

OROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

April 27, 2021 at 6:30 p.m.

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
Borough Attorney Gregory Cannon
Municipal Clerk Erica Kostyz

Mayor Fox stated the agenda items were altered to accommodate the introduction of the 2021 Municipal Budget. Since the agenda was published on the website for public view on Friday 4/23/21, the Governing Body has decided to defer the introduction by one week at a Special Council Meeting to get an adjacent resolution in place authorizing an increase in the Deferred School Taxes.

Mayor Fox stated the School Tax Resolution has been an omission in the budgeting process for a number of years and was recently recommended by the Borough Auditor and it is a required that the resolution needs to be passed at the same time as the Budget Introduction resolution. Mayor Fox continued the School Tax Deferral resolution is in the process of being finalized this week and due to the importance of a timely budget introduction a Special Council Meeting will be scheduled for Tuesday, May 4th at 2:30 p.m. in order to ensure the intro procedure is done properly.

Public Comment on Agenda items:

Councilman Weber requested to move the comment speaking time limit from three minutes to five minutes since the Budget Introduction is not being presented this evening.

Mayor Fox obliged Councilman Weber’s request.

Thomas J. Coan, 612 Third Avenue, questioned the Engineering fees amounts on the bill list.

Administrator Brown requested the Municipal Clerk make a note of Mr. Coan's inquiry and he would get back to Mr. Coan's request as the CFO was not present at this meeting.

Note* Municipal Clerk Erica Kostyz explained the Engineering fees at a later point in the meeting.

Mr. Coan expressed concern regarding budget documents not being presented to the public and inquired when the public will have access to the amounts being budgeted for 2021.

Mayor Fox stated on behalf of the CFO, it is his understanding, after the introduction on May 4th a detailed copy of the introduced budget will be made available to the public.

Further conversation ensued between Mr. Coan, Mayor Fox, and Mr. Cannon regarding the prior budget process and distribution of documents for public view prior to introduction.

Communications:

(A) A request from the National Multiple Sclerosis Society to hold their 2021 Charity Bicycle Ride, Saturday, May 8th from 6:30 a.m. to 3:30 p.m.

(B) A request from Safe Way Out to conduct Yoga/Meditation Sessions from May through October at Riley Park and McCabe Avenue Beach.

(C) Memo for New Hires and Salary Increases for existing Employees.

(D) Memo of Employment Separation for the Court Violations Clerk

(E) Memo for 2021 Seasonal Lifeguard Staff

(F) Memo for 2021 Seasonal Gateguards and Cashiers

Councilman Weber inquired about the two special events on the Communications list.

Ms. Kostyz responded Councilman Weber's inquiries.

ON MOTION by Fox/Sexsmith to move items A and B on the Communications Item list to the Consent Agenda.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox

NAYS: None

ABSENT: None

ABSTAIN: None

CONSENT AGENDA:

Resolution 2021-119 Bill List April 13, 2021

Resolution 2021-120 Approval for the Multiple Sclerosis Society to conduct their Charity Bicycle Ride on Saturday, May 8, 2021 from 6:30 a.m. to 3:30 p.m.

- Resolution 2021-121** Approval for Safe Way Out to conduct their Yoga/Meditation Session from May through October at Riley Park and McCabe Avenue Beach.
- Resolution 2021-122** Authorizing a Lien Redemption for 511 Park Place Avenue in the amount of \$2877.15.
- Resolution 2021-123** Authorizing a Tax Overpayment Refund for 7 Main Street in the amount of \$474.14.
- Resolution 2021-124** Authorizing a Tax Overpayment Refund for 611 Ocean Avenue, Unit 106 in the amount of \$707.72.
- Resolution 2021-125** Authorizing a Tax Overpayment Refund for 316 Park Place Avenue in the amount of \$2186.16.
- Resolution 2021-126** Authorizing a Tax Overpayment Refund for 209 Ocean Avenue in the Amount of \$1385.14.
- Resolution 2021-127** Authorizing a Tax Overpayment Refund for 102 Beach Avenue in the amount of \$3011.01
- Resolution 2021-128** Authorizing a Tax Overpayment Refund to Core Logic for 1001 Beach Avenue in the amount of \$1478.47.
- Resolution 2021-129** Authorizing a Street Opening Deposit Refund for 501 Park Place Avenue.

ON MOTION by Fox/Bonnell to approve the Consent Agenda

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

APPROVED

RESOLUTIONS:

Resolution 2021-130 Introduction of the 2021 Municipal Budget to be read by Title only.

ON MOTION by Fox/Gubitosi to Table the Introduction of the 2021 Municipal Budget until the Special Council Meeting to be held Tuesday, May 4, 2021.

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

TABLED

Resolution 2021-131 Temporary Budget Appropriations.

Councilman Gubitosi inquired if the most recent copy of the resolution included an appropriation for the Shade Tree Commission.

Mayor Fox confirmed the most recent resolution included this appropriation.

ON MOTION by Fox/Sexsmith to Authorize the Temporary Budget Appropriations.

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

APPROVED

Resolution 2021-132 Authorizing the 2021 Daily Beach Badge Fee.

Councilman Bonnell inquired if the Borough is planning to purchase more seasonal badges before the start of the season.

Mayor Fox confirmed more badges will be purchased.

ON MOTION by Fox/Bonnell to Authorize the 2021 Daily Beach Badge Fee.

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

APPROVED

Resolution 2021-133 Award of Bid to Jaeger Lumber for Boardwalk Materials.

ON MOTION by Fox/Weber to Award the Bid to Jaeger Lumber for Boardwalk Materials.

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

APPROVED

Resolution 2021-134 Award of Bid for Brinley Avenue Concession to Ocean Avenue Ice Cream, LLC.

ON MOTION by Fox/Sexsmith to Award the Bid for Brinley Avenue Concession to Ocean Avenue Ice Cream, LLC.

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

APPROVED

Workshop Discussion(s):

ORDINANCE 2021-XX

AN ORDINANCE AMENDING ARTICLE I: “OUTDOOR BURNING; HAZARDOUS DEBRIS” IN CHAPTER 210: “FIRE PREVENTION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO ALLOW AND REGULATE CERTAIN OUTDOOR BURNING WITHIN THE BOROUGH.

Councilman Gubitosi stated the Governing Body had received concerns from residents regarding the use of open fire pits and after doing research he discovered the current ordinance may be interpreted to not allow open fires.

Councilman Gubitosi stated the purpose of this draft revision is to establish the legality for the use of fire pits and other open flames for recreation and to regulate outdoor fires to comply with health and safety regulations.

Councilman Gubitosi stated the draft revision allows for natural gas fire pits. With regards to open wood burning fire pits that could cause embers, several restrictions including fines have been placed in the draft ordinance.

Council Comments:

Councilman Sexsmith stated a copy of the draft ordinance has been forwarded to the Fire Chief and the Police Chief and he has not received any comments from either.

Public Comment on this Workshop item:

Nancy Meadow, 805 Beach Avenue, thanked Councilman Gubitosi for attempting to take action on the use open fire pits. Ms. Meadow stated her main concern is where people are allowed to utilize fire pits (ex. a back yard only & not a front or side yard, deck or balcony).

Thomas J. Coan, 612 Third Avenue, thanked Councilman Gubitosi for initiating the draft Ordinance and Mr. Cannon for drafting it and agreed with Ms. Meadow’s comments.

Brittany Toms, 204 Second Avenue, concurred with Mr. Coan and Ms. Meadow regarding the draft ordinance and inquired if there is a brochure available for new residents explaining what types of restrictions are within the Borough.

Mayor Fox replied there is not a brochure for new residents.

ON MOTION by Fox/Sexsmith to approve the Council Meeting Minutes of April 13, 2021

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

APPROVED

ON MOTION by Fox/Sexsmith to approve the Executive Session Minutes of April 23, 2021

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

APPROVED

Administrative Report: None

Ordinance Introduction(s)

ORDINANCE 2021-14

AN ORDINANCE AMENDING CHAPTER 450: “ZONING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO AMEND SECTION 450-49: “EXEMPT SIGNS AND AWNINGS” TO ADOPT NEW REGULATIONS REGARDING THE PLACEMENT, APPEARANCE, AND UTILIZATION OF TEMPORARY COMMERCIAL SIGNS WITHIN THE LIMITS OF THE BOROUGH.

Mayor Fox stated the Ordinance will be tabled and introduced at a later meeting to refine the verbiage and include additional input.

ON MOTION by Fox/Weber to Table Ordinance 2021-14.

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

TABLED

ORDINANCE 2021-12

AN ORDINANCE ADDING CHAPTER 112: “CANNABIS” AND AMENDING CHAPTER 123: “BEACHFRONT AREAS AND ADJACENT WATERS” AND CHAPTER 339: “PARKS AND RECREATION AREAS” AND CHAPTER 393: “SPECIAL EVENTS” AND CHAPTER 394: “BLOCK PARTIES” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO OPT-OUT OF THE NEW CANNABIS LAW AND TO PROHIBIT ALL CONSUMPTION OF CANNABIS IN PUBLIC PLACES AND ALL UNDERAGE POSSESSION OF CANNABIS ITEMS IN THE BOROUGH.

Councilman Gubitosi inquired why the amendments include block parties.

Councilman Weber stated he believes the ordinance is trying to prohibit the use of cannabis in certain areas the same way alcohol is prohibited.

Borough Attorney, Greg Cannon, confirmed Councilman Weber’s explanation.

ON MOTION by Fox/Weber to introduce Ordinance 2021-12.

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

INTRODUCED

ORDINANCE 2021–13

AN ORDINANCE AMENDING CHAPTER 450: “ZONING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO PROVIDE THAT ALL MEDICAL CANNABIS AND/OR RECREATIONAL CANNABIS BUSINESSES ARE DEEMED PROHIBITED USES WITHIN THE BOROUGH

Borough Attorney Greg Cannon gave a summary of the previous ordinance introduced in 2020 and stated this revised ordinance includes specific definitions that comport with the Regulatory/Legalization (Cannabis Act) recently passed.

Councilman Gubitosi is concerned this ordinance does not capture the intent of the Zoning Ordinance adjustment and inquired if the ordinance can be adjusted to include a reference about the density of traffic and parking.

Councilman Weber stated he feels the wording is fine and placing a reference about this could prevent different types businesses from applying for residency that would be an asset in the Borough.

ON MOTION by Fox/Weber to introduce Ordinance 2021-13.

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

INTRODUCED

ORDINANCE 2021-15

AN ORDINANCE AMENDING CHAPTER 286: “LITTERING; SOLID WASTE COLLECTION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO UPDATE THE REGULATIONS ATTENDANT TO SOLID WASTE COLLECTION WITHIN THE BOROUGH.

Due to a clerical error in posting on the website it was decided to table this ordinance due to the public not being able to view the ordinance prior to the meeting. The ordinance will be introduced at a later meeting.

Borough Attorney Greg Cannon gave a brief summary of the contents of the ordinance.

Further conversation ensued between Councilman Gubitosi and Mr. Cannon regarding doing a public workshop for this ordinance at the next meeting prior to introduction.

ON MOTION by Gubitosi/Fox to Table Ordinance 2021-15.

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

TABLED

Ordinance Adoption(s):

ORDINANCE 2021-11

AN ORDINANCE ESTABLISHING CERTAIN SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, AND THE STATE OF NEW JERSEY AND REPEALING ANY AND ALL OTHER ORDINANCES INCONSISTENT HEREWITH

Schedule A

Department of Public Works

Senior Landscaper

Minimum: \$1000 Annually

Maximum: \$10,000 Annually

Maintenance Laborer

Minimum: \$11.00 Hourly

Maximum: \$20.00 Hourly

Sanitation Laborer

Minimum: \$14.00 Hourly

Maximum: \$25.00 Hourly

Police Department

Class I Special Officer

Minimum: \$11.00 Hourly

Maximum: \$20.00 Hourly

Councilman Gubitosi inquired if this ordinance is an update to the existing salary schedule.

Mayor Fox confirmed this is an update to the existing salary schedule.

ON MOTION by Fox/Sexsmith to open the public hearing Ordinance 2021-11.

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

Public Comments: None

ON MOTION by Fox/Weber to close the public hearing and adopt Ordinance 2021-11.

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

ADOPTED

MAYOR AND COUNCIL REPORTS:

Mayor Fox reported the following:

- **COVID vaccinations, number of cases, and Executive orders.**
- **Commended OEM and the town for following rules and guidelines during the pandemic.**
- **The second Business Roundtable with retail and service segments will be held 4/28/21.**
- **Parking options are still being researched and discussed based on the Engineering team analysis along with continued feedback from residents.**
- **A delineated parking plan has been submitted to the NJDOT for approval.**
- **The repave of Newark, Cliff and Kent Avenue is taking place with delineated parking to be included.**
- **Further assessments are taking place for parking in other areas of town to assist businesses.**
- **An Arbor Day Ceremony will take place Friday, 4/30/21 at 5:30 p.m. at the Second and Third Avenue Green and the Class of 2021 of the Bradley Beach Elementary School will be honored.**
- **The Green Fair Event was a successful event.**
- **A Leadership Retreat took place Friday, 4/23/21 with Professor Marc Pfeiffer of the Blaustein Government Research Center to review the form of Local Government under the Faulkner Act with Government Officials and Municipal Department Leaders.**
- **The Governing Body and Administration are completing plans for the beach season and working with the County to ensure the Lifeguards are vaccinated.**
- **The Playground Promenade is progressing well with plans to hold a ribbon cutting ceremony in mid to late May.**

Councilman Bonnell reported the following:

- **Read section 40-4 of the N.J.S.A regulations relating to the budget to give clarification to the public on budget procedures.**
- **Stated the budget laws are being followed, however agrees with Mr. Coan with regards to sharing budget documents with the public prior to introduction.**
- **Mr. Bonnell stated the retreat last Friday gave clarification on the structure of the Government in Municipalities under the Faulkner Act.**

Councilman Gubitosi reported the following:

- **Stated the draft ordinance for firepits has a provision for a ten foot setback from the property line and fifteen foot distance from structures. Councilman Gubitosi stated**

- he will have language added to the draft to add language regarding backyards.
- **Thanked Mayor Fox for organizing the Leadership Retreat last Friday.**
 - **The Dedication Ceremony naming the Maritime Forest after former Mayor Julie Schreck will take place May 25th at 11:00 a.m.**
 - **Explained the School Tax Referral Resolution for the public and its importance in regards to the surplus. Councilman Gubitosi agreed with Councilman Bonnell's commentary on the budget regarding sharing budget documents with the public prior to introduction.**

Councilman Sexsmith reported the following:

- **Thanked Councilman Gubitosi and the Finance Committee for discovering the Deferred School Tax omission.**
- **Thanked Mayor Fox for the Leadership Retreat.**
- **Reported the number of First Aid and Fire Department calls, vaccination status of both department and training status for both departments.**
- **Welcomed Christopher Hopf as a fifth addition to the Fire Department.**
- **Announced the Fire and First Aid Departments are accepting volunteers.**

Councilman Weber reported the following:

- **Stated the Green Day Event this past weekend was a success and thank the Tourism Director for her assistance.**
- **Mentioned the Arbor Day Ceremony for Friday 4/30 and encouraged everyone planning on attending to wear a mask.**
- **The Environmental Commission gave out 40 additional Plastic Film Buckets at the Green Fair and promoted the Recycle Coach App.**
- **Thanked the Environmental Volunteers that ran the Clean Ocean Action Beach Sweeps this past weekend.**
- **Stated Recreation Summer Camp will take place Monday through Friday from 8:30 a.m. to 3:30 p.m. and the first day to register is 5/3/21. Councilman Weber also stated the registration form is on the Borough Website.**
- **Congratulated the new Recreation Director Kenneth Walker.**
- **Reminded everyone the Recreation Board will be having a Mother's Day Event 5/1/21 and stated the form to register for the event is on the Borough Website .**

Public Comment:

Herb Kenney, 216 Brinley Avenue, raised concerns regarding the appearance of the Brinley Avenue concession trailer and asked that Council enforce the maintenance requirements.

Councilman Weber stated the Borough owns the concession trailer and agreed it should be checked for any necessary maintenance.

Borough Attorney Greg Cannon stated the Borough is allowed to control the exterior

appearance of the trailer.

Nancy Meadow, 805 Beach Avenue, inquired and mentioned the following:

- **Handicapped Ramps**
- **Status of the Beachfront Playground**
- **Requested documents be given to new homeowners.**
- **Thanked Councilman Bonnell for his comments regarding the budget during his council report.**
- **Clarification on the legal age for cannabis consumption.**

Mr. Cannon, Councilman Sexsmith and Mayor Fox addressed Ms. Meadow's inquiries.

Jack Gentempo, 103 Fourth Avenue, inquired the names and addresses of the Core Group members that are involved with the United Methodist Church Project.

Mayor Fox stated he would get the information to Mr. Gentempo this week.

Brittany Toms, 204 Second Avenue, agreed with Mr. Kenney regarding the appearance of the Concession trailer, stated the Tourism event schedule is not on the website.

Mayor Fox explained to Ms. Toms the events are listed on the Tourism section on the Borough Website.

Ms. Toms also mentioned the United Methodist Church project and the parking plan.

Councilman Gubitosi stated the new website update will be much more user friendly and the incorporate the Tourism Department as well as other departments.

Eileen Shissias, 112 Fourth Avenue, commended Mr. Kenney for his concerns regarding the boardwalk concessions. Ms. Shissias feels the Council and Code Enforcement has a responsibility to keep their appearance maintained.

Paul Neshamkin, 411 ½ LaReine Avenue, responded to Ms. Toms comments regarding the Tourism website and stated the Tourism Director has been using social media to promote events. Mr. Neshamkin also responded with regards to the United Methodist Church he is the founder of the 501c3 Friends of the Bradley Beach Community Center which is actively surveying interest in the Community Center and gathering opinions from residents and visitors about possible uses for the building.

Jack Gentempo, 103 Fourth Avenue, requested information on all of the committees involved with evaluating the church.

Jane DeNoble, 612 Third Avenue, followed up on the angled parking status and stated most residents on Second and Third Avenue do not want this.

Further conversation ensued between Mayor Fox & Ms. DeNoble regarding the angled

parking and different options being considered to alleviate the parking issue in town.

Thomas J. Coan, 612 Third Avenue:

- **Congratulated everyone involved with the Green Fair Event.**
- **Thanked the Mayor and Council for being proactive about the Cannabis Ordinance.**
- **Thanked Councilman Bonnell for reading the budget law and stated he feels the public should receive more detailed budget information and figures as this has been done in previous years.**

Mr. Coan inquired why the School Tax Deferral resolution was not done previously.

Councilman Gubitosi stated for reasons unknown the prior Auditors and CFOs chose not to utilize this and stated it is a financial tool the Borough is allowed to take advantage of however not mandatory.

Councilman Bonnell explained how the School Tax Deferral works to Mr. Coan.

Mr. Coan asked for an invite to the Business Roundtable tomorrow.

Mayor Fox stated he would send Mr. Coan an invite.

Mr. Coan expressed concerns regarding the amounts for concession bids.

Mr. Cannon responded to Mr. Coan's inquiries.

Dr. Thomas McGuire, 610 Brinley Avenue, asked for an invite to the Business Roundtable.

Mayor Fox stated he would send Dr. McGuire an invite.

Dr. McGuire inquired if vaccinations for Lifeguards is going to be a requirement.

Mayor Fox responded it is not a requirement, however the vaccine is being made available to the Lifeguards.

Fox/Sexsmith moved to adjourn.

MEETING ADJOURNED AT 8:30 P.M.



Erica Kostyz, RMC, CMR
Municipal Clerk