

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

February 23, 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 the 500,000 citizens who have passed away and family members who have lost loved ones due to the COVID-19 Pandemic.

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

Presentations:

- **Quality of Life Committee Members Certificates of Appreciation.**

Mayor Fox recognized the Quality of Life Committee members Julie Nutaitis, Eileen Shissias, Paula Gentempo, Jane DeNoble, Karen Goldberg and Valerie Mulry and thanked them for their service to the community.

- **Certificate of Appreciation for Kathie Deak for her service to various Boards and Commissions.**

Mayor Fox announced Kathie Deak will be resigning from the three committees she serves on and gave recognition for her fifteen years of service to the community.

ON MOTION by Fox/Bonnell to approve the Regular Council Meeting Minutes of February 9, 2021

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

APPROVED

ON MOTION by Fox/Sexsmith approve the Executive Meeting Minutes of February 9, 2021

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

APPROVED

Administrator Brown gave the following report:

UTILITY COORDINATION MEETINGS

The Administration is setting up meetings with all the various utilities and adjacent public agencies (i.e. JCP&L, NJAW, NJNG and NJ Transit) to meet with their various Government Affairs officials to forge a better relationship with them, to request proper coordination and to attempt to get the Borough Utility bills under one account. So far, we have met with NJAW and it went very successful.

NJ DIRECT INSTALL REBATE PROGRAM

The Borough next week will be hosting Hutchinson and its partners that will perform a lighting survey and subsequently installation for the NJ Rebate Program for the Borough approved locations. The Administration expects this to save thousands of dollars to the Borough to install energy efficient lighting and controlled motion sensitive lighting that should reduce our electric bills.

ENERGY AGGREGATION

I recently was in touch with the Borough Administrator of the Borough of Red Bank and he reported that they were completing the draft RFP for our solicitation of an energy aggregation consultant. The draft RFP will be circulated to all the participating towns next week and then the group can finalize the RFP. The Borough of Red Bank will issue the RFP, receive the proposals and then the participating towns can evaluate the respondents and then the Borough of Red Bank can officially designate the consultant on behalf of the group. So, all this means is that we are getting closer to the Energy Aggregation program kicking off.

IT PAY\$ TO PLUG IN

The Borough is assessing the It Pay\$ to Plug In program, which provides grants to offset the cost of purchasing and installing electric vehicle charging stations. The program is designed to expand New Jersey's growing network of electric vehicle infrastructure, allowing residents, businesses, and government agencies to purchase and drive electric vehicles. EVs dramatically reduce vehicle emissions and improve air quality for everyone. More to come on this in the future.

2019 AUDIT

Chief Financial Officer Sandra Rice announced the 2019 Audit was delivered to the Borough on Friday, February 19, 2021 and has been sent to the Governing Body electronically via email. Ms. Rice stated an exit interview with the previous Auditor was conducted Friday, February 13th. Ms. Rice stated the Audit report will be made available to the public after Governing Body approval and signature of the affidavit.

Ms. Rice reported she and the Borough Administrator are researching to possibly consolidate telephone, internet and cable services to save money to the Borough.

Public Comment on Agenda Items:

Kathy Martin, 410 Bradley Boulevard, thanked the Governing Body for putting emphasis on the revised Sylvan Lake Charter Agreement by placing Ordinance 2021-7 on the agenda for introduction.

Thomas J. Coan, 612 Third Avenue, inquired charges for medical supplies and tax map revisions on the bill list.

Ms. Rice explained the medical supplies were most likely charged to the incorrect sub account and the tax map revisions charge is for an invoice for the Tax Assessor's budget account.

Ordinance Introduction(s)

ORDINANCE 2021-7

AN ORDINANCE AMENDING ARTICLE II: "SYLVAN LAKE COMMISSION" IN CHAPTER 24: "COMMISSIONS AND COMMITTEES" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO APPROVE THE SYLVAN LAKE COMMISSION'S AMENDED BY-LAWS.

Councilman Gubitosi thanked Kathy Martin and Anne Politi for developing a new and updated charter with revisions to include clearer language and parameters for shared services.

Councilman Bonnell stated he supports Sylvan Lake and offered any assistance if needed.

Councilman Sexsmith thanked Ms. Martin, Ms. Politi and Council Liaison Gubitosi for their work with revising the Charter.

Councilman Weber thanked everyone involved with the revisions.

Mayor Fox stated he will be sharing the revisions with the Fletcher Lake Commission.

ON MOTION by Fox/Weber to introduce Ordinance 2021-7.

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

INTRODUCED

Ordinance Adoption(s):

ORDINANCE 2021-01

AN ORDINANCE AMENDING CHAPTER 450: “ZONING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO AMEND AND AUGMENT THE TERMS CONTAINED IN SECTION 450-4: “DEFINITIONS” TO CLARIFY SAME AND TO PROVIDE MORE SPECIFICITY TO THE DEFINITIONS AND REGULATIONS CONTAINED THEREIN.

Councilman Gubitosi stated the Ordinance was reviewed by the Planning Board and determined the verbiage in Chapter 450-4 is consistent with the Master Plan and made ten recommendations of which five were accepted by the Ordinance Review Team.

Councilman Gubitosi suggested an edit to Bed and Breakfast to amend back to the original language that read owner occupied.

Councilman Bonnell stated he will vote yes to approve the ordinance adoption, however, is still not completely satisfied with the current revisions.

Councilman Sexsmith stated he is pleased with the revision and feels it will make the process easier for professionals and residents.

Councilman Weber thanked the team that worked on the revisions.

Mayor Fox commended the team for their revisions.

ON MOTION by Fox/Gubitosi to open Public Hearing on Ordinance 2021-1
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
 NAYS: None
 ABSENT: None
 ABSTAIN: None

Public Hearing:

Thomas J. Coan, 612 Third Avenue, thanked the Governing Body for this ordinance and feels it will be a wonderful addition to the operations of the Borough.

MaryAnn Spilman, 902 Ocean Avenue, asked for clarification on the Bed and Breakfast being owner occupied.

Conversation ensued between Ms. Spilman, Councilman Gubitosi and Borough Attorney Greg Cannon regarding the definition of owner occupied. Ms. Spilman stated she does not agree and feels the Planning Board's recommendation to remove owner occupied should be followed.

Thomas J. Coan, 612 Third Avenue, stated Bed and Breakfast is a home based business, not commercial and should read as owner occupied.

ON MOTION by Fox/Bonnell to close the public hearing and adopt Ordinance 2021-1
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
 NAYS: None
 ABSENT: None
 ABSTAIN: None

ADOPTED

ORDINANCE 2021-4

AN ORDINANCE DELETING AND RESERVING ARTICLE VIII: "QUALITY OF LIFE COMMITTEE" IN CHAPTER 24: "COMMISSIONS AND COMMITTEES" OF THE BOROUGH'S REVISED GENERAL ORDINANCES.

Councilman Sexsmith stated it is the victory of the QOL Committee's efforts that the Borough has a properly staffed Code and Zoning Enforcement Departments.

Councilman Bonnell stated he enjoyed working with the QOL Committee and commended their efforts and hard work.

Councilman Gubitosi concurred with Councilmen Sexsmith and Bonnell and stated he is pleased the QOL Committee assisted in developing the resources needed in the Borough to enforce Code and Zoning standards.

Councilman Weber thanked the QOL Committee for their work in the community.

Mayor Fox echoed Council's comments and looks forward to continued improvement within the Borough started by the QOL Committee.

ON MOTION by Fox/Gubitosi to open Public Hearing on Ordinance 2021-4
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing:

Thomas J. Coan, 612 Third Avenue, commended the QOL Committee for setting the standards on how the town should be maintained.

ON MOTION by Fox/Sexsmith to close the public hearing and adopt Ordinance 2021-4
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

ORDINANCE 2021-6

AN ORDINANCE AMENDING CHAPTER 24: “COMMISSIONS AND COMMITTEES” AND CHAPTER 425: “TREES” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO CLARIFY CERTAIN ASPECTS OF THE BOROUGH’S SHADE TREE COMMISSION AND TREE REGULATIONS BASED UPON THE COMMISSION’S SUGGESTIONS FOLLOWING ITS FIRST YEAR OF OPERATION UNDER RECENTLY MODIFIED ORDINANCES.

Councilman Weber thanked the Shade Tree Commission and Borough Attorney for their diligence with the revisions to this Ordinance.

Councilman Gubitosi stated the definition of “street” has been adjusted in this ordinance to be consistent with Ordinance 2021-1 (450-4 Definitions).

Councilman Bonnell had no comment

Councilman Sexsmith had no comment

ON MOTION by Fox/Bonnell to open Public Hearing on Ordinance 2021-6
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing:

Thomas J. Coan, 612 Third Avenue, thanked the Governing Body, the STC and the Attorney for the revisions and commended the Committee's accomplishments to date.

ON MOTION by Fox/Bonnell to close the public hearing and adopt Ordinance 2021-1
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
 NAYS: None
 ABSENT: None
 ABSTAIN: None

ADOPTED

Communications:

- A request from Clean Ocean Action to hold their Spring and Fall Beach Sweeps on Saturday, April 17th and Saturday, October 23rd from 9:00 a.m. to 12:30 p.m.
- A request from American Littoral Society to conduct the Lobster Run 5K on Saturday, November 6, 2021 from 9:00 a.m. to 11:00 a.m.
- A request from the Hydrocephalus Association to conduct their 5K Walk on Sunday, September 12, 2021 from 7:00 a.m. to 1:00 p.m.
- A request from the Surfrider Foundation to hold a Beach Cleanup on Saturday, November 6, 2021 from 10:00 am to 2:00 p.m.

Mayor Fox stated all precautions for these events (COVID, social distancing, water stations, etc.) have been vetted and will operate in the appropriate manner.

Councilman Sexsmith expressed concern due to COVID that two events (Surfrider and American Littoral Society) are on the same date.

Councilman Weber stated the Surfrider Foundation will be on the beach only.

Municipal Clerk, Erica Kostyz, confirmed the American Littoral Society Run is a pass through the town on the Boardwalk only and will not interfere with the Surfrider beach cleanup.

ON MOTION by Fox/Gubitosi to move the Communications Items to the Consent
 Agenda.

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

CONSENT AGENDA:

Resolution 2021-72 Bill List for February 9, 2021

Resolution 2021-73 Authorizing a Sewer Tax Payment Refund for Block 79, Lot 20.

Resolution 2021-74 Authorizing cancellation of 2020 Tax and Sewer Charges for 319 LaReine Avenue.

Resolution 2021-75 Approval for Clean Ocean Action to hold the 2021 Annual Spring and Fall Beach Sweeps.

Resolution 2021-76 Approval for the American Littoral Society to Conduct the Lobster Run 5K on Saturday, November 6, 2021 from 9:00 a.m. to 11:00 a.m.

Resolution 2021-77 Approval for the Hydrocephalus Association to conduct their 5K Walk on Saturday, September 12, 2021 from 7:00 a.m. to 1:00 p.m.

Resolution 2021-78 Approval for the Surfrider Foundation to hold a Beach Cleanup on Saturday, November 6, 2021 from 10:00 a.m. to 2:00 p.m.

ON MOTION by Fox/Gubitosi to approve the Consent Agenda

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

APPROVED

RESOLUTIONS:

Resolution 2021-79 Temporary Budget Appropriations.

ON MOTION by Fox/Gubitosi to Approve Temporary Budget Appropriations

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

APPROVED

Resolution 2021-80 Authorizing an Hourly Wage Increase for a Part-Time Public Works Employee.

ON MOTION by Fox/Sexsmith to Authorize an Hourly Wage Increase for a Part-Time Public Works Employee.

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

APPROVED

Resolution 2021-81 Authorizing the Municipal Clerk to Advertise for Brinley Avenue Concession Bids.

ON MOTION by Fox/Sexsmith to Authorize the Municipal Clerk to Advertise for Brinley Avenue Concession Bids.

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

APPROVED

Resolution 2021-63(A) Authorizing the County of Monmouth Mosquito Control Division to conduct Aerial Mosquito Control Operations within the Borough of Bradley Beach

Mayor Fox confirmed Aerial Mosquito operations would only be enacted in a significant emergency situation and would be widely communicated and publicized. Mayor Fox stated the Borough would utilize their emergency response to notify residents.

ON MOTION by Fox/Sexsmith to Authorize the County of Monmouth Mosquito Control Division to conduct Aerial Mosquito Control Operations within the Borough of Bradley Beach.

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

APPROVED

MAYOR AND COUNCIL REPORTS:

Mayor Fox reported the following:

- **Requested continued vigilance during the pandemic and stated the active case count in town has dropped from 38 to 25 in the last week. In addition, the State rate has**

dropped to .86 and vaccinations are up twenty percent.

- Commended the Police and DPW for doing a good job with the snow storm.
- Thanked OEM and Tourism for their assistance with increasing participation in the Emergency Management System.
- Gave an update on the Finance Committee and the 2021 Budget.
- Gave an update on Resolution 2021-69 regarding clarification on curbs and gutters.
- Encouraged everyone to participate in the Take the Pledge Restaurant Take-Out program in support of Main Street businesses.
- Gave an update on the Main Street Task Force.

Councilman Bonnell commended DPW for doing a good job doing the snow storm. Mr. Bonnell stated he will be working on a future plan to remove snow on the narrow streets in town.

Councilman Gubitosi reported the following:

- Thanked the QOL Members and Kathie Deak for their service to the Community.
- Gave a Finance Committee report and stated he is reviewing the Audit Report.
- Mentioned workshops for the March 9th Meeting.
- Thanked the Governing Body for introducing Ordinance 2021-7 this evening and gave an update on the Sylvan Lake restoration process.
- The Main Street Task Force are delivering gift certificates from Bradley Beach Merchants to residents.
- Commended the DPW for doing an amazing job during the snow storm.
- Stated a possible ceremony will take place in May COVID permitting naming the Maritime Forest after former Mayor Julie Schreck.
- Gave an update on the website revision.
- Stated the Council is in the process of planning recognition for former Town Historian Shirley Ayers.

Councilman Sexsmith reported the following:

- Thanked the Mayor and Administrator Brown for doing a post event review on the snow.
- Gave reports on the First Aid, Fire and Police Departments.
- Thanked the QOL Committee Members for their service and dedication to the town.

Councilman Weber reported the following:

- Stated resident Mike McCarthy passed away from COVID.
- Commended the Police Department and the DPW for doing a good job during the snow storm.
- Announced the Borough will be in need of a Part-Time Recreation Director. Mr. Weber stated the Recreation Board is assessing if summer camp will take place this year due to the pandemic.
- Virtual Fitness classes are available online every Wednesdays at 6:30 p.m.
- Announced Zoning Officer Michael Mulcahy made a SDL Portal instructional video for the public.
- Reported the number of summons issued to residents with regards to the snow

maintenance.

- **Mr. Weber gave an update on the STC.**
- **Mr. Weber stated the Environmental Commission submitted a report on how the various commissions can better communicate with one another.**
- **Mr. Weber gave an update on Recycling.**

Public Comment:

Anne Politi, 512 Brinley Avenue, thanked Councilman Gubitosi for his assistance with the Sylvan Lake Charter Commission Agreement.

Thomas J. Coan, 612 Third Avenue, requested Executive Session topics be placed on the Agenda in the future.

Mr. Coan stated he is looking forward to reviewing the 2019 Audit.

Commended DPW and the Sanitation Department for their hard work during the snowstorm.

Kathy Martin 410 Bradley Boulevard, thanked Zoning Officer Michael Mulcahy for his professionalism with regards to a violation she received.

Fox/Gubitosi moved to adjourn
ADJOURNED 7:53 P.M.



Erica Kostyz, RMC, CMR
Municipal Clerk