

REGULAR MEETING MINUTES

April 14, 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 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.

Mayor Engelstad requested a moment of silence for those who have fallen victim to COVID-19.

ROLL CALL 6:30 pm

Present: Council: Bonnell (arrived at 6:41), Gubitosi, Sexsmith, Weber, Mayor Engelstad
Borough Administrator David G. Brown II
Chief Financial Officer Sandra Rice
Borough Attorney Gregory Cannon
Deputy Municipal Clerk Erica Kostyz

Mayor Engelstad thanked Councilman Weber for the suggestion to have Registered Nurses Lindsay Deluca and Ronnie Cahill and thank them and all medical personnel who are putting their lives at risk during this time.

Lindsay Deluca, a Registered Nurse in Medical ICU at Jersey Shore Medical University spoke of how all the hospital staff have pulled together and working to make things better during COVID-19.

Councilman Weber thanked Ms. Deluca for her time and speaking at the meeting.

BID OPENING: Second Avenue Concession Stand

NO BIDS OFFERED

Borough Attorney Greg Cannon explained under the Local Public Contracts Law, in the presence of two failed bids, the Borough may now negotiate the contract for the Second Avenue Concession directly with vendors to award a contract under the same terms.

ON MOTION by Engelstad/Gubitosi to approve the Regular Meeting
Minutes of March 24, 2020

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

APPROVED

ORDINANCE FINAL HEARING AND ADOPTION

BOROUGH OF BRADLEY BEACH BOND ORDINANCE NUMBER 2020-3

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE NORTH END OF THE BOARDWALK (A BEACH UTILITY IMPROVEMENT), BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$490,000 THEREFOR (INCLUDING A GRANT FROM THE MONMOUTH COUNTY OPEN SPACE PROGRAM IN THE AMOUNT OF \$180,000) AND AUTHORIZING THE ISSUANCE OF \$310,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

ON MOTION by Engelstad/Gubitosi to open public hearing on Bond Ordinance 2020-3
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

A discussion ensued between the Mayor, the Council, the Borough Engineer, the Borough Attorney, the Borough Administrator and the CFO regarding the adoption of this ordinance this evening. The concerns addressed were who will be performing the labor, the labor involved, the revenue that will be generated in the next few months, the materials to be used and the length of time in which the ordinance can be tabled in order to avoid losing the grant funding. The CFO and the Borough Engineer agreed to do further research and reach out to the County for guidance regarding the grant money and time constraints involved in order not to jeopardize losing the grant.

Public Hearing:

Thomas Coan 612 Third Avenue stated Ordinance 2020-3 should be passed this evening in order to get the best utilization of this grant.

Further discussion continued between the Mayor, the Council, the CFO, the Borough Attorney and the Borough Engineer as to how the bond portion will be funded. Concerns were expressed regarding how the success of beach season will be impacted by to COVID-19. Doing the work in house versus a private contractor was also discussed. It was decided to table Ordinance 2020-3 to do more research.

ON MOTION by Engelstad/Weber to table Bond Ordinance 2020-3
ROLL CALL AYES: Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Video/audio connection was temporarily lost with Councilman Bonnell

TABLED

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE NO. 2020-07

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2020**

CFO Sandra Rice gave an explanation of this ordinance and its importance at the request of Mayor Engelstad.

ON MOTION by Engelstad/Gubitosi to open public hearing on Ordinance 2020-7
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing:

Thomas Coan 612 Third Avenue stated he is in favor of this ordinance due to the situation with COVID-19.

ON MOTION by Engelstad/Weber to close the public hearing and adopt Ordinance 2020-7
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

Communication(s) N/A

Public Comment on Agenda items:

Thomas Coan 612 Third Avenue questioned whether an item on the bill list regarding payment for beach lockers is for new lockers or to replace existing lockers.

Councilman Gubitosi suggested to confirm this with the front office, however, he believes the appropriation in question is for new lockers that would be for the sale and generate revenue in addition to current lockers.

Paul Neshamkin, 411 ½ La Reine Avenue offered congratulations to the Borough for closing on the United First Methodist Church. He thanked the Mayor and the current and past members of the Council and all of the Bradley Beach residents who made this possible. Mr. Neshamkin stated he created The Friends of the Bradley Beach Community center, a not for profit corporation and a 501(C)-(3) IRS status to help secure grants and financial support for upcoming renovations. He hopes the Mayor and Council are in favor of adopting the resolution to appoint a Community Center Task Force this evening.

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

Resolution 2020-85 BILL LIST for 4-14-20

Resolution 2020 86 Authorizing a Gazebo Rental refund of \$750.00 to Kerry Friedman

Resolution 2020-87 Authorizing a tax payment refund in the amount of \$3214.38 to Corelogic for overpayment on first quarter taxes for property 314 Fifth Avenue Block 49, Lot 21.

Resolution 2020-88 Approving the Letter of Endorsement for the Maritime Forest Phase III Application to ANJEC Open Space Grant.

Resolution 2020-89 Authorizing the award of an Emergency Procurement of Silent Messenger Board with trailer for the Coronavirus Response.

Resolution 2020-90 Authorizing Award of Lease for Food Truck Concession at Newark Avenue Beachfront Promenade (Block 99, Lot 1) to Josephine Ferrara, LLC for the 2020 Summer Season.

Resolution 2020-91 Authorizing for Emergency Temporary Appropriations for period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

Resolution 2020-92 Authorizing a Resolution Urging the State of New Jersey to Hold Fossil Fuel Companies Accountable for Damages and Mitigation Costs due to Climate Change and Sea Level Rise.

Mayor Engelstad requested Councilman Gubitosi read aloud the Letter of Endorsement for the Maritime Forest Phase III Application. The letter was not available and the Borough Attorney Greg Cannon read Resolution 2020-88 aloud.

Councilman Gubitosi gave a description of the background for the Maritime Forest and the involvement of Captain Al Mojeski and Jim Shissias.

Councilman Weber gave an explanation of Resolution 2020-92.

APPROVED

CONSENT AGENDA ITEMS VOTED OUT SEPARATELY:

ON MOTION by Engelstad/Weber to approve the following voted out separately from the Consent Agenda and amended to add a Council Liaison and four public members instead of two.

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

Resolution 2020-93 Appointing a Community Center Task Force Committee.

APPROVED

RESOLUTIONS:

ON MOTION by Engelstad/Weber to Authorize an agreement with Leon S. Avakian, Inc. for construction administration and final plans and specifications in relation to the Boardwalk Upgrades for Newark and Cliff Avenues.

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

Resolution 2020-94 Authorizing an agreement with Leon S. Avakian, Inc. for construction administration and final plans and specifications in relation to the Boardwalk Upgrades for Newark and Cliff Avenues

TABLED

ON MOTION by Engelstad/Weber to Authorize a Professional Engineering Services Agreement with Leon S. Avakian, Inc. for construction administration and inspection services in relation to the Improvements to Newark Avenue Phase 1, Cliff and Kent Avenues.

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

Resolution 2020-95 Authorizing a Professional Engineering Services Agreement with Leon S. Avakian, Inc. for construction administration and inspection services in relation to the Improvements to Newark Avenue Phase 1, Cliff and Kent Avenues

APPROVED

ON MOTION by Engelstad/Weber to Authorize a resolution temporarily prohibiting all hotels, motels, guest homes, or private residences, or parts thereof, from accepting any new transient guests, short-term tenants, or seasonal tenants as of 8:00pm on April 14, 2020.

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

Resolution 2020-96 Authorizing a resolution temporarily prohibiting all hotels, motels, guest homes, or private residences, or parts thereof, from accepting any new transient guests, short-term tenants, or seasonal tenants as of 8:00pm on April 14, 2020.

Councilman Weber requested to clarification for the public as to when this ban will be lifted by the State.

Borough Attorney Greg Cannon with the assistance of Borough Administrator David Brown responded it is self-terminating when the Governor lifts the Executive Order.

APPROVED

ON MOTION by Engelstad/Bonnell to Authorize David G. Brown II, the Borough Administrator to serve as Fund Commissioner to the Monmouth Municipal Joint Insurance Fund.

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

Resolution 2020-97 Authorizing David G. Brown II, the Borough Administrator to serve as Fund Commissioner to the Monmouth Municipal Joint Insurance Fund.

APPROVED

MAYOR AND COUNCIL REPORTS

Councilman Weber reported the following:

- **An explanation for the delay for the Shade Tree Ordinance**
- **Pleasantly surprised how residents are respecting the boardwalk closure and said additional access was added to go onto the beach.**
- **A species of birds called the Oyster Catchers are in season on the beach and advised everyone to give them their space and privacy.**
- **Appreciates DPW cleaning the Church property.**

Councilman Sexsmith reported the following:

- **The Memorial Day Parade is still on schedule.**
- **The Fire and First Aid are appreciative of the PPE that has been donated and both organizations are still answering calls.**
- **The Police Department and OEM have been working with the County and the State regarding COVID-19.**
- **Thanked Lieutenant Terry Browning for making several cloth masks on his own time for Borough workers and essential personnel and thanked the Police Chief for covering the cost of materials.**
- **Reminded everyone to keep their distance from the wild seals spotted on the beach as they are wild animals and to call the police department if they are injured.**

Councilman Gubitosi reported the following:

- **Requested the hearing before the Planning Board regarding changes to the Shade Tree Commission Ordinance be quick.**
- **The Food Pantry is looking for volunteers, food and paper bag donations.**
- **Gave recognition to all of the essential workers with regards to COVID-19.**

Councilman Bonnell thanked the Police Department for their hard work and service.

Mayor Engelstad reported the following:

- **Thanked the residents for respecting Social Distancing and hopes everyone continues to do so.**
- **Encouraged everyone to keep supporting the local businesses in town that are open.**
- **Thanked the Police Department for their hard work.**
- **Thanked the Borough Administrator for all of his assistance.**

PUBLIC COMMENT:

Thomas Coan 612 Third Avenue congratulated the Mayor and Council on the Newark Avenue Concession and the purchase of the United Methodist Church and inquired if there will be any Shade Tree Commission revision workshops.

Mayor Engelstad responded that is possible.

Julie Nutaitis 605 Newark Avenue inquired if the Borough can partner with Habitat for Humanity or apply for Community Development Block Grant to assist the elderly or less fortunate residents who are in need of help with property maintenance.

Mayor Engelstad replied he can reach out to Habitat for Humanity to see if they are looking for opportunities.

Weber/Gubitosi moved to adjourn

MEETING ADJOURNED: 8:03 P.M.

Erica Kostyz, RMC, CMR
Deputy Municipal Clerk