

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

MAY 10, 2022 AT 6:30 P.M.

A Council Business 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 May 10, 2022 Council Business Meeting:

Councilman Randy Bonnell
Councilman Al Gubitosi
Councilman Tim Sexsmith
Councilman John Weber
Mayor Larry Fox
Borough Administrator: Kimberly M. Humphrey
Municipal Clerk: Erica Kostyz
Borough Attorney, Gregory Cannon (arrived at 6:47 p.m.)

Mayor Fox:

Gave an overview of the topics to be discussed at this evening’s meeting.

WORKSHOP DISCUSSION(S): None

PRESENTATIONS & BIDS:

Beach Chairs and Beach Umbrellas Concession License Bid

Borough Attorney Greg Cannon conducted the Bid for the Beach Chairs and Beach Umbrellas Concession License.

The Bid was awarded to Shaun McGrath of Sand and Sky Beach Supply, Belmar, New Jersey, as the highest and only bidder for \$3,000.00 (Three Thousand Dollars) for a contract term of May 1st to October 31st.

APPROVAL OF MINUTES:

ON MOTION by Fox/Weber to approve the Council Business Meeting Minutes of April 26, 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 26, 2022.

ROLL CALL:

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

APPROVED

Public Comments and Questions on Agenda Items:

Nancy Meadow, 805 Beach Avenue, expressed concerns with items on the bill list.

Thomas J. Coan, 612 Third Avenue, suggested an item on the Executive Session be labeled differently, and inquired about resolution 2022-136.

Ms. Humphrey addressed Mr. Coan's inquiry regarding Resolution 2022-136.

William Psiuk, 110 Fifth Avenue, expressed safety concerns regarding the Fire Department electronic sign proposal in Resolution 2022-138 and feels the application should go before the Land Use Board first.

Todd Migdon, 111 Fourth Avenue, spoke on behalf of the Fire Department regarding the Electronic Sign resolution and stated the Fire Department is seeking approval for the Department of Transportation, and not immediately planning to construct the electronic sign, but in order to get approvals from the State a resolution is needed.

Public Comment on Agenda Items through email: None

ORDINANCE INTRODUCTION(S):

ORDINANCE 2022-04

AN ORDINANCE AMENDING CHAPTER 450: "ZONING" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO PERMIT THE BOROUGH'S ZONING OFFICER TO REQUIRE THE SUBMISSION OF AS-BUILT SURVEYS FOR CERTAIN COMPLIANCE INSPECTIONS.

Councilman Gubitosi stated he is in favor of this ordinance inquired if there should be a further revision in this ordinance to make as built surveys a requirement in place of the Zoning Officer's discretion.

Mr. Cannon suggested speaking with the Zoning Officer before making this change.

Ms. Humphrey stated the Borough is working on updating the current Code and if the ordinance were to be adopted, it can be amended again later.

ON MOTION by Fox/Sexsmith to introduce Ordinance 2022-4.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

INTRODUCED

ORDINANCE 2022-05

AN ORDINANCE AMENDING CHAPTER 9: "TRAFFIC" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO CLARIFY THE ANNUAL APPLICATION FEE FOR SPECIAL PARKING PERMITS WITHIN THE BOROUGH

ON MOTION by Fox/Bonnell to introduce Ordinance 2022-5.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

INTRODUCED

ORDINANCE ADOPTION(S): None

COMMUNICATIONS :

- **DPW Salary Increase Employee Memo**

CONSENT AGENDA RESOLUTIONS:

2022-131 Bill List for May 10, 2022

2022-132 Authorizing the Appointment of Class I Special Law Enforcement Officers.

2022-133 Authorizing the Appointment of Class II Special Law Enforcement Officers.

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:

2022-134 Award of Bid for Beach Chairs and Beach Umbrellas Concession License.

ON MOTION by Fox/Weber to award the Bid for Beach Chairs and Beach Umbrellas Concession License.

ROLL CALL:

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

APPROVED

2022-135 Authorizing the cancellation of a Special Emergency Appropriation in the amount of \$115,000.00.

Councilman Weber stated the prior Auditor told him and Mr. Gubitosi during an interview it was explained to the prior CFO this could have been cancelled and removed from the 2021 budget by way of resolution last year.

ON MOTION by Fox/Sexsmith to authorize to the cancellation of a Special Emergency Appropriation in the amount of \$115,000.00.

ROLL CALL:

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

APPROVED

2022-136 Authorizing a Non-Fair and Open Contract with Holman Frenia Allison for Financial Advisory Services.

Councilman Weber confirmed with Ms. Humphrey it is not a conflict of interest that the Current CFO is employed with this firm.

ON MOTION by Fox/Sexsmith to Authorize a Non-Fair and Open Contract with Holman Frenia Allison for Financial Advisory Services.

ROLL CALL:

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

APPROVED

2022-137 Authorizing the Sale of Surplus Personal Property no longer needed for public use on an Online Auction Website.

Councilman Gubitosi inquired about the verbiage stating surplus personal property within this resolution.

Mr. Cannon responded to Councilman Gubitosi's inquiry.

ON MOTION by Fox/Sexsmith to Authorize the Sale of Surplus Personal Property no longer needed for public use on an Online Auction Website.

ROLL CALL:

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

APPROVED

2022-138 Approving an Electronic Sign for the Fire Department

Councilman Weber confirmed this resolution is get approval with the DOT and not to immediately install an electronic sign.

ON MOTION by Fox/Sexsmith to approve an Electronic Sign for the Fire Department.

ROLL CALL:

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

APPROVED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Councilman Bonnell

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

Councilman Gubitosi

Three months ago, at our Council Meeting on February 8th, I made a pledge to our residents. I pledged to promote better listening by our Council. I pledged to advocate for changes that respond to our residents' requests. As I stated then, "We serve YOU, the Public".

Well, after three months, we still have a way to go. Back on February 8th, I pledged that our Council would increase the use of Public Workshops and strengthen the public's access to the Council. I specifically noted seven things; achieving success in three and still striving for success in four:

Our Council "Successes" include:

- Methodist Church/Community Center planning and information (Somewhat successful but not finished).
- Explore Energy Aggregation opportunities for Bradley Beach.
- Maintain two Council "Business" Meetings per month.

Our Council "Workshop shortfalls" over these three months include:

- Recycling and Solid Waste pick-up.
- 2021 Planning Board recommendations (including whether or not Hotels should be considered a "prohibited use").
- A process to evaluate our planned investment of \$12M to \$15M in the Sewer System Infrastructure repairs versus alternatives such as a possible sale of the system.
- Developing capabilities to allow public access to all Council Meetings via Zoom; to be fair, a workshop was held, but Zoom is still not installed.

For those keeping score at home, after three months, we have succeeded on three out of seven pledges. In Baseball terms, our Council is "batting .429", which in baseball, is "Babe Ruth-level" success. However, as your elected representatives, we are not playing Baseball. In fact, we need to do much better. We should be able to "bat 1.000"; and we will.

In general, the Council tries to follow a process for including items on our Meeting Agendas. Council President Sexsmith polls Council members and then organizes a calendar of workshops for the year ahead. It is a good process, but it is also important to not let process impede progress. So, I would like to amend a small portion of our process by making two motions that I believe will help this Council raise our "Batting Average" a bit higher:

First, I motion that for our next Council meeting, scheduled for May 24, 2022, we hold the following two workshops:

- 1) Review potential edits to our "Rules of Administration" under Chapter 5 of our Code.
- 2) Review potential edits to our "Solid Waste" and "Recycling" ordinances under Chapter 286 of our Code.

ON MOTION by Gubitosi/Weber to hold two Workshops to review potential edits to Chapter 5 and Chapter 286 of the Borough Code.

Council President Sexsmith voted no and stated both of these Chapters are on the Workshop calendar implemented for June.

Mayor Fox voted no and stated all issues to be discussed on the calendar are important, however, there are urgent issues that must be addressed and require immediate attention.

ROLL CALL:

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

Second, I motion that the Council present a Resolution at our May 24th Council Meeting establishing June 30, 2022 as our self-imposed deadline for implementing “Zoom” technology for all future Bradley Beach Council Meetings.

ON MOTION by Gubitosi/Weber to present a resolution on May 24, 2022 to establish a deadline for implementing Zoom technology for all future Bradley Beach Council Meetings.

Mayor Fox voted no stating virtual technology for future Council Meetings is being looked at is on the current schedule.

ROLL CALL:

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

Councilman Sexsmith

- Gave the weekly Police Activity report.
- Attended the School Board Meeting on Tuesday and reported the School Board Budget has been adopted and the are looking for a replacement for the Superintendent.

Councilman Weber

- Announced the Elementary School Administrator, Mr. Tonzola will not be leaving his position as the Administrator.
- Updated the public on the Oyster Catchers on the beach.
- Thanked the Arts Council for their recent production.
- After discovering Borough Employees are getting to send their children to summer camp at no charge. Councilman Weber feels this should have come before Council for approval.

Administrator Humphrey confirmed this practice has been in effect previously, however this was not stated on the application and is now for better record keeping.

- Councilman Weber thanked the DPW Department for their assistance with the Arbor Day Event on 4/29 and the Tree Planting Event on 4/30.
- Reiterated the details mentioned at the 4/26 meeting explaining the two tree planting applications and explained the difference for the Wishing Tree Program, the Honor Me Program and what to do if not taking place in either program.

Councilman Weber mentioned the two blocks on Monmouth Avenue have new sidewalks and inquired if the residents applied to have their sidewalks repaired.

Mayor Fox responded the sidewalk repair was part of the sump pump drainage attachment project approved by Council last year.

Mayor Fox

- Thanked the Arts Council for their recent production.
- Updated the public on the current Sewer Project.
- Announced the Memorial Day Parade will take place on Saturday, May 28th on Ocean Avenue and the Memorial Day Ceremony will take place on Monday, May 30th at 11:30 a.m. in Riley Park.
- Thanked all who participated in the Take a Bite Out of Hunger project last month.
- Updated the public on 319 LaReine Avenue.
- Mentioned the sale of weekly beach badges for this season.
- Announced the Bike Rodeo will occur on May 15th at the Recreation Center.
- Announced the Mayor's Wellness Walk will take place on June 11th.
- Updated the public on the 2022 Budget.

In person Public Comment:

Jim Shissias, 112 Fourth Avenue, gave recommendations on sewer infrastructure.

Rick Bartolomei, 116 Newark Avenue, expressed concern regarding sewer flow rate increases and inquired about seating in the beach pavilions.

Brigette McGuire, 610 Brinley Avenue, strongly suggested hybrid meetings and mentioned disconnect amongst the Governing Body.

Eileen Shissias, 112 Fourth Avenue, requested metal gazebos on Newark Avenue be grounded to avoid safety hazards.

Julie Nutaitis, 605 Newark Avenue, expressed concern regarding hanging utility wires and stated she is in favor of hybrid meetings.

Ms. Humphrey gave Ms. Nutaitis an update on the Utility Companies she has contacted regarding the wires.

Ms. Humphrey stated the equipment for hybrid meetings is on order, however the budget needs to be adopted before moving forward.

Nancy Meadow, 805 Beach Avenue, agreed with Ms. Nutaitis regarding utility work within the town and mentioned Emergency Shelters and beach sign enforcement.

Lauren Egbert, 404 ½ Brinley Avenue, stated she is in favor of hybrid meetings and mentioned tension amongst the Governing Body.

Thomas J. Coan, 612 Third Avenue, suggested signs be put in place to not allow electric bikes on the boardwalk.

Mr. Coan recommended an ordinance be put in place regarding employee exemptions for Recreation fees.

Rich Despina, 600 Third Avenue, expressed concerns regarding Memorial Day activities that occur on the boardwalk, mentioned the first Community Center Committee for 319 LaReine Avenue and inquired about the sidewalks on Newark Avenue .

Mia Mutascio, 401 McCabe Avenue, expressed safety concerns regarding 217 McCabe Avenue and inquired about the status of the litigation and expressed opinions on the website structure.

Mr. Cannon addressed Ms. Mutascio’s litigation inquiry.

EXECUTIVE SESSION:

Resolution 2022-140 Retire into Executive Session to discuss Litigation, Attorney-Client Privilege (Potential Litigation and Personnel) and Contractual Matters.

ON MOTION by Fox/to retire into Executive Session at 7:50 to discuss Litigation, Attorney-Client Privilege (Potential Litigation and Personnel) and Contractual Matters.

ROLL CALL:

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

APPROVED

ON MOTION by Sexsmith/to return from Executive Session at 10:38 p.m. and discuss and pass Resolution 2022-139 Appointment of 2022 Borough Auditor through a Non-Fair and Open Contract.

ROLL CALL:

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

2022-139 Authorizing a Non-Fair and Open Contract for the Appointment of the 2022 Registered Municipal Auditor.

ON MOTION by Sexsmith/Weber to authorize a Non-Fair and Open Contract for the appointment of the 2022 Registered Municipal Auditor.

ROLL CALL:

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

APPROVED

2022-141 Authorizing a Non-Fair and Open Contract for the 2022 Registered Municipal Auditor to Perform the 2021 Audit.

ON MOTION by Fox/Sexsmith to authorize a Non-Fair and Open Contract for the 2022 Registered Municipal Auditor to perform the 2021 Audit. .

ROLL CALL:

AYES: Sexsmith, Weber, Mayor Fox

NAYS: Gubitosi

ABSENT: None

ABSTAIN: Bonnell

APPROVED

Sexsmith/Bonnell motioned to Adjourn the Council Business Meeting.

THE COUNCIL BUSINESS MEETING ADJOURNED AT 10:50 P.M.



Erica Kostyz, RMC, CMR

Municipal Clerk