

**BOROUGH OF BRADLEY BEACH**  
**COUNCIL BUSINESS MEETING MINUTES**

**OCTOBER 25, 2022 AT 6:30 P.M.**

**IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (N.J.S.A. 10:4-8b).**

**THIS MEETING WAS HELD IN-PERSON AND THROUGH THE ZOOM MEETING PLATFORM, BEING BROADCAST FROM BOROUGH HALL, 701 MAIN STREET, BRADLEY BEACH, NJ 07720. PUBLIC PARTICIPATION FOR THIS COUNCIL BUSINESS MEETING OF OCTOBER 25, 2022 WAS AVAILABLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE AND THE FRONT OFFICE. THE REMAINDER OF COUNCIL MEETINGS (RESOLUTION 2022-211 ADOPTED AUGUST 23, 2022) FOR CALENDAR YEAR 2022 WAS ADVERTISED IN THE NEW COASTER AUGUST 25, 2022 AND THE ASBURY PARK PRESS ON AUGUST 26, 2022.**

**WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE MUNICIPAL CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.**

**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 was read.**

**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 AT 6:30 P.M.**

**Present at the October 25, 2022 Council Business Meeting:**

**Councilman Bonnell, Councilman Gubitosi, Councilman Sexsmith, Councilman Weber, Mayor Fox  
Municipal Clerk: Erica Kostyz  
Deputy Municipal Clerk: Michele Whille (ZOOM operator)  
Borough Attorney Alternate: Christina Malamut**

**Mayor Fox made an announcement that the Borough Administrator would not be present at the meeting this evening due to a family matter.**

**Mayor Fox requested to change the order of a few items on the agenda to do the Bradley Food Pantry Proclamation presentation, then the Shade Tree Enforcement Workshop, and move the Best practices Review after the Ordinance Introduction and Adoption.**

ON MOTION by Fox/Sexsmith to change the order of events in this evening's meeting.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**APPROVED**

**PRESENTATIONS:**

**A Proclamation for the Bradley Beach Food Pantry 40<sup>th</sup> Anniversary**

**Mayor Fox**

I have often stated that the most important enterprise in Bradley Beach is the Bradley Food Pantry. The work you do around dealing with food insecurity should be lauded. The team of dedicated volunteers you have is exceptional. The civic engagement you foster is without parallel. A fundraiser last month sponsored by the Back-in-in Time Restaurant, over \$30,000.00 was raised for the Food Pantry. From a leadership standpoint, Linda Curtiss, Director, has been a force of nature moving the Food Pantry forward.

***Celebrating the 40<sup>th</sup> Anniversary of the Bradley Food Pantry***

***WHEREAS, the Bradley Food Pantry, founded in October of 1982 as a joint mission of the Saint James Episcopal Church, the United Methodist Church of Bradley Beach, and the Ascension Roman Catholic Church, is celebrating its 40<sup>th</sup> Anniversary of continuous service; and***

***WHEREAS, the Bradley Food Pantry operates under the guiding principle of "Serving our Neighbors in need with kindness, respect, and dignity for all;" and***

***WHEREAS, the Bradley Food Pantry provides access to food Monday through Friday from 10:00 a.m. to 12:00 p.m. and Thursday evenings from 6:00 p.m. to 7:00 p.m. and is entirely staffed by volunteers serving more than fourteen hundred families a month; and***

***WHEREAS, the Bradley Food Pantry provides school children and Scout Troops an opportunity to serve their community and learn about the good that giving provides the giver; and***

***WHEREAS, the Bradley Food Pantry provides food sufficient for a Thanksgiving Feast and for a Christmas Dinner every year to over five hundred families; and***

***WHEREAS, the Bradley Food Pantry, in collaboration with Saint James Episcopal Church and with the generosity of the entire community of Bradley Beach and surrounding towns, provides Christmas gifts to over one thousand children each year; and***

***WHEREAS, "It takes a village" aptly describes the ethos of the Bradley Food Pantry and its role in our community; and***

***NOW THEREFORE BE IT PROCLAIMED, that October 7<sup>th</sup>, 2022 and all subsequent years shall be known as "Bradley Food Pantry Day."***

Linda Curtiss, resident, and Director of the Bradley Food Pantry, thanked the Mayor and Council for this recognition and spoke about the history of the Bradley Food Pantry.

## **WORKSHOP DISCUSSIONS:**

### **Shade Tree Enforcement**

#### **Mayor Fox:**

There has been valuable work that has been accomplished to date as it relates to the profile and opportunities with the trees in Bradley Beach. This past summer, an arborist conducted a tree inventory at the request of the Borough and a report was issued in August. The Borough Administrator and myself met with the Arborist this past week to understand the elements of the report. The report is a base of a how to move forward plan. In the report, seventeen trees were identified as red. Above that there are approximately ninety trees that will need to be closely inspected at over the next couple of years. Out of the seventeen red flag trees two have come down and one tree was targeted more from a pruning perspective. Mayor Fox opened the discussion to the Council.

#### **Councilman Sexsmith:**

I would like to start of with an apology to the Shade Tree Commission Members for recent statements made out of emotion. I appreciate the hard work, effort and dedication the Commission members put in. I still feel there are issues that need to be resolved moving forward with the list of ninety trees that are going to need to come down over the next few years and a plan needs to be developed. If there are any trees in the Borough that are an immediate concern, they should be addressed as a safety hazard and dealt with accordingly. In addition, the Governing Body needs to set a plan moving forward in the future.

#### **Councilman Weber:**

The Shade Tree Commission was re-established in 2020 unanimously by the current Council and former Mayor. Trees were being removed for various reasons. It is my summation the town was one day going to become a town with few trees. It is my understanding if the town has a Shade Tree Commission by its own ordinance, following State Statutes, and Commission Members are trained, the town is shielded from liability. Also, when the ordinance was adopted re-establishing the Commission nothing was changed with respect to who is responsible for the planting strips, which is the homeowner. In the interim, when there was not a Commission, if there was a dead planting strip tree, the owner may have called the town, possibly the ordinance was not followed, and the tree was removed by DPW. A Tree Expert was hired in 2020 on an as needed basis. Since that time, twenty-eight people have paid the application fee and came before the Shade Tree Commission for tree planting and removal and with a couple of exceptions were granted approval. Councilman Weber asked as we are making an exception for the residents that received red flags, to consider the twenty-eight people that paid the application fee and got the Commission's approval. Councilman Weber stated he met with the Shade Tree Expert who stated eighteen out of 1,100 trees in town that are red flag. Councilman Weber expressed concerns with the letter that recently went out and comments that were made to the newspapers that he felt were out of line.

Mayor Fox stated he feels he was misquoted and stated the intent of his comment was to say, "What is the plan." regarding the red flag trees.

A discussion ensued between Councilman Weber, Councilman Sexsmith and Mayor Fox regarding the letter that was sent to red flag tree owners, the timeline to execute a plan, and tree replacement.

## **Councilman Gubitosi**

**Focused on three thoughts regarding this topic:**

- 1) The animosity directed towards Shade Tree volunteers. Councilman Gubitosi stated “These volunteers are conscientious and work very hard to serve the Borough and the Council.”**
- 2) There are liability issues that create a property risk and the Council must figure out a way to take Action.**
- 3) It is up to the Borough Council and Administration, specifically Code Enforcement. The Council does not direct Code Enforcement and encouraged the Administration to communicate in a manner that is not intimidating and asked the message that went out to the residents be revisited .**

## **Councilman Bonnell**

**Agreed with Councilman Weber and Councilman Gubitosi’s comments regarding the language of the letter that went out to residents and feels this communication needs to be redone. In addition, Councilman Bonnell suggested looking at the eighteen red flag trees and decide which are the most risk and take care of those immediately to avoid safety and/or liability risks.**

## **Email**

**Shana Greenblatt, 414 Monmouth Avenue:**

For the record, the Shade Tree Commission Ordinance was provided to the Commission by the Municipality, and then tweaked by the Commission with input from the former and current Mayor & Council.

If Council President and Mayor were paying attention, they had every opportunity to suggest changes as it went through its minor edit process. Based on the presentation by the STC of the completed Tree inventory (see Council meeting transcript from 9/28/22), the Mayor and Council all voted unanimously in favor of the current protocol with which Councilman Sexsmith now takes issue.

The tree inventory, which is granted funds (the cost of the inventory is primarily reimbursed) was recommended by the Shade Tree Federation, and a measure that was a longtime coming. The Borough had never before done this, and it was recommended by every entity as a responsible measure to address aging trees and safety in a shore community. Yes, the risk of the results are that it sheds light on tree deficiencies that require attention. Once determined, the Borough is obligated to have these deficiencies addressed. Note that the recent letters of violation came directly from the Municipality, and not the Commission.

As for the Arborist, he has been in place as the professional hired to work with the Shade Tree Commission from its recent start in 2020. He came with high endorsements and was used by many local municipalities. He is the very same professional that performed the tree inventory. This appointment of Arborist, and all decisions of the STC are made in public forum and Bradley Beach residents are invited to make public comments and engage at Commission meetings. The problem seems to be that Mr. Sexsmith does not agree with the determination now that he sees he has a red-flag tree that requires immediate attention.

The Shade Tree Commission was reinvigorated in the Borough with the intention to address its treescape, to protect the errant removal of public right-of-way trees (your resident trees are part of the larger treescape of the Borough), to plant more trees, and to identify problematic and/or dangerous trees. This is its full scope. The Shade Tree Commission, being an arm of the Municipality, like the Land Use Board, ultimately reports back and is accountable to the

Borough. The Borough has officially endorsed every step of the STC. The Borough manages Compliance and the STC functions to serve the Borough's interest, it is not the arm of enforcement.

As for Mayor Fox, he came into his position as the STC was well underway. He endorsed the Tree Inventory. It was not initiated by him. In fact, when he arrived on the scene, in short order, he removed one Council person and put himself in as a liaison. Then, a bit later, he added Mr. Gavin to the Commission. Whether or not he or Mr. Gavin was paying any attention, the Shade Tree Commission went forward with a responsible assessment of the health of the public trees in the Borough. It was a prudent and thoughtful plan with safety in mind. If you have concerns, please speak directly to these two individuals about the current gripes of Mr. Sexsmith. Certainly, if the borough determined to remove the red-marked trees at the Borough's expense, then Mr. Sexsmith would have saved a few bucks. That, as I see it, is what incited his vitriol about this Matter. It became a personal liability for Mr. Sexsmith. So, ask yourself, should the Borough and your tax dollars cover these costs? Same with issues of repair and replacement of right-of-way sidewalks, which currently come at a cost to the homeowner. These have been questions the STC has asked consistently to support the interests of both Borough and residents.

If you read the recent article in The Coast Star representing Council President Sexsmith, I encourage all to consider these truths I write. I am a founding former member of the current Shade Tree Commission and I fully endorse the work of the Commission, the Professional Arborist and the integrity and wherewithal of its members, current and past. Thank you.

### **Mayor Fox**

Clarified the following:

No one was removed from the Shade Tree Commission and explained he and Councilman Gubitosi traded Liaison positions due to a conflict between a member.

In context of supporting the Shade Tree Commission, Mayor Fox did not initiate the Tree Inventory, however he fully endorsed it and worked with the Shade Tree Chairman to get this done in an expeditious manner.

### **Public Comment**

#### **In Person**

**Peter Sharpe, 301 Second Avenue, had several inquiries regarding the inventory report, the Shade Tree Ordinance and planting trees in the planting strip.**

**Mayor Fox and Councilman Weber addressed Mr. Sharpe's inquiries.**

**Nancy Meadow, 805 Beach Avenue, agrees the homeowner should be responsible for the maintenance of their trees.**

**Rich Despina, 600 Third Avenue, feels the language in the letter should have been less harsh and the trees should be the homeowner responsibility.**

**Mea Molin, Fourth Avenue, agreed with Ms. Meadow and Mr. Despin's comments.**

**Don Greenberg, 302 Park Place Avenue, suggested a timeline be placed in Resolution 2022-250.**

**David Jennings, 406 LaReine Avenue, spoke about utility wires interfering with trees.**

**Jane DeNoble, 612 Third Avenue, iterated the Shade Tree Commission had nothing to do with the language of the letter that went out to the residents. Ms. DeNoble also spoke about the removal of trees and homeowner responsibility of maintaining trees.**

**ZOOM**

**Lauren Egbert, 404 1/2 Brinley Avenue, spoke about the Shade Tree Ordinance.**

**MINUTES APPROVAL**

ON MOTION by Fox/Weber to approve the Council Business Meeting Minutes of October 12, 2022.

**ROLL CALL:**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**APPROVED**

ON MOTION by Fox/Weber to approve the Executive Session Minutes of October 12, 2022.

Councilman Bonnell gave a statement of why he left the 10/25/22 Executive Session at 8:45 p.m. and the incidents that occurred upon his exit from the Executive Session meeting room.

Councilman Gubitosi felt the minutes did not capture enough of what happened in the Executive Session and stated he would be voting no.

Clerk Kostyz responded the Executive Session Minutes were reviewed and approved by the Borough Attorney before being issued to the Council the Friday before the meeting and further stated minutes are not to be verbatim, only the action that was taken. In addition, Ms. Kostyz stated the Executive Session is not recorded which would make it difficult to re-do the minutes.

**ROLL CALL:**

AYES: Weber, Mayor Fox

NAYS: Gubitosi

ABSENT: None

ABSTAIN: Bonnell, Sexsmith

**APPROVED**

**Public Comments on Agenda Items:**

**In Person:**

**Thomas J. Coan, 612 Third Avenue, questioned an item on the Bill List.**

**Mayor Fox addressed Mr. Coan's inquiry.**

**Nancy Meadow, 805 Beach Avenue, voiced complaints regarding the descriptions of charges on the bill list.**

**Don Greenberg, 302 Park Place Avenue, inquired about the Executive Session Minutes approval.**

**Mayor Fox addressed Mr. Greenberg's inquiry.**

**ZOOM: None**

**Councilman Weber read the following email comment referencing the Shade Tree Commission:**

**Dr. George Heflich, Shade Tree Commission Chairman, 115 Ocean Park Avenue**

Mayor and Council,

I am out of the state this week and would like this letter to be read in my stead.

I need to comment on the events of the past two weeks. All this stemmed from a tree inventory that the Shade Tree Commission helped get for the Borough. Its main purpose is to proactively identify tree-related public safety issues.

Our licensed Tree Expert listed eighteen trees that needed "Immediate Attention."

This was addressed at the September 28th Council Meeting. At that time, I stated,

QUOTE: "The Shade tree Commission should not be policing or enforcing any rules. We are volunteers." Mr. Cannon stated QUOTE: "We specifically adopted the Shade Tree Ordinance to not have the Shade Tree Police. They do not have the power to actually take trees down." Ms. Humphrey confirmed, QUOTE: "There is no mechanism to allow us to do that."

The discussion concluded with Ms. Humphrey stating, QUOTE: "The immediate solution would be to notify the residents that they have something that was red flagged, see what the response is, and then put out a proposal, we will send out a notification."

Councilman Weber added to "Gently remind them." Instead, The Administration sent out a harsh and improper Notice of Violation, claiming it came from the Shade Tree Commission.

It threatened residents with Municipal Court if they did not remove their tree by 8:00 a.m. on November 12<sup>th</sup>.

The Commission was never told about this and would have spoken against it. Several justifiably irate recipients started contacting us. I had no idea what was happening and called Ms. Humphrey on Tuesday afternoon to try to find out. She never called me back, leaving

me to try to help neighbors who were as confused as I was.

Then Council President Sexsmith published, both on Facebook and in the newspapers, a

litany of accusations against the Commission. He embellished it with personal insults,

calling us "A Commission of busybodies." He stated that the "Commission directs me to spend thousands of my hard-earned dollars to remove a tree," that the Commission can "Direct taxpayers how to spend their money," and that he is going to 'Rein in the Commission's ability to spend your money.'

As was attested to at that meeting, the Shade Tree Commission does not have the

ability to do any of those things. In fact, your Commission has done nothing but try to save us money from day one. The Borough needed a tree inventory, so we volunteered dozens of hours writing for the grant, getting Bradley a \$15,000 agreement. We suggested waiving the application fee for flagged trees. I volunteered the possibility of the Shade Tree Budget money to help. We were happy when Ms. Humphrey stated that she was going to get proposals, which

made us think that the Borough might take care of this, as a one-time fix. Mr. Sexsmith then accused that the Commission is a "Power Grab." As you heard that night, we wanted nothing more than to turn all decision making over to you. Mr. Sexsmith is the Council President, he knew the truth of all of facts, yet he deliberately

defamed volunteers and besmirched the reputations of good people in the public press so that he could end with a campaign pledge.

In the interview, Mayor Fox had a chance to correct these falsehoods, and perhaps give a word of praise, instead, he added to the fiction. QUOTE: “Unfortunately, the Shade Tree commission ran a little bit parallel and on their own, and they went out and hired this arborist.” Please refer to the minutes of 6-22-21. Resolution 2021-172. It was Mr. Fox himself who actually made the motion to approve the tree inventory and use our Licensed Tree

Expert. Mr. Fox and the Council crafted the Resolution that hired the Tree Expert for the inventory, not the Shade Tree Commission.

The continued lack of communication and transparency is bad enough, now we have improper Notices of Violations, published falsehoods, and attacks on character. I have lived here for 23 years and now I have to wonder what my fellow residents think of me, thanks to Mr. Sexsmith. This is turning neighbor against neighbor and harming the reputations of volunteers who have done nothing but spent many hours improving our town. All for the sake of agendas. Enough already.

**ORDINANCE INTRODUCTION(S):**

**ORDINANCE 2022- 14**

**AN ORDINANCE AMENDING CHAPTER 450: "ZONING" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO INCLUDE A NEW SECTION ENTITLED “DEVELOPMENT FEES”**

ON MOTION by Fox/Bonnell to introduce Ordinance 2022-14.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**INTRODUCED**

**ORDINANCE ADOPTION(S):**

**ORDINANCE 2022-13**

**AN ORDINANCE AMENDING CHAPTER 286: “LITTERING; SOLID WASTE AND RECYCLABLES COLLECTION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO EXTEND BRUSH COLLECTION THROUGH DECEMBER OF EACH YEAR.**

ON MOTION by Fox/Sexsmith to open the public hearing for Ordinance 2022-13.

**ROLL CALL:**

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

**Councilman Sexsmith stated the change to this ordinance is to reflect the need for brush collection into the month of December has been continuing over the last few years.**

**Councilman Weber verified this change is a Council issue and not a day-to-day operation change.**

**Public Comment on Ordinance 2022-13:**

**In Person: None**

**ZOOM: None**

**ON MOTION** by Fox/Sexsmith to close the public hearing and adopt for Ordinance 2022-13.

**ROLL CALL:**

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

**ADOPTED**

**COMMUNICATIONS:**

- **A Memo for On Premises Raffle License 22-06 for the Bradley Beach PTA and to waive the Municipal Raffle License Fee of \$20.00.**

**CONSENT AGENDA RESOLUTIONS:**

**2022-240 Bill List for October 25, 2022.**

**2022-241 Approval of reschedule for the Alzheimer's Association to conduct their Annual Walk for Saturday, November 5, 2022 from 9:00 a.m. to 1:00 p.m.**

**2022-242 Approving the Annual Borough Bonfire for November 25, 2022.**

**2022-243 Authorizing a Street Opening Permit Deposit refund in the amount of \$500.00 for 400 LaReine Avenue.**

**2022-244 Authorizing a Tax Overpayment Refund to Rocket Mortgage in the amount of \$4692.01.**

**2022-245 Approval of Raffle License 2022-6 for the Bradley Beach PTA and waiver of the \$20.00 Municipal Raffle License Fee.**

ON MOTION by Fox/Bonnell to Approve the Consent Agenda Resolutions.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**RESOLUTIONS ADOPTED**

**RESOLUTIONS:**

**2022-247 Authorizing Member Participation in the Bergen County Cooperative Pricing System.**

ON MOTION by Fox/Sexsmith to adopt Resolution 2022-247.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**2022-248 Authorizing the 2023 Agreement with the Associated Humane Societies for Animal Control Services within the Borough.**

ON MOTION by Fox/Sexsmith to adopt Resolution 2022-248.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**2022-249 A Resolution approving a Shared Service Agreement with the Borough of Avon-by-the-Sea for Repair/Replacement of Failing Stormwater Outfall Infrastructure in the Area of Sylvan Lake.**

ON MOTION by Fox/Sexsmith to adopt Resolution 2022-249.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**ADOPTED**

**2022-250 A Resolution Staying Enforcement of Violation Notices for Shade Tree Violations recently issued by the Borough.**

**Councilman Sexsmith requested to add a ninety-day time limit to the resolution, Mayor Fox agreed.**

**Councilman Gubitosi expressed concern with the language of the ordinance and does not feel the taxpayers should be burdened with the costs to remove trees.**

**Ms. Malamut suggested amending the language to state mitigate in place of burdening the residents.**

**Councilman Gubitosi decided to vote no due to the language of the resolution.**

**Councilman Weber read the following email:**

**Dr. George Heflich, Shade Tree Commission Chairman, 115 Ocean Park Avenue**

Mayor and Council,

I am out of the state this week and would like this letter to be read in my stead.

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**Councilman Weber stated he would relay Councilman Sexsmith's apology and Mayor Fox's newspaper misquote to Dr. Heflich and would be voting no to this resolution.**

ON MOTION by Fox/Sexsmith to adopt Resolution 2022-250.

ROLL CALL:

AYES: Bonnell, Mayor Fox

NAYS: Gubitosi, Weber

ABSENT: None

ABSTAIN: Sexsmith

**RESOLUTION FAILED**

**2022 Best Practices Review:**

**Mayor Fox gave a brief presentation and explanation of the 2022 Best Practices report. The Borough scored thirty-two points which enables for State Aid.**

**2022-246 Acknowledging the CY2022 Best Practices Inventory.**

ON MOTION by Fox/Sexsmith to adopt Resolution 2022-246.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

## **ADOPTED**

### **ANNOUNCEMENTS:**

William Psiuk, 110 Fifth Avenue announced the speaker for the Veteran's Day Service will be Bradley Beach Patrolman, Rafiq Pickett.

### **MAYOR AND COUNCIL REPORTS:**

#### **Councilman Bonnell:**

Gave the weekly activity reports for the Fire Department and the First Aid Squad.

#### **Councilman Gubitosi:**

- Announced the Sylvan Lake Commission will have a meeting tomorrow evening at the Biase Center.
- The Sylvan Lake Chairperson is still awaiting a response from Administration regarding the bulkhead and their sign. Councilman Gubitosi requested someone from Administration call Ms. Politi regarding these two issues.
- Spoke about sight triangle parking concerns on the corner of Madison and Brinley Avenues.
- Read a letter of appreciation and request for renewal from Summertime Surf Camp.

#### **Councilman Sexsmith:**

Gave the weekly Police Activity Report.

#### **Councilman Weber:**

- The Bradley Beach Elementary School achieved the Sustainable School Status Award through Sustainable Jersey.
- Encouraged the Land Use Board to add a Climate Vulnerability Assessment to the Master Plan.
- Reported the Shade Tree Commission has a net loss of trees since the Commission started.

#### **Mayor Fox:**

On Sunday, October 30<sup>th</sup> there will be a Trick or Treat from 12:00 p.m. to 3:00 p.m., a Halloween Parade at 3:00 p.m. and from 3:00 p.m. to 5:00 p.m. there will be a Trunk or Treat in the Municipal parking lot.

The Mayor's Wellness Walk was held last Sunday at noon and was a success. Thanks to all participants and volunteers, especially Barb Johnston, Rona Parker, and Robyn Flipse.

Thanks to Recreation for hosting a Flu Shot Clinic this past Friday.

The Fall Beach Sweep was held this past Saturday, sponsored by the Clean Ocean Action group. Meredith DeMarco, our Environmental Commission Chair, and her team did a great job coordinating the event.

We are moving forward with Fletcher Lake bench replacement and some shoreline maintenance at Sylvan Lake. Meetings and communications are ongoing.

We are progressing with the final laterals on the Phase II Sewer Project.

The much anticipated curb and driveway apron work on Second and Third Avenue is in process. We will be putting a "skim coat of asphalt to level the streets somewhat and finish the project next Spring.

We are submitting a Stormwater Grant request to the State for a study to be done on Bradley Beach.

Thursday at 7:00 p.m. there will be a Press Conference at the Fire House. The Department will generously give back proceeds raised from their annual 5K Run. Senator Vin Gopal will be attending.

**Library November Programs:**

Wednesday, November 2<sup>nd</sup> at 1:30 p.m. the 10 Warning Signs of Alzheimer's. The English/Spanish program will help people recognize the common signs of the disease and steps to take.

Thursday, November 3<sup>rd</sup> at 6 p.m. Know DNA Testing Companies. This Zoom presentation by Eric Migdal, an experienced family history researcher, will go over the pros and cons of four major DNA testing companies.

Tuesday, November 15<sup>th</sup> at 5 p.m. Friendship Rangoli Workshop. Rangoli's are elaborate floor drawings created to decorate home entrances or to bring good luck and joy at family events and festivals.

The Friends of the Library will hold a jewelry sale November 18<sup>th</sup> and 19<sup>th</sup> during the Library's open hours.

Clerk Kostyz, spoke to the public regarding the requirements for meeting minutes and explained meeting minutes regular and Executive Session must consist of the action that was taken and are not required to be verbatim. Ms. Kostyz further explained Executive Sessions are based off memory and notes with no recording available.

**Public Comment:**

**In Person:**

Don Greenberg, 302 Ocean Park Avenue,

- Not in favor of the Referendum question on the General Election ballot.
- Stated the scope of work and financial information for 319 LaReine Avenue is not on the new website.
- Commended the Summertime Surf School.
- Complained about wires hanging from poles.

Terence Wright, 406 Madison Avenue, commended the Summertime Surf School and disagreed with Mr. Greenberg's comments regarding the Referendum question for 319 LaReine Avenue.

Nancy Meadow, 805 Beach Avenue, voiced complaints regarding ZOOM attendees not being acknowledged and Borough Administration.

Brigitte McGuire, 610 Brinley Avenue, read a prepared statement to referencing 319 LaReine Avenue, the Borough OPMA litigation, ZOOM, and Election Candidates.

Linda Duffy, 312 Brinley Avenue,

- Expressed concerns regarding site triangles.
- Suggested the public be given the number of accident reports at future Council Meetings.
- Voiced complaints about taxes increasing and parking issues.

Rich Despina, 600 Third Avenue, expressed concerns regarding skim coating the streets and complimented Todd Gardiner, Borough Front Office Cashier.

**Jack Gentempo, 103 Fourth Avenue, regarding 319 LaReine Avenue; suggested the Borough do an RFP to contractors to get an accurate price for the Church and expressed concern regarding negative comments he has heard about raising funds for renovations.**

**Jim Byrnes, 401 Fifth Avenue, expressed opinions and concerns regarding site triangles, the budget shortfalls due to the health insurance increase, the referendum question, and 319 LaReine Avenue.**

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

- **Pursued a debate with Ms. Malamut regarding the motion process for Resolution 2022-250 and members of a quasi-judicial board receiving assistance from a person in the room if the meeting were virtual.**
- **Clarified with the Clerk there will be no Executive Session this evening.**

**Cindy Lukenda, 218 Fourth Avenue,**

- **Suggested a planting strip between Second and Third Avenue.**
- **Inquired about Beach surplus (inquiry addressed by Councilman Bonnell).**
- **Confirmed with the Clerk the time Borough Hall opens for business and non-employees are not allowed in the building when it is closed.**

**Mia Mutascio, 401 McCabe Avenue, expressed her frustration with 217 McCabe Avenue.**

**Mea Molin, Fourth Avenue, stated she had an election candidate sign stolen from her front lawn and voiced concerns regarding election candidates and potential working relationships amongst the Council.**

**Jane Denoble mentioned the refreshments being served at the Press Conference tomorrow.**

**ZOOM:**

**Lauren Egbert, 404 ½ Brinley Avenue, voiced opinions and concerns regarding 319 LaReine Avenue.**

**Paul Neshamkin, 411 ½ LaReine Avenue, spoke about the information on the new website that references 319 LaReine Avenue.**

**Police Chief Guida encouraged the public to report any public safety concerns and issues directly to the Police Department and emphasized it is not the responsibility of the Governing Body to handle these types of situations.**

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

**ON MOTION by Fox/Sexsmith to adjourn at 9:30 p.m.**

**ROLL CALL:**

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

**THE COUNCIL BUSINESS MEETING ADJOURNED AT 9:30 P.M.**

*Erica Kostyz*

Erica Kostyz, RMC, CMR  
Municipal Clerk