

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

**APRIL 26, 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 6:30 P.M.**

Present at the April 26, 2022 Council Business Meeting:

Councilman Randy Bonnell (arrived at 6:25 p.m.)  
Councilman Al Gubitosi  
Councilman Tim Sexsmith  
Councilman John Weber  
Mayor Larry Fox  
Borough Administrator: Kimberly M. Humphrey  
Municipal Clerk: Erica Kostyz  
Borough Attorney Alternate: Christina Malamut

**Mayor Fox:**

We have what should be 2 brief workshop items – Refining our Chapter 450 Zoning Ordinance- better defining permit fees for our Parking Ordinance.

**WORKSHOP DISCUSSION(S):**

**Zoning “As Built” Ordinance:**

Councilman Sexsmith explained the purpose of this ordinance is to add verbiage to include an as built survey for inspection from the owner if needed by the Zoning Officer to ensure compliance during an inspection.

Councilman Weber inquired what happens if the Zoning Officer finds the structure does not match what is on the as built survey.

Councilman Sexsmith responded the Zoning Officer must notify the owner in writing to remedy the condition found to exist in violation.

**Councilman Gubitosi asked what the current process.**

**Councilman Sexsmith and Administrator Humphrey explained there currently is not a process and confirmed this is to include the Zoning Officer to remain involved in signing off on the application.**

**Councilman Weber inquired if this is only for the outside of a home.**

**Ms. Humphrey addressed this inquiry and stated an inside inspection would be part of the C/O process.**

**Public Comment on Zoning “As Built” Ordinance Workshop:**

**Thomas J. Coan, 612 Third Avenue, suggested the ordinance change include no framing can take place without a foundation location survey from the owner. Mr. Coan also suggested to include a survey be supplied by the owner as a C/O requirement.**

**William Psiuk, 110 Fifth Avenue, expressed concerns why remedies are not being discovered until after the inspection.**

**It was started for the record Councilman Bonnell arrived at 6:25 p.m.**

**Permit Fees for Parking Ordinance:**

**Mayor Fox said this is a clarification to state there will be a non-refundable annual application fee of \$50.00.**

**Ms. Humphrey further explained this is also to simplify the application process.**

**Public Hearing on Permit Fees for Parking Ordinance Workshop:**

**Thomas J. Coan, 612 Third Avenue, suggested revisions regarding handicapped placards.**

**Public Hearing on the adoption of the 2022 Municipal Budget:**

**Mayor Fox:**

**The Public Hearing to adopt the 2022 budget will be postponed in that we need to do some work on a 2020 issue that surfaced as part of our submission to the State. During their routine examination of our budget submission, it seems that the 2020 administration declared an emergency for Covid relief of revenue. This was NOT picked up in the 2020 financials or audit. Therefore, this means that we need to:**

**-Redo the Annual Financial Statement to reflect this \$115,000 emergency.**

**-Redo the budget and reflect/carry the emergency declaration in the amount of \$23,000 for the period of five years. I want to note that the audit did not reflect this declaration and in fact stated there were no findings in revenue. This was an unfortunate error; but nonetheless our team will address this and rectify it.**

**Our Chief Financial Officer and Administrator are working with the appropriate individuals to get us to a compliant place as soon as practical.**

**Additionally, the State has requested the financial services company assessing the Borough's current financial system and employs the current CFO are not the RMS on our Budget admission. Although this is a practice in other municipalities, it does impose a problem and the Borough will comply.**

ON MOTION by Fox/Sexsmith to table the Public Hearing for the Adoption of the 2022 Municipal Budget.

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

**The 2022 Public Hearing for the Adoption of the 2022 Budget was tabled.**

**Resolution 2022-121 Adoption of 2022 Municipal Budget.**

ON MOTION by Fox/Sexsmith to table Resolution 2022-121, Adoption of the 2022 Municipal Budget.

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

**TABLED**

**PRESENTATIONS & BIDS:**

Beach Chairs and Beach Umbrellas Concession License Bid

**Note, there were no bidders for the April 26<sup>th</sup> bid. There was one interested candidate that will complete an RFP packet and submit for the re-bid.**

ON MOTION by Fox/Sexsmith to adjourn the Workshop Meetings and resume the Council Business Meeting at 7:00 p.m.

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

**APPROVED**

**Note: The Council Business Meeting resumed at 7:00 p.m. starting with Call to Order, Pledge of Allegiance, OPMA Statement and Roll Call.**

**APPROVAL OF MINUTES:**

ON MOTION by Fox/Sexsmith to approve the Council Business Meeting Minutes of April 12, 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 Minutes of April 12, 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, expressed concerns about the 2022 budget adoption.**

**Ms. Humphrey addressed Mr. Coan's concerns.**

**Public Comment on Agenda Items through email: None**

**ORDINANCE INTRODUCTION(S): None**

**ORDINANCE ADOPTION(S): None**

**COMMUNICATIONS :**

- **Recreation Appointments Memo**

**CONSENT AGENDA RESOLUTIONS:**

**2022-122 Bill List for April 26, 2022**

**2022-123 Appointing Todd Gardiner as Alternate Deputy Registrar.**

ON MOTION by Fox/Sexsmith to approve the Consent Agenda.

**ROLL CALL:**

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

**APPROVED**

**INDIVIDUAL RESOLUTIONS:**

**2022-124 Award of Bid for Beach Chairs and Beach Umbrellas Concession License.**

ON MOTION by Fox/to Table the award of Bid for Beach Chairs and Beach Umbrellas as there were no bidders.

**ROLL CALL:**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**TABLED**

**2022-125 Authorizing to re-advertise for bids for Beach Chairs and Beach Umbrellas Concession License.**

ON MOTION by Fox/Sexsmith to authorize to re-advertise for Beach Chairs and Beach Umbrellas Concession License.

**ROLL CALL:**

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

NAYS: None

ABSENT: None

ABSTAIN: None

**APPROVED**

**2022-126 Establishing Daily and Weekly Beach Badge Fees for 2022.**

ON MOTION by Fox/Sexsmith to establish the Daily and Weekly Beach Badge Fees for 2022.

**ROLL CALL:**

AYES: Bonnell, Sexsmith, Mayor Fox

NAYS: Gubitosi, Weber

ABSENT: None

ABSTAIN: None

**Councilman Gubitosi voted no and stated he feels the badge fees should have been increased given the potential deficits for 2022.**

**Councilman Weber voted no and stated he feels the daily beach badge fees should have been voted on separately.**

**APPROVED**

**2022-127 Establishing a Beach Operations Schedule for 2022.**

ON MOTION by Fox/Sexsmith to establish a Beach Operations Schedule for 2022.

**ROLL CALL:**

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

**APPROVED**

**2022-128 Authorizing a Shared Service Agreement with the Township of Neptune for Area Network Shore Water Emergency Response Team (ANSWERS)**

**Councilman Gubitosi inquired if this only to Share this service with Neptune.**

**Administrator Humphrey replied yes.**

ON MOTION by Fox/Sexsmith to authorize a Shared Service Agreement with the Township of Neptune for Area Network Shore Water Emergency Response Team (ANSWERS).

**ROLL CALL:**

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

**APPROVED**

**2022-129 Resolution approving a Consent Letter with Crown Castle, as Agent for STC Five, LLC, Successor to Sprint Spectrum L.P., for the Sublessee, AT&T Mobility, to make certain Modifications to Cellular Communications Equipment located on a portion of the Borough's Properties located at 725 Main Street.**

**Councilman Gubitosi stated this is not changing the lease agreement which allows modifications and after researching the modifications found nothing that is harmful to the public.**

ON MOTION by Fox/Sexsmith to approve a Consent Letter with Crown Castle, as Agent for STC Five, LLC, Successor to Spring Spectrum L.P., for the Sublessee, AT&T Mobility, to make certain Modifications to Cellular Communications Equipment located on a portion of the Borough's Properties located at 725 Main Street.

**ROLL CALL:**

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

**APPROVED**

**ANNOUNCEMENTS: None**

**MAYOR AND COUNCIL REPORTS:**

**Councilman Bonnell**

**Gave the weekly Fire and First Aid activity reports.**

**Councilman Gubitosi**

**The Fletcher Lake Commission has completed a draft Charter Agreement that will be presented to the Governing Body for approval soon.**

**The Sylvan Lake Commission are requesting a follow-up for their Borough funding and have safety concerns about the surrounding snow fence.**

**Councilman Sexsmith**

**Announced the Bradley Beach Senior Club meeting will be at 12:00 p.m. tomorrow at the Firehouse and gave the weekly Police Activity report.**

**Councilman Weber**

**Beach - Beach Management Practices - I recently dug out the agreement we have with the NJDEP for managing our beach. Some of it involves managing for threatened and endangered species and therefore there are some things we can't do on the beach at certain times. There are other things like sand scraping along the eastern edge of the dunes that we are not allowed to do any time. I shared this with the Borough Administrator since she was not here when this agreement was made. Hopefully, this was shared with the right people so we do not do things that are not allowed on the beach and get into trouble with the NJDEP.**

**Shade Tree Commission - The Shade Tree Commission is ready for our Arbor Day celebration this Friday, April 29th, at the Second and Third Avenue Park, the 600 block, at 5:30 p.m. We will be planting a tree and members of our school community will be participating. On Saturday, April 30th, we will be planting about thirty trees all around town with approximately twenty-five volunteers. This will take place from 9:00 a.m. to 12:00 p.m., or whenever we finish. We will start with a tree-planting demonstration at the library on the Hammond Avenue side.**

**If you want to help us plant trees on April 30th, please let me know.**

**Most of the trees we are planting are a result of the 'Wishing Tree' program, but a few are from the Honor Tree Program. I will explain the difference and then explain what your options are if you don't want to participate in those programs. "Wishing tree" is simply saying you wish to have a tree planted in the planting strip in front of your property. There is an application to complete, but the tree is free. You must pledge to care of the tree and we provide guidance. The upside is you get a free tree. The downside is there is no guarantee you will get a tree which could be due to budget reasons or volunteer capacity. Shade Tree volunteers do the utility mark outs.**

**For an Honor Me Tree, you pay for the tree, so it is guaranteed. There is a fee of \$350. We have changed that program so you can get it planted in front of your house if that is suitable. You can also pay extra for a plaque on the tree saying who or what it is in memory of. There is an application to fill out and Shade Tree volunteers do the utility mark outs. The upside is that you are guaranteed a tree. The downside is you must pay for it.**

If you want a tree, but do not wish to participate in either of those programs, you can do what many people in Bradley have already done. You can make an application to the Shade Tree Commission to plant a tree in your planting strip. There is no application fee to plant trees, but there is an application for each property. If the Shade Tree Commission grants you permission, you will be given a list of approved street trees based on the size of your planting strip. You are responsible for the utility mark outs. You can then go to your favorite garden center or speak with a landscaper, purchase a tree and have it planted or plant it yourself.

What I want to emphasize here is that you are paying for the tree and planting it yourself. The town is neither buying you a tree nor is the town doing any of the work like digging the hole or marking the utilities.

The Green Fair was a great event. I want to thank Tourism and the DPW for that great event. Environmental Commission - The BBEC had a table at the Green Fair. They gave away thirteen additional white recycling buckets for plastic film recycling. They are working on an ordinance that changes our zoning to allow for charging stations as a permitted use. They continue to work on Sustainable Jersey. And the Recycle Coach App still reflects the old recycling schedule. I want to offer my help if any is needed to have this reflect our actual recycling schedule. Or, since we are so close to changing back to once a week recycling in June, are we just going to leave it as is?

One Beach One Read - Was a great event in Riley Park last night. Thanks to the library and Nancy Lasher. It was a great event and the book's theme was Climate Change.

#### Mayor Fox

Tomorrow, we are asking you to join the Bradley food Pantry and Take a Bite out of Hunger. Eighteen of our wonderful restaurants have agreed to make generous donations to the Bradley Food Pantry, representing a percentage of their receipts on that day, in support of the Pantry's effort to Take a Bite Out of Hunger.

Last month, the Food Pantry experienced a record number of people coming for assistance; over 1400 families came in need of food. Take a Bite Out of Hunger provides an opportunity for us to enjoy our community, support our restaurants, and raise funds for the Pantry all in one effort. Meet a friend for lunch, ask your neighbor to join you for dinner, start your day with a delicious breakfast, have a meal delivered to someone who cannot get out and celebrate the wonderful eateries in town while supporting the food pantry. The 18 restaurants participating in this fundraiser are listed on the Pantry's website [www.bradleyfoodpantry.org](http://www.bradleyfoodpantry.org).

Last night, the second "One Beach, One Read" event was held at Riley Park. This second event was for the adult population. The novel, "The High House", tied into climate change, particularly germane for Bradley Beach. Nancy Lasher and her team did a great job coordinating the reading and session. The next event is scheduled for May 19<sup>th</sup>, and the book is geared for middle-school students "The Wild Robot!"

Last Saturday, the Green Fair was an overwhelming success.

The BB Arts Council, led by Julia Rand, is back in full swing after some pandemic postponements. Three performances of Dark Humor by Dorothy Parker will be held at the Bradley Beach Elementary School Friday, April 29<sup>th</sup> and Saturday, April 30<sup>th</sup>, at 7:00 p.m. with a Sunday Matinee on May 1<sup>st</sup> at 2:00 p.m. and the admission is free.



We are awaiting Engineering bids for the large sinkhole emanating from the stormwater pipe coming from Sylvan Lake between Bradley Beach and Avon. We continue to work with Avon, the County, and our Engineering professionals to assess and remediate the situation. The Phase II Sewer project is underway, starting on Ocean Avenue and Second, Third, and Fourth Avenues; we appreciate your patience on this important project.

**Administrator Humphrey**

- Mentioned the recent JIF report of deficiencies.
- Thanked Patrick Allan for his assistance with a citizen having a seizure in public this past Sunday. Ms. Humphrey also thanked the First Aid Squad for responding to this call.
- Gave an update on Phase II Sewer Project.
- Mentioned proposals are currently being accepted for the Stormwater Outfall project.

**In person Public Comment:**

Julie Nutaitis, 605 Newark Avenue, asked Ms. Humphrey when the stripes on the street are going to be sanded off.

Ms. Humphrey responded she is hoping to have this done before the summer.

Ms. Nutaitis expressed concerns about inactive hanging utility wires throughout the town.

Rick Bartolomei, 319 LaReine Avenue, requested an update on 319 LaReine Avenue.

Mayor Fox addressed Mr. Barolomei's inquiry.

Mia Mutascio, 401 McCabe Avenue, requested an update on 217 McCabe Avenue.

Mayor Fox addressed Ms. Mustascio's request.

Thomas J. Coan, 612 Third Avenue, inquired about 319 LaReine Avenue and the JIF Report mentioned in Ms. Humphrey's report.

Ms. Humphrey addressed Mr. Coan's inquiries.

Mr. Coan asked if the court hearing for 217 McCabe Avenue can be viewed publicly.

Ms. Malamut, Borough Attorney Alternate addressed Mr. Coan's inquiry.

**EXECUTIVE SESSION:**

**Resolution 2022-130 Retire into Executive Session to discuss Litigation and Contractual Matters.**

ON MOTION by Fox/Sexsmith to retire into Executive Session at 7:40 p.m. to discuss Litigation and Contractual Matters.

ROLL CALL:

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

**APPROVED**

ON MOTION by Sexsmith/Bonnell to return from Executive Session at 8:37 p.m. and 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 8:37 P.M.**

  
Erica Kostyz, RMC, CMR  
Municipal Clerk