

**BOROUGH OF BRADLEY BEACH**

**REGULAR MEETING MINUTES**

**July 27, 2021, at 7:00 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 in the Borough Office.

**ROLL CALL 7:00 pm**

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

Mayor Fox requested a moment of silence in honor of longtime resident and Zoning Board Member Robert Quinlan.

ON MOTION by Fox/Gubitosi to approve the Workshop Meeting Minutes for July 13, 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 Regular Meeting Minutes for July 13, 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 Executive Session Minutes for July 13, 2021.

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

**APPROVED**

**Resolution 2021-195 Recess into Executive Session to discuss a Personnel Matter.**

ON MOTION by Fox/Gubitosi to Retire into Executive Session at 7:05 p.m.to discuss a Personnel Matter.

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

**APPROVED**

ON MOTION by Fox/Gubitosi to Return from Executive Session at 7:20 p.m.

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

**APPROVED**

**Administrative Report:**

**Borough Administrator Kimberly Humphrey the following professionals and Department Heads:**

- **DPW Supervisor to discuss various Borough properties and possible winter projects once the beach season ends.**
- **The Police Chief to address public needs and issues.**
- **Ms. Humphrey and the Mayor met with the Board of Ed Administrator.**
- **The Borough Engineer to discuss and review the present and future Capital Projects.**
- **The Borough Risk Manager to review the current insurance policies in the Borough.**
- **Attended Shakespeare at the Beach Event this past Friday.**
- **Ms. Humphrey encouraged the public to contact her with any questions or issues.**

**Public Comments/Questions on Agenda Items:**

**Nancy Meadow, 805 Beach Avenue, expressed displeasure regarding yoga sessions at the beach and voiced several concerns with expenses on the bill list.**

**Thomas J. Coan, 612 Third Avenue, inquired about Resolution 2021-192 rescheduling the 8/24 Council Meeting and Resolution 2021-194 regarding the placement of BBKA signs.**

**Ordinance Introduction(s):**

**ORDINANCE 2021-22**

**AN ORDINANCE AMENDING CHAPTER 425: “TREES” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO CLARIFY AND ENHANCE CERTAIN SHADE TREE REGULATIONS.**

**Councilman Weber explained the purpose of the Ordinance.**

ON MOTION by Fox/Weber to introduce Ordinance 2021-22.

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

**INTRODUCED**

**Ordinance Adoption(s):**

**ORDINANCE NO. 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 Gubitosi read the Planning Board recommendations given at the recent Consistency Hearing for this ordinance.**

**Conversation ensued amongst Council and the Borough Attorney regarding the recommendations. Minor revisions were made to the Ordinance during this discussion by Mr. Cannon at the Council’s requests.**

ON MOTION by Fox/Bonnell to open the public hearing Ordinance 2021-14.

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 for this ordinance.**

**Louis Levy, 221 Newark Avenue, suggested changes to verbiage regarding signs on the lowest roof line and including LED signs in addition to neon signs.**

ON MOTION by Fox/Bonnell to close the public hearing and adopt Ordinance 2021-14.

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

**ADOPTED**

**ORDINANCE 2021-18**

**AN ORDINANCE AMENDING SCHEDULE III: "PARKING TIME LIMITED ON CERTAIN STREETS" AND SCHEDULE VI: "THROUGH STREETS" ATTENDANT TO CHAPTER 9: "TRAFFIC" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO IMPLEMENT NEW REGULATIONS ON 2<sup>ND</sup> AVENUE AND 3<sup>RD</sup> AVENUE BETWEEN MAIN STREET AND HAMMOND AVENUE WITHIN THE BOROUGH**

**Councilman Gubitosi commended the clarification regarding the loading zone.**

ON MOTION by Fox/Bonnell to open the public hearing Ordinance 2021-18.

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

**Public Comments:**

**Thomas J. Coan, 612 Third Avenue, complimented the Mayor and Council on this ordinance and inquired when the parking design will be available for public view.**

**Mayor Fox responded the design plan will be available quick.**

**Mr. Coan inquired if the Borough Engineer will give a presentation prior to starting the project.**

**Ms. Humphrey offered to create a link on the website for the public.**

ON MOTION by Fox/Sexsmith to close the public hearing and adopt Ordinance 2021-18.

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

**ADOPTED**

**ORDINANCE 2021-20**

**AN ORDINANCE OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ENERGY AGGREGATION PROGRAM.**

ON MOTION by Fox/Bonnell to open the public hearing Ordinance 2021-20.

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

**Public Comments:**

**Peter Sharpe, 301 Second Avenue, inquired about several components of this ordinance.**

**Councilman Weber and Mr. Cannon answered Mr. Sharpe's inquiries.**

ON MOTION by Fox/Bonnell to close the public hearing and adopt Ordinance 2021-20.

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

**ADOPTED**

**ORDINANCE 2021-21**

**AN ORDINANCE AMENDING SECTION 123-10: “STORAGE LOCKERS” OF CHAPTER 123: “BEACHFRONT AREAS AND ADJACENT WATERS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO EXTEND THE TIME PERIOD DURING WHICH STORAGE LOCKERS ARE AVAILABLE.**

**Councilman Sexsmith explained the purpose of this ordinance.**

ON MOTION by Fox/Sexsmith to open the public hearing Ordinance 2021-21.

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

**Public Comments: None**

ON MOTION by Fox/Sexsmith to close the public hearing and adopt Ordinance 2021-21.

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

**ADOPTED**

**Communications:**

**(A) Seasonal Employee Memo (Camp Counselors)**

**(B) A Request for Non-Profit Organization Safe Way Out to conduct additional Yoga/Meditation Sessions on Fridays and Saturdays at Riley Park and McCabe Avenue Beach.**

ON MOTION by Fox/Sexsmith to move Communication Item B to the Consent Agenda.

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

**APPROVED**

**CONSENT AGENDA:**

**Resolution 2021-186 Bill List for July 27, 2021**

**Resolution 2021-187 Authorizing a Refund for Property Tax Overpayment for 315 Newark Avenue in the amount of \$1136.15.**

**Resolution 2021-188 Authorizing Safe Way Out to Conduct Additional Yoga/Meditation Sessions August through September at Riley Park and McCabe Avenue Beach.**

**Councilman Gubitosi inquired if the name of the beach is correct.**

**Councilman Weber clarified the entrance to get onto the beach is on McCabe Avenue and not McCabe Avenue Beach.**

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

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

**APPROVED**

**RESOLUTIONS:**

**Resolution 2021-189 Authorizing an Amendment to the Adopted Budget for an additional Item of Revenue and offsetting Appropriation of the Borough of Bradley Beach To Authorize the Participation and Acceptance of SFY 2021 Body Worn Camera Grant Program.**

ON MOTION by Fox/Sexsmith to Authorize an Amendment to the Adopted Budget for an additional Item of Revenue and offsetting Appropriation of the Borough of Bradley Beach to Authorize the Participation and Acceptance of SFY 2021 Body Worn Camera Grant Program.

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

**APPROVED**

**2021-190 Authorizing the Appointment of Zenyk (Nick) Kosarych as an Alternate Member of the Shade Tree Commission.**

ON MOTION by Fox/Bonnell to Appoint Zenyk (Nick) Kosarych as an Alternate Member of the Shade Tree Commission.

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

**APPROVED**

**2021-191 Appointing Kimberly M. Humphrey as the CDBG Alternate Coordinator.**

ON MOTION by Fox/Bonnell to Appoint Kimberly M. Humphrey as the CDBG Alternate Coordinator.

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

**APPROVED**

**2021-192 Authorizing to reschedule the second Council Meeting from August 24<sup>th</sup> to August 31<sup>st</sup>.**

ON MOTION by Fox/Bonnell to Authorize a reschedule of the second Council Meeting in August.

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

**APPROVED**

**2021-193 Adjusting the Salary of the Chief Financial Officer and providing for a Payment of a One-Time Stipend for Performing the duties of Interim Borough Administrator.**

ON MOTION by Fox/Sexsmith to Adjust the Salary of the Chief Financial Officer and provide for a One-Time Stipend for Performing the duties of Interim Borough Administrator.

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

**APPROVED**



**2021-194 Approving the placement and installation of two Bradley Beach Business Community Alliance Signs upon Public Property within the Borough near Evergreen Avenue Pump Station and the Borough Recycling Yard.**

ON MOTION by Fox/Sexsmith to Approve the placement and installation of two Bradley Business Community Alliance Signs upon Public Property within the Borough near Evergreen Avenue Pump Station and the Borough Recycling Yard.

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:

- The rate and number of the Delta Variant are up and advised everyone to be careful and conform to the CDC recommendations.
- The road paving on Fourth/Fletcher has been completed, road work on Fifth and Madison are going to be done this week.
- A revised resolution will be presented at the 8/10 Council Meeting to extend the permit fee waiver to the end of the year.
- There will be an Introduction of a Bond Ordinance on the 8/10 meeting for the 319 LaReine Avenue Church. In addition, the Governing Body is hoping to pass a resolution to place a referendum question on the 2021 General Election Ballot to get the public's input on moving forward with the Community Center Project.
- The Bradley Beach Community Alliance wishes to announce their Alliance Week Kickoff on Monday, 8/12 at 12:00 p.m. to 1:00 p.m. at Riley Park. The BBKA will honor First Responders and Borough Staff for their efforts over the last 15 months of the pandemic.
- The Mayor met with the Shore Mayors and County Commissioners to discuss a 9/11 Anniversary Memorial Ceremony that all can participate in.
- Gave an update on the Fair Share Housing.
- The Municipal Tax Levy has decreased from 1.222% to 1.172 % on a household basis.
- The Management Group for the Bradley Beach Cinema is very close to a positive announcement.
- The Shakespeare Festival held at the Fifth Avenue Gazebo this past weekend was a great success.

Julia Rand, 1 Atlantic Avenue, thanked Mayor Fox, Police Chief Guida and DPW for their assistance with the Shakespeare Festival. Ms. Rand expressed concerns about being able to have her fall and spring productions in the school theater auditorium due to COVID.

Mayor Fox replied he will discuss this with her offline.

Councilman Bonnell reported he has seen a vast improvement on housekeeping with the

roads.

**Councilman Gubitosi reported the following:**

- **The Sylvan Lake Commission will be meeting tomorrow night at the Biase Center at 7:00 p.m.**
- **The Shakespeare Festival was a success and thanked Ms. Rand for her production.**
- **Asked for the Public's patience with the website as it is still a work in progress.**
- **Requested to research improved safety for the alleyway behind D'Arcy's Tavern.**
- **Requested hiring college interns for assistance with office and website personnel.**
- **Requested to research the possibility of in person/virtual meetings.**

**Ms. Humphrey stated she met with the Borough Engineer, the Police Chief and the DPW Supervisor who are all in the process of working on a plan for the alleyway to present at the next meeting. Ms. Humphrey stated she will further research Councilman Gubitosi's other two requests.**

**Councilman Sexsmith reported the following:**

**POLICE DEPARTMENT:**

**A local resident was arrested for Disorderly Conduct. A male subject was arrested for Driving While Intoxicated. A female subject was arrested for Driving While Intoxicated.**

**Police took a report for Criminal Mischief to a residence.**

**FIRST AID:**

**For the operational period ending July 27, 2021, the First Aid Squad responded to 24 Day calls 12 Night calls for a total of 36 calls.**

**There were 21 for medical, 19 for fire. The squad responded to 1 mutual aid request from Ocean Grove 1 to Neptune City and 1 ANSWERS water rescue to Belmar. The First Aid Squad received 2 requests for aid from Avon 1 & 1 from Neptune EMS there were no COVID-19 cases. The First Aid Squad fulfilled 95 % of their assignments for this operational period. The First Aid Squad would like to thank Police Chief Guida for allowing one of our members who is employed by the Police Department to respond to EMS call now that the summer season is here the Squad is running both ambulances on a regular basis and this is a big help. Congratulations to Emma Bernstein on her acceptance to nursing school Emma started as a cadet with the Squad and earned her EMT. She will still be riding with the Squad on the weekends.**

**FIRE DEPARTMENT:**

**For the operational period ending July 27, 2021, the Fire Department responded to 19 requests for the Department.**

**They conducted 1 inhouse training session for the safety and education of the Firefighters, using fire extinguishers. The Fire Department provided a stand-by crew for a fire call in Ocean Grove.**

**The Fire Department fulfilled 100 % of their assignments for this operational period.**

**The Fire Department is looking for volunteers for the Fire & First Aid. Both offer free training for qualified individuals. Anyone wishing to volunteer for the Fire Department or First Aid Squad applications can be found on the Borough's web site.**

**Councilman Weber reported the following:**

- **Thanked the Arts Council for the Shakespeare Festival.**
- **Thanked the Fire Department for their quick response to an incident at his home this past weekend.**
- **The Recreation Committee is looking to hold a kite festival for September 11<sup>th</sup>.**
- **The Recreation Committee working on bringing back the After Care Program.**
- **The Bocce League ended for the season this evening.**
- **The Environmental Commission will be attending the BBCA Event on 8/12.**
- **Shade Tree Commission update.**
- **Announced the process has started to place a stop sign on Newark Avenue as previously requested.**

**Public Comment:**

**Julia Rand, 1 Atlantic Avenue, suggested Winter Thornberry Trees for public planting strips.**

**Rich Despina, 600 Third Avenue, inquired if an error made by the Water Company will be rectified properly when the road paving starts on his street. Mr. Despina also requested Beach**

**Financial reports be presented at future meetings**

**Peter Sharpe, 301 Second Avenue, asked several questions regarding planting strips.**

**Councilman Weber answered Mr. Sharpe's inquiries.**

**Louis Levy, 221 Newark Avenue, asked if there was an update on the delineated parking plan.**

**Mayor Fox stated he would update Mr. Levy offline.**

**Nancy Meadow, 805 Beach Avenue, expressed concerns regarding a payment to Goose Control Technology and Playground hours and signage.**

**Henry Machos, 209 Third Avenue, stated he is in favor of having a public vote on the Community Center Project and mentioned housing that could be placed on the church Property if it was demolished.**

**Heidi Modjeski, 611 Newark Avenue, suggested a temporary Stop Sign for Newark Avenue until a permanent one is placed there and requested doing both virtual and in person meetings.**

**Cathy Martin, 410 Bradley Boulevard, requested an electronic speed limit sign for Bradley Boulevard. Ms. Martin also expressed concern regarding visitors changing their clothes within public view on her street.**

**Ms. Humphrey suggested contacting the Police Department when this happens to get a report on file.**

**Julia Rand, 1 Atlantic Avenue, agreed with Mrs. Martin regarding an electronic speed limit sign.**

**Police Chief Guida stated a temporary electronic speed limit sign will be placed on Bradley Boulevard tomorrow.**

**Thomas J. Coan, 612 Third Avenue 3**

- **Suggested placing a bike lane on Bradley Boulevard to prevent cars from speeding.**
- **Regarding Mr. Machos's comments about housing on the church property, Mr. Coan stated the number of houses or garage apartments can go on the church property.**
- **Complimented the Mayor on the Fair Share Housing program.**
- **Inquired about the Bike Share Program that was mentioned in June.**

**Mayor Fox responded the Bike Share program is tabled for the moment and he and Councilman Weber are working with the former Administrator on a sustainability plan.**

**Councilman Weber responded if the Bike Share Project goes into effect it would not be until next year.**

**William Psiuk, 110 Fifth Avenue**

- **Stated he is not in favor of a Bike Share Program.**
- **Inquired about an Altice utility pole being installed on his street. Conversation ensued**

- regarding the legality of this pole and if the Borough is receiving funds for this.
- **Mentioned National Night Out.**

Fox/Bonnell moved to adjourn.

MEETING ADJOURNED AT 9:20 P.M.

*Erica Kostyz*

---

Erica Kostyz, RMC, CMR  
Municipal Clerk