

**BOROUGH OF BRADLEY BEACH  
COUNCIL BUSINESS MEETING MINUTES  
JUNE 26, 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 JUNE 26, 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 June 26, 2024 Council Business Meeting:**

**Council Members: DeNoble, Gubitosi, Mahoney, Weber (arrived at 6:50 p.m.) , Mayor Fox  
Acting Borough Administrator, Meredith DeMarco  
Municipal Clerk, Erica Kostyz  
Borough Attorney, Gregory Cannon  
Michele Whille, Deputy Municipal Clerk, Zoom Facilitator  
Police Sargeant Anthony Murry**

**Mayor Fox expressed condolences for the passing of longtime resident and Arts Council Founder and President Julia Sandra Rand and requested a moment of silence.**

**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.**

**WORKSHOP(S):**

**Amendments to Chapter 5 for Section 5-9 (Follow-up discussion)**

**The purpose of this workshop was to discuss and compromise the recommendations made by the Mayor and the Council to improve the length of time the meetings run.**

**Governing Body recommendations/compromises discussed:**

- **The number of public comment sessions on the agenda.**
- **Changing the time limit to speak from five minutes to three minutes.**
- **Setting a no new business time limit on Council Meetings.**
- **Allowing questions in addition to comments.**

**The following residents voiced their opinions and comments pertaining to this workshop item:**

**Mea Molin, 302 Fourth Avenue**

**Nancy Meadow, 805 Beach Avenue**

**Beth Kepler, 504 Central Avenue**

**Thomas J. Coan, 612 Third Avenue**

**Lauren Egbert, 404 1/2 Brinley Avenue**

**The Governing Body decided to have two public comment sessions to include questions with a time limit of five minutes each.**

**Ordinance 2024-8 to include these proposals will to be introduced at the July 10<sup>th</sup> Council Business Meeting.**

**PRESENTATIONS: None**

**MINUTES APPROVAL**

**ON MOTION by Fox/DeNoble to approve the Council Meeting Minutes of June 12, 2024.**

**ROLL CALL:**

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

**APPROVED**

**ON MOTION by Fox/DeNoble to approve the Executive Session Minutes of June 12, 2024.**

**ROLL CALL:**

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

**APPROVED**

**Ms. DeMarco left the Council Business Meeting at 7:05 p.m.**

**Public Comments Agenda Items:**

**In Person:**

**Thomas J. Coan, 612 Third Avenue, expressed frustration that the scope of work for Grant Resolution 2024-148 is not listed for the public and does not feel the budget resolution should be on the agenda.**

**Nancy Meadow, 805 Beach Avenue**

- **Requested job candidate qualifications be shared with the public.**
- **Does not feel the Main Street lighting project is necessary.**
- **Stated numerous bill list complaints.**

**Beth Kepler, 504 Central Avenue, encouraged the Council to vote no for the budget introduction and feels the fireworks display is an unnecessary expense.**

**Lauren Egbert, 404 ½ Brinley Avenue, expressed concerns with the budget and the DPW contract. Ms. Egbert also requested deed restrictions for the sale of 319 LaReine Avenue.**

**Paul Neshamkin, 411 ½ LaReine Avenue, expressed disappointment in reference to the sale of 319 LaReine Avenue.**

**Mea Molin, 302 Fourth Avenue, inquired about the advice and consent of Council regarding employee appointments. Mayor Fox responded to this inquiry.**

**Zoom: None**

**ORDINANCES: None for Introduction or Adoption**

**COMMUNICATIONS :**

- **DPW Seasonal Employee Memo**

**CONSENT AGENDA RESOLUTIONS:**

**2024-92 Bill List for June 26, 2024**

**2024-146 Authorizing Rally Cap Sports to conduct Volleyball for participants with special needs on Wednesdays in July and August from 6:00 p.m. to 8:00 p.m. at Cliff and Ocean Avenue Beach. (No Borough assistance required)**

**Discussion ensued amongst Councilman Gubitosi, Ms. Kostyz, and Mr. Cannon regarding encumbrance dates and payments of invoices.**

**ON MOTION by Fox/DeNoble 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 6/12/24)**

**Councilwoman DeNoble feels progress has been made, however believes there are still many questions from the Council that need to be answered and would like further discussions with the CFO and voted no.**

**Councilman Gubitosi: For the record, we did have a 13.2% tax increase last year. While, for that same period, we are also told by our CFO that we did not replenish \$600,000.00 of surplus. This roughly equated to another 8% in effective taxes. So, the increase in 2023 really equated to roughly a 21% “effective tax increase” (13% plus the spent surplus). At our last meeting I said the definition of “insanity” is doing the same thing over and over, expecting different results. You are all going to hear more about this in the near future, but just so everyone knows, we keep asking questions and the Mayor keeps responding, so we are getting responses. The difference is, the Mayor and his team will say that they answered the questions. As far as we are concerned, we are not getting the answers we are looking for. We are just “missing” each other. Until this Council can understand the budget, I am not saying that the budget is wrong. Council President DeNoble just stated that the Mayor is requesting a tax increase of 3.74%. I cannot even suggest to you that that last year’s 13.2% increase is comparable to the 3.74% now being requested. We spent a lot of time, with the CFO, understanding all the drivers of the 13.2% increase last year. It probably should have been higher, because we agreed to draw down our surplus a little bit to make the tax increase “only” 13.2%. This year we are being told by the Mayor that the 3.74% tax increase is a reasonable percentage. Unlike last year, we do not have sufficient information to understand this proposed increase. I cannot tell you if 3.74% is reasonable. I cannot tell you if it should be 10% or negative 3%. I do not know because we are not getting the answers we are requesting. The “answers” given are very vague. The “answers” tell the Council to look up different documents. These are documents that we have looked at. These are documents that generated the questions in the first place. When we ask to put the numbers in place for the Council, the response was “If you need answers for your exhibits, we will have the Clerk do it.” In fairness to our Clerk, she is a very busy woman. I cannot imagine asking our Clerk to complete financial exhibits. Bottom line, there is just a major disconnect here. I do not know why. It is absolutely the definition of “Insanity.” I have to vote “No” for the Budget introduction.**

**Councilwoman Mahoney also feels the answers received so far are insufficient to the many inquiries made by Council and voted no.**

**Mayor Fox explained the reserve fund process in relation to Municipal budgeting.**

**A lengthy discussion ensued amongst the Governing Body regarding surplus funds and the various budget questions that Council members feel remain unanswered.**

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

ROLL CALL:

AYES: Mayor Fox

NAYS: DeNoble, Gubitosi, Mahoney, Weber

ABSENT: None

ABSTAIN: None

**FAILED FIFTH TIME**

**2024-147 Authorizing a Private Sale of Surplus Property by the Bradley Beach Fire Division.**

ON MOTION by Fox/DeNoble to amend the verbiage in Resolution 2024-147.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**2024-148 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the “Main Street Pedestrian & Lighting Improvements” Project.**

ON MOTION by Fox/Weber to adopt Resolution 2024-148.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**2024-149 Appointing a Temporary Acting Construction Official.**

ON MOTION by Fox/Weber to adopt Resolution 2024-149.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**2024-150 Authorizing the sale of 317-319 LaReine Avenue, also known as Block 41, Lot 1 on the Tax Map of the Borough in accordance with N.J.S.A. 40A:12-13.**

**Mr. Cannon stated Councilwoman DeNoble presented this resolution to the Affordable Housing Attorney and it was recommended that a condition stated in the resolution be moved to a deed restriction element to memorialize it as part of the transfer of the property. Mr. Cannon made the amendment to the resolution and sent it to the Municipal Clerk.**

**Further discussion ensued pertaining to a revised date on the subdivision.**

ON MOTION by Fox/DeNoble to adopt Resolution 2024-150 as amended.

**ROLL CALL:**

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

**ADOPTED**

**ANNOUNCEMENTS: None**

**MAYOR AND COUNCIL REPORTS:**

**Mayor Fox:**

- **The Borough is working on mitigation plans against Cyber Attacks. The Borough will be formalizing a Technology Policy with the New Jersey Joint Insurance Fund for intermediate group standards. A resolution will be placed on the July 10<sup>th</sup> Council Meeting Agenda.**
- **The first two weekends of summer on the beachfront were an enormous success.**
- **The Summer Camp started on Monday. The number of children attending has increased from sixty-five in 2023 to ninety in 2024.**
- **The Borough received a \$72,000.00 Phase II Grant from the Local Recreation Grant Fund.**
- **The Fireworks festivities are in process, check the website for events.**
- **Congratulated the Bradley Beach Elementary School Eighth Grade Graduates.**
- **Announced upcoming Library and Recreation events can be found on the website.**

**Councilwoman DeNoble:**

- **The Tourism Commission met on June 18<sup>th</sup>. Ms. DeNoble announced the upcoming Tourism Events for next month.**
- **The Board of Education met on June 24<sup>th</sup> to discuss PTA donations and held a scholarship presentation to winner Joshua Nesheiwat.**

**Councilman Gubitosi:**

**Police Report:**

**On June 16<sup>th</sup>, around 1:00 a.m., two subjects (one male, one female) were arrested for stealing the Borough's Pride Flag which was displayed in Riley Park on Main Street. A witness observed the pair cutting the flag down and riding off with it on bicycles, and very quickly Sargeant Celauro and Patrolman Johnsen located them at a local bar. The flag was recovered in a nearby garbage can, and the**

two subjects were charged with theft, criminal mischief, and bias intimidation based on the fact they stole the flag due to what it represents.

Detective Lieutenant Browning and Chief Arnold followed up the next day, and after bringing the subjects back in for questioning, ended up charging the male with the theft of the two other Pride Flags that were stolen on June 5<sup>th</sup>. He received two more counts of theft and bias intimidation. Charges are still under consideration for the female party.

In another incident, a field contact by patrols during the overnight hours revealed a local subject was wanted out of Neptune City for burglary and he was arrested. This subject has a prior history of burglary and other offenses in our and surrounding towns and we applaud the proactive nature of our officers as he was most likely up to no good the night he was stopped.

Lastly, on Thursday, June 20<sup>th</sup>, Chief Arnold, the police administration, and the detective bureau partnered up with the ANSWER Team in their large-scale drill which was held on the Evergreen Avenue beach. The level of cooperation between our new Police Administration and these other agencies is noticed by all parties that participate, and they applaud us for being so actively involved. We posted a lot of great photos and details about the team and the drill on our Police Department Facebook page.

Finally, our K-9 Unit will make a presentation at our next Council meeting in July. This is a fascinating story of achievement by our Bradley Beach Police Department, and I encourage all of our residents to join this K-9 Workshop at our next meeting on July 10<sup>th</sup>.

#### **Sylvan Lake Commission Liaison:**

Last week the Sylvan Lake Commission held a meeting and invited the Environmental Commissions from both Avon-by-the-Sea and Bradley Beach to attend. A main focus of the meeting was to make sure that our two municipalities work together to save the health of Sylvan Lake. The Lake is one to two feet deep in most areas and desperately needs to be dredged in order to save it. Grant funding used for Bulkhead repair (Bradley Beach) and Living Shorelines (Avon) need to be applied with a goal of supporting the main objective that both towns share, which is to save the lake. Commission members all embraced this goal and will continue to provide advice and guidance to the two Borough Councils.

#### **Fallen Heroes:**

I have mentioned this at past meetings, Mayor Fox tasked a committee of some of our resident-veterans to evaluate eligibility for recognition as a Bradley Beach "Fallen Hero." I am fearful that we may be running short on time. I know the Mayor's goal is to reach a resolution, hopefully working with our veterans, that there might be a recognition at our July 3<sup>rd</sup> ceremony. Although I continue to follow-up with this group, at this point in time, I do not have a status update. I remain hopeful that this group will complete this work in time for our July 3<sup>rd</sup>, ceremony at Riley Park.

#### **Local 152 Negotiations:**

I feel obligated to mention this at every meeting. I continue to be concerned about the lack of progress regarding the Local 152 contract negotiations. It is inexcusable that this union - representing so many of our hard-working employees, has been forced to go without a contract or a pay raise for a year and a half. The Mayor's unwillingness to include a Council representative at the bargaining table is inexplicable.

### **Councilman Weber:**

- Asked the Mayor what it means to excuse the Acting Borough Administrator from the meeting. Mayor Fox replied he would explain this after the meeting.
- Expressed condolences for the passing of Ms. Rand.
- The Eighth Grand Graduation was great.
- The Opera by the Sea event at the beach was great.
- Presented the First Aid Operational report for June.
- The Fletcher Lake Commission of Neptune would like to enter into an agreement with Bradley Beach for geese control.
- The Fletcher Lake Commission would like to see enforcement of electric vehicles on the footbridge.
- Mentioned the NJAW consumer water restrictions due to the warm temperatures.
- Mentioned the Energy Aggregation updates.

### **Councilwoman Mahoney:**

- The Environmental Commission met on June 3<sup>rd</sup> and will be retaining the Sustainable New Jersey Designation and will be working on their 2025 submission.
- The Land Use Board met on June 20<sup>th</sup>.

### **Public Comments:**

#### **In Person:**

Brigitte McGuire, 610 Brinley Avenue, thanked the Council for not voting to introduce the 2024 Budget and voiced several concerns regarding Borough finances.

Nancy Meadow, 805 Beach Avenue, voiced complaints about responses to OPRA requests, Administration, the website, and religious services at the beach gazebo.

Shana Greenblatt-Janoff, 414 Monmouth Avenue, requested the Arts Council to continue and be named after Julia Rand in her honor.

Linda Duffy, 312 Brinley Avenue

- Requested future ordinances be considered to control construction dust particles and for bamboo utensils be provided by eateries in town for take-out orders.
- Complained about the tables and chairs that have recently been placed at the Hula Grill and the Newark Avenue Concession only selling ice cream.
- Requested the 317-319 LaReine Avenue subdivision plans be posted to the website for the public to view.
- Complained about geese droppings at the beach.

Thomas J. Coan, 612 Third Avenue, voiced frustrations pertaining to not having the CFO at the Council meetings and feels there is a lack of transparency pertaining to the re-appointment of the Acting BA every 90 days.

Anita Nazario, 116 Newark Avenue, requested the Newark Avenue Concession expand their menu to include snack foods.

Peter Sharpe, 301 Second Avenue, asked if there is a financial update on the Borough legal representation costs which was addressed by Mayor Fox. Mr. Sharpe expressed he is concerned the legal costs for Borough litigations will fall on the taxpayers.



**Mea Molin, 302 Fourth Avenue, requested placing an asphalt ramp on the Neptune side of the Fletcher Lake Footbridge.**

**Beth Kepler, 504 Central Avenue, expressed opinions pertaining to the former Police Chief and Borough finances.**

**Zoom: None**

**EXECUTIVE SESSION:**

ON MOTION by Fox/DeNoble to retire into Executive Session at 8:30 p.m. to discuss a Personnel Matter.

- Municipal Clerk Contract

**Resolution 2024-151 Retire into Executive Session.**

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 9:00 p.m. and adjourn the Council Business Meeting.

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 9:00 p.m.

ROLL CALL:

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

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

  
Erica Kostyz, RMC, CMR  
Municipal Clerk