

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

June 9, 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 Alternate Bob Evans
Municipal Clerk Erica Kostyz

Mayor Fox announced as of Monday, the Borough of Bradley Beach lifted the State of Emergency and thanked the Office of Emergency Management for their support and leadership throughout the Pandemic and stated the Mayor and Council are back to having live, in person meetings.

Mayor Fox continued the COVID-19 count has dropped significantly and asked everyone to continue to stay safe.

Public Hearing on the Adoption of the 2021 Municipal Budget

ON MOTION by Fox/Sexsmith to open the Public Hearing for the Adoption of the 2021 Municipal Budget.

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

APPROVED

Chief Financial Officer, Sandra Rice opened the Budget Adoption Hearing with a recap of the Budget timeline. Ms. Rice continued there has been a slight change in the amount from the introduced Budget of \$115.10 that will have no effect on the Municipal Levy or the Tax Rate.

Public Comments:

Thomas J. Coan, 612 Third Avenue, expressed concern over the \$100,000 being transferred from the Sewer Utility Account to the General Account and stated he is not in favor of this.

Ms. Rice explained this it is legal and acceptable to transfer funds this way by State Law and done in many municipalities.

Further conversation ensued between Mr. Coan, Ms. Rice, Councilman Gubitosi and Mayor Fox regarding bookkeeping practices and transfer of funds.

Mr. Coan also suggested the public be included in the entire budget process in the future.

Nancy Meadow, 805 Beach Avenue, inquired if funds for the Beach Ramps are included in the Beach Utility Account.

Ms. Rice confirmed \$600,000 for beach ramps is in the Capital Outlay Line in Beach Utility Account.

Councilman Weber stated he is committed to not transferring money from the Sewer Utility to General Account next year.

Councilman Gubitosi stated Mayor Fox stated he would make every effort to not transfer funds from Sewer Utility Account to General Account next year.

ON MOTION by Fox/Sexsmith to Close the Public Hearing for the Adoption of the 2021 Municipal Budget.

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

APPROVED

Resolution 2021-160 Adoption of 2021 Municipal Budget.

ON MOTION by Fox/Gubitosi to Adopt the 2021 Municipal Budget.

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

APPROVED

Workshop Discussion(s): Dog Beach

Councilman Weber stated due to the many dogs that have been adopted during the pandemic there is a desire to have a section of the beach allowing dogs from sunrise to approximately 8:30 a.m. and possibly year round on the beach to allow dogs to have recreation.

Public Comments on the Dog Beach Workshop:

Eric Brown, 319 Lake Terrace, gave a statement in favor of a dog beach and requesting to reform the current ordinance.

Mike Kresser, 908 Ocean Avenue, expressed concerns regarding dogs barking and dog waste and stated dogs are not the issue it is dog owners. Mr. Kresser suggested placing a dog beach behind the old sewer pump station.

Paula Gentempo, 103 Fourth Avenue, inquired why dogs are not currently allowed in the parks.

Mayor Fox responded this is what is stated in the current ordinance.

Ms. Gentempo stated she does not have an issue with allowing dogs on the beach however she feels only Borough resident's dogs should be permitted.

Nancy Meadow, 805 Beach Avenue, agreed with Mr. Kresser's comments and feels dogs must be on a leash and the location should not be on the North End Beach.

Jack Gentempo, 103 Fourth Avenue, feels the current ordinance should not be changed and suggested dog owners consider the Asbury Park Dog Beach.

Kristen Mahoney, 200 LaReine Avenue, stated she is in favor of a dog beach and mentioned this is good exercise for the dogs. Ms. Mahoney also stated she should not have to take her dog to Asbury Park Dog Beach as she pays her taxes in Bradley Beach.

Patricia Rudowsky, 1105 ½ Beach Avenue, suggested a temporary trial for a dog beach. Ms. Rudowsky continued a dog beach would be helpful for condo owners that do not have a yard to allow their dogs exercise and feels residents will be responsible enough to ensure the ordinance is being adhered to.

Jonas Sherman, 404 Ocean Park Avenue, stated he is in favor of a dog beach year round. Mr. Sherman also stated litter on the beach is a larger issue than dog waste.

Lenore and Dan Cooperman, 413 Newark Avenue, are in favor of a dog beach and feels this would raise the value of the North End.

Eileen Shissias, 112 Fourth Avenue, expressed concerns regarding dog waste and unleashed dogs, and dog owners not following the ordinance.

Thomas J. Coan, 612 Third Avenue, feels the current ordinance should not be changed and encouraged Council to contact the Wildlife Service for impact on Plovers and Oystercatchers. Mr. Coan also stated this should be brought to the Environmental Commission for suggestions.

Council Comments on the Dog Beach Workshop:

Councilman Weber, answered several of the resident's inquiries during the workshop and stated dogs will only be allowed on a 100 yard stretch of the beach and the Borough cannot limit the beach to resident dogs only.

Councilman Sexsmith, stated he is in favor of collecting data that will determine what will work best for the town and passing a resolution for a temporary dog beach if all of his concerns are addressed.

Mayor Fox, agreed with Mr. Weber and Mr. Sexsmith and suggested researching a few different areas for a dog beach. Mayor Fox also stated he is in favor of doing a resolution first before changing the ordinance.

Councilman Bonnell, stated more research will be necessary before moving forward.

Councilman Gubitosi, thanked the residents for their feedback and stated he will not be influenced by pro and con comments that are not fact based. Mr. Gubitosi stated he is also open minded to the passing of a resolution, but needs more specific guidelines as a start.

Lenore Cooperman inquired how this workshop will move forward for people that did not get to speak publicly this evening

Mayor Fox explained the data collected this evening will be discussed and considered then it will either be discussed publicly again or move forward with a detailed resolution.

Conversation ensued about other possibilities of public communication (emails, letters) to express suggestions and opinions for those unable to attend the meeting.

Presentations; Receipt of Bids or Petitions: None

ON MOTION by Fox/Gubitosi to approve the Regular Council Meeting Minutes of May 25, 2021.

Councilman Gubitosi gave suggestions on a few details of the minutes.

It was confirmed the suggestions for the minutes were already taken care of previously.

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

APPROVED

Administrative Report: None

Public Comment on Agenda Items:

Heidi Modjeski, had several inquiries for Solid Waste Ordinance 2021-15 regarding shielding waste containers and dumpsters from public view.

Councilman Bonnell responded to Ms. Modjeski's inquiry.

Ms. Modjeski also gave suggestions for Signage Ordinance 2021-14.

William Psiuk, 110 Fifth Avenue, suggested changes to verbiage for Signage Ordinance 2021-14 to provide better clarification.

Tom Macon, Fourth Avenue, spoke on behalf of the Bradley Beach Fire Department regarding the LOSAP Resolution 2021-159 and requested the Fire Department be included with the traffic and parking development plan.

Thomas J. Coan, 612 Third Avenue, thanked the Mayor and Council for the Parking and Traffic Resolution on this evening's Agenda.

Mr. Coan asked for clarification on Salary Ordinance Amendment for Ordinance 2021-19 with regards to the terms (ex. full-time, part-time, benefits) of this position.

Ms. Rice responded this is only an amendment to the salary of this position, not the terms of this position.

Mr. Coan inquired about the credit for rent to Ocean Avenue Ice Cream for the Brinley Avenue Concession Stand.

Note: the explanation for this credit was confirmed through the Borough Administrator later in the meeting.

Mr. Coan gave several suggestions for changes in verbiage and clarification to Signage Ordinance 2021-14.

Jim Shissias, 112 Fourth Avenue, complimented the Mayor and Council for the Parking and Traffic Resolution 2021-158.

Lenore Cooperman, 413 Newark Avenue, inquired if hybrid meetings (live and Zoom) will be considered in the future for patrons that cannot attend in person.

Mayor Fox stated it is the intent to do live, in person meetings only moving forward.

Councilman Bonnell stated he is in favor of doing both.

Councilman Weber stated the meeting can be viewed live on YouTube.

Lauren Egbert, 404 ½ Brinley Avenue, inquired if Planning and Zoning Board meetings are still being conducted through Zoom.

Mayor Fox responded those are autonomous Boards that make their own decisions.

Margaret Merenda, 504 Newark Avenue, read the following statement on behalf of her neighbors:

Shane and Melissa Butler, 500 Newark Avenue

Thank you to our kind neighbor Peggy for delivering our message as it is very difficult to attend a meeting that we thought would be a Zoom meeting, on such short notice as we have 3 small children at home. We do not feel comfortable at this time to attend in a potentially crowded room with COVID concerns for our family.

We would like to note that with 3 small children, ranging from the ages of 1 to 5 years old, adding delineated parking spots on Newark Avenue would negatively impact our family in a major way. Creating these spots would take away the amount of parking spaces that our Newark Avenue community are used to dealing with. Getting our children out of the car and safely in our home with the constant bags in tow that children require with their many needs would be very difficult. With less parking spots on our street, cars needing to park from blocks East of us will be pushing our way. Therefore, with fewer spots and more people needing those spots, we will be forced to park further from our home. And anyone who has experience with young children know how difficult it can be to corral them safely, with hands full, holding a 1 year old child, the children's belongings, their little hands, and navigate further down the block than you anticipated, especially in rainy, windy, snowy, or even hot weather.

We respectfully ask that you reconsider the decision you made without consulting the actual residents of the street and remove the delineated parking. We ask that you look at this issue from our perspective. We do not need "education" on how to improve parking as we live this parking situation on a daily basis. We would be able to educate you on how our Community of Newark Avenue works together if you would include us in the process as you have afforded residents to do with the 2nd and 3rd Avenue parking plans. As the survey showed, Newark residents clearly would prefer not to have delineated parking based on their own personal experience.

Thank you for your time.

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 inquired if changes can be made to the Ordinance and still introduced this evening.

The Alternate Attorney Bob Evans attending the meeting this evening for Borough Attorney Greg Cannon responded Mr. Cannon would make that decision as he is the one who wrote the ordinance.

Councilman Gubitosi suggested changes to verbiage regarding Temporary Commercial Signage and Short Term Rental Advertising within the Ordinance.

Councilman made a motion to table the ordinance for further revisions.

ON MOTION by Weber/Bonnell to table Ordinance 2021-14.

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

TABLED

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 complemented DPW Supervisor Biagio Cofone and Mr. Cannon on a thorough and well written ordinance.

Councilman Gubitosi suggested consolidating the definitions in the ordinance to one set for solid waste and recycling instead of having two sets under article two (solid waste) and article three (recycling).

ON MOTION by Fox/Weber to introduce Ordinance 2021-15.

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

INTRODUCED

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 stated the reason for amending the maximum amount for this ordinance due to the expansion of duties for this position.

ON MOTION by Fox/Bonnell to introduce Ordinance 2021-19.

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

INTRODUCED

Ordinance Adoption(s):

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.

Councilman Weber stated this ordinance is a promise kept from 2020.

ON MOTION by Fox/Bonnell to open the public hearing Ordinance 2021-13.

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 Mayor and Council and Mr. Cannon for this ordinance.

ON MOTION by Fox/Bonnell to close the public hearing and adopt Ordinance 2021-13.

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

ADOPTED

Communications:

- **Seasonal Employees New Hire Memo.**

CONSENT AGENDA:

Resolution 2021-152 Bill List for June 9, 2021

Resolution 2021-153 Authorizing the Jersey Shore Rescue Mission to conduct their 5K Race/Walk Saturday, October 30, 2021 from 6:00 a.m. to 12:00 p.m.

Resolution 2021-154 Approval of Annual Renewal of Alcoholic Beverage Liquor License for KDK of Bradley, T/A Bradley Beach Bowl.

Resolution 2021-155 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Vic's Bar & Restaurant, Inc.

Resolution 2021-156 Approval of Annual Renewal of Alcoholic Beverage Liquor License for UVA on Main, T/A Pagano's UVA Restaurant and Wine Bar.

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:

2021-157 Abating rent due from Ocean Avenue Ice Cream, LLC for the Brinley Avenue Concession on the Beachfront Promenade, and authorizing a refund in the amount of \$4000.

ON MOTION by Fox/Sexsmith to Abate rent due from Ocean Avenue Ice Cream LLC for the Brinley Avenue Concession on the Beachfront Promenade, and authorizing a Refund in the amount of \$4000.

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

APPROVED

2021-158 A Resolution in Support of Developing Parking and Traffic Improvement.

Mayor Fox stated this resolution points to a “what and how” to approach and proceed. with a parking and traffic enhancement plan in the Borough.

ON MOTION by Fox/Bonnell to Approve a Resolution in Support of Developing Parking and Traffic Improvement.

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

APPROVED

2021-159 Authorizing Placement of a Referendum Question Regarding the Borough’s Proposed Length of Service Awards Program on the November 2021 General Election Ballot.

Councilman Gubitosi requested verbiage of the Referendum questions be changed to reflect for public an understanding this is a retirement fund for volunteer Firefighters and First Aid Members.

Conversation ensued between Mayor and Council and Mr. Macon of the Fire Department regarding changing the verbiage of the Referendum questions.

ON MOTION by Fox/Sexsmith to Authorize Placement of a Referendum Question Regarding The Borough’s Proposed Length of Service Awards Program on the November 2021 General Election Ballot.

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

APPROVED

Note: It was confirmed after the meeting adjourned through communication between the Borough Attorney and the Municipal Clerk, the verbiage of the Referendum questions is by State Statute and cannot be changed.

MAYOR AND COUNCIL REPORTS:

Mayor Fox reported the following:

- **Stated the Memorial Day Ceremony in Riley Park had a great turn-out and hopes to make up for lost celebrations next year.**
- **The 2020 Audit is progressing well and thanked the CFO and Finance Committee for their hard work with the Budget.**

Councilman Bonnell reported the following:

- **Thanked Councilman Bonnell for the Parking and Traffic Improvement Resolution.**

Councilman Gubitosi reported the following:

- **Thanked the CFO for doing a thorough job with the 2021 Budget.**
- **Gave a recap of the Maritime Forest Ceremony and thanked Al Modjeski and Jim Shissias for their support and assistance.**
- **Spoke about a recent meeting conducted by Mayor Fox and himself with the Newark Avenue residents regarding concerns about parking and striping.**

Councilman Sexsmith reported the following:

- **Gave call reports for the Fire, First Aid and Police Departments.**
- **Congratulated Richard Lowe and Chris Schottinger for completing their Firefighter training.**
- **Stated the Fire Department and First Aid Squad are looking for volunteers.**
- **Reminded everyone to lock their car doors to prevent theft.**
- **Announced the Bradley Beach OEM has lifted the local Declaration of Emergency under the authority of the OEM Coordinator.**

Councilman Weber reported the following:

- **Thanked the Fire Department for attending this evening's meeting and thanked the**

professionals for their work with the LOSAP Ordinance.

- Thanked the First Aid Squad for their dedication during the pandemic.
- Stated the Memorial Day Ceremony went well.
- Stated Newark Avenue looks good with the recent striping.
- Stated Recreation program has started and is accepting applications.
- Bocce will be held on Mondays and Tuesdays on the boardwalk.
- Gave a report on the Shade Tree Commission.
- Gave a report on the Environmental Commission.

Public Comment:

John Zech, 610 ½ Evergreen Avenue, thanked the Mayor and Council for initiating the LOSAP Ordinance and congratulated the Fire and First Aid members for their hard work during the pandemic. Mr. Zech also congratulated Mr. Lowe and Mr. Schottinger.

Nancy Meadow, 805 Beach Avenue, expressed concern regarding continuing education credits and membership payments for various employees.

Councilman Bonnell stated many of the seminars are required by the State.

Rich Despins, 600 Third Avenue, suggested a more detailed explanation regarding workshop discussion titles.

Mr. Despins expressed his opinion of the placement of a Dog Beach.

Mr. Despins mentioned his experience and the cost of his recent sidewalk replacement.

A conversation ensued between Mr. Despins and the Council regarding the reason for a street opening being necessary for sidewalk repair.

Dan and Lenore Cooperman, 413 Newark Avenue, presented the Mayor and Council with a Survey from Newark Avenue residents regarding striping and delineated parking.

Joe Sanfelice, Fire Department Member, expressed his opinion regarding the parking plan for Newark Avenue.

Thomas J. Coan, 612 Third Avenue, commended the Beach Manager, Shawn Heeter and stated he is in favor of delineated parking on Third Avenue.

A conversation ensued between Mr. Coan and Councilman Gubitosi regarding the surplus transferred from the Sewer Utility to the General Fund.

Heidi Modjeski, 614 Newark Avenue, thanked the Mayor and Councilman Gubitosi for holding the meeting with Newark Avenue residents regarding parking and feels more enforcement will be needed for people who park on the street.

Resident of 222 Newark Avenue, expressed concern for long trucks not being able to park on Newark Avenue.

Fox/Bonnell moved to adjourn.

MEETING ADJOURNED AT 9:20 P.M.

A handwritten signature in cursive script that reads "Erica Kostyz". The signature is written in black ink and is positioned above a horizontal line.

Erica Kostyz, RMC, CMR
Municipal Clerk