

REGULAR MEETING MINUTES

January 14, 2020 at 6:30 pm

A regular 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.

CALL TO ORDER

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

Sunshine Law

The meeting has been noticed publicly according to the Open Public Meetings Act requirement for the "Annual Notice", and posted on the official bulletin board.

ROLL CALL 6:30 pm

Present: Council: Bonnell (via phone), Gubitosi, Sexsmith, Weber
Mayor Gary Engelstad
Borough Clerk/Administrator Kelly Barrett
Deputy Municipal Clerk, Erica Kostyz
Borough Attorney Gregory Cannon (6:35 pm)

ON MOTION by Engelstad/Weber to appoint Gregory Cannon (Sobel & Han) as
Borough Attorney January 14, 2020 through December 31, 2020

ROLL CALL
AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-21 Professional Service Appointment, Gregory Cannon, Esq., as Borough
Attorney from January 15, 2020 through December 31, 2020

WORKSHOP DISCUSSION

Request for Proposal - Renovation and Lease of Retired Utility Building for a Food Concession

Ms. Barrett provided an update on the Request for Proposals

- Request for Proposals were returnable December 6, 2019
- One submission was received, Lynn Tellefsen and Douglas Stehle, who own and operate Cave' Restaurant
- The proposal was reviewed and scored by Mayor Engelstad, Councilman Bonnell, Biagio Cofone and Kelly Barrett
- The proposal was ranked very high and all required documentation were included
- A "Farm to Beach" style restaurant was proposed with extensive sustainability measures
- The cost to renovate the building was estimated at \$340K
- Proposed rent is \$5,000 annually for a ten year term

Ms. Barrett stated that she was in favor of the Request for Proposal submitted. If awarded the next step would be for the proposer to appear before the Planning Board for a review and recommendations.

Councilman Gubitosi stated that he had received a number of concerns from residents regarding lighting, view obstruction, trash removal, roof top dining, a roof canopy, etc. He gave an example of the lighting at the golf course being a nuisance to the residents on Ocean Avenue.

A conversation ensued regarding the roof height, pitch of roof, a roof top canopy and the power of the Planning Boards' recommendations.

Mr. Cannon stated that the vote tonight is to award the bid. The Planning Board's recommendations may be incorporated into the contract.

Councilman Weber stated that the proposal is good and would like to see it happen. He mentioned that he had previously suggested going before the Planning Board before drafting the Request for Proposal in order to address all issues, lighting, etc.

Zoning, Chapter 450

Mr. Freda, Borough Engineer stated he had conversations with Mr. Waterman, Zoning Officer regarding the proposed changes to the ordinance, however, he did not author the document. He was appearing this evening on Mr. Waterman's behalf as he was unavailable to attend. He continued, the Zoning Officer is having difficulty relying on the Ordinance's definitions, they are not clear when relating to architectural features. An example of which is the definition of a balcony, it is unclear and it is getting confused with the definition of a deck. He continued, outdoor living has become more popular and with the narrow lots in Bradley Beach the definition of a balcony must be clearer.

A conversation ensued regarding the intent of the changes, use of a balcony, porch sizes, porch locations and wrap around porches. Mayor Engelstad stated that we will continue to work on the changes and advised the Council to send any questions or concerns to the Zoning Officer. Once the changes are complete the ordinance amendment will be presented to the governing body for an introduction.

Mr. Freda, Borough Engineer made a comment regarding the Request for Proposal for the Retired Utility Building that any change in shape of the building would require a CAFRA permit.

Strategic Plan Task Force Recommendations

Ms. Paula Gavin, Volunteer Strategic Plan Facilitator thanked the Mayor, Council and Staff for their cooperation. She stated that the Strategic Plan process began over a year ago. Five (5) Task Forces were formed in May, 2018 and after many months of work have compiled twenty six recommendations. Nine of the recommendations will require funding. Ms. Gavin presented the following Task Force recommendations:

Main Street Excellence Task Force

*Create plan for Street Scape in 2020 * Main Street improvements, (Full Time) Code Officer
* Complete Business and Residence Survey * Create new Bradley Beach Business Community Alliance (BBBCA) * Implement Parking Striping of Main Street * Evaluation of Parking Space Requirements

Beachfront and Oceanfront Development Task Force

*Beachfront improvements * Beach Badge Increase * Tourism Plan * Pursue New Restaurants

-Powerful Communications Task Force

*New Town Slogan *Create New User Friendly Website for “What’s Happening in Town”
*Implement Marketing and Communications Plan * Communications Director

Controlling Taxes Task Force

*Expand Resident and Business Education on Tax Assessment Process *Consolidation and Shared Services * Changes in the Budget Process * Recycling * Evaluate Sewer System

Civic Engagement Task Force

*Implement Volunteer Management System, *New Operational System for Fire Department and First Aid * Census Plan * Teen Program

High Impact Governance Task Force

*Enhance Governance Plan for New Council, including Board/Commission *Strengthen Borough Staff Accountability *Hire Borough Planning and Grant Manager *Implement Zero Based Budgeting

Ms. Gavin strongly recommended continuing with the Main Street Excellence Task Force and the Strategic Plan process.

Mayor Engelstad thanked Ms. Gavin and all who had participated. He stated that the plan is excellent and the recommendations requiring funding will be reviewed during the budget process.

Councilman Gubitosi stated that the energy of the residents was powerful and he applauded everyone’s efforts.

Councilman Weber thanked Ms. Gavin and said “Great Work”. He commented that the Council should recognize the recommendations rather than endorse them as some require funding.

Councilman Sexsmith stated “Great Job”, and based on his experience this was a job well done.

Councilman Bonnell (via phone) said “Nice Job”, Thank you Paula

Bradley Beach Business Community Alliance (BBBCA)

Paula Gavin stated that the BBBCA (non-profit) was established in December, 2019. This Alliance will give a voice and benefit the borough's businesses and residents. The current Alliance Board Members are Doug Jung, Andres Zapata, Simone Hazel, Paula Gavin and Amy Hall. The Alliance would like to encourage participation from the Latino community. Ms. Gavin read the BBBCA Mission statement, "The Bradley Beach Business Community Alliance will bring business, community and the municipality together to enhance the lives of both residents and visitors as a partnership between all, taking action to strengthen BB resident's life as well as BB economic development." She continued that there was an agreement between the Borough and the Alliance to be voted this evening.

Doug Jung, Alliance Board Member, stated that he was pleased to participate in the Alliance and he finds the Borough's diversity remarkable. He thanked the Council for embracing the Alliance's mission.

A resident questioned what the agreement between the Borough and Alliance entail.

Ms. Gavin responded that the agreements allows the Alliance use of the Borough owned Senior Building along with postings on the borough website.

Proposal of Website Enhancement

Amy Hall presented a proposal for an enhancement to the Borough website. She described a link that would be developed in order for the public to access Tourism/Borough events directly from the home page of the existing website. She explained that it is difficult to navigate the current site when looking for events. The new link would also allow users sign up for email announcements (reverse 911). The cost to develop the user friendly link would be approximately \$1,550.

Councilman Weber stated that the previous Tourism website cost a few thousand dollars to develop and it was fantastic. "Where did it go"?

Ms. Barrett responded that the site was costly to maintain and had not been updated for over six months. The site was lacking content and the email address was confusing to the public because it was so close to the Borough's web address. She stated that after discussing the site with Amy, the site was eliminated last year.

A conversation ensued regarding monthly maintenance fees of the new link, the ability to post the town's non-profits information and an overhaul of the Borough's website.

Various residents had concerns/questions regarding the new link: Who will be responsible to maintain the postings, How many web platforms does the borough have, who will maintain the site if the Tourism Director is sick, Will the link include the Borough's non-profit organization information.

Ms. Hall responded that it is the responsibility of the Tourism Director/Secretary to keep the postings current and in the event that person is sick the Borough Staff will assist. There are numerous web platforms and the current enhancement does not include the non-profit's information. There would be a \$350 monthly maintenance fee to include the non-profit information.

Ms. Barrett made an announcement that the Borough has been awarded the Monmouth County Open Space Grant which will replace the wooden area of the boardwalk at the north end of town. The Borough requested \$210K, however, the dollar amount has not been verified.

Ms. Barrett stated that Gail Krzyzyczuk retired after many years of service and the Borough has retained services of a recruitment firm to find a replacement. Joe Monzo, retired CFO has agreed to fill in as interim CFO.

ON MOTION by Engelstad/Weber to approve the December 10, 2019 minutes
(Regular Meeting)

ROLL CALL AYES: Bonnell, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: Gubitosi, Sexsmith

ON MOTION by Engelstad/Weber to approve the December 10, 2019 minutes
(Executive Session)

ROLL CALL AYES: Bonnell, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: Gubitosi, Sexsmith

ON MOTION by Engelstad/Weber to approve the January 1, 2020 minutes
(Reorganization Meeting)

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Public Comments

William Psuik, Chairman of the Planning Board, 110 Fifth Avenue, expressed numerous concerns regarding the proposed amendment t to Zoning Ordinance 450-13. He stated that this ordinance has been looked at for several years and there many areas in the proposal that are incorrect. He suggested the reinstatement of the committee that had reviewed the Ordinances changes in the past. The committee include the Chair of both Boards and the Borough Professionals.

Thomas Coan, 612 Third Avenue, expressed concerns regarding the placement of items on the consent agenda.

George Januzzi, 608 Evergreen Avenue, expressed various concerns regarding the major revisions to Zoning Ordinance 450. He stated that he had appealed the Zoning Officer's decision before the Zoning Board and they found he exceeded his authority. He would have liked if the Zoning Officer was present to answer questions regarding the revision. He recommended the public's interest be taken into consideration when allowing a second story balcony as it is an invasion of privacy.

Maryann Spillman, 902 Ocean Avenue, had numerous questions regarding the process of the Request for Proposal.

Councilman Weber stated that he had suggested that the Request for Proposal begin at the Planning Board which would address all of the lighting, trash, etc., issues. He continued, a detailed proposal was received and would be voted on this evening.

Councilman Gubitosi stated that the Borough Attorney has advised the governing body that the recommendation from the Planning Board may be incorporated into the contract.

Mayor Engelstad stated the Beachfront Task Force had input in the content of the Request for Proposal

A conversation ensued regarding the Request for Proposal and the following was discussed: estimated cost of the building renovations, restaurant layout, style of restaurant, height of the building, roof top seating, totaling number of seating, parking spaces, cooking fumes and air quality.

Ms. Barrett announced that the Proposal will be posted on the Borough website, once it has been awarded.

Lauren Egbert, 404 ½ Brinley Avenue, stated that she has a background from being on the Zoning Board and expressed concerns regarding privacy issues relating to balconies.

ORDINANCE NO. 2020-1

AN ORDINANCE TO AMEND CHAPTER 450 AND CHAPTER 5-35(D) OF THE BOROUGH OF BRADLEY BEACH CODE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ON MOTION	by Engelstad/Weber to Table Ordinance 2020-1
ROLL CALL	AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
	NAYS: None
	ABSENT: None
	ABSTAIN: None

TABLED

(6)

ON MOTION by Engelstad/Weber to go into Executive Session to discuss contract negotiations

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ON MOTION by Engelstad/Weber to go reopen the Regular Meeting

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Mayor Engelstad stated, steps were taken in the executive session to proceed with contract negotiations for the purchase of 319 LaReine Avenue.

ON MOTION by Engelstad/Sexsmith the approve the 2020 rate of interest on delinquent tax/sewer charges

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-22 authorized the rate of interest to be charged on delinquent taxes and sewer charge assessments for 2020

APPROVED

ON MOTION by Engelstad/Weber to approve the Bill List

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-23 BILL LIST

APPROVED

Mayor Engelstad stated that the “Beach Locker Fees” for 2020 fees are recommended by the staff as follows: \$535 new locker fee and \$165 renewal locker fee. Councilman Weber questioned why we were keeping the fees the same. Ms. Barrett responded that the fee for a new locker pays for themselves and Mr. Cofone, DPW Superintendent found the \$165 fee appropriate to cover the cost of locker maintenance. Councilman Gubitosi expressed several concerns regarding the cost of a new lockers as there may be individuals giving up their lockers, a possible disconnect in the cost vs. fees, not tracking the cost very well and questioned if the fees were covering the cost, which impacts beach revenue.

Ms. Barrett responded that the suggested fee for a new locker covers the cost and Mr. Cofone would be better able to answer his questions regarding the renewal fee versus the maintenance cost. Councilman Sexsmith requested the number of individuals that fail to renew. He stated that he would discuss it further with Mr. Cofone. Ms. Barrett stated that she would provide the governing body with the number of individuals that typically fail to apply for a locker renewal.

ON MOTION Gubitosi/Weber to table the 2020 Beach Locker Fees
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

TABLED

A conversation ensued regarding the setting of the Daily Beach Badge Fee. Mayor Engelstad stated that the recommendation of the staff along with the Beachfront Task Force Committee is a fee of \$10 for a Daily Beach Badge. Councilman Weber stated that additional information is needed prior to setting the fee. He requested data showing the impact the increase in minimum wage will have on beach salaries. Councilman Gubitosi suggested the borough look into a fee schedule similar to Asbury Park where badge fees differ for weekends versus weekdays.

ON MOTION Weber/Weber to table the 2020 Daily Beach Badge Fee
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber
 NAYS: Engelstad
 ABSENT: None
 ABSTAIN: None

TABLED

ON MOTION by Engelstad/Sexsmith to approve various Non-Profit Special Events in
 2020
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

Resolution 2020-24 Authorized various Non-Profit Special Events in 2020

APPROVED

ON MOTION by Engelstad/Weber to authorize the Borough Clerk to advertise for the
 Second Avenue Concession, a minimum bid of \$40K with a 3%
 increase for every subsequent year
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

Resolution 2020-25 Authorized the Municipal Clerk to advertise for Request for Proposals for the Second Avenue Food Concession, a minimum bid of \$40K with a 3% increase for every subsequent year

APPROVED

Mayor Engelstad stated that he reviewed the proposal submitted by Caveman Culinarian, LLC., and strongly endorsed its approval .He ranked the proposal 97% out of 100%.

Maryann Spillman, 902 Ocean Avenue, expressed concerns regarding the proposals height of the building and its impact on the view of the ocean.

Mr. Cannon, Borough Attorney stated that the Request for Proposal included a number of conditions, one of them appearing before the Planning Board for an advisory review. He stated that the vote this evening would be for the exclusive right to enter into a lease agreement.

Councilman Gubitosi confirmed that the advisory review of the Planning Board will include lighting, building height and view recommendations.

ON MOTION by Engelstad/Sexsmith to award the RFP of the Retired Utility Building to Caveman Culinarian, LLC.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-26 Authorized the Renovation and Lease of Retired Utility Building on the Boardwalk Promenade for use as a Food Concession contract be awarded to Caveman Culinarian, LLC for the (estimated renovations of \$340,000.) annual payment of \$5,000. for a five year term with an additional five year extension

ADOPTED

ON MOTION by Engelstad/Sexsmith to approve to the participation in the Joint Purchasing System

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-27 Authorized the Borough of Bradley Beach to enter into a Joint Purchasing Agreement for the provision and performance of goods for Police Department Equipment for Training Purposes, including but not limited to Simunitions Equipment

ADOPTED

ON MOTION by Engelstad/Sexsmith to approve the hiring of Shawn Lightbody as Probationary Officer BBPD

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-28 Authorized the hiring of Shawn H. Lightbody as a Probationary Police Officer of the Bradley Beach Police Department effective 1/15/20

APPROVED

ON MOTION by Engelstad/Weber to appoint Joseph Monzo as interim CFO

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-29 Authorized the appointment of Joseph Monzo, as interim Chief Financial Officer, on a monthly basis

APPROVED

ON MOTION by Engelstad/Weber to accept the Strategic Task Force recommendations

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-30 Authorized the acceptance of the recommendations of the Strategic Plan Task Force Committees

APPROVED

Councilman Sexsmith stated that the Bradley Beach Business Community Alliance is a good opportunity for businesses, residents and visitors to exchange of ideas.

ON MOTION by Engelstad/Sexsmith to authorize an agreement with the Bradley Beach Business Comity Alliance

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-31 Authorized an agreement with the newly established Non-Profit, Bradley Beach Business Community Alliance

APPROVED

ON MOTION by Engelstad/Gubitosi to authorize Amy Hall, Tourism Director/Secretary to develop a link to the Borough website at a fee of \$1,600.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-32 Authorized Amy Hall, Tourism Director/Secretary to enhance the Borough website for special events in an amount not to exceed \$1600

ADOPTED

MAYOR AND COUNCIL REPORTS

Councilman Weber stated members of the Avon and Bradley Beach Environmental Commissions met with people that restore lakes and have plans that hopefully help Sylvan Lake. Biagio Cofone, DPW Superintendent advised me that he has been communicating with a company that may accept Plastic Film. He encouraged everyone to participate in the recycling of Plastic Film. He stated that he and Councilman Gubitosi had attended an informative League of Municipalities training. He suggested the Borough advertise and go out to bid for the Newark Avenue Concession.

Councilman Sexsmith stated that the members of the Memorial Day Committee had resigned and the Borough was looking for volunteers. He mentioned that his neighbor had a sewer back up on New Year's Eve and the DPW came out and did an amazing job. He continued, DPW has been busy with projects and repairs. He scheduled a meeting with the Fire Dept. and First Aid Squad to discuss their budgets and volunteerism.

Councilman Gubitosi stated that he attended a meeting with environmentalist for the restoration of Sylvan Lake. He had discussed the concerns of algae and containments with Anne Polito of the Sylvan Lake Commission. A meeting is scheduled on January 22nd to discuss managing and diluting the contaminants in the lake. He mentioned Jim Shissas, Environmentalist and the awards and recognition the Maritime Forest receives and a possible expansion (Phase II). He stated that Paul Neshamkin has expressed interest in getting people together for the renovation of the UMC. He announced the sale of Historical calendars (\$10) sold by the Historical Society.

Mayor Engelstad stated that the purchase of the United Methodist Church negotiations were going well. He mentioned the importance of the Chief Financial Officer during the purchase process. He had discussion with the new School Board President, Dr. Elizabeth Franks and invited honor students to the Council Meetings to be recognized for their accomplishments. He stated that the Borough will be re-negotiating employee contracts. He thanked the DPW for their hard work.

William Psiuk, 10 Fifth Avenue, requested an update on the harassment law suit and the cost to the tax payers.

Mayor Engelstad responded that the suit was on going and was uncertain as to the cost.

Paul Neshamkin, 411 ½ LaReine, thanked Councilman Gubitosi for mentioning the sale of the Historical Societies calendar. He stated that he was getting offers from people who are willing to work pro bono for the church renovations and was considering setting up a 501-3C to accept donations.

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Julie Nutaitis, 605 Newark Avenue, requested the Borough review all of its IT and have a comment section be added to the bill list, in order to identify what is being purchased.

Maryann Spillman, 902 Ocean Avenue, requested the DPW inspect the sewer cover at Ocean and Ocean Park Avenue (s).

Engelstad/Weber moved to adjourn

ADJOURN 9:35 PM

KELLY BARRETT RMC, CMR
Municipal Clerk/Administrator

