

**REGULAR MEETING**  
**June 28, 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, Galassetti  
Mayor Schreck  
Absent: Council: Engelstad  
Borough Attorney George McGill  
Business Administrator O'Reilly  
Secretary: Municipal Clerk Mary Ann Solinski

**Presentation**

Mayor Schreck read a proclamation recognizing Honorable Mark T. Apostolou for his years of service to the Borough as Municipal Court Judge upon his retirement. The Mayor noted Judge Apostolou presided over his last court session on Tuesday and has been loved by the staff and respected by those who came before him.

**Public Bids and Presentations:**

Attorney McGill announced that this was the time advertised to receive public bids for rental of Beach Umbrella and Chairs Concession.

Joseph Petracca, 106 Ocean Park Avenue, Bradley Beach was the sole bidder offering the minimum bid of \$1,500.00.

Attorney McGill recommended award of the bid to Mr. Petracca.

Attorney McGill announced that this was the time advertised to receive public bids for operation of a Surf Camp Concession bids.

Shaun McGrath representing Summertime Surf, 404 Ocean Avenue #4, Belmar, NJ was the sole bidder offering the minimum bid of \$500.00.

Attorney McGill recommended award of the bid to Summertime Surf.

## **Resolutions**

### **Resolution 132**

Award of the space for the Rental the Beach Umbrella and Chairs One Year Lease with possible extension to Joseph Petracca, 106 Ocean Park Avenue commencing July 2, 2011 on the bid of \$1,500.00

ON MOTION

by Schreck/ Galassetti moved to adoption.

ROLL CALL

AYES: Cotler, D'Angelo, Galassetti, Schreck

NAYS: None

ABSENT: Engelstad

### **ADOPTED RESOLUTION**

### **Resolution 133**

Award of the space for the Operation of a Surf Camp Lease on the Lake Terrace Beach to Summertime Surf, 404 Ocean Avenue #4, Belmar, NJ commencing June 28 , 2011 and terminating on September 2, 2011 on the bid of \$500.00

ON MOTION

by Schreck/ D'Angelo moved to adoption.

ROLL CALL

AYES: Cotler, D'Angelo, Galassetti, Schreck

NAYS: None

ABSENT: Engelstad

### **ADOPTED RESOLUTION**

## **APPROVAL OF MINUTES**

On Motion

by Schreck/Galassetti to approve the minutes for May, 2011

ROLL CALL

AYES: Cotler, D'Angelo, Galassetti, Schreck

NAYS: None

ABSENT: Engelstad

### **APPROVED MOTION**

## **Discussion Items**

Council reviewed the Recycling Bid results and agreed to award the bid on the results for the base bid, after a brief discussion concerning single stream recycling as Councilman Galassetti expressed concerns about increasing garbage tonnage tipping fees which he feels is because some residents throw recyclables in the regular trash. Mr. DeLisa replied that most towns are going single stream as the streamlined process is easier for the public to deal with recyclables. Mr. DeLisa also confirmed that the single stream collection system is less profitable to the haulers as the materials are separated at a plant when they are delivered as opposed to manual separation by the public.

Mayor Schreck noted that the Environmental Commission advised that single stream recycling may cause items to become contaminated. Mr. DeLisa also noted that bids submitted for Saturday services, explained that recycling plants close at noon on Saturdays and that the drivers would experience difficulty collecting materials from the roadways along with citing additional labor costs

for collection on Saturdays. Council agreed that dual stream is more efficient on saving the environment and that the monies being saved should be used to educate the public about recycling. The six month contract will take effect on July 1<sup>st</sup>.

Councilman Galassetti stated that the Borough should begin exploring available sites for seasonal off site storage of the Beach Lockers. He suggested looking into lease or acquisition of land available by the Hess gas station on Main Street. The Administrator added that additional space may be necessary for a public works recycling disposal and other daily activities as the traffic light being installed at Memorial Drive and Evergreen Avenue by Monmouth County may result in hampering access to the present public works facilities. Mr. Galassetti also announced that borough officials are trying new materials which requires less maintenance.

Councilman Galassetti urged Council to review their meeting policies as recent council meetings have exceeded three to four hours resulting in the last meeting going into executive session around midnight and ending at 12:30am. The Councilman stated that the long hours may be counter productive as the same items are repeated several times sometimes at the same meeting by both Council and the public. Mayor Schreck suggested having only one meeting a month. Members were not in favor of this suggestion. Councilman Cotler suggested adding a third meeting per month. Councilman Galassetti again stated that both suggestions would not alleviate the problem of meetings lasting numerous hours and having repetitive discussions on the same item several times resulting in the meeting ending late in the evening. He suggested that the meetings start earlier and setting a limit on the length of meeting. Mayor Schreck noting that she doesn't like using the gavel preferring to have people finish their comments. She stated that the use of the gavel and adhering to the five minutes per comment rule maybe the only way to restore and control the length of the meetings.

Borough Engineer updated Council on the Capital Project Status noting that the Administrator has been able to obtain a time extension until December 22, 2011 for the Lake Terrace Park Improvement Project.

Citing the engineer's concern for hidden costs and a requirement for a CAFRA permit being necessary for the placement of the pad for the wind turbine at the sewer plant, Mayor Schreck announced that further research is being conducted prior to the installation of the wind turbine under the Wind Energy/Sustainable Jersey Program. Councilman Galassetti noted that Jersey Central Power and Light Company is not being responsive when street light outages are reported by the police and that the borough officials should try to contact the company representative.

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

On motion by Schreck/Cotler

Capital Budget Amendment #1

Ordinance 2011-15

Authorization for fireworks display on July 3<sup>rd</sup>

On motion by Schreck/D'Angelo

Delete the award of bid for the Beach Rollout Mats

Authorization for the Clerk to re-advertise for Beach Rollout Mats

Authorizes the Tax Collector to place a lien on the property located at 324 McCabe Avenue for yard clean-up and grass cutting

### **PUBLIC COMMENT**

Chief Guida asked if the First Aid Squad has committed to donating an ambulance to the Office of Emergency Management as part of the Borough's purchase of a new ambulance under the Monmouth County Improvement Authority as previously discussed.

Mayor Schreck responded that there hasn't been a formal response to date. Chief Guida also asked if the final MCIA figures are formally committed. The Administrator confirmed that \$475,000 is the final figure for the MCIA projects.

Councilman Cotler noted that he had some objections to the appointment of Richard Thompson as municipal court judge as Mayor Schreck called him last Friday concerning Mr. Thompson's appointment and then called again on Monday to inform him of the Attorney's advice that the appointment of a judge is a Council decision. Mr. Cotler stated that he thought the council would have received a list of candidates to interview along with the Mayor after she announced Judge Apostolou's planned retirement. Mr. Cotler said that he did not feel appropriate justice was done in the hiring of Judge Apostolou's replacement and that due to the confusion and having no time to conduct interviews he will abstain from the vote tonight. Mayor Schreck responded that she had asked for recommendations but only received two names both from one Councilman. Councilman D'Angelo explained that the Mayor in an honest mistake, erroneously appointed the judge via a mayor decision which was later determined that the entire council is involved in the complete process. Mayor Schreck added that the court is very complex and busy with a wide range of issues to address and that Judge Thompson is skilled in really moving the calendar along. She also noted that Judge Thompson came highly recommended and he has also indicated that he will work to improve the court functions.

Councilman Cotler asked if there were any members not being re-appointed to any boards. Mayor Schreck responded that she is not re-appointing Mrs. Christensen and explained a discussion she had with the State Librarian concerning appointments to the board. Mayor Schreck said that she will advertise for anyone interested on serving on the boards and that Mrs. Christensen may apply. Mayor Schreck also noted that Alan Quixley is not being re-appointed to the Planning Board but that Council has no power to make appointments to that particular board. She also reported that Dennis Mayer expressed a desire to step down from

the Board of Adjustment. Councilman Cotler asked if Mrs. Christensen could serve in any capacity. Attorney McGill responded that the appointments are controlled by state statute. Mayor Schreck added that Mrs. Christensen presently is a member of the Friends of the Library. Mayor Schreck announced that the Library Board is actively searching for a new Librarian and that they have appointed an interim Librarian.

Police Chief Guida questioned why a resolution regarding his contract is scheduled for tonight's meeting when he and his attorney have already agreed to the Borough's Attorney memorandum sent June 14<sup>th</sup>. Attorney McGill responded by saying the resolution was to authorize the preparation of the memorandum which was sent to the chief's attorney – in other words that he did what he was authorized to do. Chief Guida continued to question the attorney about the contract and memorandum. Mayor Schreck noted that while she disagreed with the stipulations of the chief's new contract the vote to authorize the memorandum is procedural and lawful. At one point, Councilman D'Angelo said that he would leave the meeting and not vote on the resolution if the Chief persisted in questioning the actions of Council.

## **ORDINANCES**

### **INTRODUCTION**

#### **ORDINANCE 2011-13**

#### **ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF BRADLEY BEACH, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO**

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

### **PENDING ORDINANCE**

#### **ORDINANCE 2011-14**

#### **ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF BRADLEY BEACH, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO**

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

### **PENDING ORDINANCE**

**ORDINANCE 2011-15**  
**ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF**  
**BRADLEY BEACH, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND**  
**INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS,**  
**SERIES 2011 (BRADLEY BEACH PROJECT) OF THE MONMOUTH**  
**COUNTY IMPROVEMENT AUTHORITY**

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

**PENDING ORDINANCE**

**COMMUNICATIONS**

On Motion by Schreck/ Galassetti approved the following Café Licenses  
Cerrato's Restaurant 401 Main Streets  
UVA on Main 800 Main Street

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

**APPROVED MOTION**

On Motion by Schreck/ Galassetti approved Shark River Beach and Yacht Club's request for a donation of free miniature games for approximately forty children which are anticipated to participate in their Annual Kids Fluke Tournament on July 16, 2011

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

**APPROVED MOTION**

On Motion by Schreck/ Galassetti approved Clean Ocean Action's request for permission to set up a C.O.A.S.T. table on either the beach or boardwalk for four hours each day on Saturday, July 30<sup>th</sup> and Sunday July 31<sup>st</sup> 2011 approximately 10am to 2pm and to provide a six foot table as well as a secure location to store two boxes of materials from Friday afternoon to Monday morning

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

**APPROVED MOTION**

On Motion by Schreck/ Galassetti approved David Altemose's request to hold the 6<sup>th</sup> Annual Mid-Summer Mardi Gras Party on Fletcher Lake Avenue from Evergreen to Second Avenue 2-8pm or 1-8pm and to provide barricades for this function

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

**APPROVED MOTION**

On Motion        by Schreck/Galassetti to file correspondence regarding continue participation in the Monmouth County Municipal Alliance Prevent Alcoholism and Drug Abuse Program for 2012

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

**APPROVED MOTION**

On Motion        by Schreck/ Galassetti to accept and file NJ Environmental Federation notification of their annual canvassing in the Borough July through September 2011 and requesting them to limit canvassing hours to 12noon-7pm.

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

**APPROVED MOTION**

On Motion        by Schreck/ Galassetti approved correspondence from the Code Officer concerning placing a lien on the property located at 324 McCabe Avenue for yard clean-up and grass cutting services

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

**APPROVED MOTION**

**CONSENT AGENDA**

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

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

**ADOPTED RESOLUTIONS**

Resolution 134

**BILL LIST**

Resolution 135

**ADOPTION OF A CORRECTIVE ACTION PLAN FOR THE 2010 AUDIT**

Resolution 136

**AWARD OF CONTRACT FOR RECYCLING SERVICES JULY 1, 2011 THROUGH DECEMBER 31, 2011 TO DELISA**

- DEMOLITION INC IN THE AMOUNT OF THE BASE BID OF \$17,000.00**
- Resolution 137      **APPROVES THE FORM AND AUTHORIZES THE EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY TO FINANCE THE ACQUISITION OF CERTAIN CAPITAL EQUIPMENT**
- Resolution 138      **AUTHORIZES THE BOROUGH ENGINEER TO PREPARE BID SPECIFICATIONS AND THE BOROUGH CLERK TO ADVERTISE A NOTICE TO BIDDERS FOR A PUBLIC WORKS BOB-CAT MACHINE AT A FEE NOT TO EXCEED \$1,590.00**
- Resolution 139      **APPOINTMENT OF MARY ANN SOLINSKI AS REGISTRAR OF VITAL STATISTICS AND ASSESSMENT SEARCH OFFICER COMMENCING JULY 1, 2011**
- Resolution 140      **APPOINTMENT OF GEORGE D. MCGILL, ESQ AS BOROUGH ATTORNEY FOR A ONE YEAR TERM COMMENCING JULY 1, 2011**
- Resolution 141      **APPOINTMENT OF BRUCE KOCH, P.E., P.P. AS BOROUGH ENGINEER FOR A ONE YEAR TERM COMMENCING JULY 1, 2011**
- Resolution 142      **PROFESSIONAL APPOINTMENTS COMMENCING JULY 1, 2011:**  
**JASON SHAMY, ESQ                      PROSECUTOR**  
**MARK S. RUDERMAN, ESQ              LABOR ATTORNEY**  
**JAY ZIZNEWSKI, ESQ                  BOND ATTORNEY**
- Resolution 143      **AUTHORIZES THE BOROUGH CLERK TO RE-ADVERTISE FOR BEACH ROLLOUT MATS**
- Resolution 144      **CAPITAL BUDGET AMENDMENT #1**
- Resolution 145      **AUTHORIZES A FIREWORKS DISPLAY ON JULY 3<sup>RD</sup> WITH A RAIN DATE OF JULY 16TH**

**ADOPTED RESOLUTIONS**

**RESOLUTIONS**

- Resolution 146      **AUTHORIZES THE BOROUGH ATTORNEY TO PREPARE A MEMORANDUM REGARDING THE POLICE CHIEF'S CONTRACT IN ACCORDANCE OF THE TERMS OF JUNE 20, 2011**

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

**ADOPTED RESOLUTION**

Resolution 147

**AUTHORIZES THE BOROUGH ADMINISTRATOR GAIL O'REILLY TO EXECUTE THE MEMORANDUM MEMORIALIZING THE CHIEF'S CONTRACT AGREEMENT ON BEHALF OF THE BOROUGH**

ON MOTION  
ROLL CALL

by Galassetti /D' Angelo moved to adoption.  
AYES: Cotler, D' Angelo, Galassetti, Schreck  
NAYS: None  
ABSENT: Engelstad

**ADOPTED RESOLUTION**

Resolution 148

**APPOINTMENT OF RICHARD B. THOMPSON AS MUNICIPAL COURT JUDGE FOR A THREE YEAR TERM**

ON MOTION  
ROLL CALL

by Schreck / D' Angelo moved to adoption.  
AYES: D' Angelo, Galassetti, Schreck  
NAYS: None  
ABSTAIN: Cotler  
ABSENT: Engelstad

**ADOPTED RESOLUTION**

Resolution 149

**APPOINTMENTS TO VARIOUS BOARDS AND POSITIONS**

Joyce M. Wilkins	Tax Search Officer
Michele A. Whille	Asst. Deputy Tax/Sewer Collector
Frances M. Sauta	Alternate Deputy Court Administrator
Ronald Troppoli	Public Defender
Beverly Rassas	Comm. Dispute Committee
Harold Rassas	Comm. Dispute Committee
Stephen Fahnholz	Deputy OEM Coord.
Richard Bianchi	Deputy OEM Coord.
Leonard Guida	911 Coordinator
Kenneth Childs	Deputy Code Enf. Officer
Kenneth Triano	Deputy Code Enf. Officer
Robert Hartsgrove	Deputy Code Enf. Officer
George Selah III	Deputy Code Enf. Officer
William Gray	Zoning Officer
Richard Bianchi	Recycling Coordinator
Michael Manson	C-2 Licensed Sewer Operator
Richard Bianchi	Unlicensed Sewer Operator
Biagio Cofone	Unlicensed Sewer Operator
<u>Board of Adjustment</u>	
Joseph Battipaglia	Regular Member expires 6/30/15
Kathleen McGorry	Alt. I expires 6/30/12
Robert Quinlan	Alt. II expires 6/30/13
<u>Planning Board</u>	
Gail O'Reilly	Class II expires 6/30/12

Gary Engelstad	Class III expires 6/30/12
William Psiuk	Class IV expires 6/30/15
<u>Historical Society</u>	
Shirley Ayres	Historian
Raffaella Tutela	Asst. Historian
Raffaella Tutela	Mon. County Office on Aging Rep.
Raffaella Tutela	Senior Citizen Bus Coord.
James Santanello	Veteran Affairs
Donna Mazza	Mun. Alliance for Prev Alcohol/Drug
<u>Recreation Board</u>	
Marck C. Dobrzynski	Heather Minsky
Jennifer Young	Charles Triolo

ON MOTION by Schreck/ Galassetti moved to adoption.

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

NAYS: None

ABSENT: Engelstad

**ADOPTED RESOLUTION**

Resolution 150      **APPROVES THE ISSUANCE OF A SPECIAL PARKING PERMIT TO A RESIDENT AT 506 LAREINE AVENUE**

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

ROLL CALL AYES: Cotler, D'Angelo, Schreck

NAYS: Galassetti

ABSENT: Engelstad

**ADOPTED RESOLUTION**

**ANNOUNCEMENTS**

The Jack Wright Ocean Mile Swim will be held on Saturday, July 2, 2011 at the Kent Avenue Beach at 9:30am.

The Annual Fireworks Display will be held on Sunday, July 3<sup>rd</sup> on the Brinley Avenue Beach at approximately 9pm (Rain date July 16<sup>th</sup>). DJ Joey V will provide entertainment 7-9pm at the Gazebo.

The Arts at the Beach will present Shakespeare at the Beach to be held at the Gazebo on Thursday, July 7<sup>th</sup> with a rain date of July 21<sup>st</sup>

The Arts at the Beach will present a Vocal Concert at the Bradley Beach Firehouse Banquet Hall on Thursday, July 14<sup>h</sup> at 7pm

The Arts at the Beach will present a Multi-Media Event at the Bradley Beach Firehouse Banquet Hall on Tuesday, July 19<sup>h</sup> at 4-7pm

**REPORTS**

Councilman Cotler requested to have all the figures related to the costs for the Brinley Avenue concession by the July 12<sup>th</sup> meeting. Mr. Cotler suggested placing a referendum on

the November election ballot as a non-binding question to find out whether residents want to see the borough continue the use of pesticides and herbicides on municipal properties. Councilman Cotler stated that pesticides can cause cancer. Pets and dogs and cats can absorb a harmful amount of pesticides just by licking their paws after walking on a treated lawn. He also reported that they have been linked to attention deficit disorder and end up in our water, lakes and streams. It was agreed that a question to be worded as neutrally as possible could be placed on the November ballot.

Mr. Cotler reported that the skin cancer screening event was a huge success and that there was a wonderful concert in Riley Park. Mr. Cotler wished everyone a safe and healthy July 4<sup>th</sup> weekend.

Councilman D'Angelo thanked Rae Tutela for the wonderful concert in Riley Park and said that he would like to see more concerts held there.

Councilman Galassetti reported that there is approximately eighty children participating in the Recreation Summer Camp program this year.

Mayor Schreck announced that the Shuttle Link bus service will start soon and that there is a kick-off ceremony on July 1<sup>st</sup> in Belmar.

## **PUBLIC COMMENT**

Brett Cotler questioned why he could not get a response from the Library. The Mayor responded that the Library is in a transition period at present.

## **ADJOURNMENT**

ON MOTION            by Schreck/Galassetti the meeting was adjourned at 8:30 PM.

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Mary Ann Solinski, RMC, CMC  
Municipal Clerk