

BOROUGH OF BRADLEY BEACH
WORKSHOP MEETING MINUTES

JULY 13, 2021 at 6:00 P.M.

A Workshop Meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room at 701 Main Street, Bradley Beach, New Jersey on the above date and topic.

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 Municipal Building bulletin board.

ROLL CALL 6:00 p.m.

Present: Council: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
Borough Administrator, Kimberly M Gonzales
Chief Financial Officer, Sandra Rice
Borough Attorney, Gregory Cannon
Municipal Clerk, Erica Kostyz

Councilman Bonnell stated he is not in favor of excluding public comments during the workshop and feels the public should not have to wait until the regular Council Meeting following to comment on the workshop topics to be discussed.

Mayor Fox opened the meeting with the following statement:

Our Office of Emergency Management has COVID-19 Mask Policy Effective July 6, 2021. The guidance further recommends that individuals not vaccinated continue to wear a mask and social distance when indoors. We'd ask for your conformance to this requirement. This is about protecting our fellow citizens and children from the Delta variant.

Mayor Fox continued in response to Councilman Bonnell's comment, several meeting formats are being considered everyone's patience while trying to decide what will work best for more organized, effective and efficient meetings and while resident input is encouraged, public commentary for workshop items this evening will be taken at the regular Council Meeting following under the Public Comments portion of the meeting.

319 LaReine Avenue (United Methodist Church/Community Center Project)

Mayor Fox stated there was little done on this project in 2020. In March of this year, after several discussions and coming up to speed, a structure was set to look at options for the Church including:

- 1) Full remediation and construction to a Community Center.
- 2) Assess the uses for the site and look at other Borough/Community facilities,
- 3) Sale of the property.
- 4) An outside entity purchases the site and maintains the façade of the building and develops it.

Mayor Fox continued, by April get an adequate cost estimate could not be determined for Option 1. Former Administrator Brown brought in T&M Engineering, a company who had done similar work for him in Linden in the past. On May 13th Eric Nathanson of T&M and the probable Technical Manager, Frank Buczek, made their proposal that would provide a detailed assessment that would give us the cost to get the facility into a “safe” mode from a remediation and structural standpoint. From there, we would assess this overall cost and determine whether to proceed with T&M estimating the cost of installing the appropriate systems (mechanical, electrical, air handling, boilers/ furnaces, sprinklers, and ADA). This phase would be less time and cost than Phase I in all probability.

Mayor Fox stated the key questions to discuss this evening regarding this topic are:

- 1) Do we proceed with T&M assessment \$81,800 proposal?
- 2) Do we bond for the remediation of lead, asbestos and mold (already estimated at \$150,000)?

Councilman Gubitosi concurred with Mayor Fox in that there has been a long history of inactivity with this project and feels a decision needs to be made one way or another as to what to do with the building and property one way or the other.

Councilman Gubitosi continued the intention this evening is to discuss bonding, secure funding to do certain elements of work on the building whether it is decided to proceed with the Community Center project or sell the building to a developer. Mr. Gubitosi continued after a discussion with the T & M Engineer Eric Nathanson one of the things to bond for would be a thorough review of the building and determine the structure, compliance, etc.

Councilman Gubitosi stated he is concerned with the specifications the Engineer was asked to respond to and would like the Engineer to proceed with the work, he is not confident Mr. Nathanson has received the appropriate scope. Mr. Gubitosi stated the engineer’s original proposal listed to restore the building to its current use which was a church which would not have significant value to the Borough and posed the question to the Council to have T & M to provide a proposal with the specifications of a potential Community Center. Mr. Gubitosi feels the issue is deciding if the building can become a Community Center or leveled and subdivided.

Mayor Fox stated it would make sense to do a Phase I Engineer report to get an answer quick and if the estimate comes back high to bring the building to a safe mode without the additional systems a decision needs to be made whether or not to proceed with the project. Mayor Fox stated the difference in the timing is 6-8 weeks for the first study and less time and cost for the second study.

Councilman Sexsmith inquired what the functional difference in the evaluation restoring the building to a church or a Community Center.

Councilman Gubitosi stated he and many others have been waiting for over a year to understand what the cost would be and in discussions with the Mayor, both wanted to know what the cost would be to convert the building into a Community Center. Mr. Gubitosi re-iterated the proposal to restore the building to its original use is not of value to the Borough.

Mr. Nathanson clarified the proposal is for a structural inspection of the building and the cost estimate that to restore the building to the same structure, not necessarily to a church. Mr. Nathanson stated his inspection would provide the cost to fix the major deficiencies. The scope of the evaluation is to provide the cost of repair for the major deficiencies.

Councilman Gubitosi re-iterated he does not see the value in restoring the building to its current state and would like to know the cost of a community center.

Further conversation ensued between Councilman Gubitosi and Mr. Nathanson regarding possible proposal changes.

Councilman Bonnell a more concise vision to T & M of what the community center would look like and feels the Borough should not spend money on the building if it going to be demolished. Mr. Bonnell also feels T & M should give an order of magnitude on the low side with the information currently available and possibly an order of magnitude on the high side in order to make a decision on the project. Mr. Bonnell feels the Borough should move forward with bonding for the remediation.

Councilman Weber stated he is in favor of spending money for the remediation and would have preferred the seller of the building paid the remediation costs before the Borough purchased the building.

Councilman Weber concurred with Councilman Gubitosi and does not see the value of restoring the building to its current use and feels the proposal if possible, should be modified to give the cost as a Community Center. Mr. Weber also feels all of the work does not need to be done at once to make this a functional community center.

Mayor Fox inquired if converting two phases into one would require immediate specifications (architectural plans) and more fees.

Mr. Nathanson responded yes.

Further conversation ensued between the Mayor and the Council regarding truncating parts of the building to provide parking, a structural concept plan from T & M, an architect, and a structural inspection of the building and remediation costs (lead and asbestos).

Councilman Sexsmith suggested engaging T & M to do the structural assessment and engage an architect to provide a concept plan to work in a parallel plan.

Councilman Bonnell stated he would like to see more detail in the current proposal.

Mr. Nathanson explained the proposal is a structural inspection only and anything in proposed condition is desired he would need to work with an architect who can develop a concept floor plan to put together a cost estimate.

Councilman Bonnell suggested researching converted buildings in other towns to get an idea of potential costs.

Conversation ensued between the Mayor and Council regarding bonding, the steps involved and the timeline to move forward with Phase I.

Councilman Gubitosi confirmed with Mr. Nathanson the report by T & M will have something to show for the building and inquired what the Borough will be able to do with the report.

Mr. Nathanson explained the Borough will receive a cost estimate based on the proposal as it stands today, the cost estimate to repair the building now not a potential concept plan that has not been presented to him to date. Mr. Nathanson stated the cost estimate could be used to develop a future time construction plans and specifications to repair the building as it is today and explained the bid process.

Councilman Weber insisted on allowing public comment for this topic.

ON MOTION by Weber/Gubitosi to open this Workshop to Public Comments.

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

Public Comments on 319 LaReine Avenue (United Methodist Church) discussion:

Linda Duffy, 312 Brinley Avenue, asked how much the Borough purchased the building for and what could it be sold for.

Councilman Gubitosi answered \$1.3 million dollars and approximately \$2.4 million would be his estimate/opinion as to what the building would sell for.

Ms. Duffy inquired if the public would be notified and given a chance to choose what to do with the building.

Mayor Fox and Councilman Gubitosi responded that has not been decided and cannot be discussed at this time.

Thomas J. Coan, 612 Third Avenue, thanked the Governing Body for having this workshop.

Donald Greenberg, 302 Park Place Avenue, suggested doing an Engineering and Architectural assessment at the same time.

Paul Neshamkin, 411 ½ La Reine Avenue, requested the Mayor and Council include keeping the gymnasium in the Engineering study.

Carmela Stapleton, 316 Brinley Avenue, stated police presence will be necessary if there is going to be a youth center in the building.

Jack Gentempo, 103 Fourth Avenue, stated the architectural study should be done before the engineering study.

Heidi Modjeski, 614 Newark Avenue, agreed with Mr. Gentempo.

Jean Leahy, 419 Park Place Avenue, stated the building should have a purpose that would benefit the town and requested to keep the senior citizen functions in the Biase Center.

Merging of Planning Board and Zoning Boards

Councilman Bonnell read a presentation and statement given by him in 2017 when this topic was discussed and a chart of towns with merged boards.

Note: documents attached for reference*

Councilman Weber stated he is in favor of merging the boards and there are a lot more volunteer opportunities in town today compared to 2017.

Councilman Sexsmith expressed concerns with managing the workload of merged boards.

A conversation ensued regarding the savings, amount spent between both boards in 2020 and the reduction of meetings monthly.

Councilman Gubitosi stated he feels the biggest challenge the Borough faces with the MLUL is consistency with applying the laws to the applications and expressed concern of putting competent members on one board. Mr. Gubitosi also expressed concerns about volunteer opportunities for residents.

Mayor Fox read a passage from the Complete Guides to Planning and Zoning Boards on the merging of boards.

Mayor Fox continued stating the following:

These two boards are unique in that they empower by statute decision-making by citizens that are not elected. These are important and serious positions. The participants must be certified. I just received confirmation of my certification from training I took in March, a five hours plus a test. The merging of these boards may obscure one role over the other.

You can begin to obscure roles with this move.

In almost all cases, people used the words "Power and Control" and not in a positive way.

People in this community are among the best volunteers in the County/State, are going to say, "never mind"?

"Savings": In 2020, Planning expenditures in the municipal budget were \$5946 for the secretary and \$567.99 for supplies. For Zoning, again, \$5946 for the secretary and \$821.14 for supplies; a total of \$13,281.13. All other costs are covered by the escrow fees.

After speaking with several people, only one person saw some benefit in this and more cons than pros were received.

Pro:

Only one is the potential for consistent "mindset" from one board.

Cons:

- **If you combine both boards you will lose 50% of your volunteers, which means you will have to all of those you keep be trained so they know both Planning and Zoning.**
- **Mayor and Council run the risk of alienating those who are not kept.**
- **This would require getting rid of volunteers**
- **Potential "burnout" of remaining members.**
- **Disagreements over who stays and who goes.**
- **There has been close to zero public outcry for this.**
- **There are no tangible dollar savings.**

The insult to the current volunteers is the strongest argument. Towns that have done this only did so because they either could not get volunteers, or the workload was so light that it did not merit two boards. I do not think that is the case in Bradley Beach.

I believe the Borough should keep things just as they are. You would still have someone over Planning and another employee over Zoning. I do not see any financial savings for the Borough. As far as volunteers for each board from what I can see this town has an abundance of them so that is not an issue. If you combine the two boards then that would give too much control to one group of volunteers.

One of the main reasons towards merging the two boards has been a lack of volunteers or application. The Borough of Bradley Beach does not lack this.

Should the Planning board have a meeting that goes very late into the night and it had another application to be heard that night, it would not happen. There have been instances where the Planning board did have an application that ran almost into midnight. The board also had applications that carried for three months. The Board of Adjustment also had this instance happen.

Having one board would create a backlog of applications, which has happened several times. Is this fear to the taxpayer who wants to make a better home for his/her family?

Combining the two boards prevents people who want to be involved in the town not get involved. Taking that away creates a stagnant town.

I see the Planning Board putting in more and more hours to cover both types of applications, I feel the Borough would be better served by having a Zoning Board and a Planning Board.

We are approaching a slippery slope when we merge the two boards "it's like walking into quicksand...easy to enter but harder to exit."

This would also eliminate the Mayor and Council Representative from sitting on certain applications and may hinder having a quorum.

Many towns have combined two boards to one and have gone back (Spring Lake Heights, Avon, Hazlet and Sea Bright).

Mayor Fox inquired who will be removed and gave the following names of each board:

Planning Board (9)

William Psiuk

Larry Fox (Mayor) I

Michael Mulcahy (Zoning) II

Marc Rosenthal IV

Meredith DeMarco IV

Al Gubitosi (Council) III

Doug Jung IV

Bob Mehnert IV

Arianna Bocco (A)

Kelly Reilly (A)

Zoning Board (7)

Harvey Rosenberg

Dennis Mayer

Raymond Wade IV

David Critelli IV

Michael Affusco IV

JohnEric Advento IV

Lauren Saracene IV

Deborah Bruynell (A)

Victoria Leahy (A)

Mayor Fox stated all these members of each board are doing an adequate job, have received certification, are competent, and does not feel comfortable removing any of them.

Councilman Weber confirmed with Mayor Fox the towns that merged and went back is commentary the Mayor received and not fact.

Councilman Weber asked Mr. Cannon if the boards merged the elected officials cannot delay a Zoning application.

Mr. Cannon responded yes.

Councilman Weber also stated in regard to Councilman Gubitosi's comment regarding competent Board members, he feels the Mayor would select the right members as he is the official that would be on the board with them. Mr. Weber feels the Zoning Board is responsible for protecting the neighbors, not residents who have built their dream homes.

ON MOTION by Weber/Gubitosi to open this Workshop to Public Comments.

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Comments on the merging of Planning and Zoning Boards discussion:

Donald Greenberg, 302 Park Place Avenue, stated he is in favor of merging the boards.

Thomas J. Coan, 612 Third Avenue, read a quote from the former Planning and Zoning Board Chairman in Manasquan and stated he is in favor of merging the boards.

William Psiuk, 110 Fifth Avenue, stated he opposes the merging of the boards.

Thomas McGuire, 610 Brinley Avenue, stated he approves of merging the boards.

Jack Gentempo, 103 Fourth Avenue, stated he is in favor of merging the boards.

Bridgette McGuire, 610 Brinley Avenue, stated she is in favor of merging the boards.

Fox/Bonnell moved to adjourn
Meeting Adjourned at 7:35 p.m.

Erica Kostyz RMC, CMR
Municipal Clerk

As noted at the 11/20/17 meeting, no negatives to merging the Planning and Zoning Boards have been presented. I have given thought to the two primary concerns from Board Members last week. First, the notion of reducing the amount of Board Members, and personal perspectives during deliberation provided by separate boards would negatively affect outcomes. Second, volunteer opportunities would be eliminated by merging.

The first concern does not make sense. The member count of a merged board consist of 12 members (9 regular and 3 alternates). Planning and Zoning Boards each have 11 members, therefore, no reduction would occur in the deliberating body.

Additionally, reduction in the total Zoning and Planning member count should never affect approval outcomes. Determinations should not be based on personal perspectives. Municipal Land Use Laws include specific parameters for deliberations. The MLUL standards are intended to protect neighborhoods, not applicants looking to circumvent ordinances and should not be re-interpreted by board members to fit the applicant's needs. As Chairman Rosenberg stated, the Zoning Board is the court. This court is tasked with applying MLUL regulation standards. Finally, this merger does not prevent concerned and/or interested residents from attending Planning and Zoning Board meetings to give public opinion on applications.

Secondly, there should not be concern in reducing the opportunity for residents to volunteer by merging boards. Bradley Beach has many avenues for volunteers. Along with the Boards, we have our Fire Company, First Aid Squad, Chamber of Commerce, Sylvan/Fletcher Lake Commissions, the Recreation Center, the Women's Auxiliary, the Historical Museum, the 5K Race and various Beach Sweeps and events. Reducing board seats by 11 does not restrict the volunteer opportunities that Bradley Beach provides.

The closing arguments by Board Chairs was that only 10 of 400 eligible Municipalities according to the Rutgers study have merged boards and this does not point to overwhelming confidence for this practice. They have failed to acknowledge the 10 Municipalities participating in the Rutgers' study are not the only ones with merged boards. Avon, Spring Lake, Sea Girt and Manasquan have merged boards and are functioning perfectly. In addition, these towns also have significantly lower effective tax rates than Bradley.

Finally, there is the cost aspect. Loose numbers discussed that night estimated cost savings of \$3000. This is inaccurate. The 2017 Planning and Zoning budgets are \$15,294 and \$14,544 respectively. The 2016 Planning Board spent \$12,000. If the Zoning Board is dissolved, the potential savings is \$14,544. If the board incurs added expenses with additional meetings, this will be taken out of the surplus which historically has not been spent.

The modern reality of controlling property taxes must include investigating every facet of Municipal Operations and taking advantage of opportunities to streamline, provided the do not affect quality of life. Merging boards fits this criterion perfectly. The board members who spoke last Tuesday are fearful of change, understandably, it is human nature.

However, it is time for Bradley Beach to shed old-fashioned practices and embrace new ones that our neighboring towns are proving to be effective tools for controlling taxes.

Bradley Board Merger Facts Figures

- 1 2014 State mandate increased population threshold for merged boards from 5000 to 15,000**
 - ~This was provide by the state as a tool for cost consolidation.
 - ~Bradley has always been under the threshold.
 - ~The mechanics of this mandate researched by hundreds of legislative personnel were deemed especially beneficial to smaller towns.
 - ~ Several of the towns researched by Rutgers have merged boards since the 70s and 80s
 - ~This is not something proven or risky, it has been time tested.

- 2 Volume of applications for the boards is an important evaluation to avoid slowing the review process**
 - ~Bradley had 19 applications in the last year, only 11 were complex. Only two envolved continuation of the hearing.
 - ~Attached Rutger's study shows our 11 complex applications is very low, and very conducive to a merger.
 - ~Bradley has been built out for decades and there is no opportunity for a spike in our current volume of applications.
 - ~This level of volume has not chaged since I served on the Zoning board in 2013.
 - ~The meeting log attached identifies 13 of the last 26 scheduled meetings were either cancelled or no new applications presented.
 - ~Special meetings would not be a problem in the event of several applications submitted simultaneously

- 3 Consolidation into one board enhances continuity and streamlines process for applicants**
 - ~There is a more cohesive group understanding by all board members of municipal land use law.
 - ~A single point of contact/ engineer/ attorney for applicants simplifies application and hearing proceeedure.
 - ~Continuations can be presented in only two weeks as opposed to a month or longer.
 - ~Opportunity for conflict and confusion between boards is reduced.
 - ~Any redevelopment projects on Main Street will benefit significantly from the streamlined process

- 4 Most common issue raised by residents is the need to control tax increases**
 - ~There is no one line item in our budget which will save significant \$, it must come from an overhaul of how we do business.
 - ~Economics 101-Our economy of scale between volume and board members/ split boards is counter productive
 - ~Merging the boards has been proven by the Rutger's study to save \$, and we're obligated to make this opportunity available.
 - ~Bradley Beach has the 2nd highest effective tax rate of any beach town in Monmouth. Avon, Spring Lake, Sea Girt and Manasquan all have merged boards and significantly lower effective tax rates than Bradley

| | Merged | Split |
|--------------------|-----------|-----------|
| Total | 26 | 22 |
| Aberdeen | 1 | |
| Allenhurst | | 1 |
| Allentown | 1 | |
| Asbury | | 1 |
| Atlantic Highlands | 1 | |
| Avon | 1 | |
| Belmar | | 1 |
| Bradley | | 1 |
| Brielle | 1 | |
| Colts Neck | | 1 |
| Deal | 1 | |
| Eatontown | | 1 |
| Fairhaven | | 1 |
| Freehold Boro | 1 | |
| Freehold TWP | 1 | |
| Hazlet | | 1 |
| Highlands | 1 | |
| Holmdel | | 1 |
| Howell | | 1 |
| Keansburg | 1 | |
| Keyport | 1 | |
| Lake Como | 1 | |
| Little Silver | 1 | |
| Loch Arbor | 1 | |
| Long Branch | | 1 |
| Manalapan | | 1 |
| Manasquan | 1 | |
| Marlboro | | 1 |
| Matawan | 1 | |
| Middletown | | 1 |
| Millstone | | 1 |
| Monmouth Beach | 1 | |
| Neptune Cty | 1 | |
| Neptune TWP | | 1 |
| Ocean Twp | 1 | |
| Oceanport | 1 | |
| Red Bank | | 1 |
| Roosevelt | ? | ? |
| Rumson | | 1 |
| Sea Bright | 1 | |
| Sea Girt | 1 | |
| Shrewsbury Boro | 1 | |
| Shrewsbury TWP | ? | ? |
| Spring Lake | 1 | |
| Spring Lake Hgts | 1 | |
| Tinton Falls | | 1 |
| Union Bch | 1 | |
| Upper Freehold | | 1 |
| Wall | | 1 |
| West Long brch | | 1 |