

**BOROUGH OF BRADLEY BEACH  
COUNCIL BUSINESS MEETING MINUTES  
JULY 10, 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 JULY 10, 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 July 10, 2024 Council Business Meeting:**

**Council Members: DeNoble, Gubitosi, Mahoney, Weber (arrived at 6:50 p.m.) , Mayor Fox  
Municipal Clerk, Erica Kostyz  
Borough Attorney, Gregory Cannon  
Michele Whille, Deputy Municipal Clerk, Zoom Facilitator  
Lieutenant Detective Terry Browning  
Patrolman Gregory Pancza**

**Mayor Fox:**

**Although we should welcome disagreement in that it helps us think of things from different perspectives, our voices should constructive ones. We all want a brighter Bradley Beach and ask you to join us on this journey. I ask everyone to gauge their tone going forward; we are all neighbors. Let us make civility and decency an underpinning of all discussions.**

**WORKSHOP(S): None**

**PRESENTATIONS:**

- **Police Department K-9 Presentation**

**Patrolman Andrew Redmond, Patrolman Anthony Badalamenti gave an excellent and informative presentation on K-9 Police working dogs to include their history, training, duties and accolades. Mention was also made of the former and current K-9 Police working dogs servicing Bradley Beach. The presentation ended with a visit from K-9 Police Dog Rico and demonstration of his scent skills.**

**MINUTES APPROVAL**

**ON MOTION by Fox/DeNoble to approve the Council Meeting Minutes of June 26, 2024.**

**ROLL CALL:**

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

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**APPROVED**

**ON MOTION by Fox/DeNoble to approve the Executive Session Minutes of June 26, 2024.**

**ROLL CALL:**

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

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

**APPROVED**

**Public Comments Agenda Items:**

**In Person:**

**Renee VanBuren, owner of the Back-In-Time Café thanked the Governing Body for approving her signage in Riley Park for 2024.**

**Julie Nutaitis, 605 Newark Avenue, inquired if Council had received access to the CFO to answer their budget questions to which the response was no. Ms. Nutaitis requested the Council not approve the budget introduction Resolution 2024-86.**

**Nancy Meadow, 805 Beach Avenue, requested several grammatical changes to Resolution 2024-153.**

**Linda Duffy, 312 Brinley Avenue, urged the Council to vote no for the budget introduction and feels there should be a budget workshop.**

**Mea Molin, 302 Fourth Avenue, voiced complaints about the budget and feels the Council should be granted access to the CFO.**

A verbal exchange ensued between the Mayor and Ms. Molin to which offense was taken by Ms. Molin and the public by a response the Mayor made to Ms. Molin.

Don Greenberg, 302 Park Place Avenue, suggested having the CFO meet with the Council to resolve the budget conflicts.

Herb Kenny, 216 Brinley Avenue, feels the letter included with the estimated tax bills regarding the decreased tax rate was misleading.

Thomas J. Coan, 612 Third Avenue, expressed multiple budget complaints.

Brigitte McGuire, 610 Brinley Avenue, stated she was offended by the response made by the Mayor to Ms. Molin during her speaking time and urged Council to vote no for the budget introduction.

Zoom: None

**ORDINANCES:**

**Introduction(s)**

**ORDINANCE 2024-8**

**AN ORDINANCE AMENDING CHAPTER 5: “ADMINISTRATION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO PROVIDE FOR PUBLIC COMMENTS AND QUESTIONS PERIODS DURING COUNCIL MEETINGS.**

**Mayor Fox stated he does not feel the amendment to this ordinance will improve the situation of lengthy Meetings and voted no.**

ON MOTION by DeNoble/Mahoney to introduce Ordinance 2024-8.

**ROLL CALL:**

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

**INTRODUCED**

**Adoption(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.**

ON MOTION by Fox/Weber to open the public hearing for the adoption of Ordinance 2024-7.

**ROLL CALL:**

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

**Public Comment: None**

ON MOTION by Fox/DeNoble to close the public hearing and adopt Ordinance 2024-7.

**ROLL CALL:**

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

**ADOPTED**

**COMMUNICATIONS :**

- **Beach Staff Employee Memo for Cashiers & Gateguards**

**CONSENT AGENDA RESOLUTIONS:**

**2024-152 Approval of a Lien Redemption for 600 Ocean Park Avenue in the amount of \$4,778.97.**

ON MOTION by Fox/DeNoble to adopt the Consent Agenda Resolution.

**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 6/26/24)**

**Mayor Fox stated there was an important potential contractual matter that occurred this afternoon that needs to be discussed in the Executive Session and requested moving the vote of this resolution to the end of the meeting.**

**Mr. Cannon advised this topic was not listed in Resolution 2024-155 nor was it on the agenda for discussion upon distribution to the public, this was not possible and this matter would have to wait until the next meeting.**

**Mayor Fox requested to table Resolution.**

ON MOTION by Fox/Gubitosi to table Resolution 2024-86.

ROLL CALL:

AYES: Gubitosi, Weber, Mayor Fox

NAYS: DeNoble, Mahoney

ABSENT: None

ABSTAIN: None

**TABLED**

**2024-153 Permitting Back-In-Time Café signage within Riley Park for 2024.**

**Councilwoman DeNoble confirmed this resolution is for the current Sandwich Board sign that is displayed and not for additional signage.**

**Councilman Weber expressed concerns there were other signs were recently displayed for a few weeks in Riley Park to promote this business.**

**Ms. VanBuren, owner of Back-In-Time Café explained these were temporary signs and stated they were removed.**

**Councilman Gubitosi stated he fully supports this resolution.**

ON MOTION by Fox/DeNoble to adopt Resolution 2024-153.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**2024-154 Adopting a Technology Practices Policy in compliance with the Cyber Joint Insurance Fund's Cyber Risk Management Program's Intermediate Security Group Standards**

ON MOTION by Fox/DeNoble to adopt Resolution 2024-154.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**ANNOUNCEMENTS: None**

## **MAYOR AND COUNCIL REPORTS:**

### **Mayor Fox:**

Fourth of July week we started the festivities with the 63<sup>rd</sup> Army National Guard Band playing in Riley Park. Hundreds of our residents and visitors enjoyed over an hour of both patriotic and contemporary music. They are stationed at the National Guard Training Center in Sea Girt, New Jersey, and are proud to have some of the area's finest professional and amateur musicians as their members.

Army Bands provide music throughout the spectrum of military operations to instill in our soldiers the will to fight and win, foster the support of our citizens, and promote our national interests at home and abroad. We thank them and have already penciled them in for next year.

The Friday Fireworks were spectacular. Thousands of people converged in our community. Saturday, we had our second "Farm Fresh" event in Riley Park, another home run. Later in the evening Kenny K and the Way started our Summer Concert Series in Riley Park.

We are clicking on all cylinders since Memorial Day. We have seen enormous success. Thanks to all our municipal employees and volunteers that have made these events possible.

Next Saturday, Pat Roddy will perform at Riley Park this should be a great show.

The Bid packages for the sale of 317-319 LaReine Avenue Church are out, the notices are in process, and the auction is set for July 25<sup>th</sup> here in the Council Chamber.

### **Community Improvements updates:**

**Fifth Avenue paving/curbs** - completed and inspected, all look good.

**Main Street**- the team worked on a solid recommendation.

**Unused Asset Grant**- completion by 2025 hopefully.

**Promenade** - in process of preparation work.

**Sylvan Lake**- completing design recommendations, intent it is on bulkhead restoration.

**Lake Terrace Park** - had a small Ribbon Cutting Ceremony last Thursday, primarily recognizing this project and the bridge rebuild down the street. Public Works, Police, Recreation, and Administration participated with area residents.

Mayor Fox stated the Fire Company is discussing a commemoration of the Brinley Inn Fire that occurred in 1980.

Please check the website for the Library and Recreation upcoming activities.

### **Councilman Weber:**

- Expressed condolences for the recent passing of longtime resident Ed Chickey.
- Apologized to Ms. Molin for the verbal exchange with the Mayor.
- Commended the Police Department for their assistance with wheelchair assistance during the fireworks.
- Confirmed with Mayor Fox the Bradley Beach and Neptune Fletcher Lake Commission can discuss sharing the Goose Control costs.
- Gave the Fire and First Aid monthly operational reports.

**Councilwoman Mahoney:**

At our last meeting this Council expressed concerns regarding the answers to the pared down questions we received from the “Finance Team” regarding the budget. These concerns are in keeping with those that have endured throughout the budget process. However, in an act of concession and collaboration this Council put together thirteen questions in hopes of getting some access to the CFO. Instead of access to the CFO, we were given a document with vague answers, and were directed back to spreadsheets, PDFs, statements, and workbooks that were sent out in various iterations throughout the budget process. It was then up to the Council to find the answers to their questions. A circular if not absurd process indeed.

One of those spreadsheets we were asked to reference to find answers was a March 27<sup>th</sup> document called “Budget Prep.” A document that featured two tabs: Budget and Revenue. The budget tab had information; the revenue tab was blank. For weeks this Council asked for the line information for the revenue tab, but we never received it. However, we did have the information for the budget tab. I would like to do a little exercise. Remember, multiple times we were asked to use this spreadsheet to find our own answers. If you would like to take out your phone/calculator.

The town’s budget is made up of three funds, the Beach Utility, which just to clarify is not paid for with taxes, the Sewer Utility, and the Current Fund. There are hundreds of line items that make up each of these funds (salaries and wages, other expenses, but they are aggregated to one number).

Current fund \$11,073,306 + Sewer \$2,125,000 + Beach \$2,635,000 =\$15,833,306

This is off by \$222,111. That is 2% of taxes.

The Administration recommend budget for 2024 came to \$16,055,417.66.

This Council has been saying the numbers do not add up. And I think this is the most simple and plain example.

I have an update for the June 20<sup>th</sup> Land Use Board Meeting for applications for which I could not participate. Bulk and use variances for a garage structure on 27 ½ Pacific Avenue were approved unanimously.

**Councilman Gubitosi:**

**2024 Budget Introduction:**

I would like to say again, that the definition of insanity is doing the same thing over and over and expecting a different result. What most of you do not know is that “the axe is about to drop” because the Mayor forwarded us an email, stating that the DCA is ready to swoop in and begin fining all five members of the Council \$25.00 per day. The fines would be contingent upon us introducing the budget tonight. If we did not introduce, that was going to be the potential outcome. The most important thing that I would like you all to understand and I have been saying this for three months is we do not understand the budget. I have very serious concerns. I could describe them all now, but no one here, including the Mayor, could answer my questions. Because of that, it is impossible for us, as a Council and me as an individual, with financial background, to approve the budget. Not because we do not want to. Not because I do not want to stop having the same conversation every week. It is because I represent you all. I represent the folks on Zoom. I represent everybody in town who is not in this meeting. If you are a taxpayer, I represent you. And you are counting on us to do the right thing. And the right thing is to understand the budget before we approve it. The Mayor will continue to tell the world that he has answered our questions. Please remember this, we receive “responses.” These “responses” are not “answers.” If you ask: “Why did this amount go up?” or “Why did you move these dollars from here to

here?,” and the answer is “Let us talk about it in 2025,” that is not an “answer”. It is a “response,” but not an “answer.”

**Police Report:**

Please remind all residents to remove their valuables from their motor vehicles, do not leave the keys or key fobs inside and please lock your car doors.

We have had a recent rash of car burglaries; however, all the victim vehicles were unlocked at the time. Most of these crime sprees are committed by the same one or two individuals at a time, hitting multiple cars in a quick ride or walk-through town. Patrols have been diligent, especially overnight, in making appropriate field contacts and with their help the detective bureau has developed some good suspects and are continuing the investigation in hopes of arresting someone soon.

In other news, Police arrested a subject for Possession of Drug Paraphernalia and Hindering Apprehension after responding to the beachfront for a complaint of a subject attempting to sell items to passers-by. The individual had given a false name and was in possession of a "crack" pipe.

Two local area juveniles, ages 14 and 15, were arrested and charged with theft. A resident viewed the two entering driveways and stealing bicycles and contacted the police. Beachfront Special Officers located the two juveniles, who fled into Ocean Grove. With the assistance of Patrols, Detectives, and our Police Administration (including Chief Arnold), both juveniles were located and arrested without incident. On a side note, one of the juveniles has been identified by Asbury Park as a wanted person involved in an armed robbery and we are assisting them with information pertaining to that investigation.

A resident was arrested and charged with Assault on Police, Resisting Arrest, Hindering Apprehension and Obstructing the Administration of Law after police responded to a neighbor dispute over a parking issue.

A Florida man was arrested and charged with Hindering Apprehension after providing a false identity to officers investigating a beachfront violation.

Our K-9 officers were deployed to provide safety and security sweeps for the Bradley Beach fireworks display, which went smoothly. It was all “hands on deck” and the operation itself was led by Detective Gregory Pancza with the oversight of Chief Arnold and help from members of OEM, Bradley Beach Fire Department and the Bradley Beach First Aid Squad.

The Bradley Beach Police Department arrested two individuals on an active contempt of court warrants and investigated nine motor vehicle accidents between June 21, 2024 and July 9, 2024.

**Sylvan Lake Commission:**

The Commission will be meeting next Wednesday, July 17 at 7:00 pm at the Biase Center. The focus will be on improving the overall health of the Lake. Guest speakers will include engineers engaged with building the “Living Shoreline” on the Avon side of the Lake. The ultimate goal continues to be to dredge the Lake and restore the Lake’s vitality. As most of you know, in most areas the lake is about a foot to two feet deep, and the chances for long-term survival are zero, unless we do something to actually dredge the lake.



**Local 152:**

I say the same thing, more or less, every meeting, and I will continue to do so. Our workers in this Union have gone without a contract for a year and a half. The Council receives virtually no information of value. We repeatedly have requested a “seat at the table,” hoping that a new perspective might help break the deadlock. We have already paid the lawyer handling the negotiations close to the amount that an annual increase might have been for the entire 30 person union. This broken process makes no sense. Mayor Fox, please allow any one of us to join the discussions.

**K-9 Unit Presentation:**

A big thank you to Patrolmen Badamenti and Patrolman Redmond, for their presentation tonight. It was a great presentation and I know we all enjoyed it. We should all take great pride in what our Bradley Beach Police Department has accomplished in establishing this unit, which serves not only Bradley Beach, but many other neighboring municipalities, and their work has been invaluable.

**Brinley Inn Fire:**

Mayor Fox also commented about the Brinley Inn Fire. The Fire Company will be forming a committee to review this historic fire that took place in 1980 which took the lives of over twenty residents. The committee will consider if they can recommend the Borough to memorialize the residents who perished and the Fire Department heroes who responded to this fire. They will consider a memorial ceremony to be conducted in 2025, marking the 45<sup>th</sup> Year Anniversary of the fire.

**Councilwoman DeNoble:**

- The Board of Education will hold their budget meeting on 7/11/24 at 11:00 a.m.
- The Shade Tree Commission met on 7/3/24 and are planning a tree planting event. The Trust Fund amount is \$14,882.00.
- Gave various Tourism event dates and stated the Trust Fund amount is \$83,000.00.

**Public Comments:**

**In Person:**

Mea Molin, 302 Fourth Avenue, expressed concerns regarding the budget and the Local 152 Contract.

Councilman Weber and Mayor Fox addressed the Local 152 Contract inquiry.

Nancy Meadow, 805 Beach Avenue, voiced complaints pertaining to the budget, beach lockers, the website, and OPRA requests.

Peter Sharpe, 301 Second Avenue, made a statement regarding the updates received regarding the Borough’s legal costs for Governing Body litigations that have occurred and the financial affects this will have on the taxpayers.

Thomas J. Coan, 612 Third Avenue, complained that the Annual Financial Statements for 2019, 2020, 2021, 2022, and 2023 are not on the website and mentioned he submitted an OPRA request for these statements.

Ms. Kostyz advised Mr. Coan the OPRA was received and will be fulfilled with the assistance of the CFO and the statements will be placed on the website once Ms. Kostyz is in receipt of them.

Mr. Coan also expressed budget concerns.

**Don Greenberg, 302 Park Place Avenue, thanked the DPW for the repair of his beach locker and asked if the Borough would consider an alternative to fireworks that is eco-friendly.**

**Councilwoman DeNoble replied she has done some research on this and while she feels this would be a great idea, eco-friendly alternatives to fireworks are very expensive at this time.**

**Tracie Davidson, 304 Fourth Avenue, expressed concerns she was offended by the earlier verbal exchange between Ms. Molin and the Mayor.**

**Linda Duffy, 312 Brinley Avenue, suggested another budget workshop and expressed concerns regarding the Local 152 Contract. Ms. Duffy complained about piles of brush being left on the street.**

**Brigitte McGuire, 610 Brinley Avenue, expressed concerns regarding the Borough litigation financial costs.**

**Julie Nutaitis, 605 Newark Avenue, voiced complaints and opinions about the Mayor.**

**Zoom: None**

**EXECUTIVE SESSION:**

ON MOTION by Fox/Gubitosi to retire into Executive Session at 8:45 p.m. to discuss a Personnel Matter and a Contractual Matter.

- Police Chief Employment Contract

**Resolution 2024-155 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 9:05 p.m. and continue the Council Business Meeting.

ROLL CALL:

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

**Resolution 2024-156 Approving an Employment Agreement with Bradley Beach Police Chief James Arnold.**

ON MOTION by Fox/DeNoble to adopt Resolution 2024-156.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**ADOPTED**

**ADJOURNMENT:**

ON MOTION by Fox/to adjourn the Council Business Meeting at 9:10 p.m.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**THE COUNCIL BUSINESS MEETING ADJOURNED AT 9:10 P.M.**

  
Erica Kostyz, RMC, CMR  
Municipal Clerk