

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

August 25, 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.

Fire Chief, John Zech thanked the friends, neighbors, the Fire Department members and the members of Council that attended the funeral for longtime resident Bill Dorsey.

Mayor Engelstad requested a moment of silence to remember the life of Bill Dorsey.

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 Discussions:

A) Relaxing Political Sign Restrictions prior to the General Election due to the Vote by Mail Process.

Mayor Engelstad stated a suggestion was made by a Mayoral Candidate to allow candidates to extend the forty-five day ordinance for political signage due to the Vote by Mail process for this election.

Councilman Gubitosi recused himself from this workshop discussion and stated as a Mayoral Candidate, does not want to influence anyone else’s opinions.

Councilman Weber, Councilman Sexsmith and Councilman Bonnell were favor of leaving the political signage ordinance as it is without extensions.

Public Comment for the Political Sign Restrictions Workshop:

Thomas J. Coan, 612 Third Avenue, stated he is not in favor of relaxing the ordinance and inquired which Mayoral Candidate made this suggestion.

Mayor Engelstad replied Larry Fox.

Bill Psiuk, 110 Fifth Avenue, stated he is not in favor of relaxing the ordinance and suggested using Social Media as a tool for campaigning.

Mayor Engelstad stated the Governing Body will not be moving forward or taking action with extending the Political Sign Restrictions.

B) Ordinance 2020-15 Amending Chapter 295 “Loitering” of the Borough’s revised General Ordinances to more specifically address after-dark gatherings at the Borough’s Beachfront.

Borough Attorney Greg Cannon stated he reviewed the suggested revisions at Councilman Gubitosi’s request to ensure they were not pre-empted by state law.

Councilman Gubitosi stated he took the initiative to review this ordinance after he received several concerns from the public and Governing Body members with regards to very large gatherings of people after hours and taking over areas of the boardwalk. Mr. Gubitosi continued he felt the ordinance was antiquated and wanted to address some of the language with the challenges the Borough is facing currently and to modernize the ordinance.

Councilman Sexsmith stated he felt the section pertaining to the hours of access to public parks and playgrounds is too restrictive.

Councilman Weber concurred with Councilman Sexsmith.

Detective Lieutenant Browning strongly suggested to everyone to call the Police Department if disruptive activity is taking place. He continued between the regular ordinances and the disorderly statutes in place the Police are able to address these types of violations.

Councilman Bonnell stated he has not noticed anything extreme and that the Police would notice and respond to suspicious activity.

Councilman Gubitosi stated the objective is to provide greater clarity to the ordinance for the Police Department to determine a large gathering impeding the passage of others and enable the Police to take action if necessary.

Lieutenant Browning stated the Police Department is not opposed to the ordinance revisions, he just wanted to clarify this may not be completely necessary as there are several statutes in place that enable the police to take action for disorderly conduct if necessary.

Councilman Weber stated he is in favor of making revisions to this ordinance to bring it up to date.

C) Ordinance 2020-16 Supplementing the Borough’s revised General Ordinances with new Chapter 120: “Bamboo and Invasive Plants” to prohibit the future planting and regulate the existing plantings of invasive species of vegetation within the Borough.

Councilman Weber explained the revisions to this ordinance is to protect residents and prevent having invasive plants such as bamboo or Japanese Knotweed encroaching onto neighbor’s properties.

Councilman Gubitosi suggested a further array of invasive species added to the language of the ordinance.

Mayor Engelstad inquired if there have been any advocates for Japanese Knotweed.

Councilman Weber responded there have not been any advocates, however there are areas in town that have invasive plants that have the potential to grow out of control if not maintained properly.

Mr. Cannon stated other species can be added to this ordinance.

ON MOTION by Engelstad/Bonnell to approve the Regular Council Meeting
Minutes of August 11, 2020

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

APPROVED

Administrative Report

Administrator Brown gave a report on the following:

Beach Operations:

- Mr. Brown mentioned the Resolution 2020-214 to extend the Summer Beach Season until September 30th.
- Mr. Brown explained there will be no cost Monday through Friday to enter the beach after Labor Day.
- During the week the Borough will follow their rough surf management process, the Police and OEM Departments will monitor the beaches and close certain beaches down if necessary.
- Swimming will be allowed unless imminent danger exists.
- Signs and flags will be posted to notify beachgoers and swimmers of the current conditions.

- The Chief Lifeguard is assembling a Rapid Response Team to assist swimmers if needed.
- Regular Beach Operations will continue on Saturday and Sunday. Beach badges will only be sold on VIPLY and seasonal badges will still be honored during which time a beach manager, lifeguards, gate guards and cashiers will be on duty.

DOT Grant:

- The Borough is planning and preparing to apply for the State of New Jersey Department of Transportation Alternatives Set Aside Program which is a grant the Borough will apply for under the Community Improvement Activities.
- The grant will focus on streetscapes and corridor landscaping along Main Street.
- This will coincide with the recent Walkable Community activity and will enhance approximately four blocks of Main Street.
- This will include streetscape with pavers, concrete curbs, handicapped ramps, cross walks, street furniture and lighting.
- The grant application is estimated to be one million dollars.

Councilman Gubitosi asked if badge checkers and gates guards as well as personnel salaries are included in the resolution to extend the beach season through September.

Administrator Brown replied only on the weekends and personnel salaries will be extended.

Councilman Weber inquired if the concession stands are also being extended and if so, would the Borough be able to request additional rent.

Administrator Brown replied he would have to review the concession renter's contracts and further discuss that further with the Borough Attorney.

Councilman Gubitosi inquired if the Beach Locker removal will be extended.

Mr. Brown replied yes, it will be contingent upon the weather.

Mayor Engelstad suggested extending the season to September 27th in order to give DPW time to remove the beach lockers.

Councilman Sexsmith inquired if the beach extension is consistent with other towns and if the Police and OEM will be monitoring social distancing during the week on the beaches.

Administrator Brown replied yes to both inquiries.

Public Comment on Agenda items:

William Psiuk, 110 Fifth Avenue, stated the health benefits of Japanese Knotweed and suggested this be removed from draft Ordinance 2020-16 as an invasive plant.

Thomas J. Coan, 612 Third Avenue asked CFO, Sandra Rice for an explanation for the new Petty Cash Fund resolution on this evening's agenda.

Ms. Rice explained to Mr. Coan the petty cash fund being established is for the Fire Department.

Mr. Coan also inquired how many Petty Cash funds are within the Borough and if the ledgers are available through an OPRA request.

Ms. Rice responded there are three other funds in the Borough and further explained the procedures for petty cash and how the funds are managed.

Mr. Coan thanked the Governing Body for being proactive with old ordinances.

Councilman Sexsmith explained to Mr. Coan the Fire Department Petty Cash fund is for low cost items that need to be purchased from time to time.

Peter Sharpe, 301 Second Avenue, inquired what types of inspections and enforcements will be in place for draft Ordinance 2020-16.

Councilman Weber explained the enforcement process in the draft ordinance and stated the draft ordinance is to contain and keep an invasive plant on a property not to remove it.

Communications:

A request from Clean Ocean Action to conduct Beach Sweeps on Saturday, October 24, 2020 from 9:00 a.m. to 12:30 p.m.

ON MOTION by Engelstad/Gubitosi to move the Clean Ocean Action request to the Consent Agenda.

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

CONSENT AGENDA:

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

2020-210 8-25-20 BILL LIST

- 2020-211 Approval of Annual Renewal of Alcoholic Beverage Liquor License for KDK of Bradley, LLC.**
- 2020-212 Wage Adjustment Approval of Longevity for 2020 Seasonal Lifeguards.**
- 2020-213 Authorizing a refund to Kelly Petrillo for the June Craft Fair.**

APPROVED

Approved the Following:

Clean Ocean Action to conduct Beach Sweeps on Saturday, October 24, 2020 from 9:00 a.m. to 12:30 p.m.

RESOLUTIONS:

Resolution 2020-214 Approval to extend the specific period of time of the Beachfront Bathing Facilities.

ON MOTION by Engelstad/Bonnell to extend the specific period of the Beachfront Bathing Facilities.

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

APPROVED

Resolution 2020-215 Approval to extend the Salary period for the Beach Supervisor and Assistant Beach Supervisor for the month of September.

ON MOTION by Engelstad/Weber to extend the salary period for the Beach Supervisor and the Assistant Beach Supervisor for the month of September.

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

APPROVED

Resolution 2020-216 Establishing a new Petty Cash Fund.

ON MOTION by Engelstad/Sexsmith to Establish a new Petty Cash Fund.

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:

- Expressed condolences for Bill Dorsey
- Mr. Weber stated he appreciates the town is continuing to have small events to keep a sense normalcy going.
- The Shade Tree Commission is in the process of getting ready to conduct meetings.
- Mr. Weber stated he will work with the Administrator regarding political signage.
- Asked everyone to display patience during the extended beach season.
- Mr. Weber stated he would be happy to add verbiage to the draft ordinance 2020-16 regarding Japanese Knotweed being grown for medicinal purposes or personal consumption.

Councilman Sexsmith reported the following:

- On behalf of the Police Department, Mr. Sexsmith reminded everyone to be cautious of phone scams and not give out personal information.
- Mr. Sexsmith gave the Fire Department & the First Aid Department call report
- Thanked the Long Branch Fire Department for the use of the Fire Hearse for Bill Dorsey.
- Thanked the Pine Brook Community Hose Company out of the Tinton Falls Fire Department for their assistance during Mr. Dorsey's funeral.

Councilman Gubitosi reported the following:

- The Finance Committee and the CFO are in the process of reviewing Trust Accounts and evaluate refinancing long term debt for the Borough.
- Mr. Gubitosi stated Phase III for the Maritime Forrest is fully funded through contributions and donations.
- Mr. Gubitosi thanked Captain Al Mojeski and Jim Shissias for their ongoing efforts to support this project.

Councilman Bonnell expressed his condolences for Bill Dorsey. Mr. Bonnell also suggested making arrangements for extending the Outdoor Dining Permits in town.

Mayor Engelstad reported the following:

- Stated the Quality of Life Committee will be on hiatus.
- Requested a Workshop Discussion at the next meeting to discuss playground

improvements.

Public Comment:

Linda Donnelly, 803 Ocean Avenue, inquired what the status is for the Salt Restaurant and if any traffic studies have been done and who will be paying for them.

Mr. Cannon replied with respect to the contract side a meeting is scheduled with the respondent and their attorney and on the litigation side there a case conference took place yesterday and all information has been given to the judge to make a decision. Mr. Cannon stated there have been no studies done.

Ms. Donnelly also inquired how the public will be kept up to date with any decisions.

Mr. Cannon responded through Council Meetings.

MaryAnn Spilman, 902 Ocean Avenue, inquired why the Borough is going through a litigation process and pursuing the Salt Restaurant project when many residents have expressed they do not want it.

Mr. Cannon replied it was not the Borough's choice to litigate this project. He continued the Borough is a necessary party with no choice but to participate.

Thomas J. Coan, 612 Third Avenue, thanked Chief Zech for honoring Bill Dorsey and inquired if the DOT grant in Administrator Brown's report is a matching grant.

Mr. Brown replied it is not a matching grant.

Mr. Coan inquired how many trust accounts a town of this size should have.

Ms. Rice replied the number of accounts is not the concern but how the trust accounts are used and if they are still applicable.

Mr. Coan asked Ms. Rice if any of the accounts are for Sylvan Lake or Fletcher Lake.

Ms. Rice responded yes and explained there was an application for parking revenue several years ago that was denied by the state.

Deborah Hatkins, 807 Ocean Avenue, stated she hopes the Borough can out of the agreement with the Salt Restaurant project.

William Psiuk, 110 Fifth Avenue, inquired about the parking revenue for Sylvan Lake that

was denied by the state.

Ms. Rice explained an application was sent to the state and was denied.

Mr. Psiuk asked where the allocated money has been going.

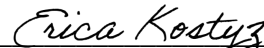
Ms. Rice replied it is part of the Beach Utility Operating Budget.

Councilman Gubitosi stated the Sylvan Lake Committee is actively looking at the trust fund.

Mayor Engelstad encourage everyone to keep doing the right thing in regards to the pandemic.

Engelstad/Sexsmith moved to adjourn.

Adjourned at 7:47 p.m.



Erica Kostyz, RMC, CMR
Municipal Clerk