

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

October 13, 2020 at 6:30 pm

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held by means of communication equipment, N.J.S.A. 10:4-8(b), to include streaming services and other online meeting platforms and formal action will be taken on the above date.

Mayor Engelstad requested a moment of silence to remember the 11,081 New Jersey Residents who have passed from the COVID-19 crisis.

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, Gubitosi, Sexsmith, Weber, Mayor Engelstad
Borough Administrator David G. Brown II
Chief Financial Officer Sandra Rice
Borough Attorney Andrew Sobel
Municipal Clerk Erica Kostyz

Mayor Engelstad

Workshop Discussions:

A. Pre-Season Beach Badge Prices

Chief Financial Officer Sandra Rice began this discussion with the following:

- **When the Beach Season sale will begin.**
- **What the price of pre-season badges will be.**
- **How far will the pre-season sale will be extended**

Mayor Engelstad asked Ms. Rice how the seasonal minimum wage increase will affect the Borough’s expenses.

Ms. Rice replied the minimum wage will increase by approximately \$1.00 over this year’s wage. Ms. Rice continued the Seasonal minimum wage increase is more gradual than a year round employee.

Ms. Rice also stated the Borough accounted for \$120,000.00 added to the Beach Budget for Seasonal Laborers this year and the same amount would be applicable for next year.

Mayor Engelstad asked if using the VIPLY online app only to purchase badges to save seasonal labor costs has been factored in for next year.

Ms. Rice responded purchasing badges through VIPLY only would be a good option for reducing seasonal labor costs. Ms. Rice stated she has heard from staff, residents and the Governing Body members that VIPLY should not be the only option for daily badge sales as there is still a number of beachgoers that prefer to pay in person using cash.

Councilman Gubitosi stated the minimum wage increase projection he worked with office staff this year was between \$20, 00.00 to \$22,000.00 and inquired if the \$120,000 is including full salaries.

Ms. Rice responded the \$120,000.00 includes some of the full salaries and takes into consideration increases in costs if necessary.

Councilman Sexsmith inquired if the increase on daily badges will be reduced.

Mayor Engelstad stated he was under the impression daily badge prices would be reduced.

Councilman Gubitosi suggested discussing the pricing for pre-season and daily badges at the same time over the next few weeks rather than separately as was the previous practice.

Mayor Engelstad agreed and stated it would be to the Borough's benefit not establish a daily rate for the upcoming season until there is a better sense of how the pandemic situation will be.

Councilman Sexsmith stated the Borough should plan conservatively for the upcoming beach season. Mr. Sexsmith stated he feels pre-season sales should be extended beyond January to generate a buffer for the beach season.

Mayor Engelstad stated a buffer would be generated either way and extending the pre-season sale would be selling more badges at a reduced rate. He also stated the CFO suggested keeping the pre-season sale the same.

Councilman Weber stated he is in favor Ms. Rice's suggestion to keep the seasonal badge prices the same and lower the daily badge price to \$10.00 and is in favor of extending the pre-season badge sales.

Ms. Rice explained the benefit of ending the pre-season badge sale on December 31st and recommended if the Governing Body decides to extend the sale to do so at a reduced rate for 2021.

Ms. Rice stated badge sales for January and February are generally low She continued, this year additional staff and a different location to sell the badges would be necessary.

Councilman Weber is in favor of extending the sale of badges at a reduced rate if practical without involving of additional staff.

Ms. Rice suggested discounting the pre-season badge prices further to show good faith to the beach patrons and to entice people to purchase their beach badges during the pre-season.

Councilman Gubitosi stated he is in favor of having a shorter sale period with a larger discount. He also stated he feels more beachgoers may want to purchase badges as early as possible this year due to COVID-19.

Ms. Rice asked the Governing Body their thoughts on purchasing 10,000 adult badges to start for the upcoming season.

Councilman Sexsmith stated he is in favor of purchasing this amount of badges to start.

Councilman Gubitosi inquired what the incremental cost would be.

Ms. Rice responded the quoted price would be \$.38 per badge for 10,000 adult badges, 4000 senior badges and 1000 junior badges.

Councilman Gubitosi inquired if the amount per badge would be the same if 7000 badges were purchased.

Ms. Rice responded the amount per badge would remain the same.

Mr. Gubitosi inquired if there would be reason to incur an additional expense if there is not a discount on beach badges.

Ms. Rice stated it would be worth the minimal expense to have the additional badges for next season to avoid selling out before the season.

Councilman Weber stated he is in favor of purchasing 10,000 adult badges for next season.

Ms. Rice stated more badges can be ordered in the event of a sellout, the only limit would be COVID restrictions on the beach.

Mayor Engelstad asked Ms. Rice if it would be possible to sell badges through April on Friday and Saturday to ensure summer residents are able to purchase badges.

Ms. Rice responded it would be possible to do this.

Councilman Gubitosi inquired if pre-season badges can be purchased through VIPLY.

Councilman Weber inquired if badges can be sold at the pre-season rate on VIPLY.

Ms. Rice responded yes to both questions and stated VIPLY offered to give the Borough their email database to create a message to inform beachgoers of badge sales.

Ms. Rice explained the VIPLY consumer fees.

Councilman Weber stated he is in favor of selling pre-season adult badges at \$60.00 through the end of the year and early season adult badges at \$70.00 at a time to be discussed after that through VIPLY, but at some point offering in-person sales in addition.

Further conversation ensued regarding in person pre-season badge sales during the week and Wednesday evenings.

Mayor Engelstad clarified the pre-season badge price will be \$60.00, discount badge price will be \$70.00 and the price after will be \$80.00 with in person purchase available.

Councilman Gubitosi inquired if discounted badge prices for handicapped and veterans are available on VIPLY.

Ms. Rice replied yes.

B. 2020 Best Practices Inventory

Ms. Rice explained the Best Practices Inventory is an annual survey of 60 questions based on the best practices that the Borough currently has and what areas can possibly be improved.

After completing the survey with Administrator Brown, Ms. Rice presented the completed survey to the Governing Body. Ms. Rice continued the survey needed to be discussed at a meeting and resolution is required. Ms. Rice continued once the Clerk certifies the survey has been discussed, it is filed with the State and can be made available for public view.

Ms. Rice stated the survey is both a financial and administrative function.

Councilman Gubitosi stated this an impressive exercise and was surprised there were no answers to updating the employee handbook and incorporating an anti-nepotism policy. Mr. Gubitosi inquired if the Borough is in the process of updating the employee handbook and addressing an anti-nepotism policy.

Mayor Engelstad stated there is an anti-nepotism ordinance in the Borough.

Ms. Rice explained she discovered there was an anti-nepotism ordinance and changed the answer on the survey to reflect this and that she and the Administrator are currently in the process of updating the employee handbook.

Ms. Rice stated due to the scoring of this year's survey there is no withholding on State Aid.

Councilman Gubitosi stated there was not an answer for the monthly cash flow statements for liquidity management.

Ms. Rice explained cash flow statements are not a current practice in the Borough, however it is something she will strive in the future.

Councilman Sexsmith stated he was pleased to learn the labor attorney is reviewing the employee handbook specifically relating to anti-nepotism.

Ms. Rice stated the Best Practice Survey is a good tool to use for improvements.

C. Revised Ordinance 2020-19 LOSAP

Ms. Rice explained the following regarding the draft:

- **The ordinance has been amended to include EMS**
- **A referendum will have to be put on the ballot for the 2021 General Election.**

Ms. Rice stated this was not the time frame she was hoping for as \$15,000.00 was appropriated for the 2020 budget, however she will be able to switch the appropriation into the 2021 budget. Ms. Rice continued she would explore companies that handle the LOSAP funds and has additional information from the DCA on how to establish the LOSAP.

Councilman Gubitosi inquired if it would be possible to post the DCA information on the website.

Administrator Brown and Ms. Rice replied the information can be posted on the website.

Ms. Rice stated the DCA information has a lot of legalities that is more for attorneys and professionals to be able to properly establish the LOSAP.

Councilman Gubitosi suggested the Borough Attorney create a summary to accompany the information for easier interpretation.

Councilman Gubitosi asked if the amended draft included all EMS and all Firefighters whether or not they are residents of Bradley Beach and asked that the title of the ordinance include EMS.

Councilman Gubitosi also stated the dollar amount in the ordinance needs to be corrected and asked if this ordinance can be shared with Firefighter and EMS personnel as it is right now and ask them for feedback on the point system.

Borough Attorney Andrew Sobel stated the point system is regulated by the State not the department.

Councilman Bonn ell inquired if LOSAP funding is able to be released to younger members to offset education costs.

Mr. Sobel replied he would research this.

Councilman Sexsmith inquired if members would receive a LOSAP payout in 2021 or 2022.

Mr. Sobel and Ms. Rice were not sure and stated they would get clarification.

Councilman Gubitosi confirmed the payout would be in 2022.

ON MOTION by Engelstad/Weber to approve the Regular Meeting Minutes of September 22, 2020

Councilman Gubitosi requested an amendment to his statement regarding Shared Services and a Full-Time Zoning Officer.

Municipal Clerk, Erica Kostyz, noted this and edited Councilman Gubitosi statement.

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

APPROVED

Administrative Report:

PERSONNEL

The Borough is in the process of hiring a Full Time Zoning Officer and two (2) Administrative Assistants, one as a Receptionist and the other serving in more of a Bookkeeping role. The Borough is reviewing applications and performing interviews for the Zoning Officer and Receptionist positions, but as you can see regarding Resolution 2020-237 the Council is considering my recommendation to fill the Bookkeeper position. This position is the hub of our Procurement and Finance offices and primarily process various Department's requisitions and Purchase Orders. It is very much needed, and the Administration looks forward to Melissa serving in the position full time.

Mayor Engelstad asked if both positions are to filling the current vacant positions.

Administrator Brown clarified both positions are to fill current vacancies.

PROCUREMENT

The Borough is now moving into Phase 2, which is the final phase in which we are leasing copiers and printers in the Police Department, DPW and the balance of the Front Office. The Governing

Body is considering Resolution 2020-238 with the award of a contract to complete the leasing overhaul of the Borough's copiers and printers. If you recall, Phase 1 consisted of a majority of the printers and copiers in the Front Office for the Administration, Phase 2 now includes the Police Department, Public Works, which was not even on the network and two additional printers for the Administration. The entire Borough is now networked, monitored and new equipment all for the same cost as 2019 under this new contract.

Administrator Brown stated due to a technical problem, the meeting this evening is not being live streamed on YouTube.

Public Comment on Agenda items:

Shana Greenblatt-Janoff, 414 Monmouth Avenue, suggested a beach badge scholarship fund or ask beachgoers for a small donation to offer beach badges to residents who cannot afford to go on the beach.

Administrator Brown stated he would look into this.

Councilman Gubitosi asked Administrator Brown if the number of hours gate guards are on duty could be evaluated.

Administrator Brown replied yes.

Councilman Sexsmith stated on behalf of Fire Chief Zech, all Fire Departments work with the same LOSAP criteria.

Nancy Meadow suggested resident members of Clean Ocean Action that participate in beach sweeps should be offered beach badges if they cannot afford one.

Allen Rapaport, 512 Newark Avenue, stated the following:

- Inquired what the Borough's Anti-Nepotism Ordinance entails as he thought a relative of an Administrative figure was hired last summer.
- Commended Ms. Rice on her Best Practices presentation.
- Stated LOSAP is critical to retain and attract new members.

Administrator Brown explained the Anti-Nepotism Ordinance applies to Governing Body Members, relatives of department heads or other administrators and does not apply to seasonal or part-time employment.

Mr. Rapaport stated he feels a part-time employee related to a department head and working in the same department is a conflict of interest and feels that should be amended.

John Zech, Fire Department Chief, thanked administration for their efforts with the LOSAP Ordinance.

Ordinance Adoption(s)

ORDINANCE 2020-18

AN ORDINANCE ESTABLISHING THE SALARY OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, AND THE STATE OF NEW JERSEY AND REPEALING ANY AND ALL OTHER ORDINANCES INCONSISTENT HEREWITH

Schedule A

Community Development

Zoning Officer (Zoning Certification)

Minimum: \$8500.00 Maximum: \$85,000.00

ON MOTION by Engelstad/Weber to open the public hearing on Ordinance 2020-18
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

Public Hearing: Thomas J. Coan, 612 Third Avenue, expressed the importance of a full-time Zoning Officer and requested the selected applicant attend all Zoning and Planning Board meetings.

ON MOTION by Engelstad/Gubitosi to close the public hearing and adopt Ordinance
 2020-18
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

ADOPTED

Communication(s) N/A

CONSENT AGENDA:

ON MOTION by Engelstad/Gubitosi to approve the Consent Agenda
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-230 BILL LIST for 10-13-20

Resolution 2020-231 Authorizing a Gazebo Deposit Refund for Kelly Brand.

Resolution 2020-232 Authorizing a refund for Overpayment of Third Quarter Taxes for 604 Evergreen Avenue.

Resolution 2020-233 Authorizing a Zoning Permit Fee refund for 200 Park Place Avenue.

Resolution 2020-234 Authorizing a Street Opening Deposit refund to Coastal Custom Builders for 112 Third Avenue.

Resolution 2020-235 Authorizing the 2020 Halloween Curfew.

Councilman Weber inquired what last minute correction to Resolution 2020-235 was.

Ms. Kostyz explained the original Resolution had the former Governing Body members and has since been corrected.

APPROVED

RESOLUTIONS:

2020-236 Authorization to add CARES Act Funds to the 2020 Municipal Budget (Chapter 159)

Ms. Rice explained the Borough has been awarded \$164,796.39 by Monmouth County CARES Act Reimbursement for all expenses incurred during COVID-19 through August 31st. After consulting with the Borough Auditor, Ms. Rice was told the money would be added to the 2020 budget via a Chapter 159 resolution.

ON MOTION by Engelstad/Gubitosi to Add COVID-19 Funds to the 2020 Municipal Budget (Chapter 159).

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

APPROVED

2020-237 Authorizing Melissa Vecchiarelli as a Full-Time Administrative Assistant/Bookkeeper for Administration and Finance.

Councilman Gubitosi inquired if the annual salary can be stated in the resolution instead of the hourly rate given this is a full-time position.

Administrator Brown replied the resolution can be amended to state both.

ON MOTION by Engelstad/Gubitosi to Authorize Melissa Vecchiarelli as a Full-Time Administrative Assistant/Bookkeeper for Administration and Finance with the recommended amendment by Councilman Gubitosi.

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

APPROVED

2020-238 Awarding a Contract to Green Peak Imaging Solutions for Borough Copiers and Printers.

ON MOTION by Engelstad/Sexsmith to Award a Contract to Green Peak Imaging Solutions for Borough Copiers and Printers.

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

APPROVED

2020-239 Appointing Shade Tree Commission Members

Ms. Kostyz stated in addition to new member Larry Bagwell, she also all of the members and their roles as the l resolution did not state this.

Mayor Engelstad thanked Mr. Bagwell for offering his services to the Borough.

ON MOTION by Engelstad/Gubitosi to Appoint Shade Tree Commission Members.

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

APPROVED

MAYOR AND COUNCIL REPORTS:

Councilman Weber reported the following:

- **Thanked everyone that helped make the extended beach season a success.**
- **Stated the signage on the jetties is a great safety improvement.**
- **Stated DPW will be fencing all of the dunes on the east side and it is possible the Borough will be accepting Christmas trees to further build up the dunes on the east side.**
- **Reminded everyone dogs are allowed on the beach, but not on the boardwalk except to cross to get on the beach.**
- **The Shade Tree Commission has hired a tree expert for an interim period and thanked all of the members for their hard work. Mr. Weber also stated the Commission has received several applications to remove and replace trees and are looking for a few more members and alternates.**
- **Mr. Weber stated the Shade Tree Commission contributed to the plantings at the Maritime Forrest.**

Councilman Sexsmith reported the following:

- **Reported the Fire, First Aid calls for September.**
- **Announced the First Aid Squad has three new volunteer members in queue.**
- **Announced the Fire Department has three new members currently at the Fire Academy.**
- **Reported the Fire Department will be conducting the annual required mask fit tests required by the State.**
- **Stated on behalf of Chief Zech the Fire Department and First Aid are well coordinated and work well with one another.**
- **Gave the Police Department report.**

Councilman Gubitosi reported the following:

- **Mr. Gubitosi requested documentation shared by former Zoning Officer George Waterman to continue sharing information with the Zoning Work Group.**
- **The Sylvan Lake Commission is working on restructuring the Charter that exists between Bradley Beach and the Borough of Avon.**
- **The Maritime Forest held a ceremony on October 2nd for Phase III Improvements. Mr. Gubitosi thanked the DPW and the Lifeguard Heads for giving up a parking**

area and two parking spaces to convert the area into vegetation.

- **Mr. Gubitosi also thanked DPW for having a person available all afternoon to assist if needed with planting the vegetation.**
- **Reported the Friends of the Library had a huge success selling books from their inventory during the Town Wide Yard Sale this past weekend.**
- **Mr. Gubitosi reported the Shade Tree Commission is in the process of reviewing the Ordinance for possible revisions.**
- **Requested a Community Center Task Force meeting to discuss the current status of the former Church.**
- **Mr. Gubitosi reported he and a website team consisting of five residents and two new members of the Strategic Planning Task Force and Tourism Director Amy Hall have been working on future website revisions.**
- **Reported the Finance Committee have been assessing the current debt load and looking into refinancing.**
- **Mr. Gubitosi expressed several concerns regarding the delay for the completion of the 2019 Audit. Mr. Gubitosi continued the prior Auditor specifically referenced COVID-19 as one of the reasons. Mr. Gubitosi stated his understanding is that is not the cause for delays in other municipalities.**
- **Mr. Gubitosi stated a letter was received from the prior Auditor on August 24th raising concerns about the 2019 closing statements and as of 12/31/19 the Borough's three fund accounts have not been reconciled effectively. Mr. Gubitosi also stated a number of other areas within the 2019 audit are also a concern.**
- **Mr. Gubitosi stated the prior Auditor is referencing concerns for 2019 that were not referenced in 2017 and 2018.**

Councilman Bonnell thanked all Administration, Office Staff and DPW for their hard work in what was a transitional year.

Mayor Engelstad reported the following:

- **The Library continues to have curbside pick-up for materials, curbside crafts and virtual programs for all ages.**
- **Stated DPW is currently getting pricing to replace the Gazebo on Cliff Avenue.**
- **Announced there will be an outdoor Veteran's Day Event on November 11th at Riley Park and resident and Vietnam Veteran Bill Psiuk will be the guest speaker.**

Public Comment:

Paul Neshamkin, 411 ½ LaReine Avenue, stated two Bradley Beach Historical presentations that took place this past Sunday will be posted online this week for public view.

Mr. Neshamkin stated he feels it is critical to have a Community Center Task Force meeting as soon as possible to discuss the work that needs to be done with the United Methodist Church.

Allen Rapaport, 512 Newark Avenue, expressed several concerns regarding the delay with the 2019 Audit report and inquired if there is an alternative if the prior Auditor cannot deliver the

report.

Councilman Gubitosi also expressed concerns in the delay of the audit report.

Ms. Rice stated she received an email from the prior Auditor today stating he would be starting the Code and Zoning work this Thursday. Ms. Rice continued she worked with the prior Auditor for several days in August working on the ending balances 12/31/19.

Mr. Rapaport suggested the Governing Body report the prior Auditor to the State Ethics Board if the report cannot be delivered.

Councilman Gubitosi stated the reconciliations 2019 was not handled properly and clarified his concerns are that they were not handled properly in previous years.

Mr. Rapaport expressed his disappointment the prior Auditor is not fulfilling his obligation to the Borough.

Mayor Engelstad confirmed the prior Auditor has not been paid and directed the Borough Attorney to pursue whatever actions can be taken towards the prior Auditor. Mayor Engelstad also apologized for the prior Auditor's lack of service to the Borough.

Nancy Meadow, inquired what the status is on the Property Tax Program since the resolution was passed earlier this year.

Ms. Meadow stated she has made numerous requests to have reviews after an event.

Ms. Meadow commended DPW for placing a much needed fire hydrant near her residence and replacing the parkway strip at the intersection on her street.

Rick Bartolomei, 116 Newark Avenue, inquired what the Notice of Intent for File Bank is.

Administrator Brown explained what the File Bank is to Mr. Bartolomei.

Paul Neshamkin ,411 ½ LaReine Avenue, encouraged the town to put together a plan to save the movie theater as he does not want to see it torn down or become something else.

Thomas J. Coan, 612 Third Avenue, requested a copy of the email to Ms. Rice from the prior Auditor and asked if this can be posted to the website.

Mayor Engelstad and Ms. Rice told Mr. Coan he may do an OPRA request.

Mr. Coan thanked Ms. Rice for her information this evening stated the previous CFO, Administrator and Auditor should be held responsible for poor bookkeeping.

ON MOTION by Engelstad/Gubitosi/to go into an Executive Session to discuss Legal Matters.

The Governing Body and The Administration went into Executive Session at 8:39 p.m. by means of Communication Equipment due to COVID-19 to discuss Legal Matters.

The Governing Body and the Administration returned from Executive Session at 9:21 p.m.

ON MOTION by Engelstad/Gubitosi to return from Executive Session.

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

Engelstad/Gubitosi moved to adjourn.

ADJOURNED 9:23 P.M.



Erica Kostyz, RMC, CMR
Municipal Clerk