice; and

**WHEREAS**, this nation was founded on the principle that every individual has infinite dignity and worth, and the Governing Body calls upon the people of this municipality to embrace this principle and work to eliminate prejudice everywhere it exists; and

**WHEREAS**, celebrating Pride Month influences awareness and provides support and advocacy for the LGBTQ community, and is an opportunity to take action and engage in dialogue to strengthen alliances, build acceptance, and advance equal rights.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body hereby proclaims the month of June 2024 as Pride Month in support of the LGBTQ+ Community.

**EMS Week Proclamation:**

**WHEREAS**, Emergency Medical Services is a vital Public Service; and

**WHEREAS**, the members of the Emergency Medical Services Teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, Emergency Medical Services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care and access to telemedicine; and

**WHEREAS**, the Emergency Medical Services System consists of First Responders, Emergency Medical Technicians, Paramedics, Emergency Medical Dispatchers, Firefighters, Police Officers, Educators, Administrators, Pre-Hospital Nurses, Emergency Nurses, Emergency Physicians, trained members of the public and other out of hospital Medical Care Providers; and

**WHEREAS**, the members of Emergency Medical Services Teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their Lifesaving skills; and

**WHEREAS, it is appropriate to recognize the value and accomplishments of emergency medical services providers by designating Emergency Medical Services Week.**

**NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Bradley Beach to hereby proclaim the week of May 19<sup>th</sup> to May 25<sup>th</sup> 2024 as “Emergency Medical Services Week.”**

**MINUTES APPROVAL**

ON MOTION by DeNoble/Mahoney to approve the Council Meeting Minutes of May 8, 2024.

ROLL CALL:

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

**APPROVED**

ON MOTION by DeNoble/Mahoney to approve the Executive Session Minutes of May 8, 2024.

ROLL CALL:

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

**APPROVED**

**Public Comments on Agenda Items:**

**In Person:**

**Eileen Shissias, 112 Fourth Avenue, had the following bill list inquiries:**

- **Depository Trust Company**
- **Monmouth County Treasurer**
- **Memorial Day Parade**
- **Pravco, Inc.**
- **Victoria Flynn, Esq.**

**Ms. DeMarco replied an OPRA request will now need to be submitted for any bill list inquiries.**

**Ms. Shissias stated she was insulted by this answer and feels that is unacceptable as a taxpayer.**

**Nancy Meadow, 805 Beach Avenue, stated opinions and complaints about charges the bill list and previous OPRA requests she submitted regarding finance information.**

**Refet Kaplan, 409 Brinley Avenue, urged Council to reject Resolution 2024-120 (OPRA Reform).**

**Brigitte McGuire, 610 Brinley Avenue, urged the Council not to reject payment of the invoice for Victoria Flynn, Esq. and urged Council to reject Resolution 2024-120.**

**Julie Nutaitis, 605 Newark Avenue, requested the Council reject Resolution 2024-86 Budget Introduction.**

**Thomas J. Coan, 612 Third Avenue, also urged the Council to reject payment for Victoria Flynn, Esq. and urged Council to reject Resolution 2024-120.**

**Zoom: None**

**ORDINANCES: None**

**COMMUNICATIONS :**

- **Seasonal Beach Staff Memo – Cashiers and Gate Guards**
- **Seasonal Employee Memo - DPW**

**CONSENT AGENDA RESOLUTIONS:**

**2024-117 Approving the Bradley Food Pantry, Inc. to conduct their Bocce Tournament for Sunday, July 14, 2024 from 3:00 p.m. to 7:00 p.m.**

**2024-118 Approval for the Bradley Food Pantry, Inc. to conduct an On-Premises 50/50 Cash Raffle for Thursday, June 20, 2024 from 6:00 p.m. to 9:00 p.m. at UVA's Restaurant.**

**2024-119 Approval for A Paddle for Hunger to conduct an On-Premises 50/50 Cash Raffle for Saturday July 6, 2024 from 10:00 to 2:00 p.m. during the Jersey Fresh Market Event in Riley Park.**

ON MOTION by DeNoble/Gubitosi to move Resolution 2024-116 to the Individual Resolutions.

ROLL CALL:

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

**RESOLUTION MOVED TO INDIVIDUAL RESOLUTIONS**

ON MOTION by DeNoble/Gubitosi to adopt the remaining Consent Agenda Resolutions.

ROLL CALL:

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

**ADOPTED**

**INDIVIDUAL RESOLUTIONS:**  
**2024-116 Bill List for May 22, 2024.**

Councilman Gubitosi made a general statement about how it is difficult for the Council to track cumulative charges, in order to measure against limits defined by Local Public Contract law. Mr. Gubitosi cited examples that he plans to review more thoroughly going forward including CME, Ellicott Network consultants, and Attorney Eric Bernstein.

Ms. DeMarco Mr. Cannon offered explanations related to “hold-over” professional services firms.

Mr. Gubitosi offered his comments about a bill list item for Victoria Flynn Esq. in the amount of \$7,458.00 and stated the following: “I have stated this before and I will state it again, I do not think that Attorney Flynn’s fees related to the lawsuit that the Mayor brought against this Council should be funded by Taxpayer dollars. I have personally paid for private attorneys when I wanted to challenge our Attorney’s opinions, not once but twice. I have never sued the Borough, but I have asked for outside legal opinions to challenge Mr. Cannon or Mr. Bernstein. In the case of the Mayor’s lawsuit, this suit did not benefit the taxpayers, it benefited the Mayor. The Mayor won a portion of the suit and he lost a portion of the suit. The Borough’s taxpayers should not fund these efforts to sue the Borough. In fact, this Council strongly believes that we could successfully appeal the portion of the recent decision that favored Mayor Fox. Our attorneys tell us that we would have a very good likelihood of success. However, while we believe our actions to modify our own Ordinance language were legal, we do not plan to spend taxpayer dollars to pursue this outcome. It would benefit the Council, but it would not benefit the Taxpayers. Anyone who wants to sue the Council can, including me. But no one should be using taxpayer money to do that.”

ON MOTION by Gubitosi/DeNoble to vote separately on payment to Victoria Flynn, Esq. for \$7,458.00.

**ROLL CALL:**

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

ON MOTION by Gubitosi/DeNoble to not approve payment to Victoria Flynn, Esq. for \$7,458.00.

**ROLL CALL:**

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

ON MOTION by DeNoble/Gubitosi to adopt the remainder of the Bill List items in Resolution 2024-116

**ROLL CALL:**

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

**ADOPTED**

**2024-86 Introduction of the 2024 Budget to be read by title only.**

**Councilman Gubitosi:**

My 2024 Budget comments are brief. Simply put, the Mayor appears to be “stalling.” To what end, I do not know. We have made no progress in six weeks of waiting. Six weeks ago, I told the Mayor that I could not vote for the budget unless I could access the CFO, our Financial Expert. I made this decision after spending many hours reviewing the budget and preparing questions, only to receive useless, unprofessional responses twice. From a team that the Mayor had assembled. I am not saying this budget is right or wrong, good, or bad. I am simply saying that I do not understand it and I need my questions answered, by our Financial Expert, before I can vote for it. Again tonight, the Mayor placed a budget introduction resolution on our agenda. Unfortunately, he could not be here to explain his thinking but ladies and gentlemen nothing has changed in six weeks! No access to the CFO has been granted. I shared my top fifteen questions with Councilwoman Mahoney and I asked her to share them with the Mayor, on the condition that Mayor Fox would simply commit, verbally or by email, to allow us both to meet with the CFO. The Mayor has still not informed Councilwoman Mahoney that this access has been granted. It is inexplicable.

Councilwoman Mahoney stated she has not received a commitment from the Mayor to meet with the CFO to address inquiries that are still pending.

Councilwoman DeNoble stated she has not met with anyone to discuss the budget as anticipated and feels better communication is needed.

ON MOTION by DeNoble/Mahoney to approve Resolution 2024-86.

**ROLL CALL:**

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

**FAILED**

**2024-120 Calling for the Modernization of the Open Public Records Act (OPRA) and the veto of S-2930/A-4045.**

Councilwoman Mahoney read the following comment sent via email by Councilman Weber:

I want everyone to know that I oppose Resolution 2024-120 on the agenda, in support of the OPRA Reform Bill that just passed the legislature in Trenton. This Council should pass a resolution urging the Governor to veto this bill. While I may agree that our OPRA law needs some reforms, I do not think these are the right reforms that OPRA needs.

Please do not forget that it is only through OPRA that we learned of the Bridgegate scandal of former Governor Chris Christie. And a little closer to home, it is only through OPRA that we learned of the horrific, horrific behavior of our own former Police Chief and we got to see it all with our own eyes.

I do think there are abuses of OPRA. We have experienced that in Bradley Beach with an anonymous OPRA requestor making requests that cost the Borough thousands of dollars if not tens of thousands of

dollars. The worst part was that in the end we found out that this anonymous OPRA requestor was sitting right up here on the dais with us.

So, I am glad we did not pass the resolution as written in this agenda. I look forward to asking the Governor to veto this bill.

**Councilwoman Mahoney feels the OPRA bill would erode transparency in government.**

ON MOTION by DeNoble/Mahoney to amend the verbiage for Resolution 2024-120.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney

NAYS: None

ABSENT: Weber, Mayor Fox

ABSTAIN: None

**AMENDED**

**Councilman Gubitosi read the revised/amended resolution for the public.**

**CALLING FOR THE MODERNAZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND VETO OF S-2930/A-4045**

**WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and**

**WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and**

**WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and**

**WHEREAS we believe certain reforms are needed to address some of these unintended consequences and to create a more efficient and effect process that can ease the increasing burden on municipal staffs and budgets created by volume requestors, eliminate anonymous requestors, minimize exorbitant attorney’s fees, and curtail the use of OPRA by outside businesses and interests who abuse OPRA for commercial profit; and**

**WHEREAS, despite its flaws, current OPRA regulations provide invaluable transparency rights and protections to our citizens, which are the foundation of strong and effective democracy, and assures that their government is fair, efficient, and working for the greater good, and**

**WHEREAS the approved Bill S-2930/A-4045 would create unreasonable barriers for residents and journalists to access information that can uncover improper activity and wrongdoing in government, and**

**WHEREAS Bill S-2930/A-4045 allows government entities to sue OPRA requestors who they believe are abusing OPRA, and its intimidating effect will likely serve to deny people access to public records through fear of litigation, and**

**WHEREAS Bill S-2930/A-4045 is expected to cost New Jersey Taxpayers \$10 million to implement and will add significant annual increases in new salaries for the Government Records Council**

**NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Bradley Beach, in the County of Monmouth, respectfully request New Jersey Governor Phil Murphy, to exercise his authority to veto Bill S-2930/A-4045; and**

**BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records, and we believe that Bill S-2930/A-4045 will serve to erode the public's trust in government; and**

**BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Vin Gopal, Assemblywoman Margie Donlon, Assemblywoman Luanne Peterpaul, Governor Murphy, and the New Jersey League of Municipalities.**

ON MOTION by DeNoble/Gubitosi to adopt Resolution 2024-120 with the amendments read.

ROLL CALL:

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

**ADOPTED**

**2024-121 Authorizing Amendments to the Temporary Budget.**

ON MOTION by DeNoble/Mahoney to adopt Resolution 2024-121.

ROLL CALL:

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

**ADOPTED**

**ANNOUNCEMENTS: None**

**Ms. DeMarco left the meeting at 8:15 p.m.**

## **MAYOR AND COUNCIL REPORTS:**

### **Councilman Weber (via email read aloud by Councilwoman Mahoney):**

Sorry I could not be there folks, I'm in DC for work and I can't duck out for a 4 hour council meeting.

I want everyone to know that I oppose Resolution 2024-120 on the agenda, in support of the OPRA Reform Bill that just passed the legislature in Trenton. This Council should pass a resolution urging the Governor to veto this bill. While I may agree that our OPRA law needs some reforms, I do not think these are the right reforms that OPRA needs.

Please do not forget that it is only through OPRA that we learned of the Bridgeway scandal of former Governor Chris Christie, and a little closer to home, it is only through OPRA that we learned of the horrific, horrific behavior of our own former police chief and we got to see it all with our own eyes.

I do think there are abuses of OPRA. We have experienced that in Bradley Beach with an anonymous OPRA requestor making requests that cost the Borough thousands of dollars if not tens of thousands of dollars. The worst part was that in the end we found out that this anonymous OPRA requestor was sitting right up here on the dais with us.

So I am glad we did not pass the resolution as written in this agenda. I look forward to asking the Governor to veto this bill.

### **Councilwoman Mahoney:**

- Gave a report of the Land Use Board Meeting that occurred on May 16<sup>th</sup>.

### **Councilman Gubitosi:**

#### **Police Report**

The Police Department is looking forward to a big weekend coming up.

A local man was arrested for driving while intoxicated and received several other motor vehicle summonses related to the stop.

Police located a wanted person from Wall Township who had previously shoplifted from a store in their jurisdiction. She was turned over to that agency for processing.

In the spirit of shared services, the Police Department deployed one of our K9 officers to the Belmar Seafood Festival this past weekend to provide safety and security sweeps. We also arrested two subjects on active contempt of court warrants.

#### **Police update for Memorial Day Parade (Saturday):**

All Bradley Beach residents and visitors, please be aware that this Saturday, May 25, 2024, the annual Bradley Beach Memorial Day Parade will take place on Ocean Avenue at 10am.

During this time period, there will be no parking permitted on Ocean Avenue from 7 a.m. until 11 a.m. There will also be no parking permitted on Bradley Boulevard and the 100 block of Evergreen Avenue from 7:00 a.m. until 11:00 a.m.

The Police thank you for your anticipated cooperation and understanding and we hope to see you there.

## Memorial Day

There will be a Memorial Day Ceremony, held on Monday, from 11:00 am to 12:30 p.m. at Riley Park.

## Fallen Heroes

Efforts to enhance our Memorial Day celebrations for our Fallen Heroes. As many people know, we are underway with our fundraising to enhance our celebrations of Bradley Beach's Fallen Heroes every Memorial Day. William Duffy, from Brick, is a wonderful resource who has been advising me and the Borough in our planning. He has spent untold hours researching Fallen Heroes for many municipalities and is a wealth of information related to approaches and best practices. Mayor Fox has agreed to allow Mr. Duffy to work with a few of our Local Veteran Volunteers, all of whom are well known in our community to include Bill Psiuk, Norm Goldfarb, and George Bacher. Those three gentlemen will be working with Mr. Duffy to evaluate eligibility for this type of recognition in the Borough going forward. As expressed by the Mayor, the hope is that this committee of four will be able to come up with recommendations no later than mid-June and possibly earlier so the Borough will have time to take appropriate actions for future planning.

## 319 LaReine Avenue

I am told that a few signs have popped up on lawns in town saying something to the effect of "Keep your promise - Sell the Church." For the record, there was never a "promise" to sell the Church, but there was clear guidance given to Mayor Fox in October of 2023 as to how to move forward with the sale of the Church Property. Unfortunately, for seven months now, Mayor Fox has delayed implementing Council recommendations to sell the Church property. Our recommendations included:

- 1) Sub-dividing and deed restricting the land so Bradley Beach could retain control of the design and use of this large lot in a residential neighborhood.
- 2) Selling the land via public auction, not via an RFP process.
- 3) Establishing requirements related to the preservation of artifacts and for the demolition of the property. All of the Council, including Mayor Fox, agreed that the Borough should not assume liability for the demolition of the structure. We should avoid environmental risk and the risk of cost overrides by selling the lot, with a preliminary subdivision and deed restrictions completed.

After seven months, the Mayor has not yet made efforts to secure the subdivision with deed restrictions. Further delays have occurred because Mayor Fox has lobbied heavily to give away a \$1 Million lot from this subdivision in order to help the Borough satisfy a three unit obligation for Fair Share Housing. The Council has voiced opposition to this idea because of the cost to the Borough and because of possible density challenges this solution might create for nearby residents. If there are signs challenging this Council to move forward, please make sure the signs in your yard are directed towards Mayor Fox.

## Local 152

My heart goes out to this union who have been working for almost a year and a half without a contract. These are conscientious, hardworking employees, appreciated by residents all over the Borough, and yet negotiations drag on, with no end in sight. Again, and I will try to say this at every meeting until it is resolved, the Council has very little understanding as to what the challenges are in these negotiations. We are told there are impasses but when we ask for financial estimates regarding the impact of these impasse issues, we receive nothing. We are not allowed to approach union members or union reps, in order to maintain the integrity of the bargaining process. All that said, the Council ultimately must approve any contract agreed upon. We ask publicly and I am asking tonight to be allowed to participate

in the bargaining sessions, and we are ignored. In prior years Mayor Englestad enlisted another Council member to participate in the process and results were achieved that satisfied both sides. Never did a bargaining process go on for a year and a half. I do not understand why the entire Council is being kept at such a great distance from this process. It is inexplicable.

#### **Sylvan Lake**

The Sylvan Lake Commission has invited the Avon Environmental Commission and the Bradley Beach Environmental Commission to join their meeting on June 19<sup>th</sup>, at 7:00 pm, at the Biase Center here in Bradley. The Sylvan Lake Commission is continuing to explore opportunities to restore the health of Sylvan Lake which will likely include dredging of the Lake. Some funding has recently been made available and other efforts are underway to secure more Federal Government Funding. The public is always invited to attend the Commission's meetings.

#### **Mayor Fox (via email read aloud by Ms. Kostvz)**

My apologies for my absence tonight, a family matter has occurred.

I would like to wish everyone a great Memorial Day Weekend and Kick-Off to the Summer of 2024.

Enjoy the Parade Saturday morning, May 25<sup>th</sup> at 10:00 a.m. on Ocean Avenue and enjoy the vendors on the Promenade.

And most importantly, join us on Monday, May 27<sup>th</sup> at 11:00 a.m. in Riley Park for our Memorial Day Ceremony.

#### **Councilwoman DeNoble:**

- Reported on the Tourism Commission Meeting that occurred Monday, May 20<sup>th</sup>.
- Reported on the Board of Education Meeting that occurred Tuesday, May 21<sup>st</sup>.
- Ms. DeNoble stated the delay with 319 LaReine Avenue has been a very frustrating process and suggested making a motion to present a preliminary sub-division plan to the Land Use Board for approval.

ON MOTION by Gubitosi/DeNoble requesting the Mayor and appropriate Administrative officials bring the issues revolving around 319 LaReine Avenue before the Land Use Board to create a sub-division with deed restrictions to prepare the property for sale.

#### **ROLL CALL:**

AYES: DeNoble, Gubitosi, Mahoney

NAYS: None

ABSENT: Weber, Mayor Fox

ABSTAIN: None

#### **Public Comments:**

##### **In Person:**

Cindy Lukenda, 218 Fourth Avenue, stated opinions pertaining to 319 LaReine Avenue and the Acting Business Administrator's attendance at the meetings .

Jim Shissias, 112 Fourth Avenue, spoke about the Sewer System Assessment and recommended the funds be charged to the Sewer Utility Fund.

**Shana Greenblatt-Janoff, 414 Monmouth Avenue, read the following statement:**

**I noticed two lawn signs pop out of the ground yesterday about the ongoing issue of 319 LaReine, owned by the borough since 2020.**

**The signs read: “Keep the Promise, Sell the Church and SELL: 319 LaReine”**

**I have recently asked the Mayor at multiple Council meetings on updates for dispensation of the church. It is in the community’s interest to sell off this property, recoup the return made on the purchase, take advantage of the increased value of the current real estate market, and get the tax ratables. The ball sits squarely in the court of the Mayor and Administration toward resolution.**

**The Mayor skewed the initial interest in using the complex for a Community Center in 2022 with a Referendum to spend \$10 million to refurbish the building, which we all know was voted down overwhelmingly.**

**In early 2023 the Mayor got cost estimates for demolition and sale, by mid-2023 he conducted an Engineering RFP without Council’s input to help handle demolition and sale – and with no respect to its artifacts. Given this oversight and in the best interest of the residential neighborhood, Council pushed back, advocated for a public auction with requirements for bidders, deeded subdivision of four lots, and the stipulation that the buyer manage the demolition. A public auction would likely garner competitive bids and enable the borough to get full market value on its property.**

**However, the Mayor and Administration did not go forward with the Land Use Board to implement the subdivision, nor did they move on a plan for public auction. Instead, the community was told that an RFP was being crafted, but so far that is not apparent. Concurrent to this was an idea floated by the Mayor to sell one of the lots to a non-profit, specifically Habitat for Humanity, at a below market rate, with the suggestion that multiple units on that lot serve to satisfy the Borough’s affordable housing requirement. Two assumptions can be made with this suggestion: first, it would presume a variance; and second, that the property would sell at below-market rate. At the time this was discussed, many concerns were raised as to its impact on the single-family nature of the neighborhood, with Main Street regarded as a more appropriate location for Fair Share housing. Further, the argument can be made that the borough has not enforced the developers of multi-unit construction to take on the responsibility of providing Fair Share Housing. The mayor’s idea in having the borough utilize one of these lots for Fair Share Housing is tantamount to putting it on the residents’ shoulders. Is this what the community wants?**

**So, like those who post lawn signs, I ask the Mayor, if we are going to sell, then let us sell. Let us get on with this. Let us make the best decision for the tax paying residents of Bradley Beach. Work with Council, hammer it out, listen to the community and get on with this, Mr. Mayor.**

**Thomas McGuire, 610 Brinley Avenue, offered suggestions regarding BA meeting attendance and answering public questions.**

**Eileen Shissias, 112 Fourth Avenue, stated her opinions pertaining to Bernstein Legal Counsel.**

**Nancy Meadow, 805 Beach Avenue, stated opinions and complaints pertaining to the Local 152 Contract, OPRA request responses, and the website.**

**William Psiuk, 110 Fifth Avenue, announced the Grand Marshal and guest speaker for the Memorial Day Ceremony will be Veteran Bruce Baker of Atlantic Lock and Safe in the Borough.**

**Brigitte McGuire, 610 Brinley Avenue, offered opinions and suggestions pertaining to the Local 152 Contract, 319 LaReine Avenue, and placement of COVID funds.**

**Thomas J. Coan, 612 Third Avenue, thanked Council for the revisions to Resolution 2024-120 and suggested hiring a full-time CFO.**

**Zoom: None**

**Councilwoman DeNoble announced the Memorial Day Weekend festivities.**

**ADJOURNMENT:**

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

**ROLL CALL:**

**AYES:** DeNoble, Gubitosi, Mahoney

**NAYS:** None

**ABSENT:** Weber, Mayor Fox

**ABSTAIN:** None

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

*Erica Kostyz*

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Erica Kostyz, RMC, CMR  
Municipal Clerk