BOROUGH OF BRADLEY BEACH

COUNCIL BUSINESS MEETING MINUTES

MARCH 22, 2022 AT 6:00 P.M.

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 6:00 P.M.

Present at the March 22, 2022 Council Business Meeting:

Councilman Bonnell Councilman Gubitosi Councilman Sexsmith Councilman Weber Mayor Fox

Borough Administrator: Kimberly M. Humphrey

Chief Financial Officer, Anthony Mannino

Municipal Clerk: Erica Kostyz Borough Attorney: Greg Cannon

We are going to move one agenda item up to accommodate a School Board Meeting across town. David Tonzola has served the community well since 2004 as the Bradley Beach Elementary School Business Administrator and School Board Secretary; and we have a proclamation honoring him tonight.

Mayor Fox read the following Proclamation in honor of Mr. David Tonzola:

WHEREAS, Mr. Tonzola has served the community well since 2004 as the Bradley Beach Elementary School Business Administrator and School Board Secretary; and

WHEREAS, Mr. Tonzola has earned the respect, admiration, high regard and affection of those whom he has come into contact; and

WHEREAS, Mr. Tonzola has served the community with integrity and always displayed the utmost attention to detail, earning the trust of the Board of Education members.

WHEREAS, Mr. Tonzola has announced he plans to leave the Borough of Bradley Beach Elementary School; and

WHEREAS, his performance of the duties and responsibilities as BBES Business Administrator and School Board Secretary have been characterized by excellent contributions to the entire community.

NOW THEREFORE IT BE RESOLVED, on behalf of the Mayor and Council and employees of the Borough of Bradley Beach, wish to express sincere and thanks to

Mr. Tonzola for his distinguished service to the BBES and highly commend him for the manner in which he has carried out his duties and to extend best wishes for continued success and happiness in all of his future endeavors.

We are as a community continuing to support the Democratic country of Ukraine. We will continue to look at ways to support their efforts.

We continue to observe Women's History Month. Congratulations and thank you to all the women here today.

We have no ordinances for Introduction tonight and one for adoption. We do have three workshops tonight. The 2022 Budget Workshop will be an important discussion and the second look we will have, having done a comprehensive presentation on March 8^{th} and we will have an important presentation on the 2022 budget. We have budgeted an hour for this workshop, and that is where we will start.

I would like to again recognize and introduce Anthony Mannino, our new CFO; and his team for their progress on improving our financial systems and processes and taking on more responsibilities in the financial arena. I would also like to thank our Business Administrator, Kim Humphrey. Ms. Humphrey's financial experience and acumen has also put us in a good place.

Right now, we have about a \$100k total increase in year over year Municipal Tax Levy. Also, our tax rate will decrease about 11% due to constraining spending and asset appreciation in our community. With some statutory increases like Library and School district, total spend right now is up about \$379,000, or 2.1%. I believe this is a fair budget.

WORKSHOP DISCUSSION(S):

2022 Budget:

Anthony Mannino, Chief Financial Officer presented and explained in detail the following items for the 2022 Budget:

Current Fund Revenues and Appropriations to include:

- State Aid
- Shared Services
- Code and Construction
- Grants
- Special Items
- General Revenues
- Delinquent Taxes and Library Taxes
- Salary and Wages
- Audit Fees
- Engineering, Land Use and Legal Services

- Stormwater Maintenance
- Liability and Health Insurance (changed to also be allocated in Beach and Sewer)
- Police, OEM and Fire Departments (changed to also be allocated to Beach)
- Fire Hydrants, Municipal Court and Road Repair Maintenance
- Buildings and Grounds, Solid Waste Collection, PEOSHA, Snow Removal and Vehicle Maintenance
- Environmental Commission, Animal Control Services, Senior Services
- Arts at the Beach, Tourism and Utilities
- Contingent (Mr. Mannino explained this is a new line item added to cover for unexpected costs that can be cancelled if not used at the end of the year).
- Deferred Charges to cover over expenditures

Discussion ensued amongst the Governing Body, Mr. Mannino and Ms. Humphrey regarding the consequences of repeat over expenditures, salary over expenditures, current fund surplus and properly checking appropriations.

- Pensions (changed to also be allocated in Beach and Sewer)
- Library and LOSAP
- Capital Improvement and Capital Outlay
- Debt Service and Deferred Charges on Ordinances
- Appropriation Cap and Tax Levy Cap

Sewer Utility Budget:

- Surplus amounts used
- Rents
- Reserves
- Capital Fund Balance
- Salary and Wages

Discussion ensued regarding corrections in allocations from previous years to make all accounts whole and catch up in one lump sum. Mr. Mannino explained the funds will be properly adjusted next year.

- Capital Improvements
- Debt Service
- Over expenditures and Statutory expenditures

Beach Utility Budget:

- Reserves
- Beach Cap Fund Balance
- Operating Costs
- Overexpenditures

Mr. Mannino explained Beach salaries are now being broken down by function, which was not being done previously.

Discussion ensued amongst the Governing Body, the Administrator and the CFO regarding salary errors in previous years, making corrections and reimbursing employees that are due.

Councilman Gubitosi thanked Mr. Mannino and Ms. Humphrey for their challenging work and preparation with the budget.

Discussion ensued between Councilman Gubitosi, Administrator Humphrey and Mr. Mannino regarding corrections to salaries, allocations, preventing future over expenditures, tracking employee time by departments. Mr. Gubitosi expressed concerns that many of his questions have not been resolved. Mr. Gubutosi also expressed he would like to better understand the significant amount in increase of salary and wages.

Councilman Gubitosi inquired about the Beach and Sewer Utility surplus.

Public Comment on the 2022 Budget Workshop:

Nancy Meadow, 805 Beach Avenue, gave her opinion about placement of parking meters, crossing guards, DPW and Police Department overtime, permits, health benefits, pensions, trash, and recycling.

Thomas J. Coan, 612 Third Avenue, inquired about the Deferred School Tax, the Sump Pump and Beach Salaries.

Mr. Mannino, CFO and Ms. Humphrey, BA addressed Mr. Coan inquiries.

Rick Bartolomei, 116 Newark Avenue, suggested increasing the Construction costs and inquired about the fee schedule for the Neptune Sewerage Authority.

Thomas Gavin, 414 Fourth Avenue, inquired if the auditors from the previous years should be held responsible for the errors were discovered.

Mr. Mannino and Mayor Fox addressed Mr. Gavin's inquiries.

Public Comments via email for the 2022 Budget Workshop:

Bob Patten, 207 Evergreen Avenue

My question: Where are the budget documents for the public to review? This budget should not be rushed through until we have a thorough understanding and the public has had time to ask questions and have discussions? In most towns, the budget process starts before year end and is normally worked through by March and presented in April. That allows for questions to be asked and answered by the Mayor, Council and interested taxpayers. In all fairness the new CFO inherited a mess, which makes this process even more important and critical.

Bob Broders, 614 Fifth Avenue

With respect to auditing employees' salaries from previous years. What controls are in place to make sure we are protected from fraudulent reporting of previous hours worked? If we had poor record keeping in place that led to employees being under paid, how do we know that the opposite is not going to happen and people see an opportunity to overcharge us for things such as overtime from many years ago?

ON MOTION by Sexsmith/Bonnell to table the 2022 Daily/Weekly Beach Badges and Recreation Fee Ordinance Workshop discussions for the April 12th Council Business Meeting.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: Weber

2022 Daily/Weekly Beach Badges: Tabled to April 12th

Recreation Fee Ordinance: Tabled to April 12th

PRESENTATIONS:

Mayor Fox read the following Proclamation acknowledging Child Abuse Prevention Month.

WHEREAS, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets; and

WHEREAS, all children deserve to have safe, stable, nurturing homes and communities they need to foster their healthy growth and development; and

WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and

WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith agencies, and the business community; and

NOW THEREFORE BE IT RESOLVED, I do herby proclaim April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

APPROVAL OF MINUTES:

ON MOTION by Fox/Sexsmith to approve the Special Meeting Minutes of March 1, 2022.

ROLL CALL:

AYES: Bonnell, Gubitosi, Sexsmith, Mayor Fox

NAYS: None ABSENT: None ABSTAIN: Weber

APPROVED

ON MOTION by Fox/Bonnell to approve the Council Business Meeting Minutes of March 8, 2022.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

ON MOTION by Fox/Sexsmith to approve the Executive Session Meeting Minutes of March 8, 2022.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

ON MOTION by Fox/Sexsmith to approve the Executive Session Meeting Minutes of February 22, 2022.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

Public Comments and Questions on Agenda Items:

Thomas J. Coan, 612 Third Avenue, requested future Executive Session resolutions show the names of attendees, requested more information on Resolution 2022-101 for T&M Associates and had several inquiries on the bill list which were addressed by Administrator Humphrey.

Anthony Moldevaro, 1101 Ocean Avenue, stated he is not in favor of restoring 319 LaReine Avenue.

Nancy Meadow, 805 Beach Avenue, expressed concerns about engineering fees for the beach ramps on the bill list.

ORDINANCE INTRODUCTION(S): None

ORDINANCE ADOPTION(S):

ORDINANCE 2022-2

AN ORDINANCE AMENDING SECTION 350-1 OF CHAPTER 350: "ADOPTION OF STANDARDS; AVAILABILITY OF COPIES" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO IMPLEMENT AN UPDATED MODEL PROPERTY MAINTENANCE CODE.

ON MOTION by Fox/Sexsmith to open the public hearing for Ordinance 2022-2.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

Public Comments: None

ON MOTION by Fox/Sexsmith to close the public hearing and adopt Ordinance 2022-2.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

ADOPTED

COMMUNICATIONS:

- A request for the Bradley Beach Library to hold a book discussion on Monday, April 25, 2022 in Riley Park.
- Administration resignation and new hire Employee Memo.
- Full-Time Employee Memo for Peter Alvarado.
- Library Appointment Memo for Mayor's Alternate, John Bonney

CONSENT AGENDA RESOLUTIONS:

2022-88 Bill List for March 22, 2022.

2022-89Authorizing the Appointment of Special Class I Law Enforcement Officers.

2022-90 Approving a Street Opening Permit Deposit and Permit Inspection Fee Refund in the amount of \$750.00 for 510 Evergreen Avenue.

ON MOTION by Fox/Sexsmith to approve the Consent Agenda for March 22, 2022.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

INDIVIDUAL RESOLUTIONS:

2022-91 Introduction of the 2022 Budget to be read by Title only.

Councilman Gubitosi inquired what the purpose is for this resolution.

Mayor Fox responded this resolution sets the time process to address questions and/or changes to the budget.

Mr. Mannino further explained the process for any changes to the budget within that period.

ON MOTION by Fox/Sexsmith to Introduce the 2022 Budget to be read by Title only.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-92 Temporary Appropriation Reserve Transfers.

ON MOTION by Fox/Weber to Approve Temporary Appropriation Reserve Transfers.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-93 Amendment to Resolution 2022-62 to reflect the Title of Meetings as Council Business Meetings for the remainder of the 2022 Calendar Year.

ON MOTION by Fox/Gubitosi to Approve the amendment for Resolution 2022-62 to reflect the remainder of Meetings for Calendar Year 2022 as Council Business Meetings.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-94 Support of the Re-Certification Application to Sustainable New Jersey.

ON MOTION by Fox/Weber to Support the Re-Certification Application to Sustainable New Jersey.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-95 Identifying Green Team Members and Meeting Schedule establishing a Green Team Advisory Committee.

ON MOTION by Fox/Weber to Identify Green Team Members and Meeting Schedule establishing a Green Team Advisory Committee.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-96 Authorizing the Borough of Bradley Beach Police Department to participate in the Defense Logistics Agency, Law Enforcement Support Office 1033 Program.

ON MOTION by Fox/Sexsmith to authorize the BBPD to participate in the Defense Logistics Agency, Law Enforcement Support Office 1033 Program.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-97 Authorizing the AARP Community Challenge Grant Program.

ON MOTION by Fox/Sexsmith to authorize AARP Community Challenge Grant Program.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-98 Authorizing Member Participation in the Bergen County Cooperative Pricing System.

ON MOTION by Fox/Gubitosi to Authorize Member Participation in the Bergen County Cooperative Pricing Program.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-99 Authorizing a Shared Service Agreement with the Township of Neptune for Fleet Vehicle Maintenance.

Councilman Weber inquired if this agreement is cost efficient.

Administrator Humphrey responded yes.

ON MOTION by Fox/Weber to Authorize a Shared Service Agreement with the Township of Neptune for Fleet Vehicle Maintenance.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-100 Adopting a Cyber Incident Response Plan and Master Technology Policy.

ON MOTION by Fox/Sexsmith to Adopt a Cyber Incident Plan and Master Technology Policy.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-101 Award of Non-Fair and Open Contract to T&M Associates to provide Services for United Methodist Church, 319 LaReine Avenue.

Councilman Bonnell stated he is going to vote yes, however requested not to do anymore Non-Fair and Open Contracts moving forward.

ON MOTION by Fox/Gubitosi to Award a Non-Fair and Open Contract to T&M Associates to provide Services for United Methodist Church, 319 LaReine Avenue.

ROLL CALL:

AYES: Bonnell, Gubitosi, Sexsmith, Mayor Fox

NAYS: None ABSENT: None ABSTAIN: Weber

APPROVED

2022-102 Award of Contract for the Sanitary Sewer Rehabilitation – Phase II Bid.

ON MOTION by Fox/Bonnell to Award a Contract for the Sanitary Sewer Rehabilitation – Phase II Bid.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

2022-103 A Resolution of intent to enter into a Shared Services Agreement with the Borough of Avon-by-the-Sea for the joint repair and/or replacement of failing Stormwater Management Infrastructure around Sylvan Lake.

ON MOTION by Fox/Sexsmith to enter into a Shared Services Agreement with the Borough of Avon-by-the-Sea for the joint repair and/or replacement of failing Stormwater Management Infrastructure around Sylvan Lake.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

APPROVED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Councilman Bonnell

Delivered the Activity Report for the Fire Department and First Aid Department and stated both departments are accepting volunteers, applications can be found on the website.

Thanked everyone who volunteered for the Bradley Beach Food Pantry Food Donation Drive on March 19th.

Councilman Gubitosi

The Fletcher Lake Commission is in the process of re-drafting their Charter Agreement.

The Sylvan Lake Committee is currently evaluating the restoration project.

The recent Town Hall Meetings were very productive and put the Governing Body on a path to obtain an approximate cost for the 319 LaReine Avenue/Community Center.

Councilman Sexsmith:

POLICE REPORT:

Police arrested two subjects for burglary and theft. They were linked to several motor vehicle burglaries in Bradley Beach as well as the surrounding towns. They had additional charges of possession of drug paraphernalia and possession of burglar tools. Police remind all residents to please remove all valuables from your cars and lock the doors.

Two subjects were arrested for driving while intoxicated. Police also investigated three motor vehicle accidents and made one arrest for an active contempt of court warrant.

Thanked the CFO and Business Administrator for the Budget presentation and for their diligence with the Borough finances.

Thanked everyone involved in the Food Pantry Donation Drive on March 19th.

The Memorial Day Parade is scheduled for May 28th on Ocean Avenue.

Thanked Mr. Tonzola for his service to the school and the community.

Councilman Weber

Thanked Mr. Tonzola for his service to the school and the community.

Thanked Mr. Mannino and Ms. Humphrey for the Budget presentation.

Mentioned the Food Pantry Donation Drive was a success.

The Shade Tree Commission is preparing for an Arbor Day Celebration to be held on April 29th and a Tree Planting Ceremony throughout the town on April 30th and looking for volunteers.

The Environmental Commission is in the process of completing their Sustainable Jersey Application.

The Elementary School is working on forming a Green Team for Sustainable Jersey with the help of the Environmental Commission.

Councilman Weber mentioned the positive feedback he received regarding bulk trash items that are in good condition.

Administrator Humphrey mentioned for residents getting fined if items are put out when it is not a bulk pick-up day and suggested creating a program for this.

Encouraged everyone to attend the Library book discussion in Riley Park on April 25th. Councilman Weber inquired how volunteer forms submitted through the website are managed. Mayor Fox responded to Councilman Weber's inquiry.

Mayor Fox

This Saturday we had a community success with our third Food Pantry pick-up as Council President Sexsmith covered. Thanks to Councilman Sexsmith for being the "point person" for the Council.

We are about to submit a composite design for our Project Partners for the LaReine Avenue Church. We will get results in May. In the meantime, we will assess a survey for the community. Another milestone in the process.

With the next deliverable, comes challenging work. Analysis, tradeoffs, and framing a recommendation or options to the Community. This will be a big task; but we are committed to it, you have my assurance. We will be "working the problem, not the politics," as I have said from the beginning.

We have continued to focus our attention on a large sinkhole emanating from the stormwater pipe coming from Sylvan Lake between Bradley Beach and Avon. We are working with Avon, the County, and our Engineering 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 held a second Steering Committee meeting yesterday for the recently formed Mayors Wellness Campaign, a great group of seventeen residents, Borough Employees, and current and former Health Care Professionals. The prospects for our community are encouraging. More to come on that; but we will be promoting a Community Blood Drive we are sponsoring along with RWJ Health and the Municipality. It is Tuesday, April 12th. Our goal is fifty donors; and we would like a second drive to tie into our June Wellness Walk that we are planning. Go to the website or our Facebook page to get a scheduled spot. Help us hit our goal.

In person Public Comment:

Thomas J. Coan, 612 Third Avenue, requested the Budget Workshops be held separately from the Council Meetings in the future and the public should have more interaction.

Nancy Meadow, 805 Beach Avenue, requested the 319 LaReine Avenue be tarped as soon as possible.

Ms. Meadow expressed frustration with utility road construction she recently encountered and not being informed.

Ms. Humphrey stated a utility notice was placed on the Borough Website in the beginning of March.

Mayor Fox stated the budget process performed this year was good and the Borough is on the right track.

Emails: None

EXECUTIVE SESSION:

Resolution 2022-104 Retire into Executive Session to discuss Litigation and Personnel Matters.

ON MOTION by Fox/Bonnell to table Resolution 2022-104 to retire into Executive Session.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

TABLED

Note: The Executive Session did not take place for March 22^{nd} ; Discussions were tabled for the April 12^{th} Council Business Meeting.

ON MOTION by Fox/Weber to adjourn the Council Business Meeting.

ROLL CALL:

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

NAYS: None ABSENT: None ABSTAIN: None

THE COUNCIL BUSINESS MEETING ADJOURNED AT 9:55 P.M.

Erica Kostyz, RMC, CMR

Municipal Clerk