

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

**SEPTEMBER 13, 2022 AT 6:30 P.M.**

**IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON AND/OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (N.J.S.A. 10:4-8b).**

**THIS MEETING WAS HELD IN-PERSON AND THROUGH THE ZOOM MEETING PLATFORM, BEING BROADCAST FROM BOROUGH HALL, 701 MAIN STREET, BRADLEY BEACH, NJ 07720. PUBLIC PARTICIPATION FOR THIS COUNCIL BUSINESS MEETING OF SEPTEMBER 13, 2022 WAS AVAILABLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE AND THE FRONT OFFICE. THE REMAINDER OF COUNCIL MEETINGS (RESOLUTION 2022-211 ADOPTED AUGUST 23, 2022) FOR CALENDAR YEAR 2022 WAS ADVERTISED IN THE NEW COASTER AUGUST 25, 2022 AND THE ASBURY PARK PRESS ON AUGUST 26, 2022.**

**WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE MUNICIPAL CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.**

**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 September 13, 2022 Council Business Meeting:**

**Councilman Bonnell (arrived at 7:20 p.m.) Councilman Gubitosi, Councilman Sexsmith,  
Councilman Weber, Mayor Fox**

**Borough Administrator: Kimberly M. Humphrey**

**Municipal Clerk: Erica Kostyz**

**Deputy Municipal Clerk: Michele Whille (ZOOM Operator)**

**Borough Attorney Alternate: Christina Malamut, Esq.**

**EXECUTIVE SESSION:**

**ON MOTION by Fox/Sexsmith to retire into Executive Session at 6:40 p.m. to discuss an Anticipated Litigation Matter.**

**Resolution 2022-218 Retire into Executive Session to discuss an Anticipated Litigation Matter.**

**ROLL CALL:**

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

**ON MOTION** by Fox/Sexsmith to return from Executive Session at 7:00 p.m.

**ROLL CALL:**

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

**The Council Business Meeting resumed at 7:00 p.m.**

**WORKSHOP DISCUSSIONS:**

**2021 Planning Board Recommendations**

**Councilman Gubitosi stated he did not have the recommendations and stated it was his hope to discuss the ten recommendations presented to the Planning Board in 2021 by the Strategic Task Force, especially the implementation of hotels for non-permitted use on Main Street which the Planning Board was not in agreement with. Councilman Gubitosi requested the recommendations be obtained to discuss at another workshop at a later date.**

**Further discussion ensued amongst the Governing Body and Ms. Mamamut regarding responsibility of obtaining the data for a future public discussion and concerns allowing hotels on Main Street and an additional liquor license if a hotel has a certain number of rooms.**

**Public Comment:**

**In Person:**

**William Psiuk, 110 Fifth Avenue, stated members of the Strategic Task Force and the Planning Board discussed all ten of the recommendations that were presented and agreed to allowing hotels on Main Street. Mr. Psiuk stated there are Borough ordinances in effect that would prevent an overbuilt hotel, in addition a hotel would be State regulated.**

**Further discussion ensued between Mr. Psiuk and Councilman Gubitosi regarding important topics that need to be addressed namely Air B and B's.**

**Thomas J. Coan, 612 Third Avenue, feels there is not a benefit in having a hotel and expressed concerns regarding transit villages and liquor licenses.**

**ZOOM: None**

**New State Multi-Family Dwelling Insurance Information Collection Requirements**

**Borough Code Inspector and Fire Marshall Paul Murphy explained this is new legislation requiring all business owners and owners of multi-family rental units to maintain certain levels of liability insurance and register a certificate of insurance with the municipality where the business rental unit is located.**

**Municipalities will be required to obtain and file these insurance certificates, in addition there is verbiage in the State law that states the Municipality is authorized to charge an administrative fee for the certificate registration. Additional to obtaining and filing, will be the enforcement and compliance.**

**Ms. Malamut stated the Borough will need to decide a reasonable administrative fee, when to file and who will oversee this process. Ms. Malamut continued the Borough will need to decide where this will fit in the current Code and mentioned Chapters 303, 160 and 350.**

**Ms. Humphrey stated a feature/module can be added to the software to track these forms.**

**Councilman Sexsmith inquired if there will be an additional cost to add a module to the software.**

**Mr. Murphy suggested the forms be uploaded to the Landlord Registration file module on an annual basis rather than creating a separate module.**

**Mayor Fox asked if this can be done within the six-week timeframe.**

**Ms. Humphrey responded yes.**

**Councilman Gubitosi inquired how this legislation aligns with short-term rentals.**

**Ms. Humphrey responded this would be placed on the application.**

**Public Comment:**

**In Person:**

**Thomas J. Coan, 612 Third Avenue, asked if the town must be listed on the certificate as additionally insured.**

**Ms. Malamut responded not under the law.**

**Mr. Coan inquired if the Landlord Registration form is an annual process.**

**Ms. Malamut responded not currently but will be.**

**Mr. Coan suggested using a third-party company to manage the annual notification.**

**Thomas McGuire, 610 Brinley Avenue, inquired if he would need to pay a fee as a business owner that rents the space.**

**Conversation ensued between Mr. McGuire, Ms. Malamut and Mayor Fox regarding fees.**

**ZOOM: None**

**PRESENTATIONS**

**Open Space Grant Application Public Hearing for a Municipal Park Improvement.**

**Drew Pavlick of CME Associates introduced the grant program and discussed the proposed project for the Recreation Center Park. The proposed project was described as improving the public park at the Recreation Center including reconstructing the perimeter path (pavers), resurfacing the existing tennis and basketball courts, adding site amenities (benches and receptacles), and drainage improvements to the playground area.**

**Mr. Pavlick stated the hearing this evening is for the purpose to grant authorization to apply for the program.**

**The estimated Recreation Park estimate cost is \$500,000.00 with a maximum match of \$250,000.00 from the County.**

**Ms. Humphrey and Borough Recreation Coordinator Courtney Pappas showed support to the proposed grant application.**

**Councilman Weber inquired if tree removal and replacement could be included in the project.**

**Mr. Pavlick responded yes.**

**Public Comment:**

**In Person:**

**Julie Nuitaitis, 605 Newark Avenue, requested an itemized breakdown be provided for public review.**

**ZOOM: None**

**MINUTES APPROVAL**

**ON MOTION by Fox/Sexsmith to approve the Council Business Meeting Minutes of August 23, 2022.**

**ROLL CALL:**

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

**APPROVED**

**ON MOTION by Fox/Sexsmith to approve the Executive Session Minutes of August 23, 2022.**

**ROLL CALL:**

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

**APPROVED**

**Public Comments on Agenda Items:**

**In Person:**

**Thomas J. Coan, 612 Third Avenue, inquired about an item on the bill list regarding a donation to the First Aid Squad.**

**Ms. Humphrey responded to the inquiry.**

**ZOOM: None**

**ORDINANCE INTRODUCTION(S): None**

**ORDINANCE ADOPTION(S):**

**BOND ORDINANCE 2022-10**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO PARK PLACE AVENUE PHASE I, APPROPRIATING \$556,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$363,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY.**

ON MOTION by Fox/Sexsmith to open the public hearing for Bond Ordinance 2022-10.

ROLL CALL:

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

**Public Comment: None in person or via ZOOM.**

ON MOTION by Fox/Sexsmith to close the public hearing and adopt for Ordinance 2022-10.

ROLL CALL:

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

**BOND ORDINANCE ADOPTED**

**BOND ORDINANCE 2022-11**

**BOND ORDINANCE PROVIDING FOR STORMWATER OUTFALL IMPROVEMENTS, APPROPRIATING \$3,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY.**

**Mayor Fox addressed this ordinance is a shared cost with the Borough of Avon.**

**Councilman Gubitosi questioned why the wording was slightly changed.**

**Ms. Humphrey responded this was a Bond Counsel decision and explained it will state in the agreement both towns will share the costs and reiterated this is an estimated cost.**

**Councilman Gubitosi inquired where the capital costs will be appropriated from.**

**Ms. Humphrey responded the Beach Utility.**

ON MOTION by Fox/Sexsmith to open the public hearing for Bond Ordinance 2022-11.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**Public Comment: None in person or via ZOOM**

ON MOTION by Fox/Sexsmith to close the public hearing and adopt for Ordinance 2022-11.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**BOND ORDINANCE ADOPTED**

**COMMUNICATIONS :**

- **Salary Amount Amendment to the 8-23-22 Seasonal Lifeguard Employee Memo.**

**CONSENT AGENDA RESOLUTIONS:**

**Resolution 2022-219 Bill List for September 13, 2022**

**Resolution 2022-220 Approval of a Refund for a Block Party Application in the amount of \$100.00.**

**Resolution 2022-221 Authorizing Coastal Rhythms Association to conduct their Silent Disco in September and October on the Fifth Avenue Beach.**

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

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

**RESOLUTIONS ADOPTED**

**INDIVIDUAL RESOLUTIONS:**

**Resolution 2022-222 Authorizing preparation and submittal of a Municipal Open Space Grant Program for Fiscal Year 2023**

ON MOTION by Fox/Sexsmith to adopt Resolution 2022-222

**ROLL CALL:**

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

**ADOPTED**

**Resolution 2022-214(A) Amendment to Resolution Authorizing the Award of an Emergency Procurement for Ocean Park Avenue Stormwater Outfall.**

ON MOTION by Fox/Sexsmith to adopt Resolution 2022-214(A).

**ROLL CALL:**

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

**ADOPTED**

**ANNOUNCEMENTS: None**

**MAYOR AND COUNCIL REPORTS:**

**Councilman Bonnell:**

**Gave weekly reports for the Fire and First Aid Departments.**

**Councilman Gubitosi:**

- **Mentioned the Shade Tree plan for the Tree Inventory.**
- **Sylvan Lake Commission is looking to secure grant funding.**
- **Commended the Fire Department for assisting with a sparking transformer in front of his home this past weekend.**

**Councilman Sexsmith:**

- **Gave the weekly Police Department report.**
- **Mentioned the recent Board of Education Event.**
- **Announced upcoming recreation programs.**
- **Represented the Borough at the County 9-11 Ceremony this past ceremony and commended the Borough Administrator, Police Department, Fire Department and EMS Department for their services they provided on September 11, 2001.**

**Councilman Weber:**

- Stated three workshops could have been placed in this agenda.
- The Shade Tree Commission got a grant to cover the Tree Inventory. Mr. Weber stated there are 1011 tree vacancies.
- Mr. Weber stated the Tree Inventory notes sidewalk deflection.
- Spoke about the upcoming Energy Aggregation Bid Auction in November.

Administrator Humphrey spoke about the following:

- Monthly Engineer Report
- Solid Waste RFP
- Utility Pole Inventory
- Beach Avenue Drainage Study
- Improvements to Park Place Avenue
- Open Space Application
- Ordinance Reviews
- 9-11 Ceremony
- Latin Fest
- Tree Inventory

**Mayor Fox:**

I usually comment each meeting on key events or occurrences, and our general performance, whether it be beachfront, Public Works, or Public Safety. That will not be the case tonight, with the exception of one update; Our beach revenue was up six percent. Pre-Covid, we averaged about \$1 million, five hundred, so we have indexed up over thirty percent.

Now let me shift.

There is an exasperating number that is a problem for our community: that number is ten. What am I referencing? Key position turnover.

Over the last few years:

CFO's-	Three
Business Administrators-	Three
Borough Attorneys-	Two
Municipal Clerks-	Two
<b>Total</b>	<b>Ten</b>

This is not normal.

I need to comment on the Council's interaction and seeming lack of respect for our Professional Staff that we contract with each year, and our Municipal Employees. I question people's motives, behaviors, and actions that would cause this situation.

I have navigated through this situation to the best of my abilities, hoping not to affect service to our residents and progress of the administration, which is again comprised of our municipal employees and professional staff. Although not ideal, this tenor has been a reality. The situation was worsened since January, though; and it needs to be reversed.



**These efforts include a misinformation and “gaslighting” effort on social media of a dozen or so “topics.” Unfortunately, they have drifted into innuendo, lies, and half-truths relative to some of our employees and professionals. This is unacceptable, to say the least.**

**Some of the challenges and unprofessional behavior that has occurred since last year has affected our municipal employees and professionals. As you may know, we have settled a lawsuit by a former employee in early 2021, a vote on which I abstained because it was not during my tenure. I do not want a repeat of this situation, ever!**

**The most frustrating thing is that these are people’s careers and professional reputations that are at stake; but seem to be “at play;” and I use the word “play” in that sometimes I think actions by some have ZERO self-awareness nor a focus on all of our residents. We are back to “power and control” unfortunately.**

**This must change. We need a council that puts this “stuff” aside and moves us forward- work the problem, make progress. I hope that people can see that.**

**I want a Brighter Bradley Beach and I am hopeful. We have so much upside potential if you can believe it. I certainly do.**

**I hope we have the ability to conform to roles and responsibilities and move in a positive direction . We will see.**

**That is my report.**

**Public Comment:**

**In Person:**

**Nancy Meadow, 805 Beach Avenue:**

- **Expressed complaints regarding the smart camera used for the Council Meetings.**
- **Thanked the CME Representative for the Open Space Grant presentation.**
- **Spoke about the Connect and Quench meeting with the Mayor last week.**
- **Voiced complaints regarding the website.**

**Jean Leahy, 419 Park Place Avenue, spoke about miscommunications regarding the location for Senior Club meetings.**

**Peter Sharpe, 301 Second Avenue, had several inquiries regarding the Energy Aggregation Program.**

**Councilman Weber addressed Mr. Sharpe’s inquiries.**

**Rick Bartolomei, 116 Newark Avenue, 116 Newark Avenue, inquired about the Silent Disco Event on the Agenda and the status on the Sewer Feasibility Study.**

**Clerk Kostyz responded to the Silent Disco inquiry.**

**Ms. Humphrey responded the RFP resolution at the last meeting did not pass and there is currently no status for the Sewer Feasibility Study.**

**Thomas McGuire, 610 Brinley Avenue, asked the Mayor to elaborate on previous comments regarding miscommunications on social media.**

**Mayor Fox and Ms. Malamut both replied to these inquiries would not be answered at this time as they involve a personnel issue.**

**A conversation ensued between the Administrator, Ms. Malamut, Mayor Fox and Mr. McGuire regarding social media communications.**

**Jim Byrnes, 401 Fifth Avenue, suggested taxing Air B and B's and creating ordinances to set guidelines for these establishments.**

**Linda Duffy, 312 Brinley Avenue:**

- **Suggested alternate placement of beach lockers to make it more convenient for patrons to access the beach.**
- **Inquired about yellow marking lines on curbs.**
- **Requested more information be placed on the paper Borough Calendar.**
- **Suggested alternate side of the street parking for street sweeping.**
- **Stated she is not in favor of having a hotel on Main Street**
- **Stated she cannot find LUB minutes on the website.**
- **Requested Councilman Weber to speak about Lantern Flies.**

**Councilman Weber explained what Lantern Flies are and who to contact if they create an issue.**

**Herb Kenny, 216 Brinley Avenue, spoke about long term ordinances he feels not being applied. Mr. Kenny read a statement regarding a denial issued from the previous Zoning Officer pertaining to dormers.**

**Thomas J. Coan, 612 Third Avenue:**

- **Expressed frustration regarding public commentary during meetings.**
- **Spoke about his frustration of not getting information he is entitled to and therefore he feels OPRA is necessary.**

**Thomas Gavin, 414 Fourth Avenue, thanked the Borough Attorney and the Municipal Clerk for their assistance with election candidacy residency challenges.**

**William Psiuk, 110 Fifth Avenue, disagreed with Mr. Coan's comments regarding OPRA. Mr. Psiuk spoke about recent false information on social media and how this is negatively affecting residents.**

**ADJOURNMENT:**

**ON MOTION by Fox/Bonnell 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 9:05 P.M.

*Erica Kostyz*  
Erica Kostyz, RMC, CMR  
Municipal Clerk