

BOROUGH OF BRADLEY BEACH
COUNCIL BUSINESS MEETING MINUTES

JUNE 14, 2022 AT 6:00 P.M.

A Council Business Meeting of the Mayor and Council of the Borough of Bradley Beach were held in the Meeting Room, 701 Main Street, Bradley Beach, New Jersey on the above date and time.

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 June 14, 2022 Council Business Meeting:

Councilman Bonnell, Councilman Gubitosi, Councilman Sexsmith, Councilman Weber, Mayor Fox
Borough Administrator: Kimberly M. Humphrey
Municipal Clerk: Erica Kostyz
Borough Attorney: Gregory Cannon

Mayor Fox:

We will start the meeting tonight with the 2022 Budget discussion, not an adoption meeting.

When I came into this job almost 17 months ago, I have continued to focus on the three themes on which I was elected: affordability, Main Street, and Individual Leadership.

Two of those key themes is on display tonight; “Affordability”, Our average budget increase, overall, in the last two years, with this budget introduction is \$228k per year, all in. The prior two years (2019 and 2020) the average increase was \$689k, all in. This is a two-thirds reduction in overall spend increase level.

On Leadership, we have put consummate professionals in place in the key positions of Business Administration and Finance. They have worked diligently over the last 6-8 months to ensure Bradley Beach is compliant and working as effectively and efficiently as possible in the financial arena I have every confidence they are making great progress. I hope we can continue to move forward, without further delay, and pass this accurate, achievable, and reasonable representation, our 2022 Budget. I will comment that there is more risk in this amended budget. Some of the cuts we had to make to go below the amended cap, reduced the capability we were trying to build, and deal with some of the financial corrections we are uncovering.

As you might remember, we introduced the budget on March 22nd. The CFO and Business Administrator did a comprehensive 2 ½ hour presentation to the public and Council. The Council voted 5-0 to introduce the 2022 Budget.

Post that approved introduction by the State, we uncovered an issue with Covid Emergency Relief of \$115, 000 which we fixed in the May Council meeting. We were subsequently given direction by the DCA, which we complied with and re-submitted the budget. Late today we received additional guidance which will cause us to table the adoption and, in all probability, shift some additional surplus from our Utility funds and make an additional \$120 in appropriation cuts, this will be a challenge.

This is disappointing. What I would like to do is use the time, up to 6:30, to take input I would appreciate your comments.

PUBLIC COMMENT ON 2022 BUDGET DISCUSSION:

Thomas J. Coan, 612 Third Avenue, expressed concerns and had inquiries regarding roof repairs, the Sewer and Beach Utility funds and timecards.

CFO, Anthony Mannino addressed Mr. Coan's inquiries.

Mr. Coan expressed concerns about the Beach Utility Fund, timecards and

Nancy Meadow, 805 Beach Avenue, inquired where to find the introduced budget.

Mr. Mannino responded the introduced budget can be found on the website and explained the process of the budget amendment resolution being made available to the public.

Thomas Gavin, 414 Fourth Avenue, expressed concerns if the budget does not pass and inquired what would happen.

Mr. Mannino responded the budget would have to be amended to where everyone agrees, prior to adoption.

WORKSHOP DISCUSSION(S)

Amendment to Chapter 123-8 Prohibiting Motorized Bikes on the Boardwalk

Mayor Fox stated the proposal is to enforce to keep electronic bikes off the boardwalk for safety purposes.

Councilman Gubitosi stated he is in favor of this ordinance and suggested changing the verbiage to all motorized vehicles instead of motorized bicycles.

All the Governing Body agreed, and Mr. Cannon amended the wording.

Public Comment on Amendment to Chapter 123-8:

Lauren Egbert, 404 ½ Brinley Avenue, clarified with Mr. Cannon the language of the ordinance regarding unmotorized bicycles.

Volunteer social media Policy

Councilman Gubitosi spoke about the concerns he had with the language of the draft that was presented at the prior Council Meeting in relation to first amendment rights and freedom of speech. After submitting suggestions to the Labor Attorney, Councilman Gubitosi stated he feels the revised draft is much better.

Councilman Weber agreed the revised draft is much improved in relation to freedom of speech.

Public Comment on the Volunteer social media Policy:

Donald Greenberg, 302 Park Place Avenue, complained the policy was not placed on the website for public view.

Thomas J. Coan, 612 Third Avenue, thanked Council for having the policy revised.

Lauren Egbert, 404 ½ Brinley Avenue, also stated the policy should be on the website for public view.

Sewer Planning Alternatives:

Councilman Gubitosi stated he is in favor of evaluating the cost of the Borough Sewers and stated he would like to understand what the future costs for the sewers will be in terms of budgeting, sewer fees and alternative solutions.

Ms. Humphrey stated she had collected a proposal from an Engineering firm to do the analysis and a proposal from an Audit firm which will do a debt analysis.

Ms. Humphrey further explained other alternatives that are possible to determine if a sewer replacement is needed.

Councilman Gubitosi clarified with Ms. Humphrey the questions provided by the Strategic Task Force will be taken into consideration for the proposal.

Public Comment on Sewer Planning Alternatives: None

Amendments to Chapter 5

Councilman Weber gave a recap of the discussion that took place last meeting regarding Chapter 5.

Councilman Gubitosi stated the nature of the changes are to make a more balance to the powers between the Mayor and the Council. .

Mayor Fox stated a few of the changes were clarifications and some were shifts that in some ways can impact the current form of government.

Public Comment on Amendments to Chapter 5:

Tom Gavin, 414 Fourth Avenue, asked the Mr. Cannon several questions regarding review of the amendments to this Chapter and expressed opinions regarding the agenda, appointments and feels this should be done by referendum.

Further conversation ensued amongst Mr. Gavin, Mr. Cannon and Councilman Gubitosi regarding policy, change in form of government.

Rona Parker, 27 Atlantic Avenue, asked what the framework is for the Faulkner Act form of government.

Mayor Fox and Mr. Cannon addressed this inquiry.

PRESENTATIONS

Main Street Options:

Mayor Fox gave an overview of this presentation and stated this is an informational presentation and no decisions will be made this evening.

Bennett Matlack, Borough Engineer stated this is the first introduction to discuss Main Street Streetscape improvements.

Mr. Matlack presented the following topics:

- Existing conditions (safety repairs, settlement, tree wells, inconsistent curb ramps landscape inconsistencies, lighting and bicycle usage).
- ADA compliance
- 2020 Rutgers Study and resident input.
- Proposed concepts (sidewalk width, bicycle width, landscaping, lighting, concrete sidewalks, curb ramps, curb extensions and bus bump outs).
- Conclusions

Councilman Weber inquired what the process would be before moving forward with this project.

Administrator Humphrey and Mr. Matlack explained the process to take place to move forward.

Councilman Gubitosi inquired about the cost and if it would be possible to obtain grant funding.

Mr. Matlack, Administrator Humphrey and Mr. Cannon addressed Councilman Gubitosi's inquiries.

Councilman Gubitosi also inquired about placing wires underground during the construction.

Mr. Matlack responded CME can give the Borough a cost estimate.

Public Comment on Main Street Options:

Paula Gavin, 106 Evergreen Avenue, inquired if the Borough can obtain a long range plan this year for the 130th Town Anniversary and if resident and business input will be a factor before moving forward.

Mayor Fox replied to resident and business input will be accounted for and it may be possible to have a long-range plan for the 130th Anniversary.

Mr. Matlack stated CME could have a conceptual plan or presentation in approximately a month and mentioned a few months of design because approval is needed from NJDOT due to State Right-of-Way.

Shana Greenblatt-Janoff, 414 Monmouth Avenue, inquired about the placement of bike lanes and uniformity of construction and building signage.

Mr. Matlack addressed this inquiry.

Rich Despina, 600 Third Avenue, stated this is a great plan and would like to see improvements throughout the town. Mr. Despina also inquired if residents or the town will be responsible for financing this project.

Ms. Humphrey addressed Mr. Despin's inquiry.

Eileen Shissias, 112 Fourth Avenue, suggested remediation for utility poles.

Administrator Humphrey explained the Borough will look at all poles and explained the process and potential cost of auditing poles and wires.

Anthony Pagano, 800 Main Street, expressed concerns with cost due to economic conditions and parking.

Thomas J. Coan, 612 Third Avenue, stated he feels the maintenance issues can be done for less money.

Nancy Meadow, 805 Beach Avenue, expressed concerns regarding the cost and consulting the public.

William Psiuk, 110 Fifth Avenue, suggested completing the sewer infrastructure before moving forward with this project.

Hybrid Meeting Guidelines:

Municipal Clerk, Erica Kostyz, explained the guidelines and procedures for Hybrid Meetings as listed in Resolution 2022-172.

MINUTES APPROVAL

ON MOTION by Fox/Sexsmith to approve the Council Business Meeting Minutes of May 24, 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 May 24, 2022.

ROLL CALL:

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

APPROVED

Public Comments and Questions on Agenda Items: None

Public Emails received pertaining to Agenda Items: None

ORDINANCE INTRODUCTION(S):

ORDINANCE 2022-6

AN ORDINANCE AMENDING SECTION 123-8: “RULES AND REGULATIONS” OF CHAPTER 123: “BEACHFRONT AREAS AND ADJACENT WATERS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO CLARIFY THAT ALL MOTORIZED OR POWERED BICYCLES ARE PROHIBITED ON THE BEACHFRONT PROMENADE.

ON MOTION by Fox/Sexsmith to introduce Ordinance 2022-6.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

INTRODUCED

ORDINANCE 2022-07

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 5: “ADMINISTRATION OF GOVERNMENT” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO MODIFY AND CLARIFY CERTAIN MEETING RULES, AGENDA GUIDELINES, AND APPOINTMENT POWERS.

ON MOTION by Fox/Weber to introduce Ordinance 2022-7.

ROLL CALL:

AYES: Bonnell, Gubitosi, Weber

NAYS: Sexsmith, Mayor Fox

ABSENT: None

ABSTAIN: None

INTRODUCED

ORDINANCE ADOPTION(S):

ORDINANCE 2022-3

AN ORDINANCE AMENDING THE BOROUGH’S REVISED GENERAL ORDINANCES TO REPEAL CHAPTER 217: “FLOOD DAMAGE PREVENTION” AND REPLACE WITH NEW CHAPTER 217: “FLOOD DAMAGE PREVENTION” TO ADOPT FLOOD HAZARD MAPS AND TO CREATE THE POSITION OF FLOODPLAIN ADMINISTRATOR AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

ON MOTION by Fox/Sexsmith to open the public hearing for Ordinance 2022-3.

ROLL CALL:

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

Public Comment on Ordinance 2022-3:

Donald Greenberg, 302 Park Place Avenue, inquired what the purpose is for this ordinance.

Mayor Fox and Mr. Matlack explained this is a FEMA mandated ordinance being adopted throughout the State.

Mr. Matlack also explained there were a few minor changes that were made specific to the Borough, resubmitted, and approved by FEMA before adoption.

Nancy Meadow, 805 Beach Avenue, inquired about the salary for the Flood Plain Administrator.

Ms. Humphrey explained at present this is not part of the Salary Ordinance.

Mr. Cannon responded this is part of the Zoning Officer's job description.

Shana Greenblatt-Janoff, 414 Monmouth Avenue, inquired if this will cause significant changes to the flood map.

Mr. Matlack confirmed it will not and explained most of the town is not in a flood plain and will not apply to most of the residents.

ON MOTION by Fox/Sexsmith to close the public hearing and adopt for Ordinance 2022-3.

ROLL CALL:

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

ADOPTED

Councilman Sexsmith stated he would be leaving due to a prior obligation and read the following a statement:

I would like to read a letter I wrote following our last council meeting:

Mayor Fox,

I have decided to resign from my seat on the Bradley Beach Borough Council.

When I started my run for office 3 years ago, I ran for a simple reason... Things in town just did not seem like they were being run right. Nothing would have made me happier than to be wrong about that, but unfortunately, I was not. And as a member of the governing body in town we made great strides in identifying and correcting many of them, all while dealing with the challenges presented by a global pandemic. Everything I did while serving on Council I did for the betterment of Bradley Beach, and the last six months serving as Council President, I have worked tirelessly to try and get the various factions

on the Governing Body to try and work together in prioritizing and resolving issues, for the betterment of Bradley Beach. Unfortunately, those efforts have failed. The poisonous atmosphere, the public infighting for cheap political scores, the public and private harassment and badgering of our Borough Employees/Professionals, or the impugning of their ethics, is simply too much. Bradley Beach deserves better.

I never sent this letter, and I am not resigning from my seat on the Council, because then I would be failing to finish what I originally set out to do, which is to improve the Borough, the Borough government, and Borough process for the benefit of all of Bradley Beach's residents, visitors and employees.

Councilman Sexsmith left the meeting at 8:10 p.m.

COMMUNICATIONS :

- Declaration of Emergency for Summertime Pop-Up Parties/Civil Disturbances.
- Land Use Board Resignations and Appointment Memo.
- Shade Tree Commission Resignation and Appointment Memo.
- Recreation Board Appointment Memo.
- Retirement of the Police Captain Memo.

Councilman Bonnell inquired about legalese for the Declaration of Emergency.

Mayor Fox and Mr. Cannon addressed the legalese and explained this is a draft stating that the Borough is prepared should a pop-up party arise in the Borough.

CONSENT AGENDA RESOLUTIONS:

2022-157 Bill List for June 24, 2022.

2022-158 Authorizing a refund in the amount of \$10.00 for a Bulk Sticker.

2022-159 Authorizing a refund in the amount of \$26.00 for overpayment of Permit Fees for 510 Newark Avenue.

2022-160 Authorizing a refund in the amount of \$358.00 for overpayment of Permit Fees for 201 LaReine Avenue.

2022-161 Authorizing Rally Cap Sports to conduct Beach Volleyball for participants with special needs on Wednesdays in July and August from 6:00 p.m. to 7:30 p.m. at the Cliff and Ocean Avenue Beach.

2022-162 Approval of Annual Renewal of Alcoholic Beverage Liquor License for Portuguese Shamrock, LLC T/A Elbow Room Bar and Kitchen.

2022-163 Approval of Annual Renewal for Alcoholic Beverage Liquor License for EMAM LAB, LLC.

2022-164 Appointment of Class I Special Law Enforcement Officer.

Councilman Weber inquired about an item on the Bill List regarding window blinds.

Administrator Humphrey addressed Councilman Weber's inquiry.

ON MOTION by Fox/Weber to Approve the Consent Agenda Resolutions.

ROLL CALL:

AYES: Bonnell, Gubitosi, Weber, Mayor Fox

NAYS: None

ABSENT: Sexsmith

ABSTAIN: None

APPROVED

INDIVIDUAL RESOLUTIONS:

2022-165 Approving Certification of the U.S. Equal Employment Opportunity Commission.

ON MOTION by Fox/Weber to approve Certification of the U.S. Equal Employment Opportunity Commission.

ROLL CALL:

AYES: Bonnell, Gubitosi, Weber, Mayor Fox

NAYS: None

ABSENT: Sexsmith

ABSTAIN: None

APPROVED

2022-166 Approval of the Budget Amendment.

ON MOTION by Fox/Weber to table the Budget Amendment.

ROLL CALL:

AYES: Bonnell, Gubitosi, Weber, Mayor Fox

NAYS: None

ABSENT: Sexsmith

ABSTAIN: None

TABLED

2022-167 Adoption of the 2022 Municipal Budget.

ON MOTION by Fox/Weber to table the 2022 Municipal Budget.

ROLL CALL:

AYES: Bonnell, Gubitosi, Weber, Mayor Fox

NAYS: None
ABSENT: Sexsmith
ABSTAIN: None

TABLED

2022-168 Temporary Emergency Appropriations.

ON MOTION by Fox/Weber to authorize Temporary Emergency Appropriations.

ROLL CALL:

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

APPROVED

2022-169 Appointment of Probationary Police Officer Ian W. Ambrose.

ON MOTION by Fox/Weber to appoint Ian W. Ambrose as a Probationary Police Officer.

ROLL CALL:

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

APPROVED

2022-170 Appointment of Probationary Police Officer Sean Johnsen.

ON MOTION by Fox/Weber to appoint Sean Johnsen as a Probationary Police Officer.

ROLL CALL:

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

APPROVED

2022-171 Establishing a deadline for Implementation of Telecommunications Technology for Hybrid Council Business Meetings.

ON MOTION by Fox/Gubitosi to establish a deadline for Implementation of Telecommunications Technology for Hybrid Council Business Meetings.

ROLL CALL:

AYES: Bonnell, Gubitosi, Weber, Mayor Fox

NAYS: None
ABSENT: Sexsmith
ABSTAIN: None

APPROVED

2022-172 Establishing Hybrid Meeting Guidelines.

ON MOTION by Fox/Weber to Establish Hybrid Meeting Guidelines.

ROLL CALL:

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

APPROVED

2022-173 Approving the inclusion of an Employee Social Media Policy in the Personnel Policy and Incorporated Employee Handbook.

ON MOTION by Fox/Weber to approve the inclusion of an Employee Social Media Policy in the Personnel Policy and Incorporated Employee Handbook.

ROLL CALL:

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

APPROVED

2022-174 Approving the inclusion of a Volunteer Social Media Policy in the Personnel Policy and Incorporated Employee Handbook.

ON MOTION by Fox/Weber to approve the inclusion of a Volunteer Social Media Policy in the Personnel Policy and Incorporated Employee Handbook.

ROLL CALL:

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

APPROVED

ANNOUNCEMENTS: None

MAYOR AND COUNCIL REPORTS:

Mayor Fox:

Our annual Memorial Day festivities were very successful. I appreciate the work of the Committee, particularly Council President Sexsmith and Michele While, who with a great team of employees and volunteers, brought our parade and vendor exhibits back to life. Captain Pettola was a great Grand Marshall and our County, State, and even our Federal representatives joined us. The ceremony that took place Monday honoring and remembering our Military, Fire and EMS, and Police at the park were solemn and inspiring.

The Mayors Wellness Walk this past Saturday was the most successful yet. We had a Children's activity area, and we gave out participation prizes. Many thanks to our sponsors, our residents, our visitors, and our employees and volunteers which made this spring walk successful.

An important meeting will be held this Thursday at 5:00 p.m. It is a Town Hall Meeting to answer any clarifying questions about the Cost estimate provided by our project partners last Friday. From there, we will cover the progress on developing a town-wide survey and the overall timeline. I hope you can attend.

B.A. Humphrey, Chief Guida, and I did an assembly Monday for our seventh and eighth graders on Municipal Government. The eighth graders had just come back from their annual Washington trip and this being the last week of school.

Summer reading begins June 15th. This year's theme is Oceans of Possibilities. All ages are welcome to log their reading through the summer and turn earned points into prizes. We will also have lots of ocean themed programs throughout the summer.

Tuesday, June 6th at 6 p.m., Candide's Garden: A menu of environmental gardening solutions. Take a virtual tour of Candide's Garden located in Lake Como presented by the Rutgers Master Gardeners of Monmouth County. Registration required for Zoom information.

Thursday, June 16th at 6 p.m., What non-obvious factors are holding us back on climate change? Matt Polsky will dive into the philosophical, psychological, and social reasons why we are not addressing Climate Change. Registration required for Zoom information.

Saturday, June 18th from 10 a.m. to 12:00 p.m., Cardboard Creations with Leigh from TrashART Treasures, Adults, teens, and children are invited to create collage art out of recycled materials. This event is geared toward adults, but children three years & older are welcome.

Tuesday, June 28th at 5:30 p.m., Author Reading: The Bee and the Fly. Authors Lorraine Tosiello and Jane Cavolina of the new book "The Bee and the Fly: The Improbable Correspondence of Louisa May Alcott and Emily Dickinson" will read some of their letters and share the inspiration for writing this book at this in-person event.

Thursday, June 30th at 3:15 or 4:00 p.m., Jenkinson's Aquarium: Habitat Habits will kick off for Summer Reading about the Ocean, children will learn the key factors every habitat must provide to support life.

Thanks for your continued patience around the sewer infrastructure project. We are listening to your input and addressing issues as they come up. We are progressing.

Last, as we get the first 6 months of 2022 completed, it is important to share with the public where we anticipate our focus to be.

Councilman Bonnell:

Gave the Fire, First Aid and Police weekly Activity reports.

Councilman Gubitosi:

In our last meeting, on May 24th, in my Council Comments, I said that I wanted to be more transparent. I wanted to better inform the public regarding our Council activities. I referred to my “Council Comments” as “I WANT PEOPLE TO KNOW” because that is my goal, to inform the public. Over the past few weeks a few people thanked me for sharing my thoughts. However, a few thought my comments might be borne from frustration and a few have shared that they think the role of a Council person is “THANKLESS”. So, let me start my comments tonight by saying that the role of a Council person is not thankless. It can be challenging, frustrating, and often very time consuming, but it is not “Thankless”. In fact, it is often very rewarding, and I really enjoy the opportunity we have been given to serve the public. Please remember that my comments tonight are intended to continue to inform the public.

Why Newark Avenue striping, scheduled for June 1st was Cancelled

During our May 24th Council meeting, it was announced that Newark Avenue striping would be conducted on Wednesday, June 1st – just two days after Memorial Day, a handful of Newark Avenue residents, speaking for many of their neighbors, frantically sent emails to the entire Council raising concerns about the lack of notice provided and the lack of public engagement. Most of the Council was not privy to this planning. What our residents did not know, and what our Administration had forgotten, was that our Council passed a resolution in June of 2021 that prohibited “unilateral action” related to parking by the Mayor. Specifically, this resolution was developed after the unannounced striping of the 100 and 200 blocks of Newark Avenue last year. Once this resolution was presented to the Mayor, he quickly cancelled the striping contractor, the day before the striping was to occur. This was clearly a “win” for our residents who simply want to have their voices heard, especially when it comes to decisions on parking that affect their daily lives. Resolution 2021-158 places very specific requirements on our Government to protect our residents. Before Parking changes can occur, we are required to follow a process that includes:

- 1) “Expert” opinions to be solicited.**
- 2) Public sharing of information and feedback obtained.**
- 3) Full Council involvement in the final decision.**

The Fletcher Lake Commission is trying to determine why 15 Memorial Benches were removed from the Pavilion Area.

I serve as the Liaison to the Fletcher Lake Commission. During the Fletcher Lake Commission meeting on June 8, 2022, the Fletcher Lake Commission members informed me that they were very concerned about the "disappearance" of approximately 15 "memorial benches" from the Fletcher Lake Pavilion area of our boardwalk. They had no information as to how , or why these benches were removed. Since the Commission "sponsors" the sale of these benches that memorialize the purchaser's loved ones, the Commission feels a strong responsibility to protect these benches. The Commission believes that the Borough's Administration might have requested the removal of the benches. Acting as the Fletcher Lake Commission Liaison, over the weekend I wrote to Mayor Fox and our Borough Business Administrator, Ms. Humphrey, to request additional information regarding the removal and hopefully the ultimate return of these benches. As of the start of the Council meeting this evening, I have not received an update as to the disposition of these memorial benches. If there is information available to share with the Fletcher Lake Commission, perhaps the Mayor can provide it tonight.

Trash and Recycling Amendments are still being discussed at the Council level.

In our last Council meeting on May 24th, we workshopped potential changes to our Trash and Recycling Ordinance, Chapter 286. In our form of Government, the powers of the Mayor and the Council are often distinguished by whether the “power” in question aligns with Borough “Operations” (or the “Direction of Borough Employees”), which falls under the Mayor’s control. If the “power” in question aligns with “Strategic vision” or “Policy,” then it typically falls under the Council’s guidance. Three Council members, myself, Councilman Bonnell and Councilman Weber, continue to believe that this is a “policy” issue and, therefore, the frequency of recycling pick-up should be determined by the Council. Why do we feel this is “Policy”? Because the frequency of pick-ups impacts the taxes our residents pay, and potentially affects issues tied to residents’ health and safety. Three of us do not believe that establishing the frequency of pick-up equates to the “direction of employees.” Following our May 24th Council meeting, we asked the Mayor and our attorneys to include our proposed edits to our Recycling and Trash pick-up Ordinances in tonight’s agenda. Our Borough attorneys denied our request, stating that frequency of pick-up is included in “the direction of employees” and is not a “policy” issue for the Borough. I want people to know that three Council members will request our Borough Attorneys to reconsider their position on this issue.

I have an update on the “Serial OPRA Requestor” whom I called out last Meeting
In our last Council meeting,

I described concerns tied to an “Anonymous, Serial OPRA Requestor” with questionable motives. Please let me be clear, Anonymous OPRA requests are legal. However, there are concerns regarding this Anonymous OPRA email account. For example, this account uses a fictitious Gmail Account name, the name of which begins “LynLarry” ; I will not provide the full Gmail name here. This name certainly suggests that the author of these OPRA requests might not be sincere or well-intentioned was generating an extraordinary amount of activity, requiring various Council members to spend hours researching documentation for one or more years of communications for a given topic; including requiring Mayor Fox to spend “double-digit” hours responding over a holiday weekend, seemed to “harass” Council members at times, including Councilman Bonnell, targeted by a separate OPRA request focused only upon Mr. Bonnell’s efforts to determine the identity of the requester, and myself within 3 hours of completing a meeting with our First Aid Volunteers to determine what was communicated in that meeting, threatened our Borough Clerk, stating that they had contacted a known OPRA litigation attorney, and inferred that they would sue the Borough if the Clerk did not accelerate OPRA responses that were due, ironically, the delays were caused by me, not the Clerk and likely has cost the Borough thousands of dollars in legal fees, since each Council Person’s response to an OPRA request must be reviewed by a Borough attorney, for issues of possible confidentiality which may require text redactions. Interestingly, the day following my comments during the May 24th Council meeting, two outstanding OPRA requests were rescinded by the Serial OPRA requestor. Of course, none of my four OPRA topics open at that time were rescinded. Given that this requestor was anonymous, it was difficult to speculate upon his or her motives. The Open Public Records Act (OPRA) is designed to protect and empower the public, so my hope was that these requests were not an abusive attempt to “spy” on my activity as a Council person. Two weeks ago, I was asked if I knew the identity of this person. I did not. Now, I honestly still do not know. However, I do have some very peculiar evidence I want to share, which seems to point in the direction of Council President Sexsmith. I reached out to Tim over a week ago and asked if we could talk about this topic. He answered that he had no time to talk for at least a week. He has made no effort to speak with me since. At this point, all I can do is share "the facts" as I know them, which are:

1. I collected ten of the OPRA requests submitted to the Borough by the “Lyn Larry” gmail account.
2. I made OPRA requests of the four Council members other than myself, asking to confirm if any had prepared OPRA request forms for the Lyn Larry account. On May 30th, the Clerk

- confirmed to me that all our Council members had not created any of these OPRA requests.
3. I used computer software to review the properties for each of the 10 PDF requests that I received, and six of the 10 PDFs indicate that they were originated by a computer used by Council President Tim Sexsmith. The "digital fingerprint" from the OPRA Requester's computer for these six PDFs matched a separate PDF document that Mr. Sexsmith sent to the Council regarding Workshop Schedules.
 4. It appears to me that either Council President Sexsmith's computer was used to create these OPRA Request Forms or someone has gone to great effort to incriminate Tim; perhaps by "doctoring" the digital fingerprints on the OPRA PDFs submitted by Lyin Larry.
 5. Finally, I know that Councilman Bonnell told me that he had a conversation with Mr. Sexsmith and that Mr. Sexsmith "admitted" to being the author of these OPRA requests in that conversation. I was not a witness to this conversation, nor do I know the context of this alleged conversation.

At this point, all I can do is share the facts as I know them with the public. My hope is that we can resolve this expediently, especially if Mr. Sexsmith is being falsely incriminated by someone else. In any event, the OPRA requests from this Anonymous individual have ceased at least since my Council comments from May 24, 2022.

Councilman Weber reported the following:

- Congratulated Captain Zulla on his retirement.
- Wished everyone a "Happy Flag Day."
- Stated the revisions made to the Volunteer Social Media Policy are much improved.
- Suggested the names of applicants not selected for Boards and Commissions are shared with the Board or Commission Chair to discuss for placement of future vacancies.
- Mentioned all the trees that have been planted received a tree bag to keep them hydrated until November or December.
- Commended the Fire Department for their work in extinguishing the fire over the weekend and requested the cost of that fire and how it started.
- Inquired the Governing Body will be moving forward with the Standing Committee process.

Mayor Fox replied not at this time; however, this can be discussed later.

- Announced the School Board is conducting a meeting this evening to select a Superintendent.

In person Public Comment:

Anthony DiMaio, 221 Lake Terrace, spoke about serving on the Fletcher Lake Commission and the Memorial Benches at the Lake that were recently removed due to disrepair and asked Council on behalf of the Commission to replace them.

A discussion ensued between Ms. Humphrey and Mr. DiMaio regarding the condition and removal of these benches and what is required from the Fletcher Lake Commission to replace the benches that were removed for ADA compliance and disrepair.

Shana Greenblatt-Janoff, 414 Monmouth Avenue, spoke about the issue of weekly recycling remain permanent and recommended placing recycling bins around the town.

Councilman Weber mentioned the Recycling Coach App.

Joe Kulick, 509 Monmouth Avenue, recommended using the Firehouse for the Town Hall Meeting this Thursday.

Mayor Fox addressed Mr. Kulick's suggestion.

Terence Wright, 406 Madison Avenue, expressed concerns regarding the future expenditures of the sewer rehabilitation and the United Methodist Church and the potential impact this will have on property taxes.

Thomas Gavin, 414 Fourth Avenue, inquired if the Police Captain's retirement pay-out for accrued time will fall under the 2022 budget and inquired about items on the bill list.

Ms. Humphrey addressed Mr. Gavin's inquiries.

Mr. Gavin thanked the Borough Administrator for giving free beach badges to the eighth-grade graduates.

Donald Greenberg 302 Park Place Avenue inquired when the sewer work will be done on his street.

Conversation ensued between Mr. Greenberg and Mr. Cannon regarding public view of the Social Media Policies.

Conversation ensued between Mr. Greenberg, Ms. Humphrey and the Governing Body regarding the dismantling the railroad cars and the Veteran Relocation Project.

John Naples, 1009 Ocean Avenue, asked Councilman Gubitosi if he cleared his accusation towards Council President Sexsmith regarding the anonymous OPRA requestor prior to his report this evening.

Councilman Gubitosi responded he tried to clear this with two town Attorneys. Both Attorneys told Mr. Gubitosi they could not provide additional guidance due to potential conflict amongst Council Members.

Eileen Shissias, 112 Fourth Avenue, inquired about an item on the bill list regarding Newark Avenue striping.

Ms. Humphrey addressed this inquiry.

Brigitte McGuire, 610 Brinley Avenue, thanked Councilman Gubitosi for his report this evening regarding Councilman Sexsmith being linked to the anonymous OPRA requestor.

Mia Mutascio, 401 McCabe Avenue, spoke about placing Borough Events on the website.

Thomas McGuire, 610 Brinley Avenue, inquire about when hybrid meetings will begin.

Conversation ensued regarding the format, equipment and process for hybrid meetings.

Nancy Meadow, 805 Beach Avenue, spoke about hybrid meetings, Flag Day, Ordinance 2022-6, enforcement of rules on the beach, the attendees of the Executive Sessions and change in form of Government.

Lauren Egbert, 404 ½ Brinley Avenue, suggested the public be given more notice for Town Hall Meetings and spoke about the potential costs for 319 LaReine Avenue.

Thomas J. Coan, 612 Third Avenue, thanked the Council for his \$10.00 refund for a bulk sticker and suggested better public advertising for “punch cards” for bulk items.

William Psiuk, 110 Fifth Avenue, thanked the DPW, the volunteers and the Police Department for doing a great job for the Memorial Day Parade.

Mr. Psiuk expressed concern regarding lack of unity amongst the Governing Body during the Memorial Day Parade.

Mr. Psiuk expressed his concerns regarding Councilman Gubitosi’s report regarding the accusations made against Councilman Sexsmith.

Debra Bruynell, 401 Fifth Avenue, expressed concern regarding Councilman Gubitosi’s report regarding Councilman Sexsmith and does not feel it is proper to judge before the accusation is proven.

Public Comment via email on any topic: None

EXECUTIVE SESSION:

Resolution 2022-175 Retire into Executive Session to discuss Litigation Matters.

ON MOTION by Fox/Weber to retire into Executive Session at 9:40 p.m. to discuss Litigation Matters.

ROLL CALL:

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

APPROVED

ON MOTION by Weber/Gubitosi to return from Executive Session at 10:05 p.m.

ROLL CALL:

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

ADJOURNMENT:

ON MOTION by Fox/Weber adjourn at 10:10 pm.

ROLL CALL:

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

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


Erica Kostyz, RMC, CMR
Municipal Clerk