

BOROUGH OF BRADLEY BEACH
SPECIAL COUNCIL MEETING MINUTES
FEBRUARY 3, 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 (5:50 pm), Gubitosi, Sexsmith, Weber (5:40 pm), Mayor Fox
Borough Administrator Kimberly M. Humphrey
Borough Attorney Gregory Cannon
Municipal Clerk Erica Kostyz
Deputy Municipal Clerk Michele Whille

Public Comment:

Thomas J. Coan, 612 Third Avenue, objected to this meeting as ad published does not meet the 48 hour requirements of the Open Public Meetings Act and is not an emergency meeting, and there is no urgency or importance to the matter for discussion and feels this is a pattern to the OPMA abuse and stated this is not a remedy for the Executive Sessions held October 12th and November 9th. Mr. Coan continued also feels the meeting this evening should be for the public.

Borough Attorney Greg Cannon replied this meeting was called in response to his lawsuit for October and November Executive Session meetings. Mr. Cannon stated he respects Mr. Coan’s arguments as a public advocate and it will be a Judge’s decision to determine the lawsuit Mr. Coan has filed against the Borough and stated this was scheduled according to the availability of the other parties and is a special meeting pursuant to Code 5.8 called by the Mayor at any time.

Don Greenberg, 302 Park Place Avenue, feels these meetings should be open to the public and not Executive Sessions.

Mayor Fox responded both original meetings were held for informational purposes only, not a negotiation with either entity.

Mr. Cannon also responded this is a procedural meeting to properly label the October and

November

Council Meeting Agendas to adjust Mr. Coan's lawsuit against the Borough.

Further conversation ensued between Mr. Cannon, Mr. Greenberg, Mayor Fox and Administrator Humphrey regarding the public not being privy to the information to be discussed in Executive Sessions prior to having them.

Jane DeNoble, 612 Third Avenue, inquired if the Mayor receiving and answering text messages during this meeting is in violation of the Sunshine Law.

Mr. Cannon responded no.

Nancy Meadow, 805 Beach Avenue, agreed with Mr. Coan and Mr. Greenberg's comments and stated the public feels excluded from past and future events and feels this Administration is the enemy and not the partner.

Mr. Cannon stated after reviewing the legal notices for the meeting, it was discovered they were not run 48 hours in advance and that Mr. Coan was correct on that issue.

Administrator Humphrey suggested making a motion to close the meeting.

ON MOTION by Sexsmith /Weber to cancel the meeting and re-notice for a later date.

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

MEETING ADJOURNED AT 5:53 P.M.


Erica Kostyz, RMC, CMR
Municipal Clerk