

REGULAR MEETING
October 25, 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 6:36 PM

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

Discussion Items

Architect Andrew F. Trocchia of Sonnenfeld and Trocchia discussed the following items:
AOC Court Room Security and barrier free modifications

Option 1A –

- Renovation and expansion of the existing Violation Bureau to include a new barrier-free service window and vestibule. Service window and adjacent door and wall to be ballistic resistant which would be minimal construction cost.
- It would not address barrier-free access and access to the Tax Office, storage, public restrooms which is in conflict with Court operations as well as the existing dais which is not accessible and remains undersized. Estimated cost \$17,000 with public works performing some work

Option 2 –

- Addition of a wheelchair lift to the dais and chambers
- Relocation of the construction and violations department
- Creation of a permanent storage records room accessed from the corridor
- Replacement of two existing non-code compliant staff restrooms with one compliant barrier-free restroom and a kitchenette area
- Create access from a general work area to the newly created planning, active storage, large meeting room and existing corridor
- Extension of the corridor enabling access from administrative areas to police area and storage area without entering the meeting room
- Create a new public men’s and women’s restroom for barrier-free compliance

- Creation of access to newly configured restrooms bypassing the meeting room
- Relocation of the council/judge's chambers with direct access from the dais
- It would not address access to the tax department during court operations, the existing dais remains undersized and direct access to the construction department from the administrative areas is not provided. Estimated cost \$272,000.00

Option 3-

- Addition of a wheelchair lift to provide access to the dais
- Provide a secure vestibule to the council/judge's chamber
- Reconfiguration and reorganization of the administrative office area resulting in an enlarged more efficient area
- Extension of the public corridor enabling the creation of service windows to the various departments
- Public access from the meeting room functional areas to the existing restrooms
- Creation of a circulation pattern allowing staff access to the storage areas bypassing the meeting room
- Creation of an employees' unisex restroom to be accessed from the work area
- Reconfiguration of the meeting room allowing for barrier free accessibility, enlarged dais and enhanced access
- This concept would need partial or full relocation of staff and court/meeting functions during construction. Estimated cost \$882,000.00

Mr. Trocchia advised that all of the estimated costs do not include soft costs for professional services, and removal of any hazard materials found and construction time frames would be as follows: Option 1 four to six weeks; options 2 and 3 ten to twelve months. Council agreed that ADA items need to be done but that the financial matters need to be considered. Administrator O'Reilly also advised that the front office accessibility also needs to be addressed concerning accessibility.

Mr. Trocchia also addressed the Municipal Building Roof saying that there is a possibility of adding a second story addition to the administrative area but currently the existing roof leaks and needs to be addressed. He recommended performing a test to see what is causing the leakage into different areas of the municipal building. Estimated costs for roof replacement \$70,000 to \$85,000.00

Council agreed to use proposal option #2 for the Miniature Golf Course renovation for preparation of bid specifications which had an estimated construction costs \$262,000.00.

Council agreed that they would like to see the Surf Camp concession advertised along with any other beach concessions which have expired at the same time.

Mayor Schreck stated that she does not agree with the annual Halloween Curfew. Council President Galassetti said that he would offer the resolution for adoption.

Councilman Cotler addressed the non-binding public question of the General Election concerning the use of pesticides on borough property. He stated that the most important lesson he has learned as a medical doctor was that pesticides do harm and listed a number of health risks supported by research from various medical institutions including the National Institute of Health and the Harvard School of Public Health. He went on to say that pesticides are known to cause cancer and have also been associated with Parkinson's disease, diabetes, ADD, autism neuro-cognitive delays and birth defects. He also cited the Child Safe Playing fields Act which is a New York State law banning pesticides on playgrounds, fields, and other green spaces used by children adding that the New Jersey State Senate is currently concerning a similar bill and that other communities are all implementing natural or organic product use to control pests and weeds on their lawns and playing fields. Councilman Cotler stated that as a certified physician, parent and member of the community that the referendum is the public's chance to voice their opinion and tell council what they want to consider as the public question is a non-binding question. Mayor Schreck voiced concern about Councilman Cotler's approach to garnering support for the referendum noting that the Councilman had distributed emails to environmental groups claiming that he had an ordinance passed and that she had the ordinance repealed by having a councilman reverse his vote. Mayor Schreck stated that Councilman Cotler's claim was not only false but it was potentially damaging to her reputation as in the past she stated that while she is not in favor of the use of chemical pesticides, organic lawn care would prove to be extremely costly and possibly cause municipal lawns to brown. Mayor Schreck noted that in the past, she has supported these organizations in various ways for several years and that she does not deserve to be lied about to those organizations. Councilman Cotler rebutted that he only sent the emails to two sources and noted that he misspoke by using the word ordinance in his emails but noted that a resolution was adopted and at the following meeting the resolution was re-considered and rescinded. Mayor Schreck stated that was correct but she did not persuade any member of council to change their vote. Councilman D'Angelo addressed this matter saying that he had reconsidered this initial vote after considering statements made by the TruGreen representative, Mr. Lachance at a previous meeting.

Engineer Koch gave his Capital Project Status Report to Council. Councilman Engelstad requested that council receive a copy of the Solid Waste/Recycling Collection bid specifications for review.

Items added to agenda

On motion by Schreck/Galassetti

Add a resolution to the Consent Agenda authorizing the Administrator to submit two options to the Administrative Office of Courts for consideration of modifications to the Municipal Court Room at Borough Hall

Add the Engineer's Report

Remove the Halloween Curfew resolution from the Consent Agenda to be considered as a separate item.

On motion by Engelstad/ Cotler to have the Engineer prepare specifications for the Miniature Golf Course renovations according to Design Option #2 which was presented by Glenn Lynn at the October 11th meeting

PUBLIC COMMENT

Kathy McGorry 305 Central Avenue questioned the ordinance scheduled for introduction 2011-19 which would reduce the size requirements for corner lots noting there are potentially some lots located directly by her property which could subdivide into smaller lots. She said that the officials are changing the requirements back to the original code which was amended to the present code increasing the size requirements for corner lots to give character to the community. Ms. McGorry asked whether consideration was given to the additional burden on the aging sewer line system, possible increase in school age children and other additional increases on municipal services when the joint board made this recommendation to council. A member of the audience also agreed that the sewer capacity should have been considered as many neighbors on Central have experienced problems with their individual sewer lines. Mayor Schreck noted that there are not that many lots in the community which will be affected and noted that the change will be beneficial for the borough. Ms. McGorry asked council to give careful consideration to this change.

ORDINANCES

FINAL READING AND ADOPTION OF ORDINANCE

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

**BOND ORDINANCE NUMBER 2011-18
BOND ORDINANCE AMENDING AND SUPPLEMENTING
BOND ORDINANCE NUMBER 2010-5 (WHICH PROVIDES
FOR VARIOUS 2010 ROADWAY IMPROVEMENTS)
HERETOFORE FINALLY ADOPTED BY THE BOROUGH
COUNCIL OF THE BOROUGH OF BRADLEY BEACH, IN THE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON
JULY 27, 2010, TO INCREASE THE APPROPRIATION
THEREIN BY \$50,000 AND TO INCREASE THE
AUTHORIZATION OF BONDS OR NOTES THEREIN BY
\$47,900 TO FINANCE PART OF THE ADDITIONAL COSTS
THEREOF**

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

ON MOTION by Schreck/ Galassetti moved to adoption.
ROLL CALL AYES: Cotler D' Angelo, Engelstad, Galassetti, Schreck

NAYS: None

ADOPTED ORDINANCE

FINAL READING AND ADOPTION OF ORDINANCE

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

ORDINANCE 2011-19

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 450, ZONING; AMENDING, REVISING, AND ENACTING SECTIONS 450-13, PERMITTED YARD ENCROACHMENTS; 450-14, PERMITTED HEIGHT EXCEPTIONS; 450-26, R-1 RESIDENTIAL SINGLE-FAMILY ZONE; AND 450-41 RESIDENTIAL PARKING AND DRIVEWAY REQUIREMENTS.

ON MOTION by Schreck/ D'Angelo 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/ D'Angelo moved to close the public hearing.

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

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

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

ADOPTED ORDINANCE

INTRODUCTION

ORDINANCE 2011- 20

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCE'S OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 5, ADMINISTRATION OF GOVERNMENT; ARTICLE VII, AMENDING SECTIONS 5-35.A AND 5-34.B.

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

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

PENDING ORDINANCE

COMMUNICATIONS

On Motion by Schreck/Galassetti to approve the following Raffles License:

Ladies Auxiliary BB Fire Dept RL 18-11

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

NAYS: None

APPROVED MOTION

CONSENT AGENDA

ON MOTION by Schreck/ D' Angelo the following Resolutions were moved to adoption.

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

NAYS: None

ADOPTED RESOLUTIONS

Resolution 215

BILL LIST

Resolution 216

ADOPTS AN EMPLOYEE SUPPLEMENTAL INSURANCE BENEFITS PLAN AFLAC

Resolution 217

AMENDS RESOLUTION 2011-32 BY AUTHORIZING AN INCREASE TO ARCHITECT ANDREW TROCCHIA FOR PROFESSIONAL FEES DUE TO AN INCREASE IN THE SCOPE OF WORK RELATED TO THE MUNICIPAL COURT ROOM SECURITY SYSTEM TO INCLUDE ADDITIONAL BARRIER FREE REQUIREMENTS IN AN AMOUNT NOT TO

Resolution 218

AUTHORIZES ARCHITECT ANDREW TROCCHIA TO PROVIDE PROFESSIONAL SERVICES FOR THE MUNICIPAL BUILDING ROOF RENOVATION IN AN AMOUNT NOT TO EXCEED \$11,200.00

Resolution 219

AUTHORIZES THE BOROUGH ADMINISTRATOR TO SUBMIT TWO PLANS- OPTION 1A AND OPTION 2 TO THE ADMINISTRATIVE OFFICE OF COURTS FOR REVIEW AND COMMENTS REGARDING RENOVATIONS TO THE MUNICIPAL COURT ROOM IN BOROUGH HALL

ADOPTED RESOLUTIONS

RESOLUTIONS

Resolution 220

AUTHORIZES THE BOROUGH ENGINEER TO PREPARE BID SPECIFICATIONS FOR THE MINIATURE GOLF COURSE RENOVATIONS USING DESIGN OPTION TWO (2) AS PRESENTED BY GLENN LYNN AT THE OCTOBER 11TH MEETING

ON MOTION

by Engelstad/ Cotler moved to adoption.

ROLL CALL

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

NAYS: None

ADOPTED RESOLUTION

Resolution 221

**AUTHORIZES ESTABLISHES A CURFEW COMMENCING
OCTOBER 30, 2011 THROUGH NOVEMBER 1, 2011
BETWEEN THE HOURS OF 8PM AND 6:30AM FOR
PERSONS SEVENTEEN YEARS OF AGE AND UNDER
UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN**

ON MOTION

by Galassetti/ Engelstad moved to adoption.

ROLL CALL

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

NAYS: Schreck

ADOPTED RESOLUTION

REPORTS

Councilman Cotler thanked Fire Prevention Officer Curry and the members of the Fire Department for their presentations during Fire Prevention Week.

When asked when the Brinley Avenue concession trailer will be removed from the beachfront, Councilman Galassetti noted that the lease states October 31st said that it is scheduled for tomorrow. Mr. D' Angelo also noted that after receiving numerous complaints about the front office being closed last week he spoke with the administrator and was informed that the other offices were covering for the staff. Councilman D' Angelo requested that in the future council be informed of any type of closures.

PUBLIC COMMENT

John Weber agreed that pesticides should be banned but asked that the governing body be honest about how the ban will affect greenery in town. He noted that there should be native plants and that having grass at the beachfront is unnatural. Mr. Weber also noted that there are no recycling containers at the beachfront which results in costing the borough more to dispose of the recycling items combined with regular trash. Mr. Weber expressed concern over the borough's method of using heavy equipment for maintenance of the beachfront. Councilman Galassetti responded that the borough uses equipment (front end loader) in order to prepare the beach for the upcoming season. Mr. Weber requested to know the exact costs for the labor and equipment associated with the entire process at the beach. He also stated that he would like to see the referendum pass concerning the use of pesticides.

Julie Rand questioned why Councilman Cotler while supporting a ban on the use of pesticides choose to place artificial turf on his property and not use organic lawn care on his personal property. Ms. Rand noted that she believes that the artificial turf also presents health issues. Councilman Cotler responded that the turf is made of recyclable materials and that proper research was made prior to the installation and that it allows water to drain as soil percolation is greater.

Michael Moss noted that he has played golf for years on courses treated with pesticides and suggested council visit the USGA website for information. He also expressed concern that

the design with two or three water features looks too congested and suggested reducing the number of water features. Mr. Moss cautioned about fire hazards and structural concerns regarding the construction of a second floor for storage over the existing one story section of the municipal building and suggested that council should investigate consolidation of municipal properties.

ANNOUNCEMENTS

The Bradley Beach Police Department will participate in “Operation Take Back” at Bradley Beach Police Department, 701 Main Street, Bradley Beach, NJ on **Saturday, October 29th** between the hours of **10am and 2pm**. This initiative is open to all residents to encourage local community residents to properly dispose of their unused, unwanted and expired medicine. If you would like further information on the program and local collection sites please visit www.operationtakebacknj.com

The Annual Halloween Parade will be held on Sunday, October 30th starting at 6pm. Registration at the Firehouse starts 5:00pm. (Rain date is Monday, October 31st)

General Election will be held on Tuesday, November 8, 2011. Polls are open 6am until 8pm.

The next regular Council Meeting will be held on **Wednesday, November 9th** starting at 6:30pm

Mayor Schreck announce Governor Christies’ recognition of OEM volunteers and that Norman Goldfarb, Fire Chief Joseph Everett and First Aid member John Zech will be recognized at the ceremony as they were recommended by the Mayor and Chief Guida for their services during Hurricane Irene

The Ladies Auxiliary of the Bradley Beach Fire Department will hold their Annual Holiday Shop on Saturday, November 19th 9am to 3pm.

Resolution 222

RETIRE INTO CLOSED EXECUTIVE SESSION FOR DISCUSSION OF OEM PERSONNEL 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 9:12 PM

Closed Executive Session 10/25/11

Attorney McGill asked if Rice Notices were given to the appropriate personnel noting that personnel have a right to request that the meeting should be held in a public session.

Councilman Cotler stated that the purpose of the this session would be to have all the personnel involved in numerous email correspondence between the Mayor, Administrator and OEM meet and clear the air about problems concerning FEMA .

Councilman Engelstad asked if regular scheduled meetings with the department heads on a routine basis to go over matters and Council agreed that good leadership is important.

Attorney McGill advised that a special meeting should be scheduled to discuss matters and develop policies concerning the Office of Emergency Management.

On motion by Schreck/ Galassetti to return to open session at 9:34PM.

Council returned to open session at 9:34 PM.

Mayor Schreck announced that the following actions will be taken as a result of the executive session.

Resolution 214 **AUTHORIZES THE BOROUGH CLERK TO ADVERTISE FOR A SPECIAL MEETING OF THE MAYOR AND COUNCIL TO DISCUSS OEM AND FEMA PROCEDURES GOING FORWARD WITH THE ADMINISTRATOR, CHIEF FINANCIAL OFFICER, PUBLIC WORKS AND OEM**

ON MOTION by Schreck/ Galassetti moved to adoption.

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

NAYS: None

ADOPTED RESOLUTION

ADJOURNMENT

ON MOTION by Schreck/ Galassetti the meeting was adjourned at 9:35 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk