

**BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES
MAY 8, 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 8, 2024 WAS AVAILABLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE. THE COUNCIL MEETINGS (RESOLUTION 2023-289 ADOPTED DECEMBER 6, 2023) FOR CALENDAR YEAR 2024 WAS ADVERTISED IN THE NEW COASTER, THE COAST STAR, AND THE ASBURY PARK PRESS ON DECEMBER 14, 2023.

WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE MUNICIPAL CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.

CALL TO ORDER

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

Sunshine Law was read.

ROLL CALL AT 6:30 P.M.

Present at the May 8, 2024 Council Business Meeting:

**Governing Body Members present: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox
Acting Borough Administrator, Meredith DeMarco
Borough Attorney, Gregory Cannon
Municipal Clerk, Erica Kostyz
Michele Whille, Deputy Municipal Clerk, Zoom Facilitator
Police: Captain James Arnold, Lieutenant Detective Terry Browning**

Mayor Fox:

Mayor Fox reiterated the Governing Body's process to welcome disagreements but try to understand different perspectives. Mayor Fox encouraged everyone to have a constructive voice this evening, gauge their tone as we are all neighbors and continue join in the vision to improve Bradley Beach.

Mayor Fox made a motion to move and vote on Resolution 2024-112, seconded by Councilwoman DeNoble.

Mayor Fox:

Captain Arnold received a Bachelor of Science with high honors degree from Rutgers University. He began his career in 2000 as a Special Law Enforcement Officer and a Dispatcher before being sworn in as a Patrolman in 2002. In 2006 Mr. Arnold joined the elite Monmouth County Emergency Response Team (MOCERT) where he rose to the position of 'Team Leader' before retiring from the team in 2020.

Mr. Arnold was assigned to the Detective Bureau from 2012 until 2016, there he was promoted to Sergeant. As a Sergeant, Mr. Arnold became the lead instructor for the Southern Monmouth County Active Shooter Partnership, a training program inclusive of twelve shore towns.

In 2019, Captain Arnold was promoted to Lieutenant and in 2023, he was promoted to Captain. During his career, Mr. Arnold also served as the Police Department's Traffic Officer and Firearm's Instructor.

Since mid-November of 2023, Mr. Arnold has been the "Officer-in-Charge" of the BBPD. He has done an admirable job; and I believe has the support of the Police Department. He certainly has mine.

Councilman Weber, Councilman Gubitosi, Councilwoman DeNoble, and Councilwoman Mahoney all expressed their gratitude and praise to Captain Arnold for taking on this role and look forward to collaborating with him as their Chief of Police.

2024-112 Nomination of Captain James Arnold to the position of Chief of Police for the Borough of Bradley Beach.

ON MOTION by Fox/Gubitosi adopt Resolution 2024-112.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

Chief Arnold thanked the Governing Body and the residents for their confidence and support in the Police Department.

PRESENTATIONS:

National Public Works Week Proclamation - presented by Mayor Fox

WHEREAS, Public Works services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS, the support of an understanding and informed public is vital to the efficient operation of Public Works systems and programs including water, sewer, streets, public buildings, solid waste collection, landfill, wastewater disposal, code enforcement and engineering to provide these essential services to our citizens; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skills of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff the Public Works Departments is materially influenced by the people’s attitude and understanding the importance of the work they perform.

NOW, THEREFORE BE IT RESOLVED, the Governing Body of the Borough of Bradley Beach, do hereby proclaim the week of May 19-25, 2024 as

**Public Works Week
“Building for Today, Planning for Tomorrow”**

in the Borough of Bradley Beach and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which Public Works officials make every day to our health, safety, comfort, and quality of life.

WORKSHOP(S):

Trees on Main Street

Councilman Weber stated the idea envisioned for trees on Main Street is to have the town take over the tree maintenance for the approximate seventy-five properties on this street for a more unified look.

Items and concerns discussed amongst the Governing Body and Ms. DeMarco:

- **Costs and funding.**
- **Shared Services with the County.**
- **Shade Tree Commission involvement.**
- **Liability to the Borough.**
- **The Joint Insurance Fund.**

Public Comments:

In Person:

Deborah Bruynell, 401 Fifth Avenue, feels tree maintenance needs to be addressed for the whole town.

Brigitte McGuire, 610 Brinley Avenue, feels business owners and landlords of the buildings should be involved with any potential costs.

Nancy Meadow, 805 Beach Avenue, does not feel this is the right time to consider this.

Thomas J. Coan, 612 Third Avenue, also feels tree maintenance needs to be addressed for the whole town and is in favor of Shared Service with the County.

Zoom: None

MINUTES APPROVAL

ON MOTION by Fox/Mahoney to approve the Council Meeting Minutes of April 24, 2024.

ROLL CALL:

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

APPROVED

Public Comments Agenda Items:

In Person:

Don Greenberg, 302 Park Place Avenue, inquired about the Local 152 contract.

Brigitte McGuire, 610 Brinley Avenue, requested the Budget Intro Resolution 2024-86 not be passed, feels the Local 152 Contract needs to be negotiated before passing the budget, and feels an investigation needs to be conducted for Borough funds.

Thomas J. Coan, 612 Third Avenue, spoke his opinion pertaining the verbiage in the title of Resolution 2024-113, congratulated Mr. Arnold on his promotion to Chief, suggested Sergeant Major be promoted to Captain, and recommended the daily beach badge price be increased to \$13.00.

Nancy Meadow, 805 Beach Avenue, voiced her opinions pertaining to the budget and special events.

Julie Nutaitis, 605 Newark Avenue, requested that the Budget Intro Resolution 2024-76 not be passed and requested the Council be given access to the Chief Financial Officer to ask their budget questions.

Eileen Shissias, 112 Fourth Avenue, requested an update for the 2023 Audit. Ms. Shissias inquired about Mr. Fehrenbach’s involvement with Borough business and Council’s participation in the budget.

Mayor Fox offered to send Ms. Shissias an outline of the budget progress.

Refet Kaplan, 409 Brinley Avenue, congratulated Mr. Arnold on his promotion to Police Chief and stated he is strongly in favor of Ordinance 2024-6 Change in the form of Government. Mr. Kaplan gave a lengthy review of the last meeting pertaining to public comments and questions.

Zoom: None

ORDINANCES:

INTRODUCTION(S):

ORDINANCE 2024-7

AN ORDINANCE AMENDING CHAPTER 396: “STORMWATER MANAGEMENT” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO REVISE THE BOROUGH’S STORMWATER PER RECOMMENDATIONS FROM THE MONMOUTH COUNTY PLANNING BOARD.

Councilman Gubitosi inquired if the amendments being made are consistent with other towns.

Mr. Cannon confirmed the amendments are consistent throughout the County.

ON MOTION by Fox/DeNoble to introduce Ordinance 2024-7.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

INTRODUCED

ADOPTION(S):

ORDINANCE 2024-6

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

ON MOTION by Fox/DeNoble to open the public hearing for the adoption of Ordinance 2024-6.

Councilmembers DeNoble, Gubitosi, Mahoney, and Weber all feel this is necessary and are in favor of moving forward with this process as it gives the voters an opportunity to make the decision in the form of government. Councilman Gubitosi stressed other than the Council providing the residents with this opportunity, this has no bearing on any member of the Council. except as voters in the community.

Mayor Fox stated he does not support this ordinance and does not feel this is what Bradley Beach needs currently.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber

NAYS: Mayor Fox

ABSENT: None

ABSTAIN: None

Public Comment:

Don Greenberg, 302 Park Place Avenue, inquired about what the process and criteria are to form a Charter Commission - Mr. Cannon addressed this inquiry.

Anita Nazario, 116 Newark Avenue, stated she is in favor of this ordinance.

Thomas J. Coan, 612 Third Avenue, stated he is in favor of this ordinance.

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

Councilwoman DeNoble voted yes and stated out of the 564 Municipalities only seven Boroughs have the current form of Government in Bradley Beach.

Mayor Fox voted no and reiterated he feels this ordinance is not necessary at this time as there are more important Borough issues to be addressed and completed.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber

NAYS: Mayor Fox

ABSENT : None

ABSTAIN : None

ADOPTED

COMMUNICATIONS :

- **DPW Seasonal Employment Memo**
- **Seasonal Beach Staff Memo – Cashiers and Gate Guards**
- **Environmental Commission Resignations and Additions Memo**
- **Library Board Appointment Memo**

CONSENT AGENDA RESOLUTIONS:

2024-102 Authorizing the Appointment of a Special Class I Law Enforcement Officer attending the June class at the Monmouth County Police Academy.

2024-103 Approval for the Brain Injury Alliance of New Jersey to conduct their annual 5K Walk on Saturday, October 5, 2024 from 7:30 a.m. to 12:30 p.m. (Pass through only).

2024-104 Approval for the Asbury Park Firefighters Local 384 to conduct their 5K Run for Saturday, June 22, 2024 from 8:00 a.m. to 9:00 a.m. (Pass through only)

2024-105 Approval for the United Engine & Fire Company (BBFD) to conduct their Chapter Meeting at the Fifth Avenue Gazebo for Wednesday, June 5, 2024 from 6:30 a.m. to 12:30 p.m.

2024-106 Approval for the Surfrider Foundation to, Jersey Shore Chapter to conduct their Chapter Meeting at the Fifth Avenue Gazebo for Wednesday, June 5, 2024 from 6:00 p.m. to 9:00 p.m. (No Borough Assistance necessary)

2024-107 Approving a Block Party for Burlington Avenue for Saturday, July 20, 2024 with a rain date of Sunday, July 21, 2024 from 5:00 p.m. to 9:00 p.m.

2024-108 Approval of a Lien Redemption Refund for 613 McCabe Avenue in the amount of \$26,760.05.

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

ROLL CALL:

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

ADOPTED

INDIVIDUAL RESOLUTIONS:

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

Councilmembers DeNoble, Gubitosi, Mahoney, and Weber all stated they still have questions that need to be addressed by the CFO and feel this budget is not ready for introduction.

ON MOTION by Fox/to adopt Resolution 2024-86.

ROLL CALL:

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

FAILED THIRD TIME

2024-109 Daily and Weekly Beach Badge Prices for 2024.

Discussion ensued amongst the Governing Body regarding increasing the Weekly Badge price for various Borough budget related reasons. Except for Councilman Weber, it was decided to raise the fee from \$12.00 to \$13.00.

ON MOTION by DeNoble/Gubitosi to amend Resolution 2024-109 to reflect a fee \$13.00 as the Weekly Badge fee.

ROLL CALL:

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

ON MOTION by DeNoble/Mahoney to adopt Resolution 2024-109 with the amended price change.

ROLL CALL:

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

ADOPTED

2024-110 Beach Operation Schedule for 2024

ON MOTION by Fox/DeNoble to adopt Resolution 2024-110.

ROLL CALL:

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

ADOPTED

2024-111 Authorizing a request for General Financial Support under the State FY 2025 Budget for a Regional Flood Study.

Councilman Gubitosi confirmed the Council is being asked to approve the funding request in the resolution.

ON MOTION by Fox/DeNoble to adopt Resolution 2024-111.

ROLL CALL:

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

ADOPTED

2024-113 Authorizing the Settlement of Pending Litigation before the Superior Court of New Jersey, Monmouth County entitled McGuire vs. Borough of Bradley Beach, et al., Docket No. MON-L-2853-23.

ON MOTION by Fox/Gubitosi to adopt Resolution 2024-113.

ROLL CALL:

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

ADOPTED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Councilman Weber:

- Thanked Daniel Leyes for his years of volunteer service on the Environmental Commission.
- Stated he is the Council member on the Main Street Committee.
- Gave the Fire and First Aid operational reports for April.
- The Fletcher Lake Commission will be meeting Thursday, May 9th.
- The Shade Tree Commission tree planting was successful.
- Councilman Weber mentioned the importance of preserving the older trees in town.

Councilwoman Mahoney:

- Gave an update on the Environmental Commission.
- Attended the Tears Organization Walk last week.
- The Land Use Board will meet on May 16th.

Councilman Gubitosi:

- Congratulated Mr. Arnold on his promotion from Police Captain to Chief of Police.
- Gave the weekly Police operational report.
- Announced there will be a 20th veteran recognized for Memorial Day.
- The Fallen Heroes fundraising expectations have fallen short and will not be completed by the Memorial Day Ceremony.
- A BBBCA celebration will take place at the Maritime Forest on June 7th at 5:00 p.m. at the Maritime Forest.
- Expressed frustration regarding the delay with the Local 152 Contract.

Councilwoman DeNoble

- Thanked the members and volunteers that assisted with the Shade Tree Commission tree planting last weekend.
- Bradley Beach Elementary School Environmental and Garden Club Students in conjunction with the Shade Tree Commission Members planted a “Pollinator Point” at Second Avenue.
- The Tourism Commission has been approved for marketing collateral.
- The Summer Entertainment Series will begin on July 6th.
- The Bradley Beach Elementary School is celebrating Teacher Appreciation Week to include activities and events each day.

Mayor Fox:

The Mayors Wellness Committee is sponsoring a Blood Drive on Tuesday, May 14th from 11:30 a.m. to 5:30 p.m. at the Bradley Beach Fire House. We have had great participation in our past drives, we encourage you to consider participating.

Main Street:

The team working on a recommendation had their second meeting yesterday and made good progress. I hope that we can wrap this up with two more meetings and get the recommendation in place. We will keep you posted.

Infrastructure project status:

We have our third meeting with CME on Friday to discuss the north side Promenade Building , the Promenade Grant, and the Sylvan Lake Grant. I am still framing a status process for all projects to keep the Community informed.

Please check the website for upcoming Library and Recreation activities.

I do want to mention an important program - on Friday, May 17th at 1:45 p.m. to 3:00 p.m. Middle School One Beach, One Read; support the Fifth through Eighth grade student discussion of the book *Mexikid*, with a comic book workshop to follow.

Tuesday, May 21st at 8:00 p.m. at the Bradley Beach Firehouse Banquet Hall - One Beach, One Read Discussion for *The Magic Strings of Frankie Presto* by Mitch Albom. All of Bradley Beach are invited to read this one book together as a community and come together to discuss it. There will be a Potluck from 6:00 p.m. to 6:45 p.m. Please bring a favorite dish to share as we discuss this year's book. The book discussion will take place from 6:45 p.m. to 8:00 p.m.

Public Comments:

In Person:

Eileen Shissias, 112 Fourth Avenue, expressed concerns and opinions regarding the members of the budget team and Council Members not being involved enough in the budget process.

Kathleen Morales, 602 Fourth Avenue, expressed her concerns and opinions pertaining to social media remarks made towards the six hundred block residents of Fourth Avenue in relation to the Bradley Food Pantry.

Cindy Lukenda, 218 Fourth Avenue, stated her opinions pertaining to the Business Administrator's meeting attendance, Mr. Fehrenbach's involvement with Borough business, and congratulated Mr. Arnold on his promotion.

Nancy Meadow, 805 Beach Avenue, stated opinions and complaints pertaining to recreation events, the website, and responses to OPRA requests.

Rick Castellano, 604 Bradley Boulevard, suggested charging Neptune Township for their stormwater that is causing issues with Sylvan Lake.

Councilman Weber addressed Mr. Castellano's suggestion and explained how Stormwater Utility operates.

Jim Shissias, 112 Fourth Avenue, offered suggestions pertaining to Sylvan Lake funding.

Mike Flynn, 600 Fourth Avenue, expressed concerns regarding the Audit.

Councilman Gubitosi responded to a few of Mr. Flynn's inquiries.

Don Greenberg, 302 Park Place Avenue, requested Zoom be made available for the Land Use Board and asked if the Council can do anything about this.

Mr. Cannon explained to Mr. Greenberg this is an autonomous Board, therefore the Council does not have authority over how the Land Use Board Meetings are conducted.

Linda Duffy, 312 Brinley Avenue, congratulated Mr. Arnold on his promotion.

Brigitte McGuire, 610 Brinley Avenue, expressed concerns regarding the budget and congratulated Mr. Arnold on his promotion.

Zoom: None

EXECUTIVE SESSION:

ON MOTION by Fox/Gubitosi to retire into Executive Session at 9:00 p.m. to discuss a Litigation Matter.

Resolution 2024-114 Retire into Executive Session.

- **Garrison vs. Bradley Beach**

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

ON MOTION by Fox/Gubitosi to return from Executive Session at 9:30 p.m.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

ADJOURNMENT:

ON MOTION by Fox/Gubitosi to adjourn the Council Business Meeting at 9:30 p.m.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 9:30 P.M.


Erica Kostyz, RMC, CMR

Municipal Clerk