

# **BOROUGH OF BRADLEY BEACH**

## **REGULAR MEETING MINUTES**

**January 12, 2021 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 Fox opened the meeting with a salute to the flag.

Mayor Fox requested a moment of silence for New Jersey Native and Capital Policeman Brian Sicknick.

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 Fox  
Borough Administrator David G. Brown II  
Chief Financial Officer Sandra Rice  
Borough Attorney Gregory Cannon  
Municipal Clerk Erica Kostyz

### **Workshop Discussions:**

#### **Amendment to Chapter 450-4 Definitions**

**Mayor Fox stated the Governing Body is committing to revamping the Land Use Ordinance captured in Chapter 450 and attests these revisions are needed. The Mayor continued the Governing Body has put adequate resources in place and have hired professionals for Code Enforcement and Zoning to meet the needs of the community going forward.**

**Mayor Fox began the Workshop with an overview of Chapter 450-4 Definitions and explained a review team led by Councilman Gubitosi have reworked 95 of the current definitions in the ordinance to propose 229 definitions from A through Z.**

**Councilman Gubitosi commended the former Zoning Officer George Waterman for bringing forth many inconsistencies across the sections within the Land Use Ordinance. Mr. Gubitosi continued him and Mr. Waterman and later on with an expanded team decided to evaluate all of the definitions in addition to correcting the inconsistencies. Mr. Gubitosi stated multiple sources were used, including the Moskowitz Municipal Land Use law book and credited the team for creating many enhancements and changes. Mr.**

**Gubitosi stated these changes are the first step towards developing requirements which ties into the definitions which will organize the Chapter and make it more comprehensive for residents and the professionals working with the Borough.**

**Councilman Gubitosi thanked and acknowledged the following Ordinance Review Committee volunteers that assisted with the ordinance definition changes:**

**Mary Hearn, established Architect in Belmar  
John Naples, General Contractor and resident  
Thomas J. Coan, resident  
William Psiuk, Borough Planning Board Chairman  
Harvey Rosenberg, Planning Board of Adjustment Chairman**

**Borough Engineer, Jerry Freda commended the committee and feels the definitions will be extremely helpful to professionals moving forward.**

**Borough Attorney, Greg Canon commended the committee and stated this is a worthwhile effort to save taxpayers money.**

**Councilman Weber commended the committee and suggested a more defined explanation for “Act of God”, “Decks” and “Upper Porch”.**

**Councilman Bonnell suggested adding “including but not limited to” for many of the definitions.**

**Councilman Gubitosi stated he will be sharing all of the feedback received this evening with all of the professionals on the review committee.**

**Councilman Sexsmith inquired if the restrictions for porches, decks and balconies are located in another section of Chapter 450.**

**Councilman Gubitosi replied yes, it would be under the requirements section.**

**Public Comment on the Workshop:**

**Bill Psiuk, 110 Fifth Avenue, stated many of the definitions in the proposed ordinance came from the Moskowitz book.**

**George Januzzi, 608 Evergreen Avenue, stated the definitions that are being put forth to the public need to be reviewed in the context of the amendments that are being proposed to Chapter 450. Mr. Januzzi also stated enforcement needs to be consistent to avoid litigation and Zoning Officers need to carry out their duties.**

**Nancy Meadow, inquired how these definitions correspond to the Tax Assessor.**

**Councilman Gubitosi responded these definitions are specific to Chapter 450 of Zoning Ordinances.**

**Mr. Cannon added the Assessment Ordinances are different from the Zoning Ordinances.**

**David Nichols, 612 Evergreen Avenue, thanked Councilman Gubitosi and the committee for their efforts with Chapter 450.**

**Thomas J. Coan, 612 Third Avenue, stated it was a pleasure working on this committee and thanked Mayor Fox for putting the workshop on the Agenda for this evening.**

**Mr. Coan inquired if the ordinance for definitions and the ordinance for requirements will be introduced and adopted at the same time.**

**Mr. Cannon stated he was not sure at this time and anticipates to have the definitions ordinance introduced at the next meeting.**

**ON MOTION** by Gubitosi/Sexsmith to approve the Special Meeting Minutes of December 29, 2020.

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

**APPROVED**

**ON MOTION** by Gubitosi/Sexsmith to approve the Reorganization Minutes of January 1, 2021.

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

**APPROVED**

### **Administrative Report**

**Chief Financial Officer gave an update on the Borough's new payroll system called Paychex. Ms. Rice explained this new system will give Borough Employees accountability for their time.**

**Ms. Rice stated the 2019 Audit Report is still not completed, however the prior Auditor has provided her with most of the financial information needed to close out the 2019 books.**

**Councilman Bonnell thanked the CFO and the Administrator for their accountability with Employees time and payroll.**

**Councilman Weber asked how long the previous payroll system was used by the Borough.**

**Ms. Rice replied the previous payroll system started in 2017.**

**Councilman Gubitosi offered his thanks to the Administrator and the CFO for their work on the new payroll system.**

**Mayor Fox concurred with Council and thanked the Administrator and the CFO for getting the new payroll system launched quickly.**

**Public Comment on Agenda items:**

Thomas J. Coan, 612 Third Avenue, stated he appreciated Ms. Rice's report and questioned the Joint Insurance Fund invoice amount on the Bill List.

Ms. Rice explained the Joint Insurance Fund payment is two installments and covers Workers Compensation Insurance, Liability Property Insurance, and Statutory Bond Requirement Insurance for key employees within the Borough.

Mr. Coan asked if the Joint Insurance Fund is a County operation that defends the town for lawsuits.

Mr. Cannon responded it is a risk pool, not a County entity.

Mr. Coan asked what the sewers are like on the streets due to be paved for Newark Avenue Phase I and stated concern replacing the sewers will interfere with the newly paved road.

Borough Engineer, Jerry Freda, explained municipalities are entitled to a grant application every year federally funded and distributed through the State DOT. Mr. Freda continued, the sewer work for the north end of town will not be done for several years and by the time the sewers are going to be replaced, the roads will need an overlay at that time.

Mr. Coan inquired if the depreciation schedule for this project is 25 years.

Mr. Freda replied it is.

Mr. Coan inquired if the Borough has a matrix based on the phases and where the borough is saving the money to pave after the sewers are replaced.

Mr. Freda explained he does have a six phase plan for sewer reconstruction and explained how each phase will work.

Further conversation ensued regarding grant opportunities and utilizing them.

Councilman Gubitosi inquired if the grant amount for this project is \$185,000.00.

Mr. Freda replied the \$185,000.00 grant is for Newark Avenue Phase II.

Councilman Weber asked Mr. Freda if the six phase plan can be shared with the Governing Body through the Administrator.

Mr. Fred replied it can be shared.

**Communications:**

- A request from Special Olympics New Jersey to conduct the Turkey Dash 5K on Saturday, November 14, 2020 from 10:30 a.m. to 12:30 p.m.
- A request from Kaleidoscope for Hope to conduct their Annual Cancer Research Walk on Saturday, September 25, 2021 from 9:15 a.m. to 11:15 a.m.

**Councilman Weber requested the entities for the Special Events be informed Bradley Beach does not have a water station.**

**Municipal Clerk, Erica Kostyz, told Mr. Weber she would inform both entities of this.**

**CONSENT AGENDA:**

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

**Resolution 2021-39 Bill List for January 12, 2021.**

**Resolution 2021-40 Authorizing Kaleidoscope for Hope Foundation Walk for Saturday, September 25, 2021.**

**Resolution 2021-41 Authorizing the Special Olympics Turkey Dash 5-K Race for Saturday, November 13, 2021.**

**Resolution 2021-42 Lien Redemption Approval for 610 LaReine Avenue.**

**APPROVED**

**RESOLUTIONS:**

**Resolution 2021-43 Authorizing a contract bid award to APCO Paving Company, Inc. for Newark Avenue, Phase I in the amount of \$241,222.83**

ON MOTION by Weber/Sexsmith to Authorize a contract bid award to APCO Paving Company, Inc. for Newark Avenue, Phase I in the amount of \$241,222.83.

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

**APPROVED**

**Resolution 2021-44   Awarding a Proposal to Leon S. Avakian, Inc. for Engineering Services for Newark Avenue, Phase II.**

ON MOTION           by Weber/Sexsmith to Award a Proposal to Leon S. Avakian, Inc. for Engineering Services for Newark Avenue, Phase II.

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

**APPROVED**

**Resolution 2021-45   Appointing Edward Burns, Class II Officer to Full-Time Dispatcher for an Annual Salary of \$32,416.00.**

ON MOTION           by Sexsmith/Weber to Appoint Edward Burns, Class II Officer to Full-Time Dispatcher for an Annual Salary of \$32,416.00.

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

**APPROVED**

**Resolution 2021-46   Appointing Yanni Gavakis, Class II Officer for an Hourly Salary of \$15.00.**

ON MOTION           by Sexsmith/Weber to Appoint Yanni Gavakis, Class II Officer for an Hourly Salary of \$15.00.

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

**APPROVED**

## **MAYOR AND COUNCIL REPORTS:**

Councilman Bonnell reported the DPW is constructing 40 extra beach lockers for the upcoming beach season and thanked Ms. Rice for her hard work with the new payroll system.

Councilman Gubitosi reported the following:

- The Finance Committee filed a formal complaint regarding the 2019 Audit.
- The Zoning Team is working on sections 12 and 13 of Chapter 450 which will revise the requirements in relation to the definitions workshopped this evening.
- The Sylvan Lake Commission is working with Avon to revise the Charter and proposed budgets.
- The Historical Society is looking into potential fundraising opportunities.
- The Communications Task Force is actively working on the Borough Website

Councilman Sexsmith reported the following:

- Mr. Sexsmith gave a report on calls for the Police Department, the Fire Department and the First Aid Department.
- Thanked the Administrator and the CFO for their work with the new payroll system.
- Thanked the Ordinance Review Team for their work on the Definitions for Chapter 450.

Councilman Weber

- Congratulated the Class II Officers on the Agenda this evening.
- The Shade Tree Commission completed their Community Forestry Management Plan and created an education program that has been presented to the Elementary School.
- Announced the Recreation Board will be offering a free Virtual Fitness Program starting January 19<sup>th</sup>.

Mayor Fox reported the following:

- Mayor Fox asked everyone to be careful due to a rise in COVID-19 cases.
- Mayor Fox stated he has met with many of the Committees he is the Liaison to and gave an update on the Library programs.

### **Public Comment:**

**Nancy Meadow, Ocean Park Condominiums, expressed concern with the new payroll system. Ms. Meadow recommended the Borough support the local businesses and does not feel new curbs and pavers are going to bring new people to the town. Ms. Meadows also voiced concerns with the Borough Digital Sign and parking issues, beach badge sales and requested an ordinance banning fire pits.**

**Allen Rapaport, 512 Newark Avenue, stated there are many residents in the town that are not elected officials that try to improve interaction within the Borough. Mr. Rapaport stated it is his personal opinion people come to the town because of the beach and the ancillary part of the town is Main Street and the restaurants. Mr. Rapaport suggested striping the street on Newark Avenue to improve parking conditions and commended the revisions to Chapter 450 Definitions.**

**Bill Psiuk, 110 Fifth Avenue, stated the Residential Transition Zone in Chapter 450 needs**

to be corrected.

**Mr. Psiuk inquired if the Zoning Ordinance will need to be revisited once Marijuana is legalized.**

**Mr. Cannon replied he will have to look at how the state law interplays with ordinance once it is legalized.**

**Julie Nutaitus, 605 Newark Avenue, suggested striping on the street to improve ongoing parking issues on Newark Avenue.**

**Thomas J. Coan, 612 Third Avenue, commended DPW for their work with the beach dunes.**

**Mr. Coan stated he agrees with Mr. Rapaport and Ms. Nutaitis regarding the parking issues on Newark Avenue.**

**Mr. Coan stated he hopes the Governing Body will recast the Marijuana Ordinance at a later date this year.**

ON MOTION by Bonnell/Gubitosi to go into an Executive Session to discuss Legal and Contractual Matters.

The Governing Body and The Administration went into Executive Session at 8:07 p.m. by means of Communication Equipment due to COVID-19 to discuss Legal Matters.

The Governing Body and the Administration returned from Executive Session at 9:06 p.m.

ON MOTION by Bonnell/Seixsmith to return from Executive Session.

Weber/Gubitosi moved to adjourn.

Adjourned at 9:07 p.m.



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Erica Kostyz, RMC, CMR  
Municipal Clerk