

REGULAR MEETING
May 24, 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 6:34 PM

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

Public Bids and Presentations:

Attorney McGill announced this was the time advertised for public bids Umbrella and Chairs Bid. No bids were offered.

Auditor David Kaplan presented the highlights of the 2010 Audit to Council noting that the Borough is in good shape. The audit contains six recommendations none of which are a significant level. One concern is major expenditures made by wire transfers which are not shown on the check register and the recommendation that these transfers have a paper trail as everything else. Councilman Cotler requested that a list of these transfers be made available to Council just as other payments are. Mr. Kaplan praised the leadership of the borough and noted that things are running really well in the Borough.

Discussion Items

Council discussed participation in Monmouth County Improvement Authority Program to acquire equipment purchases for various departments. Mayor Schreck noted that County secures bonds at a lower interest rate and passes the savings on to the local municipalities but that purchasing through the program does not necessarily make it cheaper for the Borough to buy a piece of equipment. The deadline to participate is usually late June. Mayor Schreck

requested that the Council Committees meet with their respective department heads and discuss the departments' needs and present a list for consideration at the first meeting in June. Council noted that the Fire Departments attendance at this evenings meeting to discuss the department's needs, the department had scheduling conflicts.

Council reviewed Special Events Applications submitted by both the Memorial Day Committee and the Bradley Beach Run Committee along with associated cost estimates for the events.

Council reviewed Giamano's Restaurant request to have an "Outdoor Music Series" on Sundays from 4-8pm starting mid June or early July through early September in their parking lot.

Councilman Galassetti suggested the Borough utilize reversed diagonal parking on Bradley Boulevard along the lake area in an effort to provide additional parking spots. Items of concern are the size of the travel lanes on the roadway; sidewalk and repairs to the Sylvan Lake area as well as a bicycle path and the state rules regarding reversed diagonal parking. Mr. Galassetti noted that ADA parking would also be addressed.

Attorney McGill advised that he and Engineer Koch agree that Council should settle on one design they would like to see at the Miniature Golf Course before action is taken on the construction/lease RFP (Request for Proposals) before bid specifications packages are prepared. Councilman Cotler noted that the citizens should voice their opinions before Council votes on any plans.

Attorney McGill advised Council that as the Borough has advertised for public bids twice on Lake Terrace to Cliff Avenue Pushcart location that the only option is to re-advertise for bids perhaps at a lower minimum bid. Council agreed to re-advertise with a \$500 minimum bid.

Mayor Schreck suggested that Council look into a policy which would be in the best interest of the bench buyer and the Borough for Memorial Benches (memorial plaques inscribed with names and/or sayings and affixed on a bench purchased by the public at a specific location) as there has been some dissatisfaction expressed by the public. The existing memorial benches have sustained wear and tear and are placing financial responsibility on the Borough when the repairs are necessary. She suggested that the policy include specifying how long the Borough is willing to maintain the benches. Councilman Galassetti noted that there is currently no warranty noting that the wooden benches often warp and break over time. Councilman D'Angelo suggested the Borough again consider removing the memorial plaques off the benches in disrepair and place them at the gazebos or another area at the boardwalk on Ocean Avenue. Council agreed that the new policy definitely needs a time limit on the bench. Mayor Schreck also stated that public comments will be welcome on the new policy.

Attorney McGill advised that he believes the new Public Access to Waterfronts Proposed Rule will not have much of an impact on Bradley Beach.

Borough Engineer Koch gave a Capital Project Report to Council noting the following:

- Municipal Building Solar Panel System need to move the inverters before proceeding with the installation
- Modular Concession Structure's hood will be completed by Thursday
- Improvements to Fletcher Lake Avenue and Lake Terrace Park documents are being reviewed by New Jersey Department of Transportation for approval

Mayor Schreck advised that Council will need to approve the Monmouth County's Stormwater Management Plan later this evening

Administrator O'Reilly advised Council that in order to complete the court security enhancement project minor architectural services are needed for the scope of addressing municipal record storage which will have to be relocated from the existing bay area and that these services will not exceed \$5,000.00.

Council agreed to oppose the new Multiple Dwelling Inspections Proposed Law

Council agreed to continue in the Monmouth County Community Development Block Grant Program.

Council discussed and agreed to submit an application for the US Department of Justice COPS (Community Oriented Policing Services) Grant Fund which if awarded would fund the hiring on a police officer based on the current starting salary agreement and any costs higher than entry level salaries and benefits would be the financial responsibility of the Borough for the first three years of service.

Council discussed and agreed to change the meeting time of the June 14th Council Meeting as the Bradley Beach Grammar School Graduation starts at 7pm on that evening.

Items added and/or changed on Agenda

Items added to the Agenda on motion by Schreck/Galassetti:

Café License: Beckmans Bradley LLC, 706 LaReine Avenue

Authorizes a Tax Installment Payment Plan

Authorizes the Borough Clerk to advertise for the Police Auction Saturday, June 11th with a rain date of Saturday, June 18th at 9am. The viewing of items will be from 8-9am in the Borough Hall Parking Lot

Authorizes Architect Andrew Trocchia to provide professional services for the Bradley Beach Municipal Building Storage Space Feasibility Study in an amount not to exceed \$5,000.00.

Items added to the Agenda on motion by Cotler/Galassetti to discuss the Brinley Avenue Trailer

Items added to the Agenda on motion by Cotler/Engelstad to ban the use of all pesticides on public property within the Borough of Bradley Beach

APPROVAL OF MINUTES

On Motion by Engelstad/ Galassetti to approve the minutes for April 26, 2011

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

NAYS: None

ABSTAIN: Schreck

APPROVED MOTION

Due to the number of attendees in the audience Council authorized that the public could discuss any item and not be limited to agenda items at the first public comment period.

PUBLIC COMMENT

William Psuik suggested that the police department monitor the music at Giamano's Restaurant the first evening to ensure everything is Ok. He recommended considering placing parking meters along with the reverse diagonal parking on Bradley Blvd. Remove the memorial bench plaques and place memorial pavers by the railings with the names.

Councilman Cotler noted that numerous residents had spoken to him about the modular structure on Brinley Avenue saying there is a lack of aesthetic appeal to the plain metal structure and acknowledged that although he once thought the trailer was a good idea but is extremely upset and asked if the structure would look nicer by Memorial Day weekend as summer visitors will arrive at the shore this coming weekend. Councilman Galassetti noted that improvements will be made to the area and acknowledged that public works has been delayed in putting some landscaping in the area due to recent rain storms. He also noted that the lease holder plans to put up umbrellas and tiki type seating outside of the trailer and some sort of screen around the trailer. Councilman Cotler suggested seeking public input on how to make the trailer look better. Mayor Schreck suggested waiting to see what maybe needed first and said some people indicated that they like the trailer. Numerous residents complained about the appearance of the new modular concession structure which is a stainless steel trailer now located at Brinley and Ocean Avenues.

Kathleen Kelly asked if Council had looked into the cost of building a new permanent structure at the beachfront instead of the trailer. Mayor Schreck responded that the Borough did not look into building a permanent structure. Councilman Galassetti noted that the Coastal Area Facilities Review Act (CAFRA) does not want a permanent structure at the sight when approached by the Borough in the past. Council also advised that the mobile trailer can be taken off the concrete pad and stored at another site. Ms. Kelly then cited the borough code which states that a trailer cannot be parked in a resident's front yard on a permanent basis. Donna Mongelli suggested bushes and trellis to cover the fuel tanks and forming a committee to work on improving the trailer's appearance. A couple of members of the audience supplied their names and phone numbers to the administrator to participate on this committee.

Roger Sanderson suggested having permit parking at the north end parking lot and to check with companies in the Myrtle Beach area of South Carolina concerning potential miniature

golf designs. Mr. Sanderson again expressed concern over the traffic situation on Brinley Avenue around the school zone noting that drivers are utilizing telecommunication and other communication devices while driving which distracts their attention to the children in the area. Also, he again suggested that the Borough work with the County to lower the existing speed limit on Brinley Avenue which is a county road.

Residents also complained about street cleaning during early morning hours and storm drain repairs which have not been completed.

A member of the audience noted that they received a different locker this year as in the past the person had the same locker year after year and noted that the lockers have been personalized over the years.

Joe Vetrano who had performed as a DJ during the seasonal beachfront concert series said that under the Open Public Records Act (OPRA) he has received copies of this year's contracts with Keith Franklin and Double D both of which retain the same amount of cost per performance as in the past years and that he was offered a reduced schedule (one month) instead of the entire beach season as well as a reduction in payment for his services even though he has provided this entertainment for many years and noted that this action maybe a result of a conversation on June 11, 2010 during which he informed the Borough that he would be unable to perform the evening of the fireworks held on July 3, 2010 due to a prior commitment. Councilman D'Angelo asked if this was true and questioned the reason for the reductions. Mayor Schreck responded that she found other DJ's willing to perform for a rate of \$250 per engagement and this would save \$100 per week. Councilman D'Angelo questioned the reasoning saying that under those circumstances perhaps the borough could find another administrator for half the cost. Mayor Schreck responded that amount of savings may enable the Borough to hire police officers for entire day. Mr. D'Angelo noted that Mr. Vetrano does a good job. Councilman Cotler said that he hoped this was not a result of the July 4th 2010 incident as Mr. Vetrano has donated free time to the children and Borough through the years. Mr. Cotler noted that the boroughs purchase of a four arm bandit, part time workers and offering free parking on Wednesdays at the beachfront. Mr. Cotler noted that the public is still not aware of alternate side of the street parking rules and said that notices should be sent out with the yearly tax bills.

The public noted that fees for the cost of admittance to the golf course, problems with bench plaques and again stated that they feel the trailer looks ugly with the propane tanks and that perhaps it could have been decorated better. Some members of the audience remarked that they feel Mr. Vetrano has been treated rudely.

Mr. Russo apologized for his frustration but stated that he would have appreciated discussing the concession at the Beach Visioning meeting held last year but noted that he feels that the governing body had already planned on purchasing the trailer and feels that the governing body should be up front with the public. Mr. Russo said that he already sees major safety issues such as having no safety stantions by the utility connections and no storage.

ORDINANCES

FINAL READING AND ADOPTION OF ORDINANCE

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

ORDINANCE 2011-11

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 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

INTRODUCTION

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

PENDING ORDINANCE

COMMUNICATIONS

On Motion by Schreck/ Galassetti approval of the following Café Licenses
Ferraro’s Restaurant 400 Main Street
Fins Restaurant 120 Main Street
Beckmans Bradley LLC 706C LaReine Avenue

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

APPROVED MOTION

On Motion by Schreck/ Galassetti approval of the following Raffle Licenses
Bradley Beach Historical Society RL 9-11

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

APPROVED MOTION

On Motion by Schreck/ Galassetti approved a request from Bradley Beach Fire
Department’s request to sell 50/50 Raffle tickets at the Fifth Avenue Gazebo
Monday through Friday from 7-9pm

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

APPROVED MOTION

On Motion by Schreck/ Galassetti approved a request from Bradley Beach Fire
Department Ladies Auxiliary request to sell their cookbooks on the boardwalk
this summer

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

APPROVED MOTION

On Motion by Schreck/ Cotler approved a request from Bradley Beach Memorial Day
Committee request for fifty (50) certificates or as many as needed for free golf
game to acknowledge Bradley Beach Elementary students participating in the
Memorial Day Parade

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

ADOPTED RESOLUTIONS

- Resolution 93 **AUTHORIZATION OF PAYMENT TO THE LIENHOLDER FOR BLOCK 37 LOT 26**
- Resolution 94 **AUTHORIZES A REDUCTIONS OF SEWER BILLING FOR BLOCK 58 LOT 8**
- Resolution 95 **AUTHORIZES CANCELLATION OF OUTSTANDING CHECKS ON THE RCA ESCROW ACCOUNT**
- Resolution 96 **AUTHORIZES A TEMPORARY CERTIFICATE OF OCCUPANCY FOR BLOCK 22 LOT 15 AND AN INSTALLMENT PAYMENT PLAN TERMINATING AUGUST 1, 2011 AND PROVIDES FOR REVOKING THE TEMPORARY CO IF THE PROPERTY OWNER DEFAULTS ON THE PAYMENT PLAN FOR BOTH TAX AND SEWER**
- Resolution 97 **AUTHORIZES VOUCHER WARRANTS ON THE TREASURY FOR PAYMENT OF BILLS**
- Resolution 98 **CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: MONMOUTH COUNTY WASTEWATER MANAGEMENT PLAN**
- Resolution 99 **AUTHORIZES THE SUBMISSION OF A COPS GRANT APPLICATION**
- Resolution 100 **AUTHORIZES THE BOROUGH CLERK TO ADVERTISE FOR A BOROUGH ATTORNEY, BOROUGH LABOR ATTORNEY, BOROUGH BOND ATTORNEY AND BOROUGH ENGINEER**
- Resolution 101 **AUTHORIZES THE BOROUGH CLERK TO ADVERTISE FOR QUOTES FOR RECYCLING SERVICES**
- Resolution 102 **AUTHORIZES THE BOROUGH ENGINEER TO FILE THE ANNUAL STORM WATER REPORT AT AN AMOUNT NOT TO EXCEED \$2,250.00**
- Resolution 103 **AUTHORIZES THE BOROUGH ENGINEER TO PERFORM PROFESSIONAL SERVICES TO SUPPORT THE MONMOUTH COUNTY STORM WATER TECHNICAL ADVISORY COMMITTEE REVIEW OF THE BOROUGH'S STORM WATER MANAGEMENT PLAN**
- Resolution 104 **AWARD OF CONTRACT TO HELIOS SOLAR ENERGY FOR THE INITIAL WORK TO RELOCATE ELECTRICAL**

- Resolution 105 **COMPONENTS FROM 701 MAIN STREET TO 715 EVERGREEN AVENUE IN THE AMOUNT OF \$1,420.00 AUTHORIZES THAT THE BOROUGH WILL CONTINUE PARTICIPATION IN THE MONMOUTH COUNTY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR THE TERM OF 2012 THROUGH 2014**
- Resolution 106 **APPROVES SPECIAL EVENT APPLICATIONS FOR BOTH THE MEMORIAL DAY COMMITTEE AND THE BRADLEY BEACH RUN COMMITTEE**
- Resolution 107 **AUTHORIZES THE BOROUGH CLERK AS ABC SECRETARY TO SIGN CERTIFICATION FOR A SOCIAL AFFAIR PERMIT TO THE FOOD BANK OF MONMOUTH AND OCEAN COUNTIES ON JUNE 8, 2011**
- Resolution 108 **AUTHORIZES THE BOROUGH CLERK TO ADVERTISE FOR A PUBLIC AUCTION FOR THE SALE OF BIKES AND OTHER MISCELLANEOUS ITEMS TO BE HELD ON SATURDAY, JUNE 11, 2011 WITH A RAIN DATE OF JUNE 18, 2011**
- Resolution 109 **AUTHORIZES GIAMANO'S RESTAURANT TO HAVE LIVE MUSICAL OUTDOOR ENTERTAINMENT IN THEIR PARKING LOT ON SUNDAY'S MID JUNE OR EARLY JULY THROUGH EARLY SEPTEMBER 2011 FROM 4PM TO 8PM**
- Resolution 110 **AUTHORIZES THE BOROUGH CLERK TO RE-ADVERTISE FOR BIDS ON THE LAKE TERRACE TO CLIFF AVENUE PUSHCART WITH A MINIMUM BID OF \$500.00**
- Resolution 111 **AUTHORIZES THE BOROUGH CLERK TO RE-ADVERTISE FOR BIDS ON THE UMBRELLA AND BEACH CHAIRS WITH A MINIMUM BID OF \$1,500.00 FOR THREE LOCATIONS**
- Resolution 112 **AUTHORIZE ARCHITECT ANDREW TROCCHIA TO PROVIDE PROFESSIONAL SERVICES FOR THE BRADLEY BEACH MUNICIPAL BUILDING STORAGE SPACE FEASIBILITY STUDY IN AN AMOUNT NOT TO EXCEED \$5,000.00**

ADOPTED RESOLUTIONS

RESOLUTIONS

Councilman Cotler noting that he previously presented the facts concerning the use of pesticides and their adverse affect on people, fish, animals and environment when he proposed the resolution to ban the use of pesticides on municipal properties. Councilman Galassetti and Mayor Schreck noted that the borough is using pesticides permitted by law.

Resolution 113

**ESTABLISHES A BAN ON THE USE OF ALL
PESTICIDES ON MUNICIPAL PROPERTIES WITHIN
THE BOROUGH OF BRADLEY BEACH**

ON MOTION

by Cotler/ Engelstad moved to adoption

ROLL CALL

AYES: Cotler, D' Angelo, Engelstad

NAYS: Galassetti, Schreck

ADOPTED RESOLUTION

ANNOUNCEMENTS

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 28th and Sunday, May 29th 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 offered his condolences to the McPherson family. Mr. Cotler also congratulated the New Jersey Tears Foundation on having an outstanding walk and thanked all who serve in the armed forces.

Councilman D' Angelo congratulated Colleen Harrington and members of the Chamber of Commerce on their "Taste of Bradley Beach" event in Riley Park. Mr. D' Angelo invited everyone to attend the Annual Memorial Day Service in Riley Park and honor our veterans.

Mayor Schreck also congratulated that Chamber of Commerce on showing the Borough at its best during the Taste of Bradley Beach event. The Mayor also advised that the Chamber is discussing forming a beautification committee to make modest improvements on Main Street. She announced that Julia Rand and the Arts at the Beach council is recruiting people to perform at perform Shakespeare at the beach on July 7th with a rain date of July 21st.

Council noted that there should be a meeting held concerning hurricane preparedness with the upcoming season approaching with emergency services.

PUBLIC COMMENT

William Psuik said that he was pleased with the ban on the use of pesticides as he currently suffers from the effects of Agent Orange.

ADJOURNMENT

ON MOTION by Schreck/Galassetti the meeting was adjourned at 9:33 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk