

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

May 11, 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
Chief Financial Officer Sandra Rice
Borough Attorney Gregory Cannon
Municipal Clerk Erica Kostyz

Mayor Fox requested for a moment of silence for the passing of former Borough Administrator and lifelong resident Phyllis Quixley.

Workshop Discussion(s):

Parking Capacity Increase Opportunities:

Mayor Fox stated the expansion of Business permits which allows restaurants utilize outside tents to deal with seating capacity has been extended to the end of 2022. While this is good for the restaurants, it has put pressure on parking throughout the town, particularly during the summer.

Mayor Fox stated at this time the Governing Body is proposing delineated spaces on both sides of Second Avenue and Third Avenue, extend the green to add more spaces, provide striping to Main Street eliminate U-turns and confusion, and making Second or Third Avenue a one-way street as a safer approach.

Mayor Fox continued a review took place last week with the Administration, Engineering, DPW, and Traffic Safety and settled on this recommendation in addition to resident feedback. Mayor Fox stated he feels this is a stronger plan than the NJDOT/Rutgers Plan that included parallel and angled parking, which is not ideal for the Borough at this time.

Mayor Fox stated the extension of the Green will give the ability to plant approximately 4 more trees going west. Mayor Fox continued he received additional input from residents on

the 600 block of Second and Third that will be assessed as the parking plan is incorporated. Mayor Fox stated he feels this plan will be a good solution for parking improvements in town.

Note: Attached Parking Plan Proposal Diagram was provided for public view during the Workshop.

Council Comments on the Parking Workshop:

Mayor Fox gave a detailed explanation of the parking plan for the public using the visual plan provided.

Mayor Fox stated this plan would provide for both sides a total of 66 delineated spaces and create more efficient parking.

Mayor Fox stated received great suggestions to be considered from the residents on Second and Third Avenue.

Councilman Weber confirmed with the number of parking spaces to be gained with this plan is 12 additional spaces.

Councilman Weber stated the plan looks like an improvement, will be potentially safer and would like to hear the public's opinions.

Councilman Sexsmith stated he feels some parking ordinances will need to be revised and would like to hear the public's opinions.

Councilman Gubitosi inquired if the angled parking by the pharmacy will remain or be eliminated.

Mayor Fox replied the plan is to have it remain, however there were a few suggestions to simplify the turn onto Second Avenue that will be considered.

Councilman Gubitosi requested a curb be placed where the striping would be to avoid drivers cutting across.

Mayor Fox stated Councilman Gubitosi's idea will be taken into consideration.

Councilman Gubitosi also suggested making both Second and Third Avenue one-way streets.

Councilman Bonnell stated in name of transparency the angled parking was a broad suggestion from people outside of town. Councilman Bonnell stated he feels parking needs to be delineated throughout the town and an ordinance needs to be passed to ban angled parking. Councilman Bonnell also stated the alleyway going between Third and Fourth Avenue needs to be considered as well and shut down to through traffic and leave it open to the residents only as a private driveway.

Public Comments on the Workshop Item:

Jane DeNoble, 612 Third Avenue, thanked the Mayor for removing the angled parking. Ms. DeNoble suggested removing the six angled parking spots currently on Second Avenue and replace the spots with a Commercial Zone for delivery trucks and suggested placing walkways from the tip of the island to the Second and Third Avenue sidewalks.

Joe Konstantinou, 621 Fourth Avenue, inquired if the alley from Second/Third Avenue through Fourth Avenue was considered in this plan

Mayor Fox stated it was not, however he has received additional feedback last night regarding this and will include this in the assessment.

Mr. Konstantinou expressed several traffic safety concerns for the alley.

Ehab Ali, 614 Third Avenue, concurred with Ms. DeNoble regarding removing the angled parking spots and feels one-way streets will cause confusion if the street is not one-way all the way down the block.

Nancy Meadow, 805 Beach Avenue, is in favor of one-way streets, agreed with removing the angled parking and recommended more parking ordinances eliminating overnight trucks being parked in residential zones.

David Rakowski, 304 Third Avenue, inquired if there is any consideration to making Hammond Avenue and Fletcher Lake Avenue a two way street.

Mayor Fox stated that was a suggestion that was brought up last night and will be considered.

Mr. Rakowski also suggested something decorative be placed where the striping will be to prevent U-turns or drivers cutting through.

Jack Gentempo, 103 Fourth Avenue, suggested removing vertical parking on Fourth Avenue for safety reasons.

Michelle Affrunti, 620 Third Avenue, agreed with Ms. DeNoble's comments on removing angled parking spots and creating a loading zone. Ms. Affrunti suggested extending the curbing instead of having a one-way street.

John Zech, 610 ½ Evergreen Avenue, suggested moving the existing fire hydrant to the grassy area for better access.

Niles Llolla, 616 Third Avenue, is in favor of removing the angled parking on Second Avenue and making the streets one-way and agrees the striped section should be a raised curb.

Joe Konstantinou, 621 Fourth Avenue, agrees with putting loading zones on Second Avenue, one-way streets.

Mr. Konstantinou gave several safety suggestions for traffic concerns for the alleyway.

Ehab Ali, 614 Third Avenue, agrees raised curbs should be placed where striped lines are placed on the parking plan.

Thomas J. Coan, 612 Third Avenue, recommended adding a bike lane if Second and Third become one-way streets.

Mr. Coan is in favor of making the angled spaces on Second Avenue a loading zone.

Mr. Coan thanked the DOT and Rutgers and everyone who attended meetings to come up with a plan.

Rich Despina, 600 Third Avenue, thanked the Mayor for the delineated parking plan and expressed opinions and suggestions for one-way parking.

Councilman Weber agrees a loading zone in place of the angled parking on Second Avenue is a good idea, however asked everyone to consider the route a big truck will have to take to get on to Main if one-way streets are involved.

Presentations; Receipt of Bids or Petitions: None

ON MOTION by Fox/Sexsmith to approve the Regular Council Meeting Minutes of April 27, 2021.

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

APPROVED

ON MOTION by Fox/Gubitosi to approve the Special Council Meeting Minutes of May 4, 2021.

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

APPROVED

Administrative Report:

Administrator Brown reported the following:

Hackensack Meridian Health in partnership with the Monmouth County Health Department is offering the COVID-19 Vaccine to all eligible New Jersey residents 16 and older at the following facilities:

- **Bayshore Medical Center**
- **Jersey Shore University Medical Center**
- **Ocean Medical Center**
- **Riverview Medical Center**
- **Southern Ocean Medical Center**

Beach Nesting update:

- **A pair of American Oystercatchers are back again this season nesting between Fourth and Fifth Avenues. The pair are still in the laying cycle and once they lay their last nest egg NJDEP will give the Borough an estimated hatch date.**
- **NJDEP has placed a post and fence around the area the birds are nesting for their protection.**

Public Comment on Agenda Items:

Thomas J. Coan, 612 Third Avenue, inquired about the Caterpillar Machine on the Bill List.

CFO, Sandra Rice, answered Mr. Coan's inquiry.

Mr. Coan stated he is glad about Ordinance 2021-16 and 2021-10.

Nancy Meadow, 805 Beach Avenue, thanked Councilman Gubitosi for the Fire Pit Ordinance and questioned the charge for Adirondack Chairs on the Bill List.

Mayor Fox replied the chairs are for the new playground.

Rich Despins, 600 Third Avenue, inquired about the extension of outdoor dining tents.

Mayor Fox confirmed the outdoor dining tents are extended as per state mandate through the end of 2022.

Councilman Bonnell stated Outdoor Dining Tents were not a State mandate, they were an allowance from the state with the decision for extension lying within the Municipality.

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.

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 SECOND TIME FOR FURTHER REVISIONS

ORDINANCE 2021-16

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 gave a recap of the importance of the ordinance which is to define the permitted use of recreational fire pits while providing various health and safety regulations.

Councilman Weber thanked Councilman Gubitosi for initiating this ordinance.

ON MOTION by Fox/Gubitosi to introduce Ordinance 2021-16.

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

INTRODUCED

ORDINANCE 2021-17

AN ORDINANCE SUPPLEMENTING THE BOROUGH'S REVISED GENERAL ORDINANCES WITH NEW CHAPTER 418 ENTITLED "THIRD-PARTY TAKE-OUT AND DELIVERY SERVICE FEES" TO LIMIT THE SERVICE FEES ALLOWED TO BE CHARGED LOCAL RESTAURANTS BY THIRD-PARTY FOOD DELIVERY VENDORS DURING COVID-19 STATE OF EMERGENCY.

Mayor Fox stated a few surrounding towns have implemented this ordinance within the last month. Mayor Fox explained this ordinance would limit up to a 15% charge that third party food delivery vendors can charge consumers.

Mayor Fox stated Hoboken has had success with this ordinance and has sent the ordinance to surrounding towns with the hope of building solidarity with other towns.

Councilman Gubitosi stated he is supportive of the goal of this ordinance and wants to protect the town's local businesses and see them thrive. Mr. Gubitosi continued he feels this ordinance will be difficult to enforce and feels the Borough is infringing on a private contract between the town merchants and third party organizations and asked Mr. Cannon to provide some clarification.

Mayor Fox stated there is an expired state law that is being reintroduced to address this. Mayor Fox continued he spoke to Hoboken regarding enforcement and was told the companies are conforming to the ordinance.

Borough Attorney, Greg Cannon, confirmed and explained the state law expiration and renewal and stated there is not a set way to enforce this. Mr. Cannon continued, companies are conforming to this ordinance being adopted in most likely to avoid a consumer fraud lawsuit.

ON MOTION by Fox/Sexsmith to introduce Ordinance 2021-17.

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

INTRODUCED

Ordinance Adoption(s):

ORDINANCE 2021-10

AN ORDINANCE AMENDING CHAPTER 450: "ZONING" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO AMEND THE TERMS "COVERAGE, BUILDING" AND "COVERAGE, IMPERVIOUS" IN SECTION 450-4: "DEFINITIONS" FOR CONSISTENCY WITH OTHER RECENTLY UPDATED SECTIONS OF CHAPTER 450.

Councilman Gubitosi gave a recap of this ordinance and thanked everyone involved in helping with the updates.

ON MOTION by Fox/Sexsmith to open the public hearing Ordinance 2021-10.

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

Public Comments:

Thomas J. Coan, 612 Third Avenue, stated he is in favor of this ordinance and thanked the Councilman Gubitosi and the team that worked on it.

ON MOTION by Fox/Weber to close the public hearing and adopt Ordinance 2021-10.

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

ADOPTED

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 Bonnell stated he thought the Borough was concentrating on the sale of Cannabis, not the consumption.

Councilman Weber explained this ordinance is to put cannabis use on the same level as alcohol consumption within the town.

Mr. Cannon confirmed this ordinance is for the police regulations for cannabis and explained Ordinance 2021-13 had to go to the Planning Board for a hearing before it can be adopted.

ON MOTION by Fox/Sexsmith to open the public hearing Ordinance 2021-12.

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

Public Comments:

Thomas J. Coan, 612 Third Avenue, thanked the Council and the Borough Attorney for getting this ordinance in place.

Thomas McGuire, 610 Brinley Avenue, inquired if this ordinance prohibits use of marijuana on the streets and in public.

Mayor Fox responded yes.

Mr. McGuire stated he feels it is unfair cigarette smoking is allowed in public but not marijuana use, especially for medicinal purposes.

Councilman Weber stated cigarette smoking is not allowed on the beach, boardwalks and parks in town.

ON MOTION by Fox/Sexsmith close the public hearing and adopt Ordinance 2021-12.

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

ADOPTED

Communications:

- **Memo of resignation for Kenneth Walker, Jr. from the Board of Recreation.**
- **Memo of Employee Resignation for Alexa Sammarco, Court Violations Clerk.**
- **Memo for Seasonal Hires and Promotions.**
- **Memo of Resignations and Appointments for the Planning Board and Zoning Board of Adjustment.**

CONSENT AGENDA:

Resolution 2021-136 Bill List for May 11, 2021

Resolution 2021-137 Authorizing a refund for the September Kaleidoscope for Hope Walk/Race.

Resolution 2021-138 Appointing Kim Baker as a Member of the Shade Tree Commission.

Resolution 2021-139 Authorizing a Street Opening Deposit Refund for 604 Madison Avenue.

Resolution 2021-140 Authorizing a Sewer Tax Overpayment Refund for 319 Fifth Avenue.

Resolution 2021-141 Authorizing a Refund of \$2146.00 to Gray Supply Company for an Off Duty Escrow Balance.

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 2021-142 Temporary Budget Appropriations.

ON MOTION by Fox/Sexsmith to Authorize Temporary Budget Appropriations

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

APPROVED

Resolution 2021-143 Authorizing Departments to dispose of Obsolete Office Equipment no longer in use by the Borough.

Councilman Weber inquired what type of printers are being disposed of.

Clerk Kostyz responded extremely old printers that are no longer functional.

Councilman Gubitosi inquired about the SCBA bottles from the Fire Department on the list.

Councilman Weber and Councilman Bonnell responded these are compressed oxygen bottles used as a breathing apparatus.

ON MOTION by Fox/Weber to Authorize Departments to dispose of Obsolete Office Equipment no longer in use by the Borough.

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

APPROVED

Resolution 2021-144 Appointment of Special Class I Police Officers for 2021.

ON MOTION by Fox/Sexsmith to Appoint Special Class I Police Officers for 2021.

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:

- **Gave an update on COVID-19 cases and stated there has been an improvement on the state and local level.**
- **The second Business Roundtable with service and retail businesses took place last week.**
- **The Beach Playground reopening is scheduled for Saturday, 22nd.**
- **The Memorial Day Ceremony will take place Monday, May 31st at 11:00 a.m. in Riley Park.**
- **The Maritime Forest Ceremony Dedication to Julie Schreck will take place Tuesday, May 25th.**
- **Bradley Beach Food Pantry sponsored a COVID-19 Vaccine event this past Saturday. Mayor Fox stated the other organizations in the Borough hope to sponsor a vaccine event also.**
- **Gave a Library report.**

Councilman Bonnell reported the following:

- **Thanked the Rare Restaurant for their event held last week for the Main Street Commission.**
- **Councilman Bonnell mentioned he is not in favor of using high urban towns for comparisons on parking and food delivery and would prefer to use surrounding towns**

within the same demographics.

Councilman Gubitosi reported the following:

- **The Arbor Day Celebration was a success.**
- **Gave an update on the upcoming new Borough Website and thanked everyone working on the enhancements.**
- **Welcomed Kim Baker to the Shade Tree Commission.**
- **The Maritime Forest Ceremony Dedication to Julie Schreck will be Tuesday, May 25th at 11:00 a.m.**

Councilman Sexsmith reported the following:

- **Police, Fire and First Aid Squad call reports.**
- **Fire Department and First Aid Squad vaccination and training updates.**
- **Congratulated Fire Chief John Zech for passing his National Association Emergency Medical Technician Recertification.**
- **Announced the Memorial Day Parade is cancelled for this year due to the pandemic.**

Councilman Weber reported the following:

- **Mr. Weber stated he would like to workshop the Sign Ordinance tabled this evening at a future Council Meeting before introducing it.**
- **The Arbor Day Event was a success.**
- **Thanked Administrator Brown for mentioning the Oystercatchers.**
- **Mentioned Plastic Film pick-up is tomorrow and encouraged residents to come to the DPW Yard to get a bucket.**
- **The Recreation Department is accepting registrations for Summer Rec Camp.**
- **The Junior Lifeguard Program is accepting registrations.**
- **Mr. Weber gave a public service announcements on tree roots and sewer lines on behalf of the Shade Tree Commission.**

Public Comment:

MaryAnn Spilman, 902 Ocean Avenue, expressed disappointment for the Memorial Day Parade cancellation, thanked the Governing Body for the parking proposal and stated she would like to see all smoking prohibited on the west side of Ocean Avenue, however feels it is unfair to allow cigarettes and prohibit marijuana.

Mr. Cannon explained the Cannabis Act to clarify confusion of cannabis being treated like smoking tobacco.

Paul Neshamkin, 411 ½ LaReine Avenue, thanked DPW for putting up the historic signs on

the boardwalk.

Nancy Meadow, 805 Beach Avenue, thanked Councilman Bonnell for recognizing Bradley Beach as a small shore town and thanked whoever was responsible for recognizing the Teachers at the Bradley Beach Elementary School on the Borough Digital Sign.

Ms. Meadow inquired about the status of handicapped ramps and emergency shelters.

Ms. Meadow requested the Borough Council meetings go back to in person.

Mayor Fox responded with regards to live Council Meetings the Borough is going by the State mandates however the Governing Body is looking into going back to live meetings.

Mayor Fox stated he met with the Borough Engineer regarding the handicapped ramp applications.

Further conversation ensued between Mayor Fox and Ms. Meadow regarding the submission of the application.

Carolyn Jones, 410 Evergreen Avenue, inquired about the application approval for 409 Evergreen Avenue and expressed concern over the height restrictions.

Councilman Weber, responded Ms. Jones's inquiry and stated those decisions go through the Planning and Zoning Boards to which they have meetings for. Mr. Weber continued if an application conforms to the Borough Ordinances, the applicant is not required to go before the Zoning or Planning Boards. Mr. Weber also suggested contacting the Zoning Officer with inquiries.

Mayor Fox stated it is not the intent to emulate a city like Hoboken and Jersey City; Both of these towns just happen to have similar situations with the Third Party Food App and Parking.

Mayor Fox also stated the direction on parking came from the NJDOT and their recommendation was assessed.

Jack Gentempo, 103 Fourth Avenue, feels Ordinance 2021-17 is over regulation. Mr. Gentempo also suggested a regulation that controls the operation of landscapers in the early evening hours.

Rich Despina, 600 Third Avenue, mentioned concerns regarding sidewalks that need repair throughout the Borough.

Jane DeNoble, 612 Third Avenue, expressed concern about motorized bicycles on the Boardwalk.

Ms. DeNoble also expressed concerns regarding Feather signs.

Greg Janoff, 414 Monmouth Avenue, inquired with regards to the 409 Evergreen Avenue

property if a builder has a certain time limit in which to answer to the Zoning Officer.

Conversation ensued between Councilman Bonnell, Zoning Officer Michael Mulcahy, Councilman Gubitosi and Mr. Jannoff regarding as built surveys and stop work orders.

John Zech, 610 ½ Evergreen Avenue, thanked Ms. Rice for the thorough inventory for the Fire Department equipment disposal and thanked DPW for providing a trailer to transport the equipment to the scrap yard for disposal.

Jane DeNoble, 612 Third Avenue, stated a Stop Work Order should be placed on the 409 Evergreen Avenue property.

Fox/Gubitosi moved to adjourn

MEETING ADJOURNED 8:50 P.M.



Erica Kostyz, RMC, CMR
Municipal Clerk

