

**REGULAR MEETING**  
**May 10, 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 6:40 PM**

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

Mayor Schreck announced that the Annual Arbor Day Activities was held at the Bradley Beach Firehouse on April 29<sup>th</sup>. The Shade Tree Commission planted four trees around the Firehouse as a formal dedication in the memory of Greg Farry. Mr. Farry was a member of the Bradley Beach Fire Department and served as Captain of the Lifeguards for many years as well as being the grant coordinator for both Bradley Beach and Avon who obtained funding for many projects in our community and also served on the Shade Tree Commission.

**Public Bids and necessary Resolutions:**

Attorney McGill announced this was the time advertised for public bids on the a. Lake Terrace to Cliff Avenue Pushcart Bid. No bids were offered.

**Discussion Items**

Mayor Schreck introduced Julia Rand of the Bradley Beach Arts Association. Ms. Rand announced that the Association comprised of professional artists would like to have the following:

- A Shakespeare Event at the Gazebo which will include a classical singer sometime in July
- A musical event with singers
- Photo & Art Exhibit at the Firehouse Banquet Hall which will include writers and classical music

Ms. Rand thanked Mayor Schreck for approaching her and asking her to bring arts to Bradley Beach along with members of the association. She suggested that perhaps the Borough could purchase a piano or portable keyboard for such events. Councilman Cotler said he feels the events will be a wonderful addition to summer programs but will need to know an exact date as soon as possible as he family has more performers than slots available on Thursday and Sunday evenings at the Gazebo for the summer musical series. Ms. Rand agreed that she will contact and coordinate a date with the Cotler family to use the gazebo after the Arts Association meeting scheduled on May 20<sup>th</sup>. Councilman Galassetti suggested asking Church of the Ascension for use of their center for meetings and/or activities during the year. Ms. Rand said that Dr. Turner has said that the Association can use the school's facilities during the year.

Councilman Engelstad asked if the association would consider a Community Theatre production in the future. Ms. Rand said that qualified people could work with young people throughout the year and perhaps next year such a production could be presented.

Mayor Schreck announced that Captain Alek Modjeski has applied for a Pepsi Refresh Grant in the amount of \$125,000.00 to improve aesthetics at the North End Parking Lot by creating a Beach Maritime Forest and restoring Fletcher Lake Shoreline. The public is requested to vote daily on the Pepsi Grant website for this project.

Council reviewed correspondence concerning Monmouth County's proposal to the NJ Department of Transportation to install a traffic signal at the intersection of Evergreen Avenue and Memorial Drive.

Council discussed NJ Dept of Transportation notification regarding the resurfacing of Route 71(Main Street) which may begin after the summer season. Council agreed that it is a great opportunity to ask the state about striping some parking spaces along Main Street and the possibility of a bike lane in town.

Council reviewed and agreed to adopt a resolution opposing proposed changes to the Open Public Meetings Act.

Council reviewed a proposal from Jersey Professional Management to coordinate and analyze all PBA contracts and to help any planning to enter into agreements to share police services. Council agreed that the borough recently negotiated a contract with the police without arbitration and that negotiations will not begin for a couple of years at which time the Borough may look into a study.

Council discussed the Monmouth County Improvement Authority Program funding for possible purchases of equipment. Council agreed that department heads put together equipment proposals for their respective departments and that the requests will be presented to Council for approval.

Council agreed to advertise for bids for beach mats as an appropriation is included in this year's budget. The Engineer's input will be needed before any site considerations as several beach entrances are angled through beach dunes and not directly across the sand.

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

Schreck/Engelstad to add The Food Bank of Monmouth and Ocean Counties RL 7-11 and RL 8-11

### **APPROVAL OF MINUTES**

On Motion by Schreck/Galassetti to approve the minutes for April 12, 2011  
ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

### **APPROVED MOTION**

### **ORDINANCES**

### **INTRODUCTION**

#### **ORDINANCE 2011-11**

#### **AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 365, RENTAL PROPERTY AMENDING SECTION 20 AND ENACTING SECTION 20.E REGARDING FEES**

ON MOTION by Schreck / Galassetti moved to introduction.  
ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

### **PENDING ORDINANCE**

### **PUBLIC COMMENT**

Marilyn Rosen thanked Council for their support of beach mats for the public.

Council briefly discussed the return of unused Library funds to the Borough and the new state law which regulates the return to the Borough to offset taxes. Councilman Cotler noted that the transfer of \$317,000 from the Library surplus funds puts efforts to secure grant funds for ADA (Americans with Disabilities Act) improvements at the library in jeopardy. Council agreed. Mayor Schreck noted that the town has to abide by the law concerning this matter. Council noted that only \$84,923.00 will be used for tax relief in this year's budget. Other

amendments to this year's budget included a \$10,000 appropriation in the beach utility capital fund to be used for the installation of the new concession trailer on Ocean Avenue and a \$5,5000 appropriation for a pay-per-use code enforcement software which will pay for itself and eventually turn a profit.

## COMMUNICATIONS

On Motion by Schreck/ D' Angelo approval of the following Café Licenses

Bamboo Leaf Restaurant 724 Main Street

Bagel International 48 Main Street

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

NAYS: None

APPROVED MOTION

On Motion by Schreck/Galassetti approval of Raffle Licenses

The Food Bank of Monmouth and Ocean Counties RL 7-11 & RL 8-11

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

NAYS: None

APPROVED MOTION

## RESOLUTIONS

### RESOLUTIONS

Resolution 80

**AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CANCEL 2010 APPROPRIATION RESERVES IN THE CURRENT FUND**

ON MOTION by Schreck/Galassetti moved to adoption.

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

NAYS: None

**ADOPTED RESOLUTION**

Resolution 81

**SELF EXAMINATION OF THE 2011 MUNICIPAL BUDGET**

ON MOTION by Schreck/Galassetti moved to adoption.

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

NAYS: None

**ADOPTED RESOLUTION**

Resolution 82

**ADOPTION OF THE 2011 MUNICIPAL BUDGET**

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

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

NAYS: None

**ADOPTED RESOLUTION**

## 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 83 **AUTHORIZATION OF DISALLOWANCE OF SENIOR TAX DEDUCTION FOR VARIOUS PROPERTIES**  
Resolution 84 **AUTHORIZES VOUCHER WARRANTS ON THE TREASURY FOR PAYMENT OF BILLS.**  
Resolution 85 **AUTHORIZES THE BOROUGH ENGINEER TO PROCEED WITH ENGINEERING SERVICES FOR THE HAMMOND AVENUE PAVING AND STORM DRAINAGE IMPROVEMENT PROJECT AT A COST NOT TO EXCEED \$61,688.00.00**  
Resolution 86 **AWARD OF CONTRACT TO HELIOS SOLAR ENERGY FOR THE PUBLIC WORKS RELOCATION OF THE EXISTING SOLAR SYSTEM SERVICE PROJECT IN THE AMOUNT OF \$5,783.60**  
Resolution 87 **AUTHORIZES THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AMENDMENT TO THE NATIONAL GEOMATICA, JUNGLE LASERS, LLC CONTRACT**  
Resolution 88 **AUTHORIZES THE BOROUGH CLERK TO ADVERTISE FOR THE PURCHASE OF BEACH ROLL-OUT MATS**  
Resolution 89 **AUTHORIZES "OPERATION- THANK YOU"**  
Resolution 90 **OPPOSITION TO SENATE BILL NO. 1351**

## ADOPTED RESOLUTIONS

### ANNOUNCEMENTS

The Ladies Auxiliary Annual "Tour the Town" Garage Sale will be held on Saturday, May 14, 2011 (Rain date Sunday, May 15<sup>th</sup>) 9am-3pm. Applications are available at Borough Hall or the Borough website [www.bradleybeachonline.com](http://www.bradleybeachonline.com). Any questions please call Marilyn Rosen at 732 774-9162.

The Memorial Day Parade will be held on Saturday, May 28, 2011 at 10am on Ocean Avenue. Memorial Day Weekend Activities at the beachfront will start on Saturday, May 28<sup>th</sup> and Sunday, May 29<sup>th</sup> with vendors, food and Entertainment on Ocean Avenue.

Memorial Day Services will be held in Riley Park on May 30, 2011 at 10am.

A Memorial Day Breakfast will be held on Monday, May 30, 2011 8am-12 Noon at the Bradley Beach Firehouse sponsored by the Bradley Beach Fire Department and the Ladies Auxiliary. Adults \$8.00, Children \$5.00 and children 8 and under are free.

## **REPORTS**

Councilman Cotler suggested moving the annual beach sweeps to earlier in the season. He also noted that many benches throughout town are in need of repair and that perhaps the borough should limit the number of dedicated benches in order to handle the situation. Councilman Cotler cited statistics which link pesticides to cancer in dogs and attention deficit disorder in children and noted that pesticides are carcinogenic. Councilman Galassetti said that the Borough currently uses Tru Green Lawn Care Services which uses only products allowed by law on the public areas and said that he will provide a list of the chemicals being used to members of Council. Mayor Schreck noted that she personally spoke with representatives from Jonathan Green a company which utilizes organic products last year and that the representative noted that with the sun, salt and sand atmosphere resulting in the Borough not being satisfied and that Jonathan Green did not want its name on a failed product.

Councilman D'Angelo reported that discussions with Avon Administrator Gallagher concerning police services will continue after the summer probably in September and that he will report any new developments in the potential shared services agreement.

Councilman Galassetti said that he would like to place the following as discussion items on Council's next agenda: Improvements to the Golf Course, LED lights on Main Street, vacant stores on Main Street, ADA improvements to the Public Library and other public facilities.

## **PUBLIC COMMENT**

William Psuik suggested that Council should adopt an ordinance requiring landscapers to register with the Borough in order to regulate the type of products being used on individual lawns.

Harvey Rosenberg of the Memorial Day Committee reported that this year's event already has an increase in the number of food and other vendors.

Several residents requested that the goose problem at the Sylvan Lake area be addressed. Council noted that the Borough is using Goose Control Technology services this year in an effort to control goose population at the Borough's Lakes. Residents also requested the Borough to check and empty the garbage cans at the lake as well as checking to see if people are properly licensed to fish at the lake.

Julia Rand reported that she has seen two benches dedicated to her mother and that only one bench should be dedicated and suggested that there maybe more benches with this scenario.

Kathy Christian of the Library Board reported that the lawn at the Library went green four years ago.

John McLoughlin asked to see a cost summary of the costs associated with the demolition and installation of the modular structure at Brinley Avenue along with the estimated annual costs of removal, storage and replacement of the structure on Ocean Avenue including the renewal and disconnection utility charges. He also would like to see the accounting of personnel costs associated with the project. Mr. McLoughlin stated that the old concession “the Jetty Grille” made \$20,000 annually for the borough and that the trailer will take at least ten years to pay off. Councilman Galassetti disagreed with Mr. McLoughlin’s claim as the trailer was purchased for \$60,000 and will be leased to a vendor for five years with the Borough receiving \$33,000 for the first year’s rent. Mayor Schreck noted that the old concession building was rotting and replied that the Borough can give a fair estimate of the demolition costs but at present, there is not enough staff to track how much time was allocated amongst employees performing regular duties within the town as the employees demolished the structure during regular work hours. Mr. McLoughlin also requested to see the engineer’s report concerning the condition of the old concession building at Brinley Avenue.

Mr. McLoughlin also was concerned that the Borough recycling facilities may not re-open and residents will have to continue to use the Neptune Township facilities on a permanent basis noting that he feels like he is being treated as a second-class citizen when using the Township’s center. He noted that he feels that everything is being taken away from residents and expressed hope that the Borough’s recycling facility will re-open in Bradley Beach. Mayor Schreck said that the recycling center may return when the public work’s area is safe and the construction at the site is completed.

Mr. McLoughlin also reported that the storm drain at LaReine and Madison Avenues needs repair.

Resolution 91

**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 8:38PM

### **Closed Executive Session 5/10/11**

Attorney McGill reported that the Stoney matter regarding ADA complaints reached a settlement on the matter in the amount of \$6,000.00.

He also reported that he has prepared a draft of the police chief's new contract which is pending review by the Chief and his counsel.

Administrator O'Reilly reported that the Labor counsel has reached an agreement of \$1,250.00 for work claimed to be performed by a former employee without the individual receiving any pay for the work which was beyond the normal scope of position and recommends that the matter be settled and that a confidentiality clause be included in the settlement. Ms. O'Reilly noted that the individual really had no claim. Councilman Cotler said that employees should perform any tasks assigned at no additional compensation for the work.

On motion by Schreck/Galassetti to return to open session to take action on the settlement with a former employee.

Council returned to open session at 8:52 PM.

Mayor Schreck announced that as a result of the executive session action will be taken

Resolution 92

**AUTHORIZES THE ADMINISTRATOR AND ATTORNEY TO EXECUTE A SETTLEMENT AGREEMENT WITH A FORMER EMPLOYEE FOR A PERSONNEL LITIGATION MATTER AND THAT SAID AGREEMENT WILL CONTAIN A CONFIDENTIALITY CLAUSE BY BOTH PARTIES.**

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 8:59 PM.

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Mary Ann Solinski, RMC, CMC  
Municipal Clerk