

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

June 23, 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 to remember the 12,895 New Jersey residents who have passed from the COVID-19 crisis and for reflection of the painful and successful progress New Jersey has made over the last few weeks.

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

ON MOTION by Engelstad/Bonnell to approve the Regular Council Meeting Minutes of June 9, 2020

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

APPROVED

Administrative Report

Administrator Brown gave reports on the following:

Code Enforcement:

- The Borough is seeing improved conditions within the town. To further these improvements, the Borough will be hiring an additional part-time Code Enforcement Officer that will be focused on property maintenance and zoning enforcement. The goal

of the new Code Enforcement Officer will be to educate residents about their property and business owners about Borough regulations.

Beach Operations:

- The Beach is running well with occasional complaints that are being addressed daily.
- The borough had an average of 5600 beachgoers over the last two weekends and 2800 during the week. The capacity for the beach at this time is 10,000 for social distancing purposes. He continued after discussion with the Governing Body, OEM and Administration, it had been decided to change the maximum capacity from 10,000 to 11,000 and order an additional 1000 adult seasonal badges and place them on sale in the near future.

Mr. Brown reported the Borough recently closed out the 2016 Sylvan Grant Park Improvement Project for Phase I and the Borough is expected to receive \$141,000.00 reimbursement from the Monmouth County Parks System.

Public Comment on Agenda items:

Thomas Coan, 612 Third Avenue, expressed concerns about the Local 152 contract and the contract for the Director of Public Works. He stated his concern is not how the work is done, but the financial responsibility of the taxpayers. He inquired who prepared the Director of Public Works contract.

Administrator Brown stated he prepared the contract and explained it is a contract carried over from three years ago.

Mr. Coan stated he felt the DPW contract was not reviewed in depth and requested to see more in depth clarity with regards to vacation, sick time and the cap on sick leave.

Mr. Coan stated the Local 152 contract should have the names of persons that are getting a raise and expressed concerns regarding differential overtime. Mr. Coan then inquired who negotiated this contract.

Administrator Brown replied it is not normal practice to place names in the contract and that he negotiated the contract with the Union.

Mr. Coan requested both resolutions be tabled this evening for further review and revision and brought back at the next meeting.

Mr. Brown respectfully disagreed and stated both contracts were written in MOA format and revisions can be made

ORDINANCE 2020-11

**AN ORDINANCE SUPPLEMENTING THE BOROUGH'S
REVISED GENERAL ORDINANCES WITH NEW
CHAPTER 328: "OVERCROWDING OF DWELLINGS" TO
ESTABLISH AND REGULATE THE MAXIMUM
OCCUPANCIES OF DWELLINGS WITHIN THE
BOROUGH OF BRADLEY BEACH**

Borough Attorney Greg Cannon explained this Ordinance will give more effort to have better enforcement throughout the Borough.

Mayor Engelstad asked Administrator Brown if the Part-Time Code Enforcement Officer to be hired will include evenings and weekends to address this ordinance.

Mr. Brown replied yes.

Councilman Gubitosi inquired if the square footage table in the ordinance is by state statute.

Mr. Cannon replied the square footage table conforms to the International Uniform Code.

Councilman Sexsmith thanked Councilman Gubitosi and Mr. Cannon for their leadership with this ordinance. He continued this ordinance will tie in well with the additional part-time Code Enforcement Officer with regard to regulating Air B & B's and short-term rentals through the Host Compliance Contract.

ON MOTION by Engelstad/Gubitosi to introduce Ordinance 2020-11.
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

INTRODUCED

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

2020-147 6-23-20 BILL LIST

- 2020-148 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Gladys & Carlotta, Inc.**
- 2020-149 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Swami Charan, Inc.**
- 2020-150 Authorizing Tax Overpayment Refunds in the amount of \$353.86 for 611 Ocean Avenue and \$222.12 for 314 McCabe Avenue.**
- 2020-151 Authorizing multiple Vendor Refunds for the May Art Show cancellation.**
- 2020-152 Authorizing the Tax Collector to prepare and issue estimated Third Quarter Tax Bills.**
- 2020-153 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Vic's Bar & Restaurant, Inc.**

APPROVED

RESOLUTIONS:

ON MOTION by Engelstad/Sexsmith to Authorize FY 2021 Transportation Trust Fund Newark Avenue Phase II Applications for State Aid Funding.

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

2020-154 Authorizing FY 2021 Transportation Trust Fund Newark Avenue Phase II Applications for State Aid Funding.

APPROVED

ON MOTION by Engelstad/Weber to approve establishing Petty Cash Funds.

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

2020-155 Establishing Petty Cash Funds.

APPROVED

ON MOTION by Engelstad/Weber to Approve the MOA for the UFCW Local 152.

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

Resolution 2020-156 Approval of the MOA for the UCFW Local 152

APPROVED

ON MOTION by Engelstad/Weber to Approve the Employee Contract for Biagio Cofone.

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

Resolution 2020-157 Approval of the Contract for Biagio Cofone.

APPROVED

ON MOTION by Engelstad/Sexsmith to approve Summer Seasonal Employee Salary Corrections.

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

Resolution 2020-158 Summer Seasonal Employee Salary Corrections.

APPROVED

ON MOTION by Engelstad/Sexsmith to Appoint Summer Seasonal Cashiers.

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

Resolution 2020-159 Appointing Summer Seasonal Employees Beach Utility – Cashiers.

APPROVED

ON MOTION by Engelstad/Bonnell to Appoint Summer Seasonal Lifeguards.

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

Resolution 2020-160 Appointing Summer Seasonal Employees Beach Utility – Lifeguards.

APPROVED

ON MOTION by Engelstad/Bonnell to Appoint Summer Seasonal Employees for DPW.

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

Resolution 2020-161 Appointing Summer Seasonal Employees Beach Utility – DPW.

APPROVED

ON MOTION by Engelstad/Bonnell to Authorize Temporary Budget Appropriations.

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

Resolution 2020-162 Authorizing Temporary Budget Appropriations.

APPROVED

MAYOR AND COUNCIL REPORTS:

Councilman Weber reported the following:

- **Thanked the Community Development Department for their hard work with respect to getting the town restaurants re-opened for outdoor dining.**
- **The Environmental Commission is exploring Community Energy Aggregation to promote green energy and lowering resident energy costs.**
- **Stated the beach looks good. Mr. Weber observed a majority of the badge checkers are not wearing masks and strongly encouraged and stressed the importance of all seasonal beach employees to wear masks.**
- **Mr. Weber stated he is happy a resolution was passed establishing Petty Cash Funds.**

Councilman Sexsmith reported the following:

- **Thanked the Administrator and the CFO for the resolution establishing Petty Cash Funds.**
- **Mr. Sexsmith and Mayor Engelstad will be welcoming the newly hired Class I Officers tomorrow morning.**
- **Commended Police Officer Redmond and Police Officer Lightbody for their professionalism during a traffic accident over the weekend.**
- **The Fire Department responded to 8 calls this month, the First Aid responded to 4 water rescue calls this month and 13 medical emergencies (not COVID-19 related).**
- **Reminded everyone the EMS and Fire Fund Drive is in progress.**

Councilman Gubitosi reported the following:

- **Thanked Mr. Thomas Coan for his inquiries regarding the contract resolutions.**
- **He stated the Complete Count Committee reported 2020 Census response rate is at approximately fifty percent and hopes with the extension to October 1st more residents will complete the 2020 Census. Mr. Gubitosi expressed the importance of completing the Census as this can help with federal funding and how many State Representatives are sent to Congress.**
- **The Main Street Task Force Committee has created a resident survey linked to the Borough Website. This survey is to provide feedback from residents regarding Main Street.**
- **The Main Street Task Force Committee have created considerations to possibly help address parking challenges the Borough may face. The Committee will be meeting with the Administrator and Police Chief to discuss their ideas.**
- **The Sylvan Lake Commission is in the process of securing an algae treatment for the lake. He continued the Administrator and the CFO are coordinating with Avon-by-the-Sea to share the expenses.**
- **The first meeting with Civic Plus occurred to discuss the re-build of the Borough Website.**
- **Community Center Task Force Committee will be organizing a meeting to review and discuss Grant opportunities to assist with the restoration.**
- **Commended the Administrator and the CFO for their hard work during this**

challenging time.

Councilman Bonnell reported the following:

- **The Quality of Life Committee will assist the DPW with plantings and landscaping in town.**
- **Commended the Administrator and the CFO for their significant improvements with financial matters.**
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Mayor Engelstad reported the following:

- **The 2020 8th Grade Graduation Class will be gathering for a group photo Saturday, June 27th at 4:30 p.m. for a group photo at the Second Avenue Beach.**
- **The Library will be conducting curbside materials pick-up Thursday June 25th and book drops are open to receive library materials.**
- **The Recreation Department hopes to have a resolution this week with regards to summer camp.**
- **The Bradley Beach 5K event scheduled for August 15th has been cancelled for this year.**
- **Congratulated DPW Director Biagio Cofone on his new contract and commended Mr. Cofone on doing an outstanding job with the department.**
- **Thanked Administrator Brown for his work negotiating the Local 152 contract.**

Public Comment:

MaryAnn Spilman, 902 Ocean Avenue, expressed concern with regards to Ordinance 2020-11. Ms. Spilman feels the Ordinance needs more clarification on the definition of an occupant and a time frame for the Code Officer to respond. Ms. Spilman also feels the ordinance is intrusive on homeowners regarding the number of guests allowed in the home.

Mayor Engelstad responded this evening is the introduction only of the ordinance and comments may also be expressed at the public hearing before adoption of the ordinance at the next meeting.

Peter Bakalian, 313 Brinley Avenue, expressed concern regarding article three of the Shade Tree Commission Ordinance 2020-9. He stated given the current circumstances with the pandemic the expense this ordinance can incur on the homeowner is unfair and encouraged further debate before adopting the ordinance.

Deborah Hatkins. 807 Ocean Avenue, inquired if the Petition and opposition letter regarding the Salt Restaurant requested to be placed on the June 9th Agenda and posted to the Borough Website will be addressed by the Council.

Borough Attorney Greg Cannon responded all documents given to the Borough Clerk were forwarded to the Council. Mr. Cannon continued the Borough does not accept resident submissions to post to the website and Ms. Hatkins's documents were entered into the meeting minutes. Mr. Cannon also stated the documents will be posted as part of the records to the website after the minutes are approved. Mr. Cannon stated the Council will not comment on the matter due to a litigation that has been filed against the town by a Non-Profit group called Save Bradley Beach Boardwalk, Incorporated for the purpose of

challenging the legal process of the award of lease for Salt Restaurant.

Biagio Cofone, Director of Public Works, thanked the Mayor and Council for approving the contract this evening. Mr. Cofone stated he and the department look forward to working as hard as they can for the town and the residents.

Thomas Coan, 612 Third Avenue, inquired if the part-time Code Enforcement Officer position will be hired in the near future.

Mr. Brown responded yes, he is hoping to have the position filled by August.

Mr. Coan inquired what the time frame status is for the recreational camp.

Administrator Brown replied the Recreation Committee and Director are working through liability questions at this time with regards to opening summer camp.

Mr. Coan inquired if the Aeroclave Machine ordered in March was a successful purchase for disinfecting.

Mr. Brown responded the Borough received the cleaning solution and to date are waiting for the machine.

Mr. Coan asked Councilman Sexsmith to confirm his previous comments regarding petty cash controls not being in place since 2001.

Mr. Sexsmith responded the state requires the Borough to appoint administrators to maintain the petty cash funds and that has not been done accurately since 2001. He continued he believes there have been petty cash controls in place, but not in accordance with the state requirements.

Mr. Coan thanked Mr. Cannon for his presentation on Ordinance 2020-11.

Nancy Meadow, stated the touchless shower installed on the beach she went to did not turn off and feels this issue is a waste of water.

Councilman Bonnell gave assurance the newly installed beach showers do work and stated it will take some time to get used to them.

Councilman Weber thanked Mr. Bakalian for sharing his comments regarding the Shade Tree Ordinance and expressed the importance of moving forward with it. Mr. Weber also stated Mr. Bakalian may forward additional information and comments regarding this to the Mayor and Council.

Councilman Bonnell stated he hopes the Mayor and Council can continue with virtual communication when the Borough goes back to live meetings to get additional public participation.

Diane Rosenthal, stated virtual meetings are restrictive alternative to conducting meetings. Ms. Rosenthal expressed concern regarding the Shade Tree Commission Ordinance and

the financial effects it will have on residents. Ms. Rosenthal expressed concern regarding DPW's approach to brush on the sidewalk and recommended they use smaller vehicles when driving around town so as not to intimidate residents. She also suggested waiving Outdoor Café permit fees for businesses and restaurants in town at this time due to the pandemic.

Councilman Weber explained the Shade Tree Ordinance is meant to protect trees that are healthy and not remove them without good reason. Mr. Weber also confirmed waiving Outdoor Café license fees is in discussion with Council and Administration.

Mayor Engelstad stated the Shade Tree Ordinance will be discussed at the June 25th Virtual Planning Board Meeting and encouraged anyone with questions or comments to express them then.

Peter Bakalian, 313 Brinley Avenue, expressed concerns about property rights regarding the Shade Tree Ordinance and feels it is objectionable and inappropriate ordinance to adopt at this time.

Allan Rappaport, expressed his opinion on the importance of transparency and how money is handled in the Borough. He also stated his support for the Mayor, the Council and Administration on how well they are conducting meetings during the pandemic. Mr. Rappaport also expressed full confidence for Councilman Weber regarding the Shade Tree Ordinance.

Councilman Bonnell stated virtual meetings are not going to be the permanent format to conduct meetings, however he does hope it can be a supplement to live meetings in the future to encourage more public participation.

Conversation ensued regarding a possible Executive Session mentioned earlier by Mr. Cannon.

Administrator Brown stated he was not aware of that previous to this evening and virtual preparation was not done for an Executive Session.

Engelstad/Bonnell moved to adjourn
ADJOURNED 7:55 P.M.

Erica Kostyz, RMC, CMR
Municipal Clerk