

**REGULAR MEETING**  
**June 14, 2011**

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

**CALL TO ORDER**

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 8:12 PM**

Present: Council: Cotler, D'Angelo, Engelstad, Galassetti  
Mayor Schreck  
Borough Attorney George McGill  
Business Administrator O'Reilly  
Secretary: Municipal Clerk Mary Ann Solinski

**Presentation**

Harvey Rosenberg of the Memorial Day Committee thanked the Co-Chairmen George Bacher and Norman Goldfarb and the many volunteers along with all Borough Departments, Officials and those who participated in the Memorial Day Parade and activities for making the event a huge success. He noted that the kiddie rides added to the fun and that a 3-D theater joined as a new attraction to the boardwalk festivities. Mr. Rosenberg noted that as usual some of the proceeds will be used to re-coup borough expenses related to this event. Mr. Rosenberg requested that the officials prohibit garage sale permits to residents on Ocean Avenue during any event weekend documented on the calendar and that no other major events be held within a three week time span of each other within the Borough as well as assigning the north end Ocean Avenue gravel parking lot to be used as a vendor paid parking lot.

**Public Bids and Presentations:**

Attorney McGill announced this was the time advertised for a Beach Umbrella and Chairs Concession Bids. As no one was in attendance to place public bids the Attorney recommended to Council that this concession be re-advertised for public bids at the June 28<sup>th</sup> meeting.

Attorney McGill announced this was the time advertised the Lake Terrace to Cliff Avenue Pushcart. Marc Rosenthal was the sole bidder offering the minimum bid of \$500.00. Attorney McGill recommended Council award the bid to Mr. Rosenthal.

### **Resolution**

Resolution 114 Awards the public bid for the Lake Terrace to Cliff Avenue Pushcart to Marc Rosenthal in the amount of \$500.00 for the 2011 season with a possible extension in 2012.

ON MOTION by Schreck/ Galassetti moved to adoption.

ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck

NAYS: None

### **ADOPTED RESOLUTION**

### **Presentation**

Nora Shepard of the Monmouth County Planning Board made a lengthy presentation for the Borough's participation in the County Shorelink Shuttle program. The idea for the shuttle is based on the increased summertime traffic seen at three train stops along NJ Transit's North Jersey Coast Rail Line between Asbury Park and Belmar which includes the train stop at Bradley Beach. She explained that Monmouth county and Meadowlink which is the state transportation management association partnered to come up with the Shorelink Shuttle idea which will use federal grant funds for a three year commitment and a 25% matching grants from each of the participating towns to bring the shuttle service to four shore destinations this summer: Belmar, Neptune Township-Ocean Grove, Bradley Beach and possibly Asbury Park as a pilot program this year and that the total budget for the program is \$270,471.00. The shuttle buses will bring visitors who take the train to these towns from the train station to each town's beach and business district. The potential benefits could be reduced traffic and vehicle emissions in town. The route for each shuttle will be adjusted to meet each town's needs but will always stop at the NJ Transit station, Main Street and Ocean Avenue in Bradley Beach. Other people will be welcome to use the shuttle if they wish. Bradley Beach's maximum commitment would be \$15,000 for the entire season. The seasonal shuttle would run July 1<sup>st</sup> through September 30<sup>th</sup>. Both Belmar and Asbury Park is requested to fund \$20,000.00 each with Bradley Beach and Neptune Township-Ocean Grove at \$15,000 each. Ms. Shepard noted that both Belmar and Asbury Park have partnered with their respective Chamber of Commerce for the funding and that Neptune Township has put funding in their budget for payment. Councilman Engelstad noted that usually something of this nature should have been addressed with Council during the annual budget workshops in order for municipal funds to be appropriated. Mayor Schreck stated that the Tourism Board is committed for \$5,000 towards the project and that perhaps municipal funds could be found in the general and beach utility budgets. Council asked if the Borough could be committed to only one year as a trial period and that the Borough will ask the local Chamber of Commerce and/or local businesses to partner with the Borough to provide funding. Councilman Cotler questioned how the cost will be handled. Ms. Shepard responded that Meadowlink will bill the borough for the cost of the operator, fuel and maintenance cost for the shuttle. Mr. Cotler requested that the Borough's share be \$10,000 for 2011 and that detailed billing be provided to the Borough as Bradley Beach and Neptune-Ocean Grove will be sharing a shuttle and are

smaller than both Asbury Park and Belmar. Ms. Shepard stated that the cost for the public to use the shuttle will be \$1 per passenger and that the shuttles will run on a loop on Thursdays 9am to 6pm and Fridays, Saturdays and Sundays from 9am to 9pm. Ms. Shepard informed Council that the County needs a commitment tonight from the Borough.

Council agreed to commit \$10,000 with Tourism paying \$5,000; the shuttle service will be from July 1<sup>st</sup> to Labor Day-September 5<sup>th</sup> 2011 when the borough's lifeguards go off duty and that the borough will not be obligated to participate after this year if officials do not see merit in doing so.

### **Discussion Items**

Council reviewed requests from the police, public works, code/fire prevention, lifeguard, First Aid Squad and Fire Department for various equipment purchases. Councilman Cotler noted that he is not in favor of the borough accruing more debt adding that most of the borough's debt load is expected to be paid off by 2016 and suggested that some of the items could be funded through available funds in the budgets. Police Chief Guida advised Council that if the First Aid Squad acquires a new ambulance perhaps the squad could give the older vehicle to the Office of Emergency Management to replace the older vehicle currently used for emergencies and the police department's request for a heavy duty four wheel drive vehicle could be eliminated. Eric Hunter representing the squad stated that he could not personally make a commitment as the entire squad needs to vote on the matter as traditionally the older vehicle is either traded in or sold to private organizations. Councilman Galassetti stated that some of the equipment will be paid off in five years and others in ten years. Council agreed to apply to the Monmouth County Improvement Authority Program to acquire a lower interest rate on loans for several equipment purchases in the amount of approximately \$475,000.00: police patrol cars, public works 4x4 utility vehicle, Code/Fire Prevention Sierra Truck or equivalent with a plow, Lifeguard ATV, Lifeguard jet ski, First Aid Type 3 ambulance, Fire Department fire hose nozzles and adapters, 16 SCBA bottles for SCBA packs.

Glen Lachance representing Tru-Green regarding the use of pesticides and herbicides as at the last meeting, Council banned their use of borough properties. Mr. Lachance noted that switching to organic lawn care would cost the borough three times what the services currently cost and that organic law care would not effectively control weeds or crabgrass growth. Mr. Lachance noted that his branch located in Farmingdale manages 14,000 accounts including Bradley Beach, several in Wall, Point Pleasant, Bay Head and Manasquan among other towns in Monmouth and Ocean counties. He noted that the lawns are treated with a liquid application of pesticides (in the legal amount recommended after a nine year testing process which indicates a negligible risk) and thirty to forty-five minutes the application dries and is fine to walk on. Mr. Lachance noted that after fifteen years with TruGreen, he has not encountered any health issues with the technicians who work six days a week with the products. Councilman Engelstad questioned if there had been any health-related lawsuits concerning Tru-Green chemicals and Mr. Lachance replied that to the best of his knowledge there have been none since he started working there. Councilman Cotler stated that he still does not see a need for the chemicals and that a weed free playground is not worth toxins being used. He argued that a list of area towns which may have accounts with TruGreen is

not a reason to go along with using the services. Councilman D'Angelo noted that he would like to re-consider the matter as he has changed his mind after his original vote to ban the pesticides after doing some research. Councilman Cotler then offered a motion to have the matter placed on the General Election Ballot for the public to decide. There was no second to this motion and Attorney McGill stated that he will look into the matter of placing a questions and the November ballot and advise Council of the necessary steps at the next meeting.

Council noting that the borough has met CAFRA (Coastal Area Facilities Review Act) and Green Acres approvals to construct a new Beachfront Miniature Golf Course in the footprint of the existing one and agreed the next step required would be to advertise for design services.

Council discussed establishing smoking areas on the beach for the upcoming season. Beach Manager Dick Johnson advised Council in his memo that in his opinion the smoking areas should be placed on the west side of the dune between the pavers and the dunes and that then the radius should be the distance between the pole and pavers. He believes that by putting the poles on the west side of the dunes that the dunes will act as a natural barrier from the smoke. Mr. Johnson also recommended placing the poles between the Second Avenue food stand and the Third Avenue gate entrance, between Fourth Avenue gate entrance and the gazebo, between the Brinley Avenue and the LaReine Avenue entrances, between the LaReine Avenue and McCabe Avenue entrances and between the Cliff and Kent Avenue entrances. Mayor Schreck expressed her concern by placing the smoking areas on the west side of the dunes noting that parents will be separated from their children. Council agreed that the public works department will go and inspect each area and then establish the exact areas and provide a list which will be an attachment to tonight's resolution.

### **Items added and/or changed on Agenda**

On motion by Schreck/Galassetti:

Delete Bingo License Congregation Agudath Achim

Add the following:

Authorization to re-advertise for Beach Umbrella and Chairs

Participation in the Interlocal Agreement with the County of Monmouth for the Shorelink Shuttle

Authorization to advertise for Golf Course Design Services

Remove the resolution for Special Parking Permits from the Consent Agenda

On motion by Schreck/Cotler to add participation with the Monmouth County Improvement Authority for the purchase of various departmental equipment

On motion by D'Angelo/Schreck to rescind the resolution adopted May 24, 2011 prohibiting the use of pesticides on Municipal Property

## **ORDINANCES**

### **FINAL READING AND ADOPTION OF ORDINANCE**

Mayor Schreck announced that this was the time advertised for a hearing on the following ordinance:

#### **ORDINANCE 2011-12**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ENACTING CHAPTER 350 "PROPERTY MAINTENANCE AND HOUSING STANDARDS", SECTIONS ONE THROUGH FOUR; AND DELETING CHAPTER 147 "BUILDINGS, UNFIT" IN ITS ENTIRETY AND DELETING CHAPTER 262 "HOUSING STANDARDS" IN ITS ENTIRETY.**

ON MOTION by Schreck/ Galassetti moved to open the public hearing.

ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

Mayor Schreck gave a brief explanation of the ordinance.

ON MOTION by Schreck/ Galassetti moved to close the public hearing.

ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

#### **APPROVED MOTION.**

#### **FINAL ADOPTION**

ON MOTION by Schreck/ Galassetti moved to adoption.

ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

#### **ADOPTED ORDINANCE**

### **PUBLIC COMMENT**

Michael Conoscenti asked if the smoking ban will set times to be able to smoke at the beachfront area. Mayor Schreck responded no. Mr. Conoscenti then stated that the ordinance establishing a smoking ban at the beachfront should be put to a referendum on the ballot.

Harvey Rosenberg stated that the shuttle bus is a great idea but no one questioned if the bus will leave Bradley Beach Train Station and go directly to Ocean Gove before starting its route in town. He expressed concern that the visitors may depart the bus in Ocean Grove and take advantage of Ocean Grove's beach and business area. Mr. Rosenberg also stated that Main Street needs to be addressed and that the Chamber should be involved.

John McLoughlin asked if anyone could submit proposals for the miniature golf course. The Administrator replied that professional design services are being authorized at this time.

Joseph Vetrano thanked Mayor and Council for having him participate in the Memorial Day festivities. He noted that he has performed this service since 2002 and has given back to Bradley Beach in many nights such as the Public Library movies nights and performing an extra half hour during his DJ services.

## COMMUNICATIONS

On Motion by Schreck/ Galassetti approved the following Bingo Licenses:  
Sisterhood, CAA BL 3-11  
Senior Club, CAA BL 4-11

ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

APPROVED MOTION

On Motion by Schreck/ Galassetti approved the following Café Licenses:  
Perfect Perk Café 602 Main Streets  
Pizza on Main 812 1/2 Main Street  
The Buttered Biscuit 700 Main Street

ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

APPROVED MOTION

On Motion by Schreck/ Galassetti to table action on the Bradley Beach Elementary School's request to sell water on the boardwalk nightly from June to August as a fundraiser for the 2012 8<sup>th</sup> Grade Class Trip as Councilman Engelstad will speak to the school officials.

ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

APPROVED MOTION

On Motion by Schreck/ Galassetti approved Aubrie Ricelli and Mark Rudnick's request to hold their marriage ceremony on the Cliff Avenue Beach September 10<sup>th</sup> 2011 subject to special event stipulations.

ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

APPROVED MOTION

On Motion by Schreck/ Galassetti approved United Engine and Truck request to accept Ravi S. Maruvada as a probationary fireman of the Bradley Beach Fire Department.

ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

APPROVED MOTION

## CONSENT AGENDA

ON MOTION by Schreck/ Galassetti the following Resolutions were moved to adoption.

ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

### ADOPTED RESOLUTIONS

Resolution 115 **AUTHORIZES A TAX REFUND FOR BLOCK 42 LOT 27.02 DUE TO OVERPAYMENT**

Resolution 116 **AUTHORIZES A SEWER UTILITY CHARGE REFUND FOR BLOCK 42, LOT 27.02 DUE TO OVERPAYMENT**

Resolution 117 **AUTHORIZES CANCELLATION OF SEWER UTILITY BILLING FOR BLOCK 51 LOT 2 DUE TO A SUBDIVISION**

Resolution 118 **AUTHORIZES THE PREPARATION OF ESTIMATED 3<sup>RD</sup> QUARTER TAX BILLING**

Resolution 119 **BILL LIST**

Resolution 120 **GOVERNING BODY CERTIFICATION OF THE 2010 ANNUAL AUDIT**

Resolution 121 **APPROVAL OF ANNUAL RENEWAL OF ALCOHOLIC BEVERAGE LIQUOR LICENSES EFFECTIVE JULY 1, 2011**

Resolution 122 **APPROVAL OF ANNUAL RENEWAL OF ALCOHOLIC BEVERAGE LIQUOR LICENSE TO BRADLEY BEACH RECREATION CENTERS WITH STIPULATIONS EFFECTIVE JULY 1, 2011**

Resolution 123 **ESTABLISHES DESIGNATED SMOKING AREAS ON BEACHES**

Resolution 124 **AUTHORIZES THE BOROUGH CLERK TO RE-ADVERTISE FOR THE BEACH UMBRELLA AND CHAIRS PUBLIC BIDS**

Resolution 125 **AUTHORIZES PARTICIPATION OF AN INTERLOCAL AGREEMENT WITH THE COUNTY OF MONMOUTH FOR THE SHORELINK SHUTTLE**

### ADOPTED RESOLUTIONS

### RESOLUTIONS

Resolution 126 **AUTHORIZES THE ADMINISTRATOR, CHIEF FINANCIAL OFFICER AND BOROUGH CLERK TO SUBMIT A LIST OF EQUIPMENT FOR THE 2011 MONMOUTH COUNTY IMPROVEMENT AUTHORITY PROGRAM FOR THE ACQUISITION OF VARIOUS DEPARTMENTAL EQUIPMENT IN THE AMOUNT OF \$475,000.00**

ON MOTION by Schreck / Cotler moved to adoption.

ROLL CALL            AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
                             NAYS: None

**ADOPTED RESOLUTION**

Resolution 127            **RESCINDS RESOLUTION 2011-113 ADOPTED ON MAY 24, 2011 ESTABLISHING A BAN OF THE USE OF PESTICIDES ON MUNICIPAL PROPERTY**

ON MOTION            by D'Angelo / Schreck moved to adoption.

ROLL CALL            AYES: Cotler, D'Angelo, Galassetti, Schreck  
                             NAYS: Cotler, Engelstad

**ADOPTED RESOLUTION**

Resolution 128            **AUTHORIZES THE BOROUGH CLERK TO ADVERTISE FOR PROFESSIONAL MINIATURE GOLF COURSE DESIGN SERVICES**

ON MOTION            by Schreck / Galassetti moved to adoption.

ROLL CALL            AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
                             NAYS: None

**ADOPTED RESOLUTION**

Resolution 129            **AUTHORIZES THE ISSUANCE OF A SPECIAL PARKING PERMIT TO THE RESIDENT AT 130 LAKE TERRACE**

ON MOTION            by Schreck / D'Angelo moved to adoption.

ROLL CALL            AYES: D'Angelo, Engelstad, Galassetti, Schreck  
                             NAYS: Galassetti  
                             ABSTAIN: Cotler

**ADOPTED RESOLUTION**

Resolution 130            **AUTHORIZES THE ISSUANCE OF A SPECIAL PARKING PERMIT TO A RESIDENT WHO RESIDES AT 220 OCEAN PARK AVENUE 4F**

ON MOTION            by Cotler / D'Angelo moved to adoption.

ROLL CALL            AYES: Cotler, D'Angelo, Engelstad, Schreck  
                             NAYS: Galassetti

**ADOPTED RESOLUTION**

**REPORTS**

Councilman Cotler congratulated the graduates of the Bradley Beach Elementary School as well as thanking the Ladies Auxiliary and Fire Department for hosting a Pancake Breakfast on May 30<sup>th</sup> and thanked John Christensen for working to make the Annual Go Fish Tournament a success.

Mr. Cotler expressed his appreciation to all departments and volunteers for their participation in recovering the drowning victim last week. He spoke with Neptune Township's Mayor who

mentioned that he would be interested in an interlocal to provide lifeguard protection when borough guards are off duty.

Councilman Cotler also announced that the annual Choose your Cover – skin cancer screening will be held on June 25<sup>th</sup>.

Mayor Schreck expressed the Borough's condolences to the family of the recent drowning victim and announced that the borough will continue to refine and improve staffing at the beach as well as educating the public on potential dangers when swimming.

## **PUBLIC COMMENT**

Eric Hunter of the Bradley Beach First Aid Squad asked Mayor Schreck why she hasn't responded to his numerous requests to have a meeting concerning the 2011 beach season. Mayor Schreck noted that she had responded and left a message for him to contact her.

Joseph Malysko on behalf of his mother in law questioned the cost associated with the renewal of special parking permits as her space has not even been painted in a number of years and needs to be marked out again. Council responded that they will look into the matter.

Marilyn Rosen again stated that she would like to see kiddie rides at the beachfront as those who expressed opposition at the beachfront meeting held in September 2010 were not borough residents.

Beth Cotler asked Council to consider what will happen to the sponsor signs at the miniature golf course when the course is re-design and perhaps leased out.

### Resolution 131

**RETIRED INTO CLOSED EXECUTIVE SESSION AS  
RECOMMENDED BY THE BOROUGH ATTORNEY FOR  
DISCUSSION OF PERSONNEL MATTERS PERTAINING TO  
CONTRACTUAL NEGOTIATIONS WITH THE POLICE  
CHIEF AND OTHER LITIGATION MATTERS.**

ON MOTION

by Schreck/Galassetti moved to adoption.

ROLL CALL

AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck

NAYS: None

### **ADOPTED RESOLUTION**

Council retired into Closed Session at 11:53PM

### **Closed Executive Session 6/14/11**

Administrator O'Reilly informed Council that a member of the public works department has been terminated as an employee as he violated a previous agreement with the borough concerning his employment.

Ms. O'Reilly also informed Council that the former Code Enforcement/Fire Prevention Officer has agreed to sign a settlement agreement with the Borough.

Attorney McGill informed Council that Chief Guida has requested that Council re-visit discussions regarding his contract. Councilman Engelstad stated that he understands that the Chief would agree to a one percent salary increase for two years. Discussion ensued regarding the rollover of his present contract. Mayor Schreck interjected that she is not in favor of this type of agreement and will not support it as the Chief is not willing to give back any concessions to the borough such as the other employees have already done and feels that an agreement without any give backs is totally unfair to the other borough employees who have negotiated in good faith with the Council. Mayor Schreck also noted that there will be no cap on accumulated leave if Council agrees to extend the present contract. Council invited Chief Guida into the meeting to discuss the terms of the settlement. The Council members agreed to proceed with the settlement. Attorney McGill reviewed language to be contained in his formal notice to the Chief and his legal counsel.

On motion by Schreck/Galassetti to return to open session at 12:25 am.

Council returned to open session at 12:30 AM.

Mayor Schreck announced that as a result of the executive session action be taken settling the police chief's contract at the present terms.

**ADJOURNMENT**

ON MOTION by Schreck/Galassetti the meeting was adjourned at 12:33 AM.

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Mary Ann Solinski, RMC, CMC  
Municipal Clerk