

BOROUGH OF BRADLEY BEACH

SPECIAL COUNCIL MEETING MINUTES FEBRUARY 16, 2022 AT 5:30 p.m.

A Special Council 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 and formal action will be taken 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.

ROLL CALL 5:30 p.m.

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

Mayor Fox announced the Project partners T&M Associates and DIGroup Architecture are ready to present the first of two major deliverables. This evening will include an architectural analysis and the Engineering Investigation the 319 LaReine Avenue Church building. In addition, partial and initial costs on a portion of the analysis will be presented and full options to transform the building, however there will not be a cost analysis for the transformation options. The costs that will be presented will potentially be a bid as public construction projects to fix and transform the building. Some of the materials to be reviewed this evening in the Executive Session may end up in an advertised bid specification for public construction.

Mayor Fox stated what he just announced is an Executive Session subject matter as a contract negotiation via a bid under statute N.J.S.A. 10:4-12. The draft bid specs and whatever went into them are not public information until either a bid is awarded, or all bids are rejected.

Mayor Fox stated it is his hope after the Executive Session this evening it can be agreed upon to provide a report to the community that presents the three options that are contracted to be received, and assess this which will move to the final deliverable to include a full design cost and recommendation which is due to be provided April 1st. Mayor Fox continued he fully expects to provide this update at Tuesday's Council Meeting and later in the week propose one or two Town Hall Meetings to provide a broader town update and receive valuable feedback from residents, then provide the project partners with the preferred option which is due on March 3rd and then the final report will be given by the project partners on April 1st.

Mayor Fox continued with April 1st deliverable comes a lot of hard work which includes the analysis, tradeoffs, framing of recommendation or options to the community and while this is a big task, Mayor Fox assured this Governing Body will get this done by working the problems, not the politics for this project.

Public Comment:

Thomas J. Coan, 612 Third Avenue, stated he disagrees with the Mayor's comments and the Borough Attorney's determination for this evening and feels the public are the project partners.

Mr. Coan stated it has been requested in previous meetings the title of discussion not be labeled as 319 LaReine Avenue and feels this is a disingenuous notice and not a contractual negotiation and does not meet the criteria.

Mr. Coan continued he appreciates the Executive Session resolution format he requested but would prefer to see the attendees of the meeting be included in the resolution and read N.J.S.A. 10:4-7 from the Open Public Meetings Act legislative findings and requested the entire meeting be held in public.

Lauren Egbert, 404 1/2 Brinley Avenue, stated she also feels the entire meeting should be open to the public. Ms. Egbert expressed her feelings on the history of the church and hopes the church can be preserved safely without incurring the expenses of major changes.

Ms. Egbert requested leaving time to consider grants and consider revenue streams that can come from the building. Ms. Egbert continued she is happy the Mayor announce there will be Town Hall Meetings to provide information to residents and expressed concern of the possible impact on the environment if the building is taken down.

Don Greenberg, 302 Park Place Avenue, agreed with Ms. Egbert and Mr. Coan and Feels the meeting should be open to the public.

Conversation ensued between Mr. Greenberg and Mayor Fox as to why the meeting is being in Executive Session, how many Council members will be in the meeting and the reason for Councilman Weber's recusal.

Mr. Greenberg requested the reason for Councilman Weber's recusal.

Borough Attorney, Greg Cannon responded Councilman Weber lives next door to the Property to be discussed.

Paul Neshamkin, 411 1/2 LaReine Avenue, stated he also objects to the Executive Session and feels there is a lack of transparency on the handling of this project.

Resolution 2022-64 Retire into Executive Session to discuss a Contract Negotiation.

ON MOTION by Fox/Sexsmith /to enter into Executive Session to discuss Contract Negotiations.

Councilman Bonnell stated he had an issue with the format of this meeting being in Executive Session and voted no.

Councilman Gubitosi stated the following before voting:

The law, specifically the Open Public Meetings Act (or “Sunshine Law”) protects the Public’s right to attend meetings. The Act requires all Council meetings to be open and accessible to the public. The OPMA does allow meetings to be held in private, only when the meeting content is deemed to be “Confidential” and meets very specific criteria spelled out in the OPMA. If the meeting is improperly held in private, the law states that “penalties may be assessed against individual members” of the Governing Body. The dilemma I have as your Councilman, is that I

will not know the full extent of the “Confidentiality” of the meeting content in this “Executive Session,” until that content is shared with me. Therefore, I am relying upon guidance provided by our Attorney, Mr. Cannon, therefore I vote “Yes” to enter Executive Session.

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

PUBLIC MEETING ADJOURNED TO GO INTO EXECUTIVE SESSION AT 6:00 P.M.

ON MOTION by Fox/Sexsmith to return from Executive Session and re-enter the Public Meeting 9:10 p.m.

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

Public Comment:

Thomas J. Coan, 612 Third Avenue, requested who was in the meeting this evening.

Mayor Fox responded:
Rich Aleriso, Jaime Masler and Jason Goss of DIGroup Architecture
Eric Nathanson of T&M Associates
Mr. Cannon, Clerk Kostyz
Two Committee members, Lauren Saracene and Barbara Carlucci

Mr. Coan strongly requested he wants to see all members in attendance of an Executive Session listed in the resolution.

Mr. Coan expressed concern the two committee members are residents and feels their being in the Executive Session improper.

Mayor Fox responded Ms. Saracene and Ms. Carlucci are part of the project team and selected through an interview process and provided insights this evening that were appropriate.

Mr. Coan asked if it was appropriate for the committee members to be present in a discussion discussing contractual matters.

Mayor Fox explained the committee members were there for the option discussion portion of the meeting and were not there for the contractual discussion portion.

Paul Neshamkin, 411 ½ LaReine Avenue, stated displeasure two committee members were present and felt it unfair the public could not also be part of the option part of the meeting.

Mayor Fox responded the options will be presented to the public at Tuesday's Council Business Meeting and stated the Committee members put in a significant number of hours into the options presented and provided insight from the Committee meetings.

Public Comment via email:

Jack Gentmpo, 103 Fourth Avenue,

For those not conversant in residential house numbers, this meeting tonight is actually about considerations concerning the historic United Methodist Church, located at Madison and LaReine Avenues here in Bradley Beach. However, you would not know that from reading the agenda, which identifies only a street address as the topic. This is not fair to our residents who might assume that this just another home improvement application.

As I have said before, this church building is significant in the history of Bradley Beach. It represents a Methodist community in 1900, replete with some unique architectural features. Furthermore it establishes the connection between Ocean Township, Asbury Park, and Neptune Township, beginning in the late 1800's and moving into the 20th century. Originally developed by the British, Bradley Beach was formerly called Ocean Park, before the James A Bradley acquisition. What is now 3rd Avenue was Godfrey Avenue, 4th Avenue was Rowlett Ave. 5th Ave was Malbone Ave. Brinley was originally Elizabeth Ave and La Reine was Cook Ave. These were all prominent historic British families.

This is only a glimpse of the many historic connections represented by the church. We will be providing some other wonderful insights in the near future. This historic church building was in effect a community center. The community grew up around it. As a former Business Administrator said when acquired by the Township, "this is a jewel." Bradley Beach has an opportunity here to add to its cultural future.

ON MOTION by Fox/Sexsmith to adjourn the Special Council Meeting.

ROLL CALL:

AYES: Gubitosi, Sexsmith, Mayor Fox

NAYS: None

ABSENT: Bonnell, Weber

ABSTAIN: None

THE SPECIAL COUNCIL MEETING ADJOURNED AT 9:21 P.M.

Erica Kostyz
Erica Kostyz, RMC, CMR
Municipal Clerk