

**BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES
JULY 24, 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 24, 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.

The Sunshine Law was read.

ROLL CALL AT 6:30 P.M.

Present at the July 24, 2024 Council Business Meeting:

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

PRESENTATIONS:

Lifeguard Recognition Proclamation – read by Mayor Fox

WHEREAS, it has come to the attention of the Governing Body that the Bradley Beach Lifeguards exhibited exemplary conduct and outstanding lifesaving efforts in an emergency involving a beachgoer that occurred last week; and

WHEREAS, if it had not been for the immediate and skilled response of these lifeguards and responding emergency medical crews, a life may have been lost; and

WHEREAS, the heroism and bravery demonstrated by the Lifeguards is representative of the skill and bravery of all Bradley Beach Lifeguards, Police, and First Aid members on and off duty at the scene of the emergency that day; and

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Bradley Beach recognize and praise the following Lifeguards for their meritorious performance and lifesaving actions undertaken in the rescue of Mr. Frank Scarpiello on Sunday, July 14, 2024.

**Jake Niedenstein, Joseph Pawlak, Isabella Santucci, Elena Cunnif, William Sette
Patrick Chambrovich, and Jason Gassman**

EXECUTIVE SESSION:

ON MOTION by Fox/DeNoble to retire into Executive Session at 6:35 p.m. to discuss Litigation, Personnel, and Contractual Matters.

- **Affordable Housing Litigation**
- **CFO Shared Services Contract**
- **Local 152 Negotiations**

Resolution 2024-157 Retire into Executive Session to discuss Litigation Matters.

ROLL CALL:

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

ON MOTION by Fox/Weber to return from Executive Session at 7:30 p.m. and conclude the Council Business Meeting.

ROLL CALL:

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

WORKSHOP(S): None

MINUTES APPROVAL

ON MOTION by Fox/DeNoble to approve the Council Meeting Minutes of July 10, 2024.

ROLL CALL:

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

APPROVED

ON MOTION by Fox/Gubitosi DeNoble to approve the Executive Session Minutes of July 10, 2024

ROLL CALL:

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

APPROVED

Public Comments on Agenda Items:

In Person:

Thomas J. Coan, 612 Third Avenue, requested the Council vote no on the budget introduction, inquired when the 2023 Annual Financial Statement will be available for the public, and stated he is in favor of Resolutions 2024-162 & 2024-163.

Mea Molin, 302 Fourth Avenue, expressed concerns about the budget and the CFO not meeting with the Council.

Nancy Meadow, 805 Beach Avenue, expressed several bill list complaints.

Brigitte McGuire, 610 Brinley Avenue, expressed budget concerns.

Zoom: None

ORDINANCES:

Adoption(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.

Councilwoman DeNoble and Councilwoman Mahoney both stated they welcome questions from the public and voted yes.

Councilman Gubitosi:

These are very small changes to our Ordinance that governs the Council Rules of Procedure. As it stands today, the Ordinance allows public comment on various points on the agenda. In the interest of shortening meeting times, Mayor Fox wanted to eliminate public questions from meetings since only public comments were specifically allowed. The rest of this Council believes that we serve the public. We must continue to invite comments and questions in order to support transparency and the public’s right to know what their government is doing. This is the reason that we are amending Chapter 5-9 this evening.

Mayor Fox does not feel this will improve the length of the meetings and voted no.

ON MOTION by Fox/Gubitosi to open the public hearing for the adoption of Ordinance 2024-8.

ROLL CALL:

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

Public Comment:

Thomas J. Coan, 612 Third Avenue, thanked the Council for this amendment to the Code.

ON MOTION by Fox/Weber to close the public hearing and adopt Ordinance 2024-8.

ROLL CALL:

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

ADOPTED

COMMUNICATIONS : None

CONSENT AGENDA RESOLUTIONS:
2024-158 Bill List for July 24, 2024

2024-159 Approval of Appointment for Probationary Firefighter Ariella S. Minsky.

2024-160 Approval of an On-Premises 50/50 Cash Raffle License for the Bradley Beach Elementary PTA for Friday, September 13, 2024 from 6:00 p.m. to 8:00 p.m.

2024-161 Approval of an Off-Premises Merchandise Raffle License for the Bradley Food Pantry for Saturday, September 7, 2024.

ON MOTION by Fox/Mahoney 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 Municipal Budget to be read by title only.

Councilwoman DeNoble does not feel the budget issues have changed since the last meeting and voted no.

Councilman Gubitosi:

At the last meeting, I explained to the public, again, how the Mayor simply presents his budget for introduction at every Council meeting. He has now done this for four consecutive months. He does this each time, without allowing the Council access to our Department Heads or to the CFO. I explained to the public that the Mayor has a team that responds to our budget questions but does not answer our questions. Tonight, I want people to know that I have formally reported the Borough's budget impasse to the New Jersey State Department of Community Affairs and to the New Jersey State Office of the Comptroller. I did so in a five page letter to these agencies last Friday, and I copied Mayor Fox and my Council colleagues. In my letter I described many of the same concerns that I share twice a month with you, our public.

- I highlighted the last two years of financial mismanagement that has led to a \$1.6 million drain of our Surplus.**
- I shared examples of the Borough's financial ineptitude that were highlighted in our recent 2022 Audit report.**
- I communicated that our 2022 Annual Financial Statement misrepresented our "Cash on Hand" as of 12/31/22. We, the Borough, identified to the DCA that we had cash on hand of \$7.2 million dollars. The Audit, delivered a couple of months later, confirmed that the cash on hand was actually 4 million dollars! We confirmed to the DCA that we had seven million dollars when in fact we had four million dollars! That is not a rounding error! How could our 2023 finance department provide such grossly inaccurate reporting to the State DCA?**
- Finally, I shared concerns that our finance department recently raised related to our 2023 financial records.**

With all of this clear evidence of financial mismanagement, how can this Council not ask questions about the accuracy and appropriateness of the current budget? I closed my letter to these State Agencies by asking: "Can any agency or authority within the State of New Jersey please encourage Mayor Larry Fox to honor his fiduciary responsibility to our citizens?"

Figuratively and literally, this whole situation just does not add up. I vote no.

Councilwoman Mahoney:

Let us say you make 100,000.00 dollars a year. You have various bills to pay and certain variable expenditures like gifts, dining out, groceries, and even gas for your car.

You need to put a budget together every year. Would not the first place you start be to find out how much you spent the previous year?

Simply put, your appropriations for the year for which you are trying to budget, would be based on your expenditures for the previous year. That would be your starting point from where your adjustments would be made. It would not matter how much you had appropriated for the year before; it would only matter how much you had actually spent the year before.

Last week I explained how the three funds that comprise our budget did not sum up to the 2024 recommended budget of \$16,055,417.00.

Yesterday late afternoon this Council was given a new budget, and the three numbers for the Current, Beach, and Sewer Funds all changed, yet they do not add up to the \$16,055,417.00 recommended budget for 2024. The number was \$100K closer, but it was still \$100K off.

According to our Finance team, in 2022 our expenditures were \$14,714,603.00. Our 2022 Audit shows that our actual Audited Expenditures were \$16,166,260.00, that is a \$1.5 million dollar difference.

There are huge discrepancies with what our Edmunds System reports we spent and what we actually did spend. To create our 2024 budget, we are not using actual 2023 expenditures; we are using what we appropriated for 2023 \$15,804,183.00, which is less than what we spent in 2022.

We still do not have the details behind the numbers for 2024, what we received are explanations why it is not important the numbers we have do not add up.

We still do not have any revenue numbers for any year. In any balanced budget, expected revenues should equal expected expenditures.

We are on our third set of revised budget numbers, none of which include concerns from this Council (e.g., the cost of the DPW contract, the loss of two DPW workers and the impact that may have on services going forward).

We still have no access or communication with the CFO we hired.

It is becoming increasingly evident that our system, Edmunds, which feeds our expenditures, appropriations, and revenues is broken.

We have depleted our surplus over the past two years, and it is in the offing this year to deplete it further by \$600K to pay regularly occurring costs associated with running the Borough.

Mayor Fox has stated that he is confident in the State Form document, in that it is a validated worksheet received from the State. The form itself may be a validated worksheet, however, I cannot speak to the numbers within that document. Any form is only as good as the numbers inputted. Mayor Fox has referred to summaries in this form, and this Council has repeatedly asked for details underlying those summaries. We have not received those, nor do the numbers we have received match those summaries as indicated by my example during the meeting on July 10, 2024. Additionally, after claiming his confidence in the document, most of the numbers changed yesterday.

I will not vote for this budget.

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

2024-162 Appointing Norman Goldfarb as the Bradley Beach Emergency Management Coordinator.

ON MOTION by Fox/DeNoble to adopt Resolution 2024-162

Councilman Weber thanked Mr. Goldfarb and stated he has the proper credentials to fill this position and voted yes.

Mayor Fox voted yes and expressed his confidence in Mr. Goldfarb.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

2024-163 Authorizing the placement 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.

Councilwoman DeNoble stated very few towns still have this form of Government and feels the town is in need of a change.

Councilman Gubitosi feels by approving this resolution is taking a step in placing the decision in the hands of the residents to decide and voted yes.

Councilwoman Mahoney stated this should be examined and voted yes.

ON MOTION by Fox/Gubitosi to adopt Resolution 2024-163

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber

NAYS: Mayor Fox

ABSENT: None

ABSTAIN: None

ADOPTED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Mayor Fox:

- The summer has been enormously successful so far this summer.
- Mentioned the Riley Park Concert series.
- The Fire Department will hold a remembrance ceremony on Friday July 26th in Riley Park for the Brinley Inn fire that occurred in 1980.

- The Fire Department 5K Race will take place August 17th.
- The 2024 National Night Out will take place Tuesday, August 6th.
- The next Mayor's Wellness Campaign Walk will take place on Sunday, July 28th.
- The 317-319 LaReine Avenue Auction will take place tomorrow July 25th.
- The Library and Recreation activities can be found on the website.
- The Sounds of Summer Concert will take place July 25th.

Councilman Weber:

- Congratulated Norman Goldfarb on the OEM Coordinator appointment .
- Congratulated the Lifeguards that were recognized this evening.
- Congratulated Ariella Minsky and stated she is the youngest firefighter in the Fire Department.
- Presented the First Aid Squad operational report for July.
- Mentioned the ropes in the ocean have been removed and replaced with flags and feels this is a good change.
- Reiterated to residents to place their garbage in a can with a lid.
- There will be no brush pick-up in July and August.
- The Fletcher Lake Commission are looking for solutions for goose control.
- Mr. Weber stated he sent a letter to Mayor Fox offering to meet with the Administration and Local 152 to assist with the negotiations.

Mayor Fox mentioned a fairly serious incident with the ropes in the ocean that occurred last summer.

Councilwoman Mahoney:

The land use board met on July 18th. Use and Bulk Variances were approved for 516 Park Place Avenue and 215 Brinley Avenue. Bulk Variances for 314 Third Avenue were approved.

Ms. Mahoney stated she also offered to meet with the Administration and Local 152 to assist with the negotiations and did not receive a response.

Councilwoman Mahoney made a motion for a vote of no confidence for Bradley Beach Mayor Larry Fox, seconded by Councilwoman DeNoble.

ROLL CALL:

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

Councilman Gubitosi:

Police Report:

In the span of a few days, we had two car burglaries on Ocean Avenue, similar in nature. This past weekend, Sargeant Josephine Celauro was closely monitoring the area and noticed a suspicious subject that matched surveillance video from the crimes. Upon making contact with him, he provided a false name then fled on foot. Sargeant Celauro was able to chase him down as he ran through a nearby backyard, and with the assistance of Patrolman Edwin Hernandez, apprehend him. The suspect was arrested and linked to both incidents, ultimately being charged with two counts of Burglary, two counts of Theft and one count of Resisting Arrest.

A subject was arrested for Driving While Intoxicated after striking a parked car and another local man was arrested on a contempt of court warrant.

Chief Arnold and the Police Department are also looking forward to the annual National Night Out event, which will be held on Tuesday, August 6th on the promenade between Third and Fifth Avenues and from 6:00 p.m. to 8p.m. National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live. National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community. Furthermore, it provides a great opportunity to bring police and neighbors together under positive circumstances. The police will be providing refreshments and there will be lots of fun activities for the kids. There will also be plenty of community-related display tables where you can learn about and receive valuable information on local resources. The event is free for all residents.

Sylvan Lake Commission

The Sylvan Lake Commission met last Wednesday, July 17th. The focus continues to be on improving the overall health of the lake. Guest speakers included the engineering team responsible for much of the living shoreline development on the Avon side of the lake (Matrix). They discussed potential funding sources for future restoration work, with the ultimate goal continuing to be how to best dredge the very shallow Sylvan Lake. Next month, on August 21st, the Commission will meet again. The Environmental experts who have been developing plans for dredging, and for funding the dredging of the lake, will attend.

Probationary Firefighter

Welcome to Ariella S. Minsky as our newest member Probationary Firefighter for the Bradley Beach Fire Department.

OEM - Emergency Management Coordinator

Congratulations to Norman Goldfarb, former Council Member, and newly appointed as the Borough's "Emergency Management Coordinator." Norman, with your lengthy track record of experience, we appreciate the skills and knowledge you bring to this position. Thank you for your continued service to our community!

Local 152:

There is still nothing constructive that anyone can say about the lack of progress made by our Administration in finding a fair contract solution. Our employees in this union have gone without a contract, and a pay increase, for a year and a half. The Union is now openly challenging the Mayor's reporting of this situation. Last week, each Council member, separately, requested the Mayor to allow any one of us a "seat at the table" as was previously encouraged by former Mayor Englestad. This broken process makes no sense. Again, I ask Mayor Fox, "Please allow any one of us to join the bargaining process."

Councilwoman DeNoble:

- The Board of Education held a special meeting last week to approve an adjusted budget. The adjustment was due to a loss in State Aid in the amount of \$449,831.00, therefore, the Board of Education approved for raising the tax levy 4.33%.
- Tourism held a meeting on July 17th to discuss the upcoming events.

Public Comments:

In Person:

Mea Molin, 302 Fourth Avenue, asked if the Mayor had any clarity to add to Council comments that were presented this evening pertaining to the budget.

An intense and lengthy discussion continued with Ms. Molin insistence to answers to her inquiries pertaining to the budget.

Ron Minsky, 706 LaReine Avenue, congratulated Mr. Goldfarb, thanked the Mayor and Council for approving Resolution 2024-159 for Ariella Minsky's appointment.

Mr. Minsky addressed an incident that was mentioned in the July 10th Council meeting involving a firefighter and assured the Governing Body and the public swift action was taken and the firefighter was removed from duty pending an investigation.

Nancy Meadow, 805 Beach Avenue, thanked Councilwoman Mahoney for being present at the meeting, complained about the website, beach signage, and beach employees.

Thomas J. Coan, 612 Third Avenue, inquired about the status of the 2023 Annual Financial Statement and the 2023 Audit.

Mayor Fox stated the CFO is collaborating with the Auditor.

Maureen Gordon, 404 Third Avenue, mentioned an ongoing issue she is having with wildlife (foxes) on her property and feels there has been a lack of assistance from the Monmouth County S.P.C.A.

Zoom: None

ADJOURNMENT:

ON MOTION by Fox/Gubitosi to adjourn the Council Business Meeting at 8:50 p.m.

ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 8:50 P.M.


Erica Kostyz, RMC, CMR
Municipal Clerk