

**BOROUGH OF BRADLEY BEACH**

**REGULAR MEETING MINUTES**

**December 8, 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.

**CALL TO ORDER**

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

Mayor Engelstad requested a moment of silence for the 17,426 New Jersey residents who have lost their lives to the COVID-19 pandemic.

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 Gregory Cannon  
Municipal Clerk Erica Kostyz

Workshop Discussion:

Council President Weber stated he has received several complaints from residents regarding various signage (Ex. Air B & B, Real Estate, construction, etc.) in residential areas. Mr. Weber suggested revisiting the current Signage Ordinance to make revisions for residential areas stating more clearly what is and is not permitted.

Councilman Sexsmith stated he reviewed signage ordinances from other towns and found them to be similar to Bradley Beach and feels there is room within the Borough’s ordinance to make revisions.

Councilman Gubitosi agreed with Council President Weber stated there should be stricter parameters on various residential signage. Mr. Gubitosi continued in regards to political signage, it was brought to his attention after this past election this could be a restriction to people’s right to freedom of speech. Mr. Gubitosi suggested revisiting the political ordinance as well.

Mayor Engelstad stated he is in favor of making revisions to the current signage ordinance with regard to real estate.

Councilman Sexsmith stated rental property signs should also have a time frame.

Borough Attorney Greg Cannon stated reasonable restrictions can be revised in the signage ordinance for temporary/commercial signage. Mr. Cannon continued in regards to political signage, it will be somewhat difficult to make revisions as a lot of boundaries have been expanded over the last several years in terms of what constitutes free speech and that is ultimately up to the voters to decide what is appropriate.

Mr. Cannon asked the Governing Body is requesting revisions for residential zones only or across the town.

Councilman President Weber, Councilman Gubitosi, Councilman Bonnell and Councilman Sexsmith all responded residential zones only.

Mr. Cannon stated he will create a draft ordinance with the requested revisions.

ON MOTION by Engelstad/Bonnell to approve the Regular Council Meeting Minutes of November 24, 2020.

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

**APPROVED**

ON MOTION by Engelstad/Gubitosi to approve the Executive Session Minutes of November 24, 2020.

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

**APPROVED**

**Administrative Report:**

**PAYCHEX**

The Borough is currently beginning to onboard with its new payroll software and platform, PayChex and we plan on running our first payroll from it on January 15, 2021. This new software has a Human Resource Information System component to it and as the Borough Administrator I will begin to roll our Employee Evaluations in January 2021 and will be affectively completed by January 31, 2021.

**DIRECT DEPOSIT**

The Governing Body approved Resolution 2020-181 on July 14, 2020, which authorized the implementation of mandatory payroll through direct deposit for all Borough Employees and Elected Officials. The Administration will begin to ensure that everyone on payroll is doing so with direct deposit.

**AUDIT UPDATE**

The CFO and I received from the Borough's Auditor for our review and signature, the 2019 Intro Letter as well as the Representation Letter. The Borough's CFO has also received two emails today from the Boroughs Auditor, which provided the CFO with the audit schedules for all of the accounts with the exception of the Current Fund, Tourism and Trust Accounts. I strongly state that it is not a complete audit, but it is definitely progress in the right direction and will allow the CFO to make the necessary entries in these accounts. However, I note that the Auditor did not provide audit schedules for the Current Fund, which is a significant portion of the Audit and the Administration will continue to apply pressure to the Auditor to deliver the balance of the Audit.

### **BEACH BADGE SALES**

I am pleased to announce that the Borough's Beach Badge Sales are going well. The operation is running efficiently and safe. Last year at this time the Borough's revenue on sales was \$183,613.00 as of this week the Borough's revenue on sales is \$206,860. I wish to extend my thanks and gratitude to the staff that's working the sales out of the Biase Center.

### **INTRODUCE COUNCIL PRESIDENT WEBER**

**Council President Weber thanked the Municipal Clerk, Erica Kostyz, Administrator Brown and Councilman Sexsmith for assisting in the arrangements for the Mayor's Proclamation Ceremony.**

**Council President Weber thanked Stephanie Engelstad for her time and input with helping the Borough make decisions over the last 16 years.**

**Council President Weber presented the following Proclamation to Mayor Engelstad.**

#### **Proclamation**

#### **Honoring Mayor Gary Engelstad**

WHEREAS, Gary Engelstad has lived in Bradley Beach with his wife Stephanie and family since 1996; and

WHEREAS, Gary served on Borough Council from 2004 to 2012; and

WHEREAS, Gary served as Borough Council President from 2004 to 2005; and

WHEREAS, Gary has served as Mayor from 2012 through 2020; and

WHEREAS, Gary has served on numerous boards and commissions, including the Planning Board, Recreation Board, Library Board, Fletcher Lake Commission, Arts Council, and other mayor and council liaison positions; and

WHEREAS, Gary's oversight and leadership helped the borough safely navigate the financial crisis of 2008; and

WHEREAS, Gary was instrumental in helping to restore the borough and it's beachfront following Hurricane Sandy in 2012; and

WHEREAS, Gary has provided unwavering leadership during the COVID-19 global pandemic of 2020; and

WHEREAS, Gary has decided not to seek reelection as Mayor of Bradley Beach;

NOW THEREFORE IT BE RESOLVED, the Council, all of the employees and residents of Bradley Beach, say “Thank You” Gary for your outstanding leadership, dedication of service, love of Bradley Beach, and wish you and your family well in all of your future endeavors.

**Council President Weber also presented Mayor Engelstad with a personal plaque and gavel and announced there will be a plaque placed in Borough Hall in honor of Mayor Engelstad.**

**The Governing Body thanked Mayor Engelstad for his years of service, expertise and hard work to make Bradley Beach a better place.**

**Public Comment on Agenda items:**

**Nancy Meadow expressed concern with resolution 2020-283 authorizing a salary increase for department heads in 2021 on the Agenda and feels the public needs more clarification.**

**Administrator Brown explained the resolution is for department heads that do not have a contract at present.**

**Thomas J. Coan, 612 Third Avenue congratulated the Governing Body for adopting Ordinance 2020-19 this evening. Mr. Coan also stated he agrees with Ms. Meadow regarding the salary increase and feels it should be tabled.**

**Mr. Coan inquired if Ordinance 2020-21 is COVID-19 generated.**

**Ms. Rice explained the Ordinance is to cover any loss of revenue and defer such charges over the next five years by applying to the state for a special COVID-19 Emergency.**

**Mr. Coan stated the signage ordinance revision should include sandwich board signs with limitations and gave suggestions for real estate signage restrictions.**

**Ordinance Adoption(s):**

#### **ORDINANCE 2020-19**

**AN ORDINANCE SUPPLEMENTING THE BOROUGH’S REVISED GENERAL ORDINANCES WITH NEW CHAPTER 63: “LENGTH OF SERVICE AWARDS PROGRAM” TO PROVIDE INCENTIVES FOR RECRUITING AND RETAINING VOLUNTEER FIREFIGHTERS WITHIN THE BOROUGH**

ON MOTION by Engelstad/Sexsmith to open the public hearing for Ordinance 2020-19.  
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**Councilman Sexsmith stated this ordinance will be an excellent tool to rejuvenate the Fire Department and the First Aid Squad.**

**Mayor Engelstad inquired if there is any election prior to the 2021 General Election the referendum for this ordinance can be applied to.**

**Administrator Brown replied there is not.**

**Councilman Gubitosi stated the ordinance will enable the Borough to reward current members of the Fire Department and the First Aid Squad.**

ON MOTION by Engelstad/Sexsmith to close the public hearing and adopt Ordinance 2020-19.  
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

### **ORDINANCE 2020-21**

#### **AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A. 40A:4-53**

ON MOTION by Engelstad/Gubitosi to open the public hearing for Ordinance 2020-21.  
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**Public Comment: None**

ON MOTION by Engelstad/Sexsmith to close the public hearing and adopt Ordinance 2020-21.  
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ADOPTED**

**ORDINANCE 2020-22**

**AN ORDINANCE ESTABLISHING CERTAIN SALARIES 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**

**Administration**

**Beach Manager**

**Minimum: \$5500.00                      Maximum: \$35,000.00**

**Assistant Beach Manager**

**Minimum: \$2500.00                      Maximum: \$15,000.00**

ON MOTION                      by Engelstad/Gubitosi to open the public hearing for Ordinance 2020-22.  
ROLL CALL                      AYES:        Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad  
    NAYS:        None  
    ABSENT:    None  
    ABSTAIN: None

**Council President Weber expressed he is pleased the Borough will have a Beach Manager and Assistant Beach Manager and feels the salary amounts are fair for both positions.**

**Councilman Gubitosi concurs with Councilman Weber and stated he is more comfortable with the Beach Manager salary but feels the Assistant Beach Manager salary is too high.**

**Nancy Meadow expressed concern with issuing raises to Borough Employees without having a public review and inquired if the Beach Manager will have the responsibilities of managing the Gate Guards or if that will fall under the Borough Hall employees.**

**Mayor Engelstad explained after a review of the 2020 beach season, it was determined especially on the financial side, a need of more direct lines of reporting for the beach staff.**

**Councilman Weber clarified the funding for these salaries is coming from of the Beach Fund which includes all beachgoers that purchase beach badges, seasonal and daily and not the taxpayer's money.**

**Thomas J. Coan, 612 Third Avenue, feels this ordinance should have been workshopped and thanked the Council for implementing a Beach Manager position.**

ON MOTION                      by Engelstad/Sexsmith to close the public hearing and adopt Ordinance 2020-22.

ROLL CALL           AYES:     Bonnell, Sexsmith, Weber, Mayor Engelstad  
                          NAYS:     Gubitosi (due to Assistant Beach Manager amount)  
                          ABSENT:  None  
                          ABSTAIN: None

**ADOPTED**

**Communications: N/A**

**CONSENT AGENDA:**

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

- 2020-276     12-8-20 BILL LIST**
- 2020-277     Authorizing the cancellation of Property Tax Delinquencies and Credit Balances under \$10.00.**
- 2020-278     Authorizing a refund to Gallagher Nutting for a certified copy fee.**
- 2020-279     Authorizing a Lienholder Redemption Refund for 704 ½ Evergreen Avenue (Rear) in the amount of \$14,388.82.**

**APPROVED**

**RESOLUTIONS:**

**Resolution 2020-280 Approval of the 2021 Council Meeting Dates.**

ON MOTION           by Council President Weber/Bonnell to approve the 2021 Council Meeting Dates.

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

**APPROVED**

**Resolution 2020-281 Authorizing the Cancellation of 2020 Unexpended Budget Appropriations.**

ON MOTION           by Engelstad/Weber to Authorize the Cancellation of 2020 Unexpended Budget Appropriations.

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

**APPROVED**

**Resolution 2020-282 Appointing Mary Jo Corkery as a Member of the Shade Tree Commission.**

ON MOTION           by Engelstad/Weber to Appoint Mary Jo Corkery as a Member of the Shade Tree Commission.

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

**APPROVED**

**Resolution 2020-283 Authorizing a Two and One Half Percent (2.5%) Salary Increase for all Department Heads and Non-Collective Bargaining Agreement Employees for 2021.**

**Councilman Bonnell commended the Administrative Staff for their efforts throughout this difficult year.**

**Councilman Gubitosi commended the Administrative Staff for doing an exceptional job during a very trying year.**

ON MOTION           by Engelstad/Weber to Authorize a Two and One Half Percent (2.5%) Salary Increase for all Department Heads and Non-Collective Bargaining Agreement Employees for 2021.

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

**APPROVED**

**Resolution 2020-284 Awarding the 2021 Electronic Badge System Agreement to Viply, LLC.**

ON MOTION           by Engelstad/Weber to award the 2021 Electronic Badge System Agreement to Viply, LLC.

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:

- Reminded everyone to be safe and practice social distancing during the Holidays.
- Thanked Shawn Heeter and the Borough Staff for doing a good job with beach badge sales.
- Announced there will be upgrades to the Maritime Forest and DPW will be donating their time and services.
- Congratulated Ms. Corkery as the newest Shade Tree Commission member and commended the Shade Tree Commission for their hard work.
- Councilman Weber stated he recently met with the Code Enforcement Officer and the Zoning Officer to review the new ordinances adopted over the last few months and to discuss how this will affect their day to day work.
- Councilman Weber stated Main Street Park and Riley Park look great.
- Thanked the Tourism Commission for their dedication in keeping residents engaged during this trying time and wished everyone a Happy Holiday.

Councilman Sexsmith stated in regards to the 2019 Audit mentioned in the Administrator's the previous Auditor should be held accountable for poor performance and commended the CFO and the Administrator for doing a great job with the finances despite the 2019 audit issues. Mr. Sexsmith wished everyone a safe and Happy Holiday.

Councilman Gubitosi asked Councilman Sexsmith if there have been any decisions made to safeguard the alleyway behind D'Arcy's Tavern due to recent safety concerns.

Councilman Sexsmith responded the Police Department has done improvements to the signage to prevent further mishaps.

Police Lieutenant and Traffic Officer James Arnold gave an update on the additional safety measures put in place at the alleyway.

Councilman Gubitosi asked if it would be possible to install speed bumps in this alleyway.

Lt. Arnold responded speed bumps have been discussed, but there are concerns with residents tripping over them at night, cyclists falling and difficulties plowing snow during the wintertime.

Councilman Gubitosi suggested the Police Department consider safety measures as this is a high traffic alleyway.

Councilman Bonnell stated the Giamanno's alleyway has been closed and suggested closing the D'Arcy's alleyway off for safety purposes also.

Councilman Gubitosi reported the following:

- Councilman Gubitosi stated he is happy the Governing Body was able to adopt the

LOSAP ordinance before the end of the year.

- Commended the DPW for their assistance with the Maritime Forest.
- The Sylvan Lake Commission is finalizing restoration plans to present to the NJDEP.
- The Finance Committee have been working on how to resolve the 2019 Audit report issue, revising the unfunded liability fund and exploring the pros and cons of selling the sewer system.
- The Community Center Task Force have been discussing the costs for renovations.
- Thanked Mayor Engelstad for his years of service.

Councilman Bonnell thanked the Police, Fire and First Aid Departments for their additional efforts put into this year due to the pandemic and thanked the Administrative Staff for doing a great job.

Mayor Engelstad reported the following:

- Expressed condolences on the passing of Jim McPherson.
- Gave a report on the Library programs and services.
- Announced Vicky Johnson will be stepping down as Chair of the Library for her years of service on the Library Board and thanked her for her years of service.
- Announced Shirley Ayers will be retiring from her position as the Historian for Bradley Beach and thanked her for her years of service and devotion to the town.
- Commended the DPW for doing a great job with Main Street and Riley Park.

**Public Comment:**

**Nancy Meadow, is in favor of closing the alley behind D’Arcy’s Tavern. Ms. Meadow also stated she is in favor of restricting signage policies.**

**William Psiuk, 110 Fifth Avenue, stated the Giamanno’s alleyway has been temporarily closed due to construction, not permanently and stated he is not in favor of closing the other alleyways as residents garages are placed there and use the alleyways to come and go.**

**Rick Bartolomei, 116 Newark Avenue, inquired if there is an update on the Showroom Cinema.**

**Mayor Engelstad replied there are many interested potential buyers but nothing definite to date.**

**Mr. Bartolomei inquired where the location is regarding the Newark Avenue Roadwork Bid recently advertised in the newspaper.**

**Administrator Brown responded he did not have that information in front of him and asked Mr. Bartolonei to contact him tomorrow.**

**Mr. Bartolomei inquired if the Request for Proposals newspaper advertisement to appoint various professionals in 2021 a typical procedure.**

**Administrator Brown responded yes.**

**Borough Attorney Greg Cannon explained the Local Public Contracts Law prevents the Borough from awarding a contract longer than one year to a professional appointment**

such as the Attorney, Engineer, etc.

In regards to Mr. Psiuk's public comments, Councilman Bonnell stated closing the alleyways in town will not affect the residents that live there, the intent is to prevent the random traffic that goes through there.

Paul Neshamkin, 411 ½ LaReine Avenue, saluted Shirley Ayers for her years of service and the Police Department for their professionalism and assistance during a recent incident he needed assistance with.

John Naples, 110 Second Avenue, thanked Mayor Engelstad for his years of service with the town and wished everyone a Happy Holiday.

Mayor Elect, Larry Fox, thanked the Governing Body, the professionals and the volunteers for their hard work this year and thanked Mayor Engelstad for his years of service.

Mary Ann Spilman, 902 Ocean Avenue, asked for an update on the Salt Restaurant.

Borough Attorney Greg Cannon responded the lease negotiations with the respondent have failed and the respondent will not be proceeding with the project.

Rona Parker, 27 Atlantic Avenue, thanked Mayor Engelstad on behalf of the Environmental Commission for his strong support and leadership with the Plastic Film Project and the Maritime Forest.

Don Greenberg, 302 Park Place Avenue, suggested making the alleyways in town "No through Traffic" to avoid random traffic.

Fire Chief John Zech thanked the Governing Body for the adoption of the LOSAP ordinance and wished Mayor Engelstad the best of luck.

Thomas J. Coan, 612 Third Avenue, thanked the Governing Body for their persistence with the 2019 Audit and would like to see a workshop regarding the unfunded liability fund. Mr. Coan thanked Mayor Engelstad for his years of service to the town.

Mayor Engelstad thanked everyone for their comments and gave a speech on his family history and the start of his political career in Maryland and Bradley Beach. Mayor Engelstad stated one his greatest accomplishments in the town was making the Borough Library Handicapped accessible. Mayor Engelstad thanked the residents for their support and trust, all Administration and Staff, past and present he has worked with and the many town volunteer organizations. Mayor Engelstad stated Mayor Elect Fox will be served by some incredible people and thanked his children and his wife for their support.

Mayor Engelstad ended the meeting with an old quote from Theodore Roosevelt and stated it has been an honor to serve as the Mayor.

Engelstad/Gubitosi moved to adjourn.  
Adjourned at 8:20 p.m.

*Erica Kostyz*

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Erica Kostyz, RMC, CMR  
Municipal Clerk