

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

February 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.

CALL TO ORDER

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

Workshop Discussion:

- A Resolution Supporting the Re-Opening of Main Street Theater by Cinema Lab Group (Non-Monetary).

Mayor Fox stated the COVID pandemic forced the closing of Showroom Cinema; post pandemic this would be a void to a time that the Borough would be trying to strategically uplift Main Street. A management group named Cinema Labs is in the process of raising public and private investor funds with the view towards significant renovations and enhancements to the theater. Cinema Labs is near to closing on the property and the main focus of this workshop is to signal as a community support and desire for Cinema Labs to succeed. Mayor Fox thanked resident and film industry executive Arianna Bocco for her leadership in the community and work with Cinema Labs.

Mayor Fox noted in aside from this resolution and in the spirit of full disclosure, Cinema Labs has indicated they would like the Borough to enter into a financial arrangement of \$42,000 annually over the next seven years to assist them in their renovations in exchange for defined benefits for residents. Mayor Fox continued this amount is an approximation and not final and the value proposition needs to be framed, communicated to the public and debated. This would take place over the next few months. At present, there are no binding negotiations with Cinema Lab Group, only informal discussions have taken place.

Mayor Fox stated this workshop resolution has nothing to do with financial negotiations and the

workshop is for discussion with the Council and the public with the possibility to vote on moving the resolution to the agenda for passage.

Council Comments on Workshop Discussion:

Councilman Bonnell stated while he does have some concerns regarding financial negotiations, he would like to see the theater continue in the community.

Councilman Gubitosi stated he is strongly supportive of Cinema Lab Group and wants them to succeed with the theater and feels the concept is wonderful and the Cinema Lab Group team is very impressive. Mr. Gubitosi reiterated the Governing Body has made no financial commitment to the project without taking the many factors into account the impact on tax payers and how financial support to this private enterprise would be viewed in contrast to other private businesses (restaurants and shops) on Main Street that are currently impacted also due to the pandemic. Mr. Gubitosi stated he would need to be clear in understanding how the Borough would justify financial support to Cinema Lab without considering similar support for other Main Street businesses.

Councilman Sexsmith stated he would like to see the project succeed and would like to hear the public's view on this.

Councilman Weber would like to see the theater remain on Main Street and concurs with Councilman Gubitosi on the justification of financial support from the Borough to one business and no other businesses on Main Street.

Mayor Fox stated in discussions he has had with business owners in town, especially restaurant owners, they are supportive of the theater. Mayor Fox continued if a business presents a valuable proposition that provides reciprocity to the town, he feels that it would be worthy of considering.

Public Comments on Workshop Discussion:

Paul Neshamkin, 411 ½ LaReine Avenue, stated he is strongly in support of the theater and feels it is essential, however it should be a for-profit entity and should not be supported by the Borough financially and funds for the theater should be raised through residents as private investors. Mr. Neshamkin feels it is important not to use Borough funding for this project as funding will be needed for other town projects, one being the Community Center.

Allen Rapaport, 512 Newark Avenue, is in support of the theater and feels it is an attribute to the town, however should not be funded by the Borough. Mr. Rapaport also expressed concerns with parking at the theater location.

Arianna Bocco, 200 Evergreen Avenue, stated financial support requested from the Borough is low risk and year to year and funding the theater will benefit the town by creating events and use for community space. Ms. Bocco stated obtaining private investors is not easy, the Community Center Project will take years to complete and the theater is a turnkey business. Ms. Bocco stated having the town's financial involvement and support is much more meaningful as an agreement and is for the life of the theater.

Anita Nezario, 116 Newark Avenue, is excited about the possibilities the theater will present for the community, however feels the town would not be setting a good precedent to support one business and not others.

MaryAnn Spilman, 902 Ocean Avenue, supports the importance of the theater to the community and feels there are other options to explore in supporting the theater and other Main Street businesses without financial funding from the Borough.

Nancy Meadow, 805 Beach Avenue, urged the Governing Body to focus on other financial issues in the town.

Kim Januzzi, 608 Evergreen Avenue, is looking forward to seeing the possibilities the theater will bring to the town, expressed concerns about parking at the theater location and feels it is unfavorable to invest in one town business versus other town businesses that are also in need due to the COVID pandemic.

Ari Roth, 700 Beach Avenue, is in support of the theater, but not in favor of using the town's funds to support it and feels the funds should go towards the Community Center.

Don Greenberg, 302 Park Place Avenue, stated the theater is an iconic piece of the town and deserves support and suggested funding the theater through a tax abatement or guaranteed return loan.

Thomas J. Coan, 612 Third Avenue, is in support of the resolution as written and does not feel town funds should be used to support it financially as this is a for-profit business. Mr. Coan feels the Borough should focus on the Community Center project.

Julie Nutaitis, 605 Newark Avenue, is in favor of diverse use for the theater and wants to see it thrive. Ms. Nutaitis stated she is opposed to using tax payer money to fund a private venture.

Linda Curtiss, 202 Third Avenue, stated the theater is a unique business and an anchor business that would assist other businesses in town and is in favor if the Borough can structure assistance financially.

Jane DeNoble, 612 Third Avenue, stated she is not in favor of funding the theater through the Borough.

Paul Neshamkin, 411 ½ La Reine Avenue, urged residents to invest privately in the theater and reiterated he does not feel Borough funds should be used.

Arianna Bocco, 200 Evergreen Avenue, stated she appreciates everyone's concerns. Ms. Bocco stated the theatrical business will return at a small town level. Ms. Bocco stated Borough funding will enable the team to get larger investments, comfort the anchor investor and will affect every business in town in a positive way. Ms. Bocco stated the whole proposal is not being presented and this resolution is for support of the theater and not for the financial aspect as that is still being negotiated and will formally proposed to the town. Ms. Bocco suggested everyone wait to hear the whole plan before making any decisions or opinions.

Jack Gentempo, 103 Fourth Avenue, stated there are many other theaters in the area and is skeptical of investing money into a competitive business.

Don Greenberg, 302 Park Place Avenue, reiterated the workshop resolution is for support only and not for financial commitment.

Allen Rapaport, 512 Newark Avenue, concurred with Mr. Greenberg's comment and again expressed concerns about parking.

Thomas J. Coan, 612 Third Avenue, feels the Mayor and Council should move forward with this workshop resolution and do another resolution mentioning support for all of the other businesses in town.

Michael Mulcahy, Borough Zoning Officer, expressed the importance of having a movie theater in town.

Rona Parker, 27 Atlantic Avenue, stated she has confidence that the Governing Body will come up with a creative plan for the theater financially.

Mayor Fox stated Cinema Lab Management will continue to work on a proposal are close to closing on the theater.

Mayor Fox read the following workshop resolution for the public:

RESOLUTION EXPRESSING SUPPORT FOR CINEMA LAB’S EFFORTS TO RENOVATE AND REOPEN THE VACANT MOVIE THEATER LOCATED AT 110 MAIN STREET WITHIN THE BOROUGH OF BRADLEY BEACH

WHEREAS, in 1915, the Palace Theatre opened at 110 Main Street and began showing motion pictures on Christmas Day in 1925; and

WHEREAS, for ninety-five years, residents of and visitors to the Borough of Bradley Beach (the “Borough”) were able to go to the movies on the Borough’s Main Street; and

WHEREAS, in 1976, the Palace Theatre was renovated and renamed the Beach Cinema and continued to show first-run movies on Main Street for more than forty years; and

WHEREAS, in 2018, Beach Cinema was purchased by ShowRoom Cinema, and despite the name-change, residents and visitors could still go to the movies on Main Street; and

WHEREAS, beyond entertaining generations of Bradley Beach residents of all ages, the Borough’s business corridor benefitted economically from the anchor and attraction provided by a Main Street movie theater; and

WHEREAS, in September 2020, as a result of the COVID-19 pandemic, ShowRoom Cinema unfortunately went out of business and closed its doors to the public; and

WHEREAS, for the first time in nearly a century, there is presently no movie theater operating within the Borough, and the Mayor & Council express strong concerns about the impacts that the now-vacant movie theater may have upon the Main Street business corridor; and

WHEREAS, Cinema Lab, a group of knowledgeable theater investors, will take substantial steps to purchase, renovate and re-open the former ShowRoom Cinema at 110 Main Street as The Bradley – a new three-screen movie theater with full concessions and other potential enhancements; and

WHEREAS, the Mayor & Council believe that re-opening the now-vacant movie theater is very important to the economic recovery of the Borough’s Main Street business corridor from the COVID-19 crisis; and

WHEREAS, the Mayor & Council believe that the existence of an operating movie theater within the Borough’s Main Street business corridor provides an anchor and attraction that benefits surrounding businesses and the community as a whole;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bradley Beach that, the Mayor & Council find Cinema Lab’s proposed plans to purchase, renovate and re-

open the now-vacant theater at 110 Main Street to be well-thought, reasonable, achievable, and would bring substantial enhancements that will benefit the Borough's Main Street business corridor; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Bradley Beach, while reserving their right to separately review any future approvals and/or permissions sought by Cinema Lab without prejudice in the ordinary course, hereby express their support for Cinema Lab's efforts to purchase, renovate and re-open the now-vacant theater at 110 Main Street for the benefit of the Borough of Bradley Beach.

Mayor Fox made a motion to amend the Agenda and move this resolution to item 13 named Resolutions for passage.

ON MOTION by Fox/Weber to amend the Agenda and move this resolution Supporting the Re-Opening of the Main Street Theater by Cinema Lab Group to item 13 named Resolutions for passage.

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

ON MOTION by Fox/Sexsmith to approve the Regular Council Meeting Minutes of January 26, 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 January 26, 2021

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

APPROVED

Administrative Report

Administrator Brown reported the following:

LIQUOR LICENSE REFORM

The Governing Body will be considering Resolution 2021-67 and 68, which supports various liquor license reform legislation. New Jersey's liquor license laws are among the most restrictive in the country. In fact, the cost of a license in many of our municipalities can easily soar into the six or seven figures – if they are even available. Liquor license restrictions impede the economic development of many of our communities, especially our downtowns. With the recent introduction of S2964/A4925, Senator Gopal and Assemblyman Bergen recently joined the chorus of legislators calling for expansion of liquor license laws. These bills address the outdated liquor license laws by creating a new type of license that would allow restaurants to serve non-spirit alcohol (beer, wine, and cider) at a significantly reduced cost from that of a full license. With our small restaurant owners struggling to survive from the economic havoc of COVID-19, this reform is needed now more than ever. But pandemic aside, this reform is needed to bring New Jersey's liquor laws into the 21st century and make us more competitive in the region.

GROW MONMOUTH FAÇADE IMPROVEMENT PROGRAM

The Borough and the Bradley Beach Business Community Alliance are partnering to bring various economic development tools to the business community. Today we visited Albuélita's Food Market at 408 Main Street, and we will be working with them to complete the Façade Improvement Program Application, which will enable to receive funds up to \$1,850.00 to improve their signage and paint their facade. The Borough and the Alliance are hopeful that this is just one of more to come as we aim to help our small businesses and our downtown.

NEW BUSINESS ON MAIN STREET

Please join me in welcoming E. Holland Sundries, a new bakery at 126 Main Street that recently opened and operates in various farmers and craft markets at the Jersey Shore. It looks like now they are open on the weekends and they have a fully operational website for everyone to get a preview at ehollandsundries.com.

2019 AUDIT

The CFO and I will be having an Exit Conference with the Auditor on Thursday. It is anticipated that we should receive the final Audit at that time. We will provide an update at the next Council meeting.

Public Comment on Agenda Items:

Thomas J. Coan, 612 Third Avenue, requested the Governing Body not pass Resolution 2021-67 Supporting Liquor License Reform as he feels it is impacting existing license holders.

Mr. Coan thanked the Mayor and Council for Resolution 2021-69 Waiving Sidewalk Permit Fees.

William Psiuk, 110 Fifth Avenue, stated with regards to Ordinance 2021-6 sprinkler systems in planting strips should be permitted and the definitions should be consistent with the current ordinance going before the Planning Board.

Ordinance Introductions:

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.

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

INTRODUCED

ORDINANCE 2021-5

AN ORDINANCE AMENDING SECTIONS 450-12, 450-13, AND 450-26 OF CHAPTER 450: “ZONING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO CLARIFY PERMITTED YARD ENCROACHMENTS, AND TO PROVIDE CERTAIN RELIEF TO NON-CONFORMING LOT OWNERS MAKING ONLY MINOR IMPROVEMENTS TO THEIR PROPERTIES WITHIN THE BOROUGH.

Councilman Gubitosi stated a few edits were made to this ordinance after the workshop at the January 26th Council Meeting.

ON MOTION by Fox/Sexsmith to introduce Ordinance 2021-5.
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
 NAYS: None
 ABSENT: None
 ABSTAIN: None

INTRODUCED

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.

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

INTRODUCED

Ordinance Adoptions

ORDINANCE 2021-2

AN ORDINANCE ESTABLISHING CERTAIN SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF BRADLEY BEACH (PUBLIC WORKS: MECHANICAL, ELECTRICAL, PLUMBING TECHNICIAN, \$25.00-\$45.00/HOUR).

ON MOTION by Fox/Sexsmith to open Public Hearing on Ordinance 2021-2
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing:

Thomas J. Coan, 612 Third Avenue, inquired if this ordinance refers current employees or new hires and if these employees are licensed.

Administrator Brown responded this is for new hires that will be licensed.

Councilman Sexsmith also added these individuals are going to be employed on an as needed basis.

ON MOTION by Fox/Sexsmith to close the Public Hearing and adopt Ordinance 2021-2
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
NAYS: None

ABSENT: None

ABSTAIN: None

ADOPTED

BOND ORDINANCE 2021-3

BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,161,312 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,106,010 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Mayor Fox read the list of items this ordinance is providing for.

Councilman Bonnell stated the biggest item for DPW is a much needed front loader.

ON MOTION by Fox/Weber to open Public Hearing on Ordinance 2021-3
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
 NAYS: None
 ABSENT: None
 ABSTAIN: None

Public Hearing:

Thomas J. Coan, 612 Third Avenue, feels the public should have been more involved in the discussion for the items in this ordinance.

Allen Rapaport, 512 Newark Avenue, stated the public should have been more involved with this ordinance.

Councilman Bonnell stated he will request a Special Workshop to discuss the new DPW Building.

Nancy Meadow, 805 Beach Avenue, concurred with Mr. Coan and Mr. Rapaport and asked if the Borough will get their greenhouse back when DPW gets a new building.

Councilman Bonnell responded that is the plan.

Councilman Weber stated this was a list of much needed Capital items that got deferred for a year across the departments due to the several circumstances in 2020. Mr. Weber also stated the original request was larger in dollar amount that was negotiated down to the present amount.

Councilman Gubitosi asked Ms. Rice if it would be feasible to table this ordinance and do public workshop for resident feedback first.

Ms. Rice responded the time line for this ordinance is tight and it would be best to adopt it now for refinancing debt.

Councilman Gubitosi inquired if adopting this ordinance now will affect having future public discussions pertaining to the items in the ordinance.

Ms. Rice confirmed public discussions can still take place after adoption and explained this ordinance offers the Chief Financial Officer the authority to borrow money if needed.

Mayor Fox stated the Governing Body will take workshopping and disclosure under advisement, and recommended moving forward with the adoption of this ordinance.

Nancy Meadow, 805 Beach Avenue, asked if DPW will have an exercise room in their new building at the taxpayer's expense.

Councilman Bonnell replied no.

Councilman Gubitosi stated he will vote yes to adopt the ordinance with the commitment to have public sessions to review the purchases listed in this ordinance.

ON MOTION by Fox/Sexsmith to close the public hearing and adopt Ordinance 2021-3
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
 NAYS: None
 ABSENT: None
 ABSTAIN: None

ADOPTED

Communications:

- Raffle No. 2021-1 (On Premise) – Saint James Episcopal Church 605 Fourth Avenue, Bradley Beach on Saturday, May 22, 2021.

ON MOTION by Fox/Sexsmith to move the Saint James Episcopal Church request to the Consent Agenda.

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

CONSENT AGENDA:

Councilman Gubitosi requested to move Resolution 2021-63 to Resolutions to be voted out separately.

Resolution 2020-62 Bill List for February 9, 2021

Approved Raffle License No. 2021-1 (On Premise) – Saint James Episcopal Church 605 Fourth Avenue, Bradley Beach on Saturday, May 22, 2021.

Councilman Sexsmith stated Bill List item Service Master for sanitizing Police Vehicles is not needed any further since the purchase of an Auto Clave machine in 2020.

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

APPROVED

RESOLUTIONS:

Resolution 2021-63 Authorizing the Monmouth County Mosquito Control Division to Conduct Aerial Mosquito Control Operations within the Borough of Bradley Beach.

Councilman Gubitosi expressed concern regarding resident notification when spraying pesticides.

Councilman Weber stated he is almost certain this resolution is not for routine spraying of pesticides. The resolution is to give the County the permission to do emergency spraying if necessary.

Further conversation ensued between Councilman Gubitosi and Councilman Weber on having a plan in place to notify residents.

ON MOTION by Bonnell/Sexsmith to table Resolution 2021-63.
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
 NAYS: None
 ABSENT: None
 ABSTAIN: None

RESOLUTION TEMPORARILY TABLED FOR CLARIFICATION

Resolution 2021-64 A Resolution Amending the 2021 Temporary Budget.

ON MOTION by Fox/Sexsmith to Amend the 2021 Temporary Budget.

Councilman Gubitosi asked for a brief explanation for the amounts for the Engineer and the Tax Collector amount is for operating expenses.

Ms. Rice explained the Engineering amount includes recent proposals and the Tax Collector is for operating expenses.

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

APPROVED

Resolution 2021-65 A Resolution to approve Anthony Paino at \$35.00 an hour on an as needed basis to perform as a Mechanical Technician.

ON MOTION by Fox/Bonnell to Approve Anthony Paino at \$35.00 an hour on an as needed basis to perform as a Mechanical Technician.

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

APPROVED

Resolution 2021-66 Resolution to Appoint Shawn Heeter as the Beach Manager at 30,362.16 Annually.

Councilman inquired how this amount was calculated.

Administrator Brown replied this is Mr. Heeter's current salary as Recreation Director.

ON MOTION by Fox/Sexsmith to Appoint Shawn Heeter as the Beach Manager.

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

APPROVED

Resolution 2021-67 A Resolution in Support of Liquor License Reform in the State of

New Jersey.

Councilman Sexsmith stated he will abstain for Resolutions 2021-67 and 2021-68 due to a conflict of interest as he has a State Liquor License.

ON MOTION by Fox/Weber to Support Liquor License Reform in the State of New Jersey.

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

APPROVED

Resolution 2021-68 Resolution in support of New Jersey Senate Bill No. S-2964 and New Jersey Assembly Bill A-492 which establishes a Restricted Alcoholic Beverage License that Allows the Sale of Beer, Wine and Cider by the Glass on Premises of a Restaurant with a Full Service Kitchen.

ON MOTION by Fox/to Support of New Jersey Senate Bill No. S-2964 and New Jersey Assembly Bill A-492 which establishes a Restricted Alcoholic Beverage License that Allows the Sale of Beer, Wine and Cider by the Glass on Premises of a Restaurant with a Full Service Kitchen.

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

APPROVED

Resolution 2021-69 A Resolution Waiving Sidewalk Permit Fees during the Borough's Sidewalk Compliance Program.

ON MOTION by Fox/Sexsmith to Waive Sidewalk Permit Fees during the Borough's Sidewalk Compliance Program.

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

APPROVED

Resolution 2021-70 A Resolution Supporting the Re-Opening of Main Street Theater by Cinema Lab Group.

ON MOTION by Fox/Bonnell to Support the Re-Opening of Main Street Theater by Cinema Lab Group.

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:

- **Asked for continued vigilance during the pandemic and stated the number of active cases in the Borough has dropped from 58 to 37, the number of State rate of infection has dropped from .95 percent to .85 percent and vaccinations are up by 30 percent.**
- **Commended the Police Department and DPW for doing a good job during the snow storm.**
- **Encouraged everyone to participate in the Emergency Management System.**
- **The Tourism Committee launched the Take the Pledge Campaign last week to encourage take out from restaurants within the town.**
- **The Library will have remote print services and public computer use is still suspended.**

Councilman Bonnell commended DPW and the Police Department for doing a good job during the snow storm.

Councilman Gubitosi reported the following:

- **Commended the Municipal Clerk for doing a good job with the 1/26/21 Meeting Minutes.**
- **An exit conference is scheduled for Friday, February 12th for the 2019 Audit.**
- **The Finance Committee will expedite efforts to complete the review of long term debt refinancing.**
- **The Sylvan Lake has completed a draft Charter.**
- **Gave an update on the Community Center project and reported Mayor Fox is working to restructure the Community Center Task Force Committee to make it more action oriented.**
- **Stated the Firehouse is currently the shelter for power and heat in the event of an**

emergency for residents.

Councilman Sexsmith reported the following:

- **Gave the Fire and First Aid Department reports.**
- **Announced the First Aid and Fire Departments are looking for volunteers.**
- **Gave the Police Department Report.**
- **Thanked the Police Department for reevaluating the positive trend on the COVID situation.**
- **Encouraged residents to participate in the Reverse 911 program and OEM notifications.**
- **Thanked the residents for their feedback with the Bond Ordinance this evening.**

Councilman Weber reported the following:

- **Reminded residents to shovel their sidewalks to avoid violations and suggested adding this reminder to the Reverse 911 & OEM notifications.**

Michael Mulcahey, Borough Zoning Officer, reported 57 notices of violation and 8 summonses.

- **Mr. Weber stated with regards to Resolution 2021-69 only the permit fee is being waived during the Compliance Program and residents must still file a permit.**
- **Encouraged everyone to stay safe and be careful during the pandemic.**
- **Thanked Administrator Brown for the Liquor License Resolutions this evening.**
- **Thanked everyone for their feedback with the Workshop Discussion.**

Public Comment:

Harvey Rosenberg, 313 ½ Ocean Park Avenue, confirmed the sidewalk resolution has been corrected to state a permit must be filed.

Mr. Rosenberg suggested suspending garbage collection during a snow plowing and alternate side of the street parking during a snowstorm.

Mr. Rosenberg stated he is not in favor of financial support for the Theater.

Nancy Meadow, 805 Beach Avenue, stated the public needs to be informed of emergency shelters.

MaryAnn Spilman, 902 Ocean Avenue, asked for a financial summary and status of the current litigation within the Borough.

Borough Attorney Greg Cannon responded to Ms. Spilman's request with the following

amounts:

**Januzzi vs. Bradley Beach: \$7305 in legal fees and \$449 in trial expenses.
Status: Scheduled for trial on February 22nd.**

**SBBB vs. Bradley Beach: \$5790 in legal fees and 330.34 in trial expenses.
Status: The case will be resolved this month given the termination of the project.**

**Barrett vs. Bradley Beach: Mr. Cannon explained this case is covered under the JIF.
Status: The settlement is pending subject Governing Body approval.**

Further conversation ensued between Ms. Spilman and Mr. Cannon with regards to what started the litigations and what was learned from each of these cases.

Don Greenberg, 302 Park Place Avenue, inquired how the Borough will get more compliance for participation in the Reverse 911 Program.

Mayor Fox named several ideas in place; social media, temporary lawn signs, announcement on the Certificate of Occupancy Application and advertisements at different parts of town.

Mr. Greenberg suggested a direct mail campaign or placing a flyer in the sewer bills.

Kim Januzzi, 608 Evergreen Avenue, gave an explanation of her lawsuit with the Borough and stressed the importance of clear ordinances.

Thomas J. Coan, 612 Third Avenue, thanked the Borough Administrator for going around town to check on businesses.

Mr. Coan suggested using a different ZOOM meeting format to avoid intrusive pop ups that occurred at this evening's meeting and recommended the system Howell Zoning Board uses.

Mr. Coan agreed with Mr. Rosenberg's suggestion to suspend garbage removal during snow plowing.

Conversation ensued between Mr. Coan and Mayor Fox regarding the informing the public about the theater.

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

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

The Governing Body and The Administration went into Executive Session at 9:04 p.m. by means of Communication Equipment due to COVID-19 to discuss Legal Matters and Contractual Matters.

No action is going to be taken in Executive Session.

The Governing Body and the Administration returned from Executive Session at 9:34 p.m.

ON MOTION by Fox/Weber to return from Executive Session.

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

Fox/Bonnell moved to adjourn
ADJOURNED 9:40 P.M.



Erica Kostyz, RMC, CMR
Municipal Clerk