

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

June 22, 2021 at 6:30 p.m.

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room, 701 Main Street, Bradley Beach, New Jersey 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
Chief Financial Officer Sandra Rice
Borough Attorney Gregory Cannon
Municipal Clerk Erica Kostyz

Mayor Fox stated the Dog Beach Workshop discussion from the June 9th meeting is still under consideration. Mayor Fox stated all of the feedback from residents is much appreciated and he hopes to have an update on the status of this subject for the July 13th Council Meeting. Mayor Fox stated continued work is being done on parking improvements within the town.

Workshop Discussion(s): None

ON MOTION by Fox/Weber to approve the Regular Council Meeting Minutes of June 9, 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 June 6, 2021.

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

APPROVED

Administrative Report:

Mayor Fox announced Kim Humphrey has been offered and accepted the position of Borough Administrator. Mayor Fox thanked everyone that participated in the selection process for this position and stated he believes Ms. Humphrey will be an excellent addition to the Borough. Mayor Fox stated Chief Financial Officer, Sandra Rice will serve as Acting BA until Ms. Humphrey starts her position.

Chief Financial Officer Sandra Rice gave a status update on the Federal Relief Fund. Ms. Rice stated the Borough has been awarded \$434,000 to be paid over a two year period from the Federal Government through the State of New Jersey. Ms. Rice stated she will be submitting the application this week to receive half of the funds for \$217,000 for the 2021 allocation and hopes to meet with the Governing Body to discuss the permitted use of these funds.

Ms. Rice gave an update on the progression for the 2020 Audit and stated the Borough Auditor hopes to get an Audit Report to the Borough by the end of the month.

Public Comment on Agenda Items:

Heidi Modjeski, 611 Newark Avenue, expressed concerns with Solid Waste and Recycling Ordinance 2021-15 regarding dumpsters and enclosures. Ms. Modjeski feels her health and safety are at risk and feels the ordinance needs more revisions before introduction.

Ms. Modjeski also expressed concerns with Signage Ordinance 2021-14 and read a statement from Patrick Parker Realty whom she stated is also concerned about the effects of this ordinance. Ms. Modjeski feels this will have an impact on Main Street.

Thomas J. Coan, 612 Third Avenue, stated he is pleased with Solid Waste and Recycling Ordinance 2021-15 and suggested purchasing proprietary trash cans for the Main Street Businesses.

Mr. Coan stated he is pleased with Signage Ordinance 2021-14 and thanked the Borough Attorney and the Governing Body for making the requested changes.

Mr. Coan inquired about Kubota and gas grill purchases.

Ms. Rice responded to Mr. Coan's inquires for both purchases and the accounts they are being paid from.

Mr. Coan requested the previous and current salaries be listed on the Employee Memos in the future.

Further conversation ensued regarding the required content for Employee Memos.

Nancy Meadow, 805 Beach Avenue, inquired what type of vetting process is in place for the Camp Counselors that are hired for the Recreation Program.

The Police Chief confirmed fingerprint and background checks are done for all potential camp counselor applicants.

Ms. Meadow questioned why the purchase of a graduation banner for the elementary school was taken from the Borough budget and not the school budget.

Ms. Rice stated she will look into this.

Ms. Meadow requested with regards to Salary Ordinance Amendment 2021-19 an itemized breakdown of how the Communications Coordinator/Tourism Director salary is going to be paid.

Further conversation ensued between Ms. Meadow, Mayor Fox, Ms. Rice and Councilman Gubitosi regarding Ordinance 2021-19.

William Psiuk, 110 Fifth Avenue, inquired with regard to Signage Ordinance 2021-14 who will be responsible for enforcing section G-3 and stated there is duplicated verbiage in sections H-2 and H-3.

Councilman Weber replied the Code Enforcement Officer would enforce section G-3.

Councilman Gubitosi responded to Mr. Psiuk's comments on H-2 and H-3.

Mr. Psiuk inquired about Sandwich Board signs on the Boardwalk.

Mr. Weber responded to Mr. Psiuk's inquiry.

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.

Councilman Weber stated changes were made to this ordinance to make it consistent with the Outdoor Café Ordinance and Sandwich Board signs with respect to the four foot thoroughfare. Mr. Weber stated this ordinance is to also solve issues with signs in residential areas.

Councilman Gubitosi stated he agreed with Mr. Psiuk’s comments on Boardwalk signs. Mr. Gubitosi also stated he spoke with Mr. Parker from Patrick Parker Realty regarding rental signage.

Mr. Gubitosi stated concern with the verbiage in the ordinance being too extreme for monthly or long term rentals.

Mr. Weber suggested re-visiting the ordinance next summer if revenue drops for realtors.

Councilman Bonnell suggested making the trial period short and ask all of the real estate agencies in town how the ordinance affected their revenue at the end of the summer.

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

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

NAYS: Gubitosi

ABSENT: None

ABSTAIN: None

INTRODUCED

Ordinance Adoption(s):

ORDINANCE 2021-15

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

Councilman Gubitosi stated he is very supportive of this ordinance and suggested the following edits:

- **286-10G, 286-14.1 and 286-18.1E add verbiage to address public health hazards.**
- **Change the word cans to containers.**

Conversation ensued between Mr. Cannon and Councilman Gubitosi regarding the amount of public health language being requested to add to the ordinance.

Councilman Gubitosi inquired if the garbage collection time should be changed to an earlier time.

DPW Supervisor Biagio Cofone responded the time cannot be changed.

Councilman Bonnell inquired if anyone is being grandfathered in this ordinance.

Mayor Fox stated the number and weight of garbage containers were the primary reasons for this ordinance.

Councilman Weber inquired if the dumpster definition has been changed.

Ms. Modjeski gave additional comments regarding public health issues.

Councilman Gubitosi requested inserting language in the ordinance to address public health concerns.

Mayor Fox confirmed with Mr. Cannon inserting public health language in 286-14.1 and changing cans to containers will not be substantial.

Mr. Gubitosi confirmed with Mr. Cannon the New Jersey State Statutes and Department of Health Statutes will still apply.

Mr. Cannon clarified this is the Administrative Code, not laws and regulations.

ON MOTION by Fox/Sexsmith to open the public hearing Ordinance 2021-15.

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

Public Comments:

Heidi Modjeski, 611 Newark Avenue, requested clearer verbiage for this ordinance.

ON MOTION by Fox/Sexsmith to close the public hearing and adopt Ordinance 2021-15 as amended.

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

ADOPTED

ORDINANCE 2021-19

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

Administration

Communications Coordinator/Tourism Director

Minimum: \$15,000 Annually Maximum: \$45,000 Annually

Councilman Gubitosi reiterated the purpose of this ordinance is to fully disclose salary ranges to the public.

ON MOTION by Fox/Gubitosi to open the public hearing Ordinance 2021-19.

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

Public Comments for Ordinance 2021-19:

Thomas J. Coan, 612 Third Avenue, inquired if this is one full-time job or two part-time jobs.

Mayor Fox responded this is a part-time position combining two roles.

Mr. Coan further inquired the number of hours for this position.

Mayor Fox responded there is a schedule in place that delineates the hours for the position, however he did not have that at the time of the meeting.

Mr. Coan inquired what the hourly breakdown amount of pay is for this position.

It was confirmed the salary caps at \$45,000 and there is not currently an hourly breakdown.

Councilman Gubitosi stated this position is not different from the Beach Manager or Rec Director position. The performance of the position is held more accountable than the number of hours worked.

Mayor Fox and Ms. Rice confirmed this is an ordinance to amend the salary ordinance for this job title.

Further conversation ensued regarding the payment calculation per pay period for this position.

ON MOTION by Fox/Gubitosi to close the public hearing and adopt Ordinance 2021-19.

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

ADOPTED

Communications:

- (A) Employee Memo for Seasonal and Yearly Employees**
- (B) A request from Friends of the Library to conduct their Beach Yoga Fundraiser on Evergreen Avenue Beach on Sundays in July, August and September from 8:00 a.m. to 12:00 p.m.**
- (C) A request from Kaleidoscope for Hope to conduct their Annual Walk on Saturday, September 25, 2021 from 6:00 a.m. to 12:00 p.m.**

ON MOTION by Fox/Sexsmith to move Communication Items B & C to the Consent Agenda.

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

APPROVED

CONSENT AGENDA:

Resolution 2021-162 Bill List for June 22, 2021

Resolution 2021-163 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Portuguese Shamrock T/A Elbow Room Bar & Kitchen.

Resolution 2021-164 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Manno Inc. T/A Giamano's Restaurant.

Resolution 2021-165 Authorizing Kaleidoscope for Hope to conduct their Annual Walk on Saturday, September 25, 2021 from 6:00 a.m. to 12:00 p.m.

Resolution 2021-166 Authorizing the Friends of the Library to conduct their Annual Beach Yoga Fundraiser on Sundays in July, August and September on Evergreen Avenue Beach from 8:00 a.m. to 9:00 a.m.

Resolution 2021-167 Authorizing a Refund of Escrow Account Balance for 600 Evergreen Avenue in the amount of \$752.50.

Resolution 2021-168 Authorizing a Street Opening Permit Refund for 600 Third Avenue in the amount of \$850.

Councilman Weber inquired about a bill list item for Koloni Inc. for bikes and racks.

Ms. Rice explained the item was for a bike share program initiated by the previous Administrator.

Further conversation ensued between Ms. Rice and Councilman Weber regarding the details of the program. It was decided to remove this item from the bill list.

Councilman Gubitosi inquired about a bill list item for S & P Global, Inc.

Ms. Rice explained this is for the bond rating done when the Borough refinanced the finance notes into bonds.

Councilman Gubitosi inquired about Resolution 2021-164 ABC License Renewal for Manno, Inc.

Mr. Cannon and Ms. Kostyz explained the procedure for the renewal of inactive liquor licenses.

ON MOTION by Fox/Weber to approve the Consent Agenda.

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

APPROVED

RESOLUTIONS:

2021-169 Authorizing the Appointment for Keith E. Sabatino as a Probationary Fire Fighter of the Bradley Beach Fire Department.

ON MOTION by Fox/Sexsmith to Authorize the Appointment for Keith E. Sabatino as a Probationary Fire Fighter of the Bradley Beach Fire Department.

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

APPROVED

2021-170 Requesting Approval of Items of Revenue and Appropriation N.J.S.A. 40A:4-87.

Councilman Gubitosi inquired how appropriations work with this resolution.

Ms. Rice explained this is resolution allows Clean Communities grant money to be moved into the already adopted budget.

Councilman Gubitosi inquired if there were specific items this money is going to be used for.

Ms. Rice replied no.

ON MOTION by Fox/Sexsmith to Approve Items of Revenue and Appropriation.
N.J.S.A.40A:4-87.

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

APPROVED

2021-171 Approving a Resolution of Concurrence with the NJDOT Recommendation for a Revision of Time Limit Parking between Bradley Beach Borough-Neptune Township Corporate Line and Evergreen Avenue and establish Street Cleaning Regulations along N.J. Route 71 within the Borough of Bradley Beach.

Councilman Gubitosi cited a typo within the schedule included in the resolution and inquired if the time limit parking applies to the front of Borough Hall and if the three hour time for street cleaning is necessary.

DPW Supervisor Biagio Cofone responded the three hour time is necessary.

ON MOTION by Fox/Sexsmith to Approve a Resolution of Concurrence with the NJDOT Recommendation for a Revision of Time Limit Parking between Bradley Beach Borough-Neptune Corporate Line and Evergreen Avenue and establish Street Cleaning Regulations along N.J. Route 71 within the Borough of Bradley Beach.

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

APPROVED

Resolution 2021-172 A Resolution in Support of Bradley Beach Tree Inventory.

Councilman Weber explained this resolution is for support of the Shade Tree Commission applying for grant money to do a Tree Inventory.

ON MOTION by Fox/Weber to Approve a Resolution in Support of Bradley Beach Tree Inventory.

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

APPROVED

MAYOR AND COUNCIL REPORTS:

Mayor Fox reported the following:

- **The Bradley Beach Business Community Alliance in conjunction with the Bradley Beach Youth and Community Club Mentoring program will be having a One Beach Once Read event Thursday, 6/24 at 5:30 p.m. at the Fifth Avenue Gazebo.**
- **Mayor Fox announced several programs and events taking place at the Library in June and July.**
- **The Fletcher Lake Commission has been working on projects to enhance the lake.**
- **Shakespeare at the Beach will take place 7/23 to 7/25 at the Gazebo.**
- **Mayor Fox announced several Tourism events that will be taking place.**
- **The Red, White and Blue Festival will take place on Saturday, July 3rd at the Fifth Avenue Beachfront.**
- **Gave an update on the new website.**

Councilman Bonnell reported the Elementary School Graduation last week went well and suggested the Borough work with the school to hold next year's graduation ceremony at Riley Park or at the Beach Gazebo.

Councilman Gubitosi reported the following:

- **Gave an update on the Borough Website and thanked all of the volunteers involved.**
- **Congratulated the new Probationary Firefighter Keith Sabatino.**
- **Thanked Mayor Fox for involving the Council in the final Administrator employment interviews and stated the selected candidate Kimberly Humphrey will be a great addition to the Borough.**
- **Thanked Ms. Rice for announcing the federal funds to be received.**

Councilman Sexsmith reported the following:

- **Gave reports for the Police, Fire and First Aid Departments.**
- **Congratulated the new Firefighter Keith Sabatino.**
- **Announced the Police Department will be hiring Devin DeGraw as a Probationary**

Police Officer.

- **The Fire Department and First Aid Squad are accepting volunteers.**

Councilman Weber reported the following:

- **Congratulated the new Probationary Firefighter Keith Sabatino.**
- **Thanked the residents for their comments regarding the Dog Beach discussion.**
- **Encouraged residents to sign up for the Borough Newsletter on the Tourism Website.**
- **Gave a Community Development report.**
- **Commended the Lifeguards for placing “No Trespassing” signs on the jetties.**
- **Commended Mayor Fox for selecting Ms. Humphrey as Borough Administrator.**

Public Comment:

Fran Mehnert, 1111 Ocean Avenue, inquired where the locations are for the proposed Dog Beach and expressed safety concerns.

Mayor Fox replied Ocean Park Avenue, the end of Ocean Grove and Avon.

William Psiuk, 110 Fifth Avenue, suggested relocating Shakespeare on the Beach from the Gazebo on the beach to Riley Park.

Mr. Psiuk inquired when the paving will take place on Fifth Avenue.

Mayor Fox states after an extensive discussion with Mr. Cofone, the Borough Engineer and the Water Company, there is a plan to start work on 7/19 for Third, Fourth and Fifth Avenues. Mayor Fox also stated good communication will be provided to residents.

Nancy Meadow, 805 Beach Avenue, expressed concerns with the potential Dog Beach locations and dogs on lawns.

Ms. Meadow inquired about the permit status for Beach Ramps.

Mayor Fox stated the Borough is in the process of taking the steps to file for the permits.

Ms. Meadow suggested the Borough implement an unpaid summer intern position next year to give a Bradley Beach youth resident work experience for job and/or college applications. Ms. Meadow also expressed concerns regarding Emergency Shelter locations.

Rick Bartolomei, 116 Newark Avenue, inquired when the Boardwalk Horseshoe Project will start.

Mayor Fox responded the work will begin in the fall season.

Mr. Bartolomei asked if a decision has been made for the delineated parking on Newark Avenue.

Mayor Fox responded a decision has not been made yet and the Borough Engineer is working on this project.

Bridgette McGuire, 610 Brinley Avenue, stated the Board of Education Meeting is conflicting

with this evening's meeting.

Councilman Weber explained the BOE Meeting was rescheduled due to the Graduation Ceremony.

Rich Despina, 600 Third Avenue, inquired if Third and Madison Avenues will be included in the upcoming road work on 7/19.

Mayor Fox responded yes.

Heidi Modjeski, 611 Newark Avenue, expressed concerns with Ordinance 2021-14 (Signage) and feels it should be reconsidered.

Ms. Modjeski inquired about markings on the 600 block of Newark Avenue.

Councilman Weber stated the markings are most likely for utility markings as the street is going to be paved after the summer.

Thomas J. Coan, 612 Third Avenue, commended the Police and Fire Department for their response to a fire at his building last night.

Mr. Coan inquired if there is any status on 319 LaReine Avenue (Community Center Project).

Mayor Fox stated a remediation needs to be done and an alignment with the Council is currently being discussed.

Mr. Coan expressed he is not in favor of a bike share plan and suggested using the Clean Communities Grant money for proprietary garbage cans for Main Street.

Mr. Coan inquired how much money is being used from the Beach fund for the Tourism Director salary.

Councilman Weber stated part of the Tourism Salary is paid through C/O Inspections.

Ms. Rice also explained the Tourism Director/Communications Coordinator salary will come from the Tourism Trust Account and the Communications Coordinator portion will come out of the Current and Beach Accounts.

Fox/Sevensmith moved to adjourn.

MEETING ADJOURNED AT 8:40 P.M.

Erica Kostyz

Erica Kostyz, RMC, CMR
Municipal Clerk