

BOROUGH OF BRADLEY BEACH

REORGINIZATION MEETING

MAYOR AND COUNCIL

JANUARY 1, 2022

12:00 P.M.

A Reorganization 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. Formal action was taken on the above date.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETINGS ACT STATEMENT

Roll Call at 12:00 p.m.

Present: Mayor Fox
Council: Gubitosi, Sexsmith, Weber
Borough Administrator, Kimberly M. Humphrey
Municipal Clerk, Erica Kostyz
Municipal Deputy Clerk, Michele Whille
Borough Attorney, Greg Cannon

Mayor Fox gave the following statement:

Before we begin the reorganization meeting, I would like to explain a motion I will be making in a moment. We held our last meeting of the year this past Tuesday evening, December 28th. We switched that meeting to a Zoom only format given COVID related events that were quickly emerging. We were closed this past Monday for the holiday; and additionally closed our municipal offices on Tuesday for safety reasons. We began a deep cleaning and disinfecting operation Monday evening and into Tuesday. Thanks to our EMS, DPW and OEM resources for executing this important activity. Although we opened again Wednesday and were able to maintain a continuity of government, we have had COVID absences that I cannot detail due to privacy and HIPPA regulations that have affected our timelines. We executed the legal notices on Wednesday for this meeting that met OPMA requirements; but we were not able to comply with our Borough's ordinance of a 48-hour agenda notice, nor could we have complied with the 96-hour notice relative to getting agenda items to the Municipal Clerk. We published that agenda on Thursday evening versus Thursday at noon. We apologize but hope you can understand that these are not "normal" times. I am making a motion for a one-time waiver of Article I, 5-9-A of our Borough Ordinance, which refers to both the 96-hour agenda item matters to the Clerk and the 48-hour allowance for publication of the detailed agenda. Do I have a second on this motion?

ON MOTION by Fox/Sexsmith to waive late Agenda post.

Councilman Gubitosi asked if this motion is for waiver and ratification or waiver only.

Mayor Fox replied the motion is to waiver only.

Councilman Gubitosi stated concerns members of the public will be confused in terms of efforts to provide them agenda information to review in a timely manner and under the impression the Governing Body was planning to offer a ratification of the votes taken this afternoon at a subsequent meeting.

Discussion ensued between Mayor Fox and Councilman Gubitosi regarding the waiver.

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

Councilman Gubitosi inquired if the Agenda items will be opened to the public for comments.

Mayor Fox responded no, as that has not been the practice in prior Reorganization Meetings and the public comments would be heard at the end of the meeting.

Councilman Gubitosi feels it is inappropriate not to allow the public to comment on the Agenda items.

ORGANIZATION OF MAYOR AND BOROUGH COUNCIL

Mayor Fox thanked Councilman Gubitosi for performing the role of Council President in 2021 and stated it is a role that is appreciated by him and sometimes underestimated by the Public for the work that this role entails.

Mayor Fox announced Timothy Sexsmith for Nomination of Council President for the term commencing January 1, 2022 to December 31, 2022.

Councilman Gubitosi asked the Borough Attorney, Greg Cannon if the Mayor is the appropriate person to make this motion given the Council President represents the remainder of the Council in relation with the Mayor.

Mr. Cannon checked the Borough Code and cited section 5-11B stating that the Mayor is a member of the Council and can therefore nominate and vote for a Council President, but noted that section 5-7 states the Mayor cannot also be the Council President, therefore the Mayor can nominate any Council Member other than himself.

Mayor Fox gave the following announcement for Standing Committee Assignments for 2022:

The Standing Committee Structure we are embarking on in 2022 has been workshopped in 2021 and continued to be refined through the fourth quarter. This will consist of two Council members on each Committee, and they will meet as a committee “off-line” and formally report to the Council Public four times a year. I anticipate this will enable us to be more effective and efficient as a Municipal Government. January will be spent organizing the Standing Committees and the official report-outs will commence in February.

Councilman Weber inquired if there is going to be any action taken on the Standing Committee Appointments at this meeting.

Mayor Fox responded he has appointed the groups and sent it out this morning and this will entail further discussion. Mayor Fox continued the action taken at a previous meeting was to schedule for the meetings going forward.

Councilman Weber stated he is fully supportive of the Standing Committees, however wanted to clarify the heads of each committee will be further discussed before committing to this.

Mayor Fox confirmed the motion to move forward with the Standing Committee process is today and further discussion for the leads of each Committee can be revisited and discussed.

Resolution 1 Nomination and Election of Timothy Sexsmith as Council President for a one year term commencing on January 1, 2022.

ON MOTION by Fox/Weber to Nominate Timothy Sexsmith as Council President for a one year Term commencing on January 1, 2022 Resolution 2022-1 which was voted out separately from the Consent Agenda.

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

APPROVED

Regarding Standing Committees, Mayor Fox stated the next step will be to pass a resolution stating a trial operation period and refine the framework and organization.

Councilman Weber stated he was fine with that.

ORDINANCE INTRODUCTION

ORDINANCE 2022-1

CALENDAR YEAR 2022

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

ON MOTION by Fox/Sexsmith to Introduce Ordinance 2021-1.

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

CONSENT AGENDA OF MAYOR AND BOROUGH COUNCIL

Resolution 2 Adopting the Temporary Municipal Budget for 2022.

Resolution 3 Temporary Debt Service Budget for 2022.

Resolution 4 Designated Depositories

Resolution 5 Establishes Petty Cash Funds for the year 2022.

Resolution 6 Establishes Change Funds for the year 2022.

Resolution 7 Establishes the Grace Period for Delinquent Tax Payments for the year 2022.

**Resolution 8 Adopting a Cash Management Plan for the Deposit of all monies received
by the Borough.**

**Resolution 9 Designated Official Newspapers for the Borough of Bradley Beach and the
Official Website.**

**Resolution 10 Authorizing the Borough Council to donate two 2022 Adult Seasonal Beach
Badges to various Bradley Beach Non-Profit Organizations.**

**Resolution 11 Authorizing the Tax Assessor to act as an agent for the Borough for the
purpose of filing and settling the Tax Appeals up to \$20,000.00, on behalf
of the Tax District for the 2022 Tax Year.**

**Resolution 12 Appointing Kimberly M. Humphrey as the Borough's Qualified Purchasing
Agent from January 1, 2022 to December 31, 2022.**

Resolution 13 Appointing Michele Whille as the Public Agency Compliance Officer from January 1, 2022 to December 31, 2022.

Resolution 14 Elected Fire Department Officials for the year 2022.

Resolution 15 Elected First Aid Squad Officials for the year 2022.

Resolution 16 Professional Service Appointment, Sobel Han & Cannon, as the Borough Attorney from January 1, 2022 to December 31, 2022.

Resolution 17 Professional Service Appointment, Gluck Walrath, LLP as Borough Bond Counsel from January 1, 2022 to December 31, 2022.

Resolution 18 Professional Service Appointment, Eric M. Bernstein Associates, LLC, Gluck Walrath, LLP, and Cutolo Barros, as Borough Conflict Counsel From January 1, 2022 to December 31, 2022.

Resolution 19 Professional Service Appointment, Eric M. Bernstein Associates, LLC, as Borough OPRA Counsel from January 1, 2022 to December 31, 2022.

Resolution 20 Professional Service Appointment, Eric M. Bernstein Associates, LLC, as Borough Labor Attorney from January 1, 2022 to December 31, 2022.

Resolution 21 Professional Service Appointment, Shain Schaffer, PC, as Borough Tax Appeal Attorney from January 1, 2022 to December 31, 2022.

Resolution 22 Professional Service Appointment, Weiner Law Group, LLP as Borough Fair Share Housing Attorney from January 1, 2022 to December 31, 2022.

Note: Appointed as a Non-Fair and Open Professional Appointment due difficulties the firm had getting their prepared proposal delivered.

Resolution 23 Professional Service Appointment, CME Associates, as Borough Engineer from January 1, 2022 to December 31, 2022.

Resolution 24 Professional Service Appointment Roberts Engineering Group, LLC, Remington & Vernick Engineers, Leon S. Avakian, Inc. H2M Architects & Engineers and T&M Associates as Special Consult Engineers from January 1, 2022 to December 31, 2022.

Resolution 25 Professional Service Appointment, Colliers Engineering & Design, as Coastal Engineer from January 1, 2022 to December 31, 2022.

Resolution 26 Professional Service Appointment, H2M Architects & Engineers, as Sewer Engineer from January 1, 2022 to December 31, 2022.

Resolution 27 Professional Service Appointment, Remington Vernick Engineers, as Stormwater Engineer from January 1, 2022 to December 31, 2022.

Resolution 28 Professional Service Appointment, CME Associates and Leon S. Avakian, Inc. as Zoning Consult Engineer from January 1, 2022 to December 31, 2022.

Resolution 29 Professional Service Appointment, Leon S. Avakian, Inc. as Borough Planner from January 1, 2022 to December 31, 2022.

Resolution 30 Professional Service Appointment, Settembrino Architects, as Borough Project Architect from January 1, 2022 to December 31, 2022.

Resolution 31 Professional Service Appointment, Ellicott Network Consultants, LLC, as Borough IT Consultant from January 1, 2022 to December 31, 2022.

Resolution 32 Professional Service Appointment, Brown & Brown Metro, LLC, as Borough Health Benefits Consultant from January 1, 2022 to December 31, 2022.

Resolution 33 Professional Service Appointment, Brown & Brown Metro, LLC, as Borough Risk Management Consultant from January 1, 2022 to December 31, 2022.

Resolution 34 Authorizing the execution of a Risk Management Consultant Agreement with Brown & Brown Metro, LLC, from January 1, 2022 to December 31, 2022.

Resolution 35 Professional Service Appointment, ACACIA Financial Group and Phoenix Advisors, LLC, as Borough Financial Advisors from January 1, 2022 to December 31, 2022.

Resolution 36 Professional Service Appointment, Jason E. Shamy, Esq., as Borough Prosecutor from January 1, 2022 to December 31, 2022.

Resolution 37 Professional Service Appointment, Clifford P. Yannone, Esq., as Borough Public Defender from January 1, 2022 to December 31, 2022.

Resolution 38 Professional Service Appointment, Greer Law Firm, LLC, as Alternate Public Defender from January 1, 2022 to December 31, 2022.

ON MOTION by Fox/Weber to approve the Consent Agenda Resolutions 2022-2 through Resolution 2022-38.

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

APPROVED

RESOLUTIONS:

Resolution 2022-39 Permitting Back In Time to place and maintain a sandwich board type sign within the flower bed at the North corner of Riley Park at the corner of LaReine Avenue and Main Street.

Councilman Gubitosi confirmed with Clerk Kostyz this is the same resolution that originally did not get approved at the December 28th meeting.

Councilman Gubitosi stated he is comfortable voting yes on this resolution after securing additional information requested from Green Acres.

ON MOTION by Fox/Weber to permit Back In Time Café to place and maintain a sandwich board type sign within the flowerbed at the North corner of Riley Park at the corner of LaReine Avenue and Main Street.

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

APPROVED

Resolution 2022-40 Authorizing a Holiday Discount extension on the 2022 Adult Seasonal Beach Badges through January 14, 2022.

Mayor Fox stated due to the uptick COVID cases, the Borough felt it appropriate to extend the sale for the Holiday Discount to give people that have been unable to purchase their badges during the sale period the opportunity to purchase their seasonal badges at the discount price.

ON MOTION by Fox/Sexsmith to Authorize a Holiday Discount extension on the 2022 Adult Seasonal Beach Badges through January 14, 2022.

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

APPROVED

COMMUNICATIONS:

- **Memo for Various Term Appointments**
- **Memo for Yearly Term Appointments**

Mayor Fox made the following announcements on behalf of both memos:

First, our new Land-Use Board of thirteen members, ten of which are citizen volunteers

Additionally, I want to thank publicly Doug Jung, Marc Rosenthal, Mike Affuso, Ray Wade, Victoria Leahy, and Debbie Bruynell for their dedicated service to their Boards. Also, to Bill Psiuk and Harvey Rosenthal for their leadership and their selfless dedication in agreeing to continue to serve on this board to bring their valuable insights and experience to the bear.

Second, I want to recognize a new Committee; The Mayors Wellness Committee, led by Barb Johnston.

Third, I would like to recognize Anthony DeMaio for taking the Chairmanship of the Fletcher Lake Committee. With that, I have appointed Al Quixley, the long-time chair of the Fletcher Lake Committee, a Chair-Emeritus, recognizing all his contributions.

Many thanks to the sixty plus volunteers that comprise our ten committees and commissions.

MAYOR AND COUNCIL COMMENTS:

Mayor Fox

Here we are in 2022. Many thanks for the extra efforts Public Works, our Public Safety Team- Police, Fire, Ems, and OEM, our borough staff, Council, and volunteers that made 2021 a success.

The responsibilities of governance I assumed last year that were daunting to me then, and still get my attention on a daily basis!

We are in a great position as a community. We are blessed with both opportunities and challenges which, if we choose to work on them together, we will ensure success in 2022 and beyond, together.

We are ending 2021 fiscally sound; but still in the middle of a health pandemic that threatens our residents and our local businesses. With continued vigilance, better days are ahead. Please, support our businesses through this time. Take-Out is a great option if you are wary of indoor dining.

So, what else happened in 2021?

Our Police, Fire, EMS and Dept. of Public Works continued to serve the community and

improve an already great record- All Teams are to be commended. The Office of Emergency Management and all our First Responders deserve special thanks for their COVID efforts in a challenging year!!

Last January we were facing what we thought were the toughest few months ahead. Our COVID number is nearing two hundred cumulative cases and we had about seventy active cases. We weathered the storm, got a vaccine, and proceeded to see an improvement in deaths and level of sickness. We are now in the throes of the Omicron variant and have reached 575 cumulative cases. We have gone from less than a case a day 2 months ago to five cases a day two weeks ago to 8 cases a day this week. A troubling trend. We must AGAIN be vigilant and at the same time encourage people to safely operate within this new world. We saw great support for our restaurants and our local businesses in 2021 and we will need it again.

Our Municipal Tax Levy, which we control, is almost 40% of the total tax levy for our residents. We were able to keep our spending flat in 2021 and reduced our Municipal tax rate by 4 %. We need to keep this increase to an absolute minimum in 2022 and beyond.

Our Main Street Task Force did good work in 2021. We applied for an initial state grant for a streetscape of several blocks; but were unfortunately denied in 2021. We need to keep a focus on a 5-year plan but, again, in the short-term, do everything we can to support our small businesses, particularly through the Pandemic, until we hopefully stabilize. County.

In 2019, we had had dozens of active volunteers develop a strategic plan for our community. This initiative was led by Paula Gavin. This featured a focus on Main Street, our beachfront/ocean front, and our communications, among other things. (The BBBCA (Bradley Beach Business Community Alliance) came into its own in 2021. We will retire the Strat Plan team so we can focus on implementation in 2022 and look to a re-charge some time in 2023. Thanks to Paula for her leadership and continued leadership with the BBBCA which I am sure will do great things in 2022 and beyond!

Bradley Beach has a few big opportunities and challenges to address- and I am confident we will meet these opportunities head on.

The Showroom Theater closing

Christmas 2021 came early. In mid-December, Cinema Labs took control of the Theater and have great plans for the site going forward. We will collaborate with that team in ways to enable their success. One of our residents, Arianna Bocco, has been a real leader bringing the interested parties together.

The idea of a Community Center in the church the borough purchased in 2020:

We made the investment decision, over \$230k, to get a comprehensive engineering and architectural assessment of the site. That project is on track and more communications will be

available in January on deliverables and timing. The assessment will answer key questions; What are the possibilities? And in fact, what is the logical path forward? We will have many of those answers in the late part of the first quarter 2022.

In addition, we must answer a critical question for Bradley Beach in 2022; How do we organize our towns facilities and match them to a mid-long-range plan? We started this process; but need to get it moving at a faster pace. This is important.

Our other key focus areas for 2022 are a continued focus on Affordability (spending and municipal tax rate), a renewed strategy for Main Street covering the next 5-years, continued improvements to the Beachfront (including a coastal resilience assessment with a view toward extending our bulkhead south) , and moving through a number of Infrastructure projects, among which is our “Phase II” sewer replacement project. Last, we have embarked on an “Operational Excellence” program. This entails a focus on our internal processes and organization. Kim Humphrey, our talented new Business Administrator, is tackling this head-on.

In conclusion, I will continue to seek feedback and communication from our residents and professionals. I know I will disappoint some of you as we go forward, one cost of progress. My focus has been and will be the GREATER GOOD OF ALL RESIDENTS. I hope we get most of it right. I am sure you will let us know.

Thank you and welcome 2022!

Councilman Gubitosi

- Wished everyone a Happy New Year
- Disappointed voted on and approved a waiver in relation to the 96-hour notice and would have preferred to have the votes ratified at a later meeting.
- Thanked everyone involved in the Request for Proposal process.
- Announced the Auditor Appointment has been put on a temporary hold and stated the appointment must be decided upon within 30 days. Mr. Gubitosi requested and Executive Session at the next Council Meeting inviting the 2021 Auditor so the Council can better understand the concerns that are delaying this appointment.
- Expressed concern and disappointment a volunteer was removed from the Shade Tree Commission.

Mayor Fox explained the delay with the Auditor Appointment and stated it is not the intent to cast any aspersions upon the current auditor.

Councilman Sexsmith

- Thanked the Mayor and Council for the Council President nomination.
- Congratulated all the elected Fire Department and First Aid Squad Officials.
- Thanked all the Borough Employees for their challenging work in 2021.
- Wished everyone a Happy New Year.

Councilman Weber

- **Wished everyone a Happy New Year.**
- **Congratulated all appointed and re-appointed volunteers**
- **Congratulated all the Professional Appointments for 2022.**
- **Announced the Shade Tree Commission received a State Grant for Shade Tree inventory.**
- **Mr. Weber stated he is happy the closing of sale for the Main Street Theater has taken place and thanked Council colleagues for not using Borough funds to support this business.**
- **Expressed concern for the Shade Tree Commission Volunteer not reappointed and feels this should be reconsidered and differences should be put aside differences and recognize good volunteers.**

Conversation ensued regarding public comment emails which are listed after the live public comments.

Mayor Fox agreed with Councilman Weber that political or personal issues should not come into an appointment and the Borough will not operate that way.

PUBLIC COMMENTS:

Jane DeNoble, 612 Third Avenue, thanked everyone on the Shade Tree Commission and would like to be reconsidered for appointment.

Nancy Meadow, 805 Beach Avenue, complained about the Zoom meeting room set-up, the resolution for Holiday Badge discount extension, and inquired how to volunteer for committees.

Allen Rapaport, 512 Newark Avenue, inquired about the following:

- **Auditor Appointment**
- **Borough facilities mentioned in the Mayor's report**
- **Main Street Redevelopment**
- **Grants available for fire and EMS**

Mayor Fox and Administrator Humphrey answered Mr. Rapaport's inquiries.

John Zech, 610 ½ Evergreen Avenue, stated the Fire and EMS have applied for many of the grants mentioned by Mr. Rapaport, however these are extremely competitive.

Shana Greenblatt-Janoff, 414 Monmouth Avenue, stated she is pleased about the Shade Tree Grant and feels Ms. DeNoble should be reinstated on the Shade Tree Commission.

Mayor Fox thanked Ms. Greenblatt-Janoff for her efforts with the Shade Tree Commission Grant.

Kim Baker, commented in support of reappointing Ms. DeNoble to the Shade Tree Commission.

Larry Bagwell, 305 Park Place Avenue, commented in support of reappointing Ms. DeNoble to the Shade Tree Commission.

George Heflich, 115 Ocean Park Avenue, commended Ms. DeNoble's efforts on the Shade Tree Commission and requested she be reappointed and thanked Ms. Greenblat-Janoff for her diligence with the Grant.

Thomas J. Coan, 612 Third Avenue, expressed disappointment of not having public comment on the consent agenda resolutions.

Mayor Fox responded the Reorganization Meeting has been done in the same manner for the past several years and after conferring with the Borough Attorney, there are many jurisdictions that do not have public comments at their Reorg Meetings. Mayor Fox continued he made sure the public received the opportunity to speak at the end of this meeting.

Further conversation ensued between Mayor Fox and Mr. Coan regarding the delay in the posting of the Agenda, mentioning potential Appointments for the Land Use Board, and the 2022 budget surplus accounts.

Note: motion was made to close the meeting and then reopen the meeting to read the Public Comment emails.

PUBLIC COMMENT VIA EMAIL:

Kathleen Heaney, 303 Fletcher Lake Avenue,

I am writing to support the request of the Back in Time Cafe to have sandwich board signage in a corner of the green space at Main and LaReine Avenue. This is a business that brings value to our community and so I believe we should find a way to assist this business need. Use of a corner of the green space seems like a reasonable compromise that will not impede the sidewalk that was a problem for some. I have spoken to many others who agree with me on this matter. Let us support good businesses in our town.

Brian Downey, 619 Fourth Avenue,

I see the success of Third Avenue parking lines and it would benefit Fourth Avenue as well. Since D'Arcy's Tavern and Luna Verde no longer use their parking lots for anything in the winter, parking is still difficult. If spaces were realized with lines, they could be utilized to their fullest. Thank you.

Mayor Fox welcomed the Professional Appointments on the Zoom Meeting.

ON MOTION by Fox/Sexsmith moved to adjourn.

ADJOURN 1:30 p.m.

Erica Kostyz

Erica Kostyz, RMC, CMR
Municipal Clerk