

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

June 9, 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 asked for a moment of silence for the 12,000 plus New Jersey residents who have passed from COVID-19 and for George Floyd.

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 Gregory Cannon
Municipal Clerk Erica Kostyz

ON MOTION by Engelstad/Gubitosi to approve the Regular Council Meeting Minutes of May 26, 2020.

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

APPROVED

ON MOTION by Engelstad/Weber to approve the Special Council Meeting Minutes of June 3, 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 Meeting Minutes of June 3, 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:

A) Code Enforcement:

- On May 28th, 12 properties were cited for tall grass and weeds. Six properties complied and six properties were issued summons.
- On June 3rd, thirteen properties were cited for tall grass and weeds. Eleven properties complied and two were issued summons.
- On June 9th a property was cited for a camper in the front yard.
- Code Enforcement will be focusing on apartment buildings in town over the next few weeks to make sure they are within the Borough's Code.

B) Beach Operations:

- The beach has operated well over the last two weekends averaging approximately 7000 (seven thousand) beachgoers on Saturday and Sunday.
- Masks and social distancing are being practiced by most beachgoers to comply with the Borough's recommendations.
- Bathrooms are open from 7:00 a.m. to 7:00 p.m. daily and are fully staffed by DPW workers to clean and an attendant to assist with social distancing and bathroom capacity.
- The Borough is looking into bathroom trailers to assist in relieving long lines as the beach gets busier during the summer.

C) Borough Hall:

- The front office will be re-opening to the public on Monday, June 15th. The entire building will be thoroughly cleaned and disinfected daily.
- Employees must wear masks and practice social distancing while providing essential services to the public.
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D) Newark Avenue Concession:

- The Borough will be going out for the second time to publically bid for the Newark Avenue Concession on Thursday, June 11th with responses due Wednesday, July 1st. The minimum bid is \$15,000.00 (Fifteen Thousand Dollars).

E) The Borough Website:

- The Borough has contracted Civic Plus, LLC for \$3500.00 (Thirty-Five Hundred Dollars) annually to provide website hosting and design.
- The website will undergo an entire makeover to communicate with residents, business owners and the general public more effectively and efficiently.

Councilman Weber inquired if the Borough can require people to wear masks when using the beach restrooms as it is a Borough owned building.

Administrator Brown replied the wearing a mask is a recommendation only as per Executive Order.

Mayor Engelstad stated he has noticed other towns requiring people to wear masks on the beach.

Police Chief Guida stated the Borough can strongly recommend, not mandate wearing face masks.

Councilman Weber suggested extra signage at the beach recommending people to wear masks to get more compliance.

Councilman Weber inquired, regarding the Newark Avenue Concession, if it would be possible to consider a bid that includes a percentage of sales.

Administrator Brown replied yes, that is possible.

Public Comment on Agenda items:

Thomas Coan, 612 Third Avenue, stated he is pleased to see salary resolutions on the agenda.

Mayor Engelstad the salary resolutions were a strong recommendation by the Borough Administrator and the Chief Financial Officer.

Theresa Toohey, 406 Monmouth Avenue, expressed disappointment she was unable to purchase beach badges.

Mayor Engelstad explained the Borough has liquidated their supply of badges for the season and Ms. Toohey can still purchase Daily Badges.

Thomas Coan, 612 Third Avenue inquired if there is going to be a presentation on the Budget this evening and if the public will be able to comment on it.

Mayor Engelstad responded yes.

ORDINANCE NO. 2020-05

AN ORDINANCE AMENDING CHAPTER 450: “ZONING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO CLARIFY THAT ALL RECREATIONAL MARIJUANA AND/OR MEDICAL CANNABIS ESTABLISHMENTS, CULTIVATION FACILITIES, TESTING FACILITIES, AND PRODUCTION FACILITIES ARE PROHIBITED USES WITHIN THE BOROUGH OF BRADLEY BEACH

ON MOTION by Engelstad/Weber to open public hearing on Ordinance 2020-5
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing: Thomas Coan, 612 Third Avenue, stated he was pleased this ordinance is being adopted this evening and commended Borough Attorney Greg Cannon for his hard work.

Mr. Cannon explained this ordinance contemplates the regulation through Land Use to comply with state laws and maintain local control.

ON MOTION by Engelstad/Gubitosi to close the public hearing and adopt Ordinance 2020-5
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

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 2020-133 6-9-20 BILL LIST

Resolution 2020-134 Authorizing a Beach Locker Refund for Sande Levey.

APPROVED

RESOLUTIONS:

ON MOTION by Engelstad/Weber to Appoint Summer Seasonal Lifeguards

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

2020-135 Appointing Summer Seasonal Lifeguards.

APPROVED

ON MOTION by Engelstad/Gubitosi to Appoint Summer Seasonal Employees for the Department of Public Works.

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

2020-136 Appointing Summer Seasonal Employees for the Department of Public Works.

APPROVED

ON MOTION by Engelstad/Gubitosi to Appoint Summer Seasonal Special Police Officers.

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

Resolution 2020-137 Appointing Summer Seasonal Special Police Officers.

APPROVED

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

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

Resolution 2020-138 Appointing Summer Seasonal Cashiers.

APPROVED

ON MOTION by Engelstad/Weber to Appoint Summer Seasonal Gate Guards.

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

Resolution 2020-139 Appointing Summer Seasonal Gate Guards.

APPROVED

ON MOTION by Engelstad/Gubitosi to Appoint Community Center Task Force Members.

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

Resolution 2020-140 Appointing Community Center Task Force Members.

APPROVED

ON MOTION by Engelstad/Weber to Approve a Host Compliance Service Agreement

Councilman Weber inquired if Code Enforcement is aware of this Host Compliance Service Agreement.

Administrator Brown responded yes, Code Enforcement is aware.

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

Resolution 2020-141 Approving Host Compliance Service Agreement.

APPROVED

ON MOTION by Engelstad/Weber to Award a Lease for Rental of the Second Avenue Concession at Oceanfront and Second Avenue.

Mayor Engelstad asked Mr. Brown when the Leasee plans to begin their operations.

Administrator Brown replied the Leasee, Second Avenue, LLC, will take over the lease this evening after this resolution is passed. Mr. Brown also stated the Lease plans on investing a lot of money for improvements will hopefully be able to begin operations by the Fourth of July Weekend.

Mayor Engelstad stated he has been working with the Business Community Alliance and has received interest from several restaurants in town willing to go in on a temporary banner or signage to be placed on the concession building to advertise their menus and take out services.

Councilman Weber inquired what type of improvements the Leasee plans on investing money in.

Administrator Brown replied a hood that is currently for sale by the previous owner the leasee can purchase if interested and several other pieces of equipment.

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

Resolution 2020-142 Awarding of Lease for Rental of Second Avenue Concession at Oceanfront and Second Avenue.

APPROVED

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

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

Resolution 2020-143 Authorizing Temporary Budget Appropriations.

APPROVED

ON MOTION by Engelstad/Weber to Introduce of the 2020 Municipal Budget.

Chief Financial Officer Sandra Rice gave a detailed report and a visual overview of the budget line items for the Current, Beach Utility, and Sewer Utility accounts. She also went over increases in taxes, lowered sewer rates, and revenues. She continued after the resolution is passed this evening, the public will have the opportunity to obtain copies of the introduced budget via email or by coming in to the Borough Office for a hard copy.

Mayor Engelstad inquired how much of the items purchased were COVID-19 related and the approximate amount of decreased revenues the pandemic has caused.

Ms. Rice explained the purchases that were made for the pandemic and stated the approximate amount of revenue loss is about \$156,000.

Councilman Weber asked Ms. Rice to confirm the increase in taxes is not on residents' total tax bill.

Ms. Rice confirmed this and provided a visual overview and explanation.

Councilman Gubitosi thanked Ms. Rice for her presentation and commended her for keeping costs neutral during COVID-19.

Borough Auditor, Mr. Wielkotz spoke about how Municipalities have struggled with revenues versus the state. He also stated a lot of state aid cuts due to the pandemic and commended Ms. Rice for presenting the best budget possible for the residents given the circumstances.

Councilman Gubitosi stated tax rate increase is not in relation to with the Borough's Assessment program.

Ms. Rice stated if the Resolution is passed this evening copies will be made available to the public, the scheduled date for public hearing will be July 14th and advertisement in the newspaper for the public hearing will be published 10 days prior. She continued, after the public hearing a resolution will be done for adoption of the budget, providing there are no amendments.

Public Comment on Resolution 2020-144:

Thomas Coan, 612 Third Avenue, inquired what the 2019 Sewer Surplus is.

Mr. Wielkotz responded the Sewer Surplus increase went from one million seven hundred sixty-four to two million, seven thousand.

Mr. Coan expressed concern about using the Sewer Surplus to pay the former Administrator and proposed taking that money out of the Sewer Utility. He also stated he is pleased about a reduction in sewer taxes.

Ms. Rice and Mr. Wielkotz both explained why using the sewer surplus will better balance the current fund.

Mary Ann Spilman, 902 Ocean Avenue, inquired why the Borough is paying an employee that is no longer working for the Borough.

Borough Attorney Greg Cannon explained the ex-employee was entitled to the retirement benefit and told Ms. Rice she may give the name of the employee the money is being paid to only.

Ms. Rice stated the allocation is for the former Clerk and Administrator, Kelly Barret.

Ms. Spilman inquired if this is a special allocation and not a benefit all employees are entitled to.

Mr. Cannon explained there is a Terminal Leave Ordinance within the Borough that applied to Ms. Barrett and was applied accordingly.

Councilman Bonnell stated the Ordinance is for unpaid sick and vacation time and the amount has been capped.

Ms. Spilman asked if there will be an allocation that will state it is for retirement pay moving forward.

Mr. Cannon responded moving forward a resolution will be adopted stating the individual employees retirement and stating their benefits in the resolution.

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

Resolution 2020-144 Introduction of the 2020 Municipal Budget.

APPROVED

ON MOTION by Engelstad/Weber to Authorize a Salary Increase for Seasonal Employees of the Department of Public Works.

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

Resolution 2020-145 Authorizing Salary Increase for Seasonal Employees of the Department of Public Works.

APPROVED

ON MOTION by Engelstad/Weber to Temporarily suspend Enforcement of certain provisions of the Borough Code to assist local businesses re-opening following the COVID-19 Crisis and the Borough's recovery therefrom.

Borough Attorney Greg Cannon explained this resolution creates outdoor spaces for temporary use for restaurants and retail. Mr. Cannon and Mr. Brown chose to use the existing special events permit process as it is legally vetted.

Mayor Engelstad stated he, the Council, the Attorney and the Administrator have been working on this resolution with the hope to get businesses and restaurants to re-open as soon as possible.

Councilman Gubitosi inquired if this temporary permit will cease once the executive order is lifted and can the Borough cease these provisions of the permit before the executive order is lifted if the merchants do not cooperate.

Mr. Cannon responded yes to both.

Mr. Gubitosi also requested if a release of liability to the Borough can be added to the verbiage of the resolution.

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

Resolution 2020-146 Temporarily suspending Enforcement of certain provisions of the Borough Code to assist local businesses re-opening following the COVID-19 Crisis and Borough's recovery therefrom.

MAYOR AND COUNCIL REPORTS:

Councilman Weber reported the following:

- **Suggested hiring some bilingual Gate Guards and Lifeguards in the future as it would be a benefit to the Borough.**
- **Reminded everyone plastic film pick up is tomorrow and requested to make efforts to communicate this program with the summer residents.**
- **There is a tree seedling giveaway at Riley Park.**
- **The Junior Lifeguards program is cancelled for this year.**
- **The Environmental Committee has a New Jersey Sustainable Fellow to assist with energy audits in town.**
- **The Bradley Beach First Aid Squad is requiring a mutual aid agreement with Neptune Township to assist with responding to medical emergencies.**

Councilman Sexsmith reported the following:

- **Bradley Beach First Aid and Neptune are working out their mutual aid agreement and hopes to see this on the next meeting agenda.**
- **Commended the CFO and Administrator for putting resolutions in place for summer seasonal employees and salary increases.**

Councilman Gubitosi reported the following:

- **The work at Sylvan Lake has been completed and the Sylvan Lake Commission will now be looking into a solution for algae blooms with Avon and environmentalists.**
- **The Community Center Task Force conducted a walk through the United Methodist Church on Saturday, June 6th to inspect the inside of the church and get an idea of**

the work needed to be done for restoration.

- Commended the CFO and Administrator for their work on the Budget.

Councilman Bonnell reported the following:

- The Department of Public Works has been busy planting flowers, mulching and removing a few trees on Main Street.
- Mr. Bonnell commended the DPW for doing a great job converting the showers on the Beach into touchless operations.

Mayor Engelstad reported the following:

- The school will have a Virtual Field Day on Tuesday, June 16th.
- The school will have a Virtual Graduation on June 16th at 7:00 p.m. and will be presented in English and Spanish on YouTube. Links to the graduation will be posted on the school's website.
- The Library is still closed under the Executive Order and fines or fees for unreturned materials are accruing during this time. The Mayor also reported the Library has many virtual programs residents can participate in.
- Commended DPW for doing a great job.

Public Comment:

Paul Neshamkin, 411 ½ LaReine Avenue, announced on behalf of the Bradley Beach Historical Society, there will be a ZOOM Presentation on the early Bradley Beach Police Department on Sunday, June 14th at 3:00 p.m.

Mr. Neshamkin thanked the Mayor and Administrator for doing a walk-through of the church last Saturday, June 6th and for adding the Public Members to the Task Force. Mr. Neshamkin stated he is hoping to begin planning with the members to obtain grant funds.

Shana Greenblatt-Janoff, 414 Fourth Avenue, inquired how beach density is being handled at the beach and the current number of active COVID-19 cases in Bradley Beach and Monmouth County.

Administrator Brown responded with the following:

- The Borough is relying on data
- The Gate Guards are using counters to monitor the beachgoers coming onto the beach.
- Monitoring sales of daily badges.
- An hourly count is taken from each tag booth.

Mayor Engelstad stated there are currently fifty-four COVID-19 cases, eleven of them active in Bradley Beach.

Ms. Greenblatt-Janoff requested updated numbers of active cases, how density on the beach is being managed on the website to inform residents.

Mary Ann Spilman, 902 Ocean Avenue, stated she is opposed to the Salt Restaurant Proposal and inquired if the applicant's architect and the Borough Engineer are being paid

by the Borough.

Administrator Brown replied the architect is not being paid by the Borough.

Paul Neshamkin, 411 ½ LaReine Avenue, inquired how the number of people on the beach is being counted during the week until the beach is at full staff after June 18th.

Administrator Brown replied the Lifeguards and Police Department are handling the count during the week.

Thomas Coan, 612 Third Avenue, asked the amount of surplus currently in the General Fund.

Ms. Rice replied \$1.8 million dollars.

Mr. Coan inquired if the \$41,000.00 for Public Relations Tourism Director is appropriated in the Budget.

Ms. Rice responded yes, it is appropriated.

Administrator Brown also replied he is currently working on the salary ordinance and job description.

Cindy (no last name and address given) inquired of any further consideration has been made to remove the caution tape on the benches.

Administrator Brown responded it cannot be removed at this time as per Executive Order.

Shana Greenblatt-Janoff, 414 Fourth Avenue, thanked the Mayor for his post to Stand Up to Justice on Instagram and inquired if it will be posted on other Social Media sites.

Mayor Engelstad replied he has given the information to Amy Hall, who handles social media for the Borough.

Ms. Greenblatt-Janoff requested to have social justice posts on the website.

Mayor Engelstad asked Administrator Brown if this will be the last Virtual Council meeting.

Administrator Brown replied he is still researching this.

Engelstad/Gubitosi moved to adjourn

ADJOURNED 8:36 P.M.

Erica Kostyz, RMC, CMR
Municipal Clerk