

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

January 25, 2022 at 6:30 p.m.

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held remotely by means of Communication Equipment 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 6:30 p.m.

Present: Council: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Fox
Borough Administrator, Kimberly M. Humphrey
Municipal Clerk, Erica Kostyz
Deputy Municipal Clerk, Michele Whille
Borough Attorney Alternate Andrew Sobel

Mayor Fox:

Welcome to meeting 2 of our new year.

As you know, we are back in a remote format and hope this will be over in February. We continue to be vigilant around the latest strain of COVID- OMICROM. We have had over 700 reported cases in town since this tragic pandemic began. In December, we were averaging 8 new cases a day. This has gone down to an average of 4 a day, so hopefully we will continue to see improvement. I will be making an announcement later a testing Clinic we are sponsoring.

Unfortunately, we have encountered a few large sinkholes emanating from the stormwater pipe coming from Sylvan Lake between Bradley Beach and Avon. We are working with Avon and professionals to assess and remediate the situation. We ask you stay away from this area, it is dangerous; and the area can be unstable. We’ll be raising an emergency resolution to fund the necessary remediation. We are working with Avon to ensure we have a coordinated corrective action. I have been in touch with Mayor Bonanno and the respective Public Works and Administrators have been conferring.

We have no ordinances for introduction tonight. We have one Ordinance for Adoption.

We do have a workshop that we will do in the old format, in that this was decided after the 96-hour notice; and we can accommodate the discussion in this format we believe.

WORKSHOP DISCUSSION: Standing Committees/Liaison Assignments

Mayor Fox:

After reviews Thursday and Friday- doing an assessment of our readiness to start to work within the Standing Committee process; we've decided to postpone the subject process until we feel we are aligned and can operate in this framework effectively.

I would like to thank Council President Sexsmith, the author of the Process and who volunteered to be the "point person" on this initiative. I would also like to thank the professionals who met with us and provided critical input; and the rest of the Council for their work- to date.

Until we can hopefully implement this process improvement, we will revert back to the Committee/Commission Liaison format. I have provided those appointments and will communicate to the Commission/Committee chairs.

With that, I will ask Councilman President Sexsmith, followed by Council, if they would like to add anything at this time.

Councilman Sexsmith:

Stated he is still firmly in favor of the Standing Committee process and feels it will present a much more efficient and effective way to run Borough business in the long run and briefly described how this process would work.

Councilman Sexsmith proposed the Governing Body table this process for a few months to get a better handle on a few challenges.

Councilman Gubitosi:

Thanked Councilman Sexsmith for his efforts and dedication to this process. Councilman Gubitosi stated is still encouraged to move forward with this process in the future.

Councilman Bonnell:

Thanked Councilman Sexsmith for his efforts to this process.

Councilman Weber:

Stated he stands firmly behind the Standing Committee Process and appreciates all of the effort that has gone into this. Councilman Weber agrees it would be detrimental to wait a few months before moving forward with this process and is willing to do what the majority of the Governing Body wants to do.

Councilman Weber wanted to confirm the decisions of Chair and Vice Chair of each committee will be a decision all of the Governing Body will be involved in and not the decision of one person.

Mayor Fox responded there will be an appointment process and confirmed with Councilman Weber the delay for this process is not due to a change in the Committee Assignments originally agreed upon.

Conversation ensued amongst the Governing Body regarding further discussion of appointments. It was decided to discuss this offline.

ON MOTION by Fox/Sexsmith to approve the Regular Council Meeting Minutes for December 28, 2021.

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

APPROVED

ON MOTION by Fox/Sexsmith to approve the Executive Session Minutes for December 28, 2021.

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

APPROVED

ON MOTION by Fox/Sexsmith to approve the Council Reorganization Meeting Minutes for January 1, 2022.

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

APPROVED

Public Comments/Questions on Agenda Items:

Thomas J. Coan, 612 Third Avenue, questioned the Executive Session topic for 319 LaReine Avenue why this topic is not being discussed with the public.

Borough Attorney Alternate, Andrew Sobel responded the discussion pertains to contract negotiations and therefore not privy to the public.

Mr. Coan stated he disagrees and feels the discussion should be shared with the public.

William Psiuk, 110 Fifth Avenue, had inquiries about legal invoices on the bill list.

Administrator Humphrey and Mr. Sobel answered Mr. Psiuk's inquiries.

Thomas Gavin, 414 Fourth Avenue, inquired if the public will be receiving update on 319 LaReine Avenue and if the public could have description of what type of contractual issue will be discussed in Executive Session this evening.

Ms. Humphrey responded there are several items in the T&M contract that needs to be reviewed and discussed and the Mayor and Council will be scheduling a workshop meeting mid-month with the T&M architect that will be open to the public.

Mayor Fox added there will be a number of public meetings to discuss 319 LaReine Avenue over the Next couple of months.

Councilman Gubitosi stated part of the discussions this evening will include scope related issues and one of the reasons an Executive Session is necessary for this evening.

Ordinance Adoption(s):

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 open the public hearing for Ordinance 2022-1.

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

Councilman Gubitosi and Councilman Weber voted no to open the public hearing on this ordinance due to the limiting of public comment time to three minutes and requested the time be raised to five minutes.

Public Comments: None

ON MOTION by Fox/Sexsmith to close the public hearing and adopt Ordinance 2022-1.

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

ADOPTED

Communications:

- **Community Development Per-Diem Employee Memo**
- **Change in Annual Stipend amount for the Chief Financial Officer.**
- **Amendment to Reorg Appointment Memo for the Arts Council.**
- **Amendment to Reorg Appointment Memo for OEM Coordinator.**

CONSENT AGENDA RESOLUTIONS:

2022-41 Bill List for January 25, 2022

2022-42 Authorizing a Tax Overpayment Refund in the amount of \$3209.93 for 811 Ocean Avenue

2022-43 Approval of Lien Redemption for 504 Fourth Avenue.

2022-44 Approval of Escrow Refund for 208 Park Place Avenue.

2022-45 Approval for Brain Injury Alliance of NJ to conduct their annual walk for Saturday, October 8, 2022 from 7:30 a.m. to 1:00 p.m.

2022-46 Approval for Jersey Shore Running Club to conduct their “Run-A-Palooza” race for Saturday, April 4, 2022 from 8:00 a.m. to 12:00 p.m.

2022-47 Approval for Kaleidoscope of Hope Foundation to conduct their annual walk for Saturday, September 24, 2022 from 6:00 a.m. to 12:00 p.m.

Councilman Weber inquired if the Resolutions 2022-45, 2022-46 and 2022-47 are requests to use the boardwalk as a run through only.

Clerk Kostyz confirmed the applications received are for run/walk through only.

ON MOTION by Fox/Sexsmith to Approve the Consent Agenda Resolutions for January 25, 2022.

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

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED

INDIVIDUAL RESOLUTIONS:

2022-48 Authorizing an Emergency Contract without Public Bidding for Sylvan Lake Outfall.

Councilman Bonnell asked what the value is on this resolution.

Administrator Humphrey responded this is not a value based resolution to bypass the bidding process due to an emergency repair to ensure public health and safety.

Councilman Weber inquired if Avon is following the same process.

Administrator Humphrey responded that is Avon’s decision and all of Bradley Beach’s documentation has been forwarded to Avon .

Councilman Weber inquired if Avon will be splitting the cost with the Borough.

Administrator Humphrey responded this resolution does not recognize who is paying for the repairs, it recognizes the Borough has the right to get quotes without public bidding as this an emergency repair. Ms. Humphrey also said Avon is aware an agreement will need to be drawn up on to assist with the costs.

Councilman Weber inquired if the pipe is jointly owned by both towns and if Avon should contribute to the repair costs.

Administrator Humphrey responded that will be decided when the problem is found.

ON MOTION by Fox/Sexsmith to Authorize an Emergency Contract Public Bidding for Sylvan Lake Outfall.

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

APPROVED

2022-49 Establishing 2022 Beach Locker Fees.

ON MOTION by Fox/Sexsmith to Establish the 2022 Beach Locker Fees.

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

APPROVED

2022-50 Establishing and Adopting a Complete and Green Streets Policy for the Borough of Bradley Beach.

Councilman Gubitosi requested an overview of this resolution for the benefit of the public.

Mayor Fox explained the resolution and policy is a follow up to the Complete Streets Application done in 2021 with DOT Planning Group and Rutgers. Mayor Fox stated the resolution will provide recognition for the work done in 2021 and will help in possible grant security.

ON MOTION by Fox/Sexsmith to Establish and Adopt a Complete and Green Streets Policy for the Borough of Bradley Beach.

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

APPROVED

2022-51 Adopting a Personnel Policy and Incorporated Handbook (Drug and Alcohol Policy).

Councilman Gubitosi requested an amendment to the resolution title to differentiate this is resolution is to incorporate a drug and alcohol policy within the employee handbook.

ON MOTION by Fox/Sexsmith to Adopt a Personnel Policy and Incorporated Handbook and to amend the title to differentiate a drug and alcohol policy.

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

APPROVED

2022-52 Adopting a Personnel Policy and Incorporated Handbook (Domestic Violence Policy).

Councilman Gubitosi requested an amendment to the resolution title to differentiate this is resolution is to incorporate a domestic violence policy within the employee handbook.

ON MOTION by Fox/Bonnell to Adopt a Personnel Policy and Incorporated Handbook and amend the resolution.title to differentiate a domestic violence policy

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

APPROVED

2022-53 Adopting a Personnel Policy and Incorporated Handbook.

ON MOTION by Fox/Sexsmith to Adopt a Personnel Policy and Incorporated Handbook.

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

APPROVED

2022-54 Final Retirement Payout of Accumulated Sick Leave for Theodore Bianchi.

ON MOTION by Fox/Sexsmith to Approve the Final Retirement Payout of Accumulated Sick Leave for Theodore Bianchi.

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

APPROVED

MAYOR AND COUNCIL REPORTS:

Mayor Fox:

January has been a challenging month so far from the weather perspective. Our Public Works and Police Department have been working together during these challenges. I encourage everyone to conform to the parking restrictions so that snow removal goes smoothly. This weekend looks to be a potential challenge.

Please continue to be vigilant around the latest strain of COVID/OMICRON. To support our response to the current testing challenges, the Borough, with the Monmouth County Board of Health is sponsoring a testing clinic on February 7th at the Fire House. Details will be communicated shortly. Also, please support the Borough businesses through this time. Restaurant take-out is a great choice for those wary of indoor dining.

We are working on our infrastructure project plans. The sump-pump remediation on the South side of town has been a success; and we want to resume it and complete when the weather improves. Our Phase II Sewer project plan is nearing completion; and work will start in March.

The LaReine Avenue Church analysis is moving nicely. A resident team of 5 people provided great insights to the Engineers and Architects. We expect one of the big deliverables the second week of February.

Last, I was remiss during the Reorganization Meeting to recognize and thank Councilman Gubitosi for his service on the Planning Board in 2021.

I hope everyone in our community had a good holiday season and have started 2022 healthy and safe.

Councilman Bonnell:

Wished everyone a Happy New Year and commended the Department of Public Works for their work on the Recreation Center, maintenance to the storm drains and garbage maintenance along the train tracks, Christmas tree pick-up and vehicle maintenance. Councilman Bonnell requested contacting NJ Transit to perform their own maintenance of the debris and garbage left on the tracks.

Councilman Gubitosi:

Thanked the Administrator for assembling the Employee Handbook and Councilman Weber for a thorough review of the Employee Handbook.

Councilman Gubitosi inquired on the status on the Monopole.

Administrator Humphrey responded Borough Attorney Greg Cannon has contacted Crown Castle for a copy of the lease contract.

Councilman Sexsmith:

First Aid Report:

For the operational period ending January 25, 2022, the First Aid Squad responded to seventeen day calls and ten Night calls for a total of twenty-eight calls. Seventeen calls were for medical and eleven were for fire. There were no requests for Mutual Aid and there were no COVID-19 cases. The Squad currently has two applications for membership pending.

Fire Report:

For the operational period ending, January 25, 2022, the Fire Department answered eleven requests for the Department. The Fire Department currently has one application for membership pending. The Fire Department congratulates Firefighters Cory Cattnach and Seth Castillo for their accomplishments completing their pro-board certification. Also, congratulations to Firefighter Seth Castillo for completing the Fire Academy training courses for Firefighter one and two. Both Firefighters are now responding to calls for the Department. Also, congratulations to Ex-Chief Nicole A. Zech for attaining her certifications as Level Three on Scene Incident Commander and her On Scene Haz-Mat Incident Commander, and to Ex-Chief Jason Afanador on his certifications as Level Three on Scene Incident Commander. He is currently completing his course for on scene Haz-Mat Incident Commander. Congratulations to these members for their hard work and dedication to the Borough and the Fire Department. The Department fulfilled one hundred percent of their assignments for this operational period.

The Fire Department is accepting volunteers for the Fire Department and First Aid Squad. Both departments 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 web site.

The cooperation that exists between the Fire Department and First Aid Squad allows both departments to keep answering citizen's needs for medical care and fire protection.

Police Department Report:

Police arrested a subject for a theft from a local business. This subject was responsible for several similar thefts in nearby towns. Police also arrested a subject wanted for a shoplifting incident in a neighboring town. The individual was additionally found to be in possession of drugs and

paraphernalia.

In reference to the potential snow storm this weekend, Councilman Sexsmith mentioned the protocol for parking in order to assist the DPW to clear the streets efficiently.

Councilman Weber:

The Environmental Commission received a presentation from the Energy Consultant about the Energy Aggregation. The Environmental Commission will need to submit their recommendations to the Council to move forward with this project.

Mentioned there are significant changes in the new Employee Handbook.

The Green Streets Policy Resolution just passed encourages bioswales and raingardens.

Requested NJ Transit do their own garbage pick-up on the train tracks.

In Person Public Comment:

Jane DeNoble, 612 Third Avenue, spoke about her time on the Shade Tree Commission and her disappointment of not being reappointed on January 1st. Ms. DeNoble requested to be reappointed at that time.

Mayor Fox thanked Ms. DeNoble for her comments and said he will meet with her on February 4th to discuss this topic.

Nancy Meadow, 805 Beach Avenue, expressed complaints about the meeting process, public participation in meetings beach locker fees, notification of beach lockers to the residents, feels the

Thomas Gavin, 414 Fourth Avenue, feels bioswales and raingardens are great ideas and suggested the Shade Tree Commission publicize this.

Mr. Gavin inquired about commercial vehicle parking on the streets.

Mayor Fox responded he would discuss this with Mr. Gavin offline.

Inquired if the Committee that gave input on 319 LaReine Avenue were elected or appointed and if the public would have the opportunity to hear their suggestions.

Administrator Humphrey explained a notice for volunteers was placed on the website. Ms. Humphrey continued the public will have the opportunity to Once the group was selected, the volunteers attended meetings and the participants of this group will be invited to the public workshop.

Thomas J. Coan, 612 Third Avenue

Asked Councilman Weber about the amount stated earlier in the meeting for the retiree payout resolution.

Councilman Weber addressed Mr. Coan's inquiry.

Mr. Coan asked Ms. Humphrey why the public cannot have a walk through the 319 LaReine Avenue

building.

Ms. Humphrey explained this would be a liability as the building is not safe to walk through at this time.

Mr. Coan stated he disagrees with the Executive Session for discussion of 319 LaReine Avenue and feels the public should be able to hear the scope changes.

Mr. Coan complemented Ms. Humphrey on the Green Streets Resolution and advised Ms. Humphrey not to be persuaded by the State Planning Commission to take the Transit Village Designation.

Mr. Coan suggested doing a volunteer handbook outlining the expectations for volunteers on Boards and Committees.

Mia Mustascio, 401 McCabe Avenue, asked how the public will be notified about Irvington Manor when it is resolved.

Mr. Sobel responded the public will be notified when a settlement has been reached.

David Rakowski, 304 Third Avenue, thanked the Department of Public Works for all of their services.

Paul Neshamkin, 411 ½ LaReine Avenue, thanked the current group of volunteers for 319 LaReine Avenue and stated this are the third group to do a study of this building. Mr. Neshamkin stated the first two groups recommendations were never carried out and feels if they had been the deterioration of the building would not be what it is now.

Public Comment through Email:

Jack Gentempo, 103 Fourth Avenue,

This is a continuing attempt to keep the public in the dark. Everything is taking place behind closed doors, snuffing out any public input. It's so shrouded in secrecy that it is the very last item on the agenda and it is referred to as 319 LaReine rather than the First United Methodist Church of Bradley Beach. Oy-vey!

Resolution 2022-55 Retire into Executive Session to discuss Personnel and Contractual Matters.

ON MOTION by Fox/Sexsmith to Retire into Executive Session at 7:40 p.m. by means of Communication Equipment to discuss Personnel and Contractual Matters.

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

APPROVED

ON MOTION by Fox/Sexsmith to return from Executive Session at 10:07 p.m. and adjourn from the Council Business Meeting.

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

APPROVED

Bonnell/Sexsmith moved to adjourn.

THE COUNCIL BUSINESS MEETING ADJOURNED AT 10:09 P.M.



Erica Kostyz, RMC, CMR
Municipal Clerk