

REGULAR MEETING
January 26, 2010

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the council chamber on the above date.

Mayor Julie Schreck opened the meeting with a salute to the flag.

Sunshine Law

The meeting has been noticed publicly according to the Open Public Meetings Act requirement for “Annual Notice”, and posted on the official bulletin board.

Roll Call 6:35PM

Present: Council: Cotler, Marchak-Ortiz, Engelstad, Galassetti
Mayor Schreck
Borough Attorney Patrick Diegnan
Business Administrator O’Reilly
Secretary: Municipal Clerk Mary Ann Solinski

DISCUSSION ITEMS

Locker Fees- Mayor Schreck recommended raising the annual rental fee to \$150.00 due to increases in the annual cost for maintenance of the lockers. She also said that the \$150 fee would be the first place to start to increase revenue in the Borough. Councilman Galassetti agreed stating that considering the efforts that go into preparing the units for the season and transporting them back and forth off the beach that \$150.00 was not unreasonable. Councilwoman Marchak-Ortiz felt that a 50% increase would be too high at this time noting that the fee was raised from \$75 to \$100 in 2005. Council agreed on that a \$125 would be more reasonable for a set period of years.

Council discussed the Administrator’s status report on the North End Parking Lot. The area serves several purposes including a staging area for Borough equipment, construction projects, parking for lifeguards and emergency vehicular access to the beach. As the area has been a concern for area residents who have complained that the area is visually unappealing in the past, many improvement ideas have been considered such as improving the site with parks, new concession and landscaping for aesthetically pleasing appearance. Council agreed to landscape the perimeter of the lot. Councilwoman Marchak-Ortiz suggested contacting the Fletcher Lake Committee for their ideas. Councilman Cotler stated that whatever is planted should effectively conceal some of the area as soon as it is planted to help beautify the area immediately. Councilman Engelstad suggested that Council visit the site for ideas.

Mayor Schreck proposed changing the way the Borough handles the preparation of Council Agenda by having the Clerk prepare the agenda including posting on the Borough's website at least twenty-four hours prior to the scheduled meeting as a number of items are submitted for consideration after the current deadline. Meeting packets including a draft agenda would be made available to Council on the preceding Friday. Councilman Galassetti stated that he likes the present code and Councilwoman Marchak-Ortiz opposed the proposal as she felt that items may be slipped in. Councilman Cotler agreed that the agenda should be set by the latest the Friday preceding the meeting. Mayor Schreck noted that unless an item is extremely urgent it will not be considered until the next meeting if not submitted in accordance with the present code.

ITEMS ADDED TO AGENDA

On motion by Schreck/Galassetti to add Councilman's Cotler announcement of starting a collection for donation of toys for the children of Haiti.

On motion by Schreck/Galassetti to have the Engineer present his Engineering Report on various projects

On motion by Schreck/Galassetti to take action on the following items:

1. Correspondence from Kaleidoscope of Hope for Walkathon on September 25, 2010
2. Appointments for Board of Adjustment

Councilman Cotler reported that he has started a local toy donation drive for the children of Haiti noting that the collections continue for the rebuilding of Haiti's infrastructure after the recent earthquake, he is seeking help for the youngest and smallest of the victims. He asked that a collection of non-battery operated toys be started dropped off in Borough Hall, his medical office and the Library noting that although they are playing in rubble, he believes that the residents help put a smile on the faces of the children of Haiti. Councilwoman Marchak-Ortiz commended his idea and advocated that collection bins be placed around town.

APPROVAL OF MINUTES

On Motion by Schreck/ Galassetti to approve the minutes for December 2009.
ROLL CALL AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None

APPROVED MOTION.

PUBLIC COMMENT

Pat Philips asked when Council will establish the fee for first time rental of lockers.
Mayor Schreck responded Council will set a fee within the next month.

INTRODUCTION OF ORDINANCES

ORDINANCE 2010-1

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

ON MOTION by Schreck / Galassetti moved to adoption.

ROLL CALL AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None

PENDING ORDINANCE

COMMUNICATIONS

On Motion by Schreck / Galassetti approved Avon First Aid & Safety Squad's request for closure of Evergreen and Ocean Avenues for their 15th Annual 5K Run/Walk on Saturday, June 5, 2010 which starts at 8:30 AM.

ROLL CALL AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None

APPROVED MOTION.

On Motion by Schreck / Galassetti approved Friends of the Bradley Beach Rec request to use the Carmen Biase Center for their monthly meetings on the 1st Thursday of each month during 2010.

ROLL CALL AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None

APPROVED MOTION.

On Motion by Schreck / Galassetti approved Kaleidoscope of Hope request for use of the boardwalk for their 4th Annual Walkathon on September 25, 2010 between 10:45 and 11:45 AM.

ROLL CALL AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None

APPROVED MOTION.

RESOLUTIONS

Resolution 10 **AUTHORIZES VOUCHER WARRANTS ON THE TREASURY FOR PAYMENT OF BILLS.**

ON MOTION by Schreck / Galassetti moved to adoption.
ROLL CALL AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
 NAYS: None

ADOPTED RESOLUTION

Resolution 11 **REQUESTS THE APPROVAL OF THE DIRECTOR OF DCA TO ESTABLISH A DEDICATED TRUST BY RIDER FOR DONATIONS FOR LIFEGUARD EQUIPMENT**

ON MOTION by Schreck / Galassetti moved to adoption.
ROLL CALL AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
 NAYS: None

ADOPTED RESOLUTION

Mayor Schreck offered a resolution to establish 2010 Locker Rental fees at \$150. There was no second. Motion not carried.

Resolution 12 **ESTABLISHES SEASONAL RENEWAL LOCKER RENTAL FEES FOR 2010 AND 2011.**

ON MOTION by Engelstad / Marchak-Ortiz moved to adoption.
ROLL CALL AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
 NAYS: None

ADOPTED RESOLUTION.

Resolution 13 **AUTHORIZES BOROUGH ENGINEER BRUCE KOCH TO PROCEED WITH THE PUBLIC WORKS BUILDING EXPANSION PROJECT PLANS, SPECIFICATIONS, AND BID DOCUMENTS AND BID PHASE SERVICES FOR A FEE NOT TO EXCEED \$9,983.00.**

ON MOTION by Engelstad / Galassetti moved to adoption.
ROLL CALL AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
 NAYS: None

ADOPTED RESOLUTION.

Resolution

**AUTHORIZES THE BOROUGH CLERK TO
ADVERTISE FOR BRINLEY AVENUE CONCESSION
BIDS**

ON MOTION

by Schreck / Galassetti to table action as further research is required.

ROLL CALL

AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None

TABLED RESOLUTION.

Resolution

**AUTHORIZES THE BOROUGH CLERK TO
ADVERTISE FOR ATM BIDS.**

ON MOTION

by Schreck / Cotler to table action as more research is required.

ROLL CALL

AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None

TABLED RESOLUTION.

MAYOR'S APPOINTMENTS

Resolution 14

Mayor Schreck announced the following appointments:

Board of Adjustment

Regular Members

Alternate Members

Kathleen McGorry

Expires 6/30/2010

Robert Quinlan Expires

Expires 6/30/2011

Timothy Sexsmith

Expires 6/30/2011

Joseph Battipaglia

Expires 6/30/2010

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None

ADOPTED RESOLUTION.

REPORTS

Councilman Galassetti reported that Public Works is preparing for the upcoming season by rebuilding lifeguard storage cabinets, reported that warnings have been issued for recycling violations but that notices will be given and fines issued shortly. He also reported on upcoming Recreation Department programs.

Mayor Schreck reported that the Borough officials are facing a tough challenge preparing this year's budget with loss of revenue, reduced state aid, unfunded state mandates.

PUBLIC COMMENT

Ben Waters reported that the Recreation Boys Basketball Team won their first game in two years.

Ptlm. Arnold said that PBA Local 50 fully supports Councilman Cotler's toy drive for the children of Haiti and will donate \$100 toward the cause as well as each officer donating a gift.

A resident congratulated all governing body members involved in the improvements within the Borough over the past seventeen years.

Resolution 15

**RESOLUTION TO RETIRE INTO EXECUTIVE SESSION
(Pursuant to N.J.S.A. 10:4-13 et seq.). AS RECOMMENDED BY
THE BOROUGH ATTORNEY FOR DISCUSSION OF
CONTRACT NEGOTIATION MATTERS WITH PBA LOCAL
50.**

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

AYES: Cotler, Marchak-Ortiz, Engelstad, Galassetti, Schreck

NAYS: None

ADOPTED RESOLUTION.

Council retired into Executive Session at 7:40 PM at the Carmen Biase Center due to the number of people in attendance for negotiations.

Attorney Diegnan left the meeting at 7:40 PM.

EXECUTIVE SESSION

January 26, 2010 7:45 PM

Council discussed several issues before proceeding to meet with the representatives of PBA Local 50 including. It was noted that the Borough has to cut approximately \$270,000 in this year's budget and if the union chooses to go to arbitration there is a chance that there might be binding arbitration. Council would also like to offer a one year contract at this time.

Items discussed with representatives of Local 50 included the following:

- Schedule change to shift assignment
- Contribution towards health care coverage and possible change of health plan
- Incentives to no use of sick time
- Overtime reduction
- Salary percentage increase

Union representatives rebutted by saying: there is not sufficient manpower at present to cover a schedule change, there is a present cap of 150 days on sick time for newer officers, any change of health benefits would have to be better than or equal to the present coverage benefits and that the union recently agreed to the present plan at the Borough's request. Union representatives would prefer a three year contract opposed to a one year, reminding Council that the union has worked hard to negotiate contracts over the past several years in order to avoid legal counsel fees. They would like to see the section regarding assignments and promotions changed from the Mayor to the Police Chief as he oversees the daily operation of the department and knows individual strengths and abilities. They noted the special events in town which require police presence and noted that the average recently arbitrated award amount is 3.5%.

Mayor Schreck noted that it would be irresponsible for the Council to negotiate a three year contract with the present economic times although the officials would love to offer a longer contract. Council noted that there are too many variables in awarding a longer contract.

The representatives said every item in their proposal is subject to negotiations. They also asked if it would be possible to take more police cost operations out of the beach budget this year because of the beachfront events, traffic etc.

Union representatives said that they have heard that the Police Chief refused to take a 0% salary increase this year but that the Administrator agreed to a 0% increase in salary for 2010 and that the Administrator is contributing towards her health cost coverage. Mayor Schreck stated that the Chief's contract runs January through December but that the Administrator's contract runs October through September and that she will take a 0% salary increase during the second year of the contract.

Council agreed to set another meeting date with Council even on a Saturday if necessary.

On motion by Engelstad/ Cotler to return to open session at 10:18PM.

Council returned to open session in the meeting room at Borough Hall at 10:21Pm

Council President Engelstad announced that there is no formal action to take at present.

ADJOURNMENT

ON MOTION by Engelstad / Galassetti the meeting was adjourned at 10:22 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk