

REGULAR MEETING

August 9, 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
Mayor Schreck
Borough Attorney George McGill
Business Administrator O'Reilly
Absent: Council: Galassetti
Secretary: Municipal Clerk Mary Ann Solinski

APPROVAL OF MINUTES

On Motion by Engelstad/ Cotler approve the minutes for June 28, 2011

ROLL CALL AYES: Cotler, D'Angelo, Schreck

NAYS: None

ABSTAIN: Engelstad

ABSENT: Galassetti

APPROVED MOTION

Discussion Items

After reviewing economic details concerning the investment of approximately \$25,000 of borough funds towards the building of a vertical-axis wind turbine at the pump station in conjunction with a \$10,000 grant along with concerns of obtaining a CAFRA (Coastal Area Facility Review Act) permit officials agreed that the installation maybe cost inefficient. Mayor Schreck suggested council may wish to purchase a sustainable street lamp instead of placing a wind turbine at the sewer plant and introduced Gary Hart of Urban Green Energy to explain the possible use for the Sustainable Jersey Grant funding for a solar and wind powered street lamp. The company is an alternative-energy technology development company which produces solar energy systems, wind energy systems, alternative energy support services and alternative energy product lines. Mr. Hart explained that the installation of a turbine at the sewer pump station is in its infant stage and that data is not available to be

in a position of telling Council that the installation will cut the utility bills in half. Mr. Hart further explained that his alternate idea of a UGE's Sanya which is a hybrid street lamp powered by both wind and solar energy could be used for the grant funding. The lamp would cost just over \$10,000 but Mr. Hart said he would waive any costs over the grant amount in order that the Borough would not incur any additional expenses for the lamp and that he would also perform any necessary maintenance for the first five years free of charge. Councilman Cotler suggested UGE partner with the Borough and provide another lamp for placement on Main Street as the first lamp would be placed at the beachfront. He also suggested council consider passing legislation to pave way for such developments in town. Mr. Hart was unreceptive to the suggestion of providing a second street lamp. The Sanya lamp which is created using NASA technology could save \$200 to \$240 per year. William Psiuk addressed Council advising that everything is new for five years and that the borough would have to deal with the escalating maintenance costs after the term of the free maintenance period noting that the salt and sand will in fact affect the structure which can end in a maintenance nightmare. Mayor Schreck stated that Sustainable Jersey's purpose is to get people to try these things and see if they work and that the Borough will take bids from competing wind-energy providers and continue to work on the issue.

Mayor Schreck reminded Council that a decision on the improvements to the Miniature Golf Course must be made within a reasonable time frame and to decide whether the Council will fund the entire project with borough funds and continue to run the course in-house or bid out the work to a private company which would then enter into a lease with the borough to operate the course on its own. Borough Engineer advised that he could perform a topographic survey of the course in order to proceed with the project.

Council reviewed proposals for Garbage/Recycling specifications. A brief discussion ensued, Councilman Cotler expressed concern over collecting recyclable materials on Wednesday. Mr. D'Angelo stated that he would like to see the materials collected on Monday as presently scheduled. The Administrator advised that the borough will proceed with the specifications in order that state law is observed in placing the project out to bid in order for award of contract before the end of the year.

Engineer Koch gave a Capital Project Status Report to Mayor and Council. Mr. Koch noted that he would like to put out to bid for the Improvements to Fletcher Lake Avenue and Lake Terrace Park Project and the Improvements to Hammond Avenue Project at the same time.

Mayor Schreck stated she would like to see an interpretive statement on the referendum concerning the use of pesticides/herbicide on borough properties and submitted a statement proposal to Council for consideration. Councilman Cotler suggested the language was slanted in favor of keeping pesticides. Councilman D'Angelo acknowledged that Mr. Cotler has strong feelings concerning the use of chemical pesticides but that the question must be explained in layman's terms. Council decided to move ahead with taking a vote on the matter.

Council discussed some of the State's Best Practices Survey questions and noted that the Borough should establish policies concerning requirements for elected officials to attend basic courses on responsibilities and obligations in local government and providing annual employment practice liability training.

Items added or deleted to Agenda

On motion by Schreck/D'Angelo to add a resolution to add interpretive statement to the Public Question concerning use of pesticides and herbicides on public property

On motion by Schreck/Engelstad to add a resolution requiring Elected Officials attendance at basic courses on responsibilities and obligations in local government and providing annual employment practice liability training

On motion by Schreck/D'Angelo

Delete the resolution concerning a policy regarding use of the Fire Chief vehicle

Add a resolution granting free beach admission to participants in the 10th Annual Robert J. Foti Miniature Golf Tournament on August 13, 2011 (rain date August 14th)

Councilman Cotler advised that the Jersey Shore Film Festival would be showing a film as they had done in Deal which is about Bradley Beach.

COMMUNICATIONS

On Motion by Schreck/ D'Angelo approved the a. Bingo Licenses

Sisterhood, CAA BL 5-11

Senior Club, CAA BL 6-11

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

NAYS: None

ABSENT: Galassetti

APPROVED MOTION

On Motion by Schreck/ Cotler approved a request from Jersey Shore Film Festival to use the Fifth Avenue Gazebo on August 31, 2011.

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

NAYS: None

ABSENT: Galassetti

APPROVED MOTION

CONSENT AGENDA

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

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

NAYS: None
ABSENT: Galassetti

ADOPTED RESOLUTIONS

- Resolution 166 **AUTHORIZES SEWER BILLING FOR BLOCK 63 LOT 2**
Resolution 167 **BILL LIST**
Resolution 168 **AUTHORIZES THE RELEASE OF A PERFORMANCE**
Resolution 169 **GUARANTEE POSTED BY B & G FUEL, 117 MAIN STREET**
Resolution 170 **AUTHORIZES THE BOROUGH OF BRADLEY BEACH**
Resolution 171 **PARTICIPATION IN THE BOND FINANCING OF THE**
Resolution 172 **MONMOUTH COUNTY IMPROVEMENT AUTHORITY**
Resolution 173 **AWARD OF CONTRACT TO GARDEN STATE BOBCAT, INC.**
Resolution 174 **OF FREEHOLD, NJ FOR THE PUBLIC WORKS COMPACT**
Resolution 175 **TRACK LOADER IN THE AMOUNT OF \$67,958.12**
Resolution 176 **AUTHORIZES THE BOROUGH ENGINEER TO PREPARE**
Resolution 177 **BID SPECIFICATIONS FOR THE PURCHASE OF A PUBLIC**
Resolution 178 **WORKS/ OFFICE OF EMERGENCY MANAGEMENT**
Resolution 179 **VEHICLE AT A FEE NOT TO EXCEED \$1,590.00**
Resolution 180 **AUTHORIZES THE BOROUGH ENGINEER TO PREPARE A**
Resolution 181 **MINIATURE GOLF COURSE TOPOGRAPHIC SURVEY AT A**
Resolution 182 **FEE NOT TO EXCEED \$1,924.00**
Resolution 183 **GRANTS FREE BEACH ADMISSION TO PARTICIPANTS IN**
Resolution 184 **THE 10TH ANNUAL ROBERT J. FOTI MINIATURE GOLF**
Resolution 185 **TOURNAMENT ON AUGUST 13, 2011 (RAIN DATE AUGUST**
Resolution 186 **14TH)**
Resolution 187 **ADDS AN INTERPRETIVE STATEMENT TO THE PUBLIC**
Resolution 188 **QUESTION CONCERNING USE OF PESTICIDES AND**
Resolution 189 **HERBICIDES ON PUBLIC PROPERTY ON THE GENERAL**
Resolution 190 **ELECTION BALLOT FOR NOVEMBER 8, 2011**
Resolution 191 **REQUIRES ELECTED OFFICIALS ATTENDANCE AT BASIC**
Resolution 192 **COURSES ON RESPONSIBILITIES AND OBLIGATIONS IN**
Resolution 193 **LOCAL GOVERNMENT AND PROVIDING ANNUAL**
Resolution 194 **EMPLOYMENT PRACTICE LIABILITY TRAINING**

RESOLUTIONS

- Resolution 174 **NON-BINDING QUESTION ON THE NOVEMBER BALLOT**
Resolution 175 **CONCERNING THE USE OF PESTICIDES AND HERBICIDES**
Resolution 176 **ON PUBLIC PROPERTY UNLESS IS IT A MATTER OF**
Resolution 177 **PUBLIC SAFETY**

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

ADOPTED RESOLUTION

Councilman Cotler made a motion with different language which received to no second and the motion did not carry.

ANNOUNCEMENTS

The 10th Annual Robert J. Foti Miniature Golf Tournament will be held on Saturday August 13th at the miniature Golf Course on Ocean Avenue 10am-2pm. Rain date is Sunday, August 14th

Tourism will present a movie in Riley Park on Wednesday, August 17th starting at approximately 8:45pm

The Annual Bradley Beach “Kids Race” will be held on Friday, August 19th starting on Bradley Boulevard at 6:30pm

The Annual Bradley Beach 5K Race will start at the Fifth Avenue Gazebo on Saturday, August 20th at 8:30am

REPORTS

Councilman Cotler thanked all the volunteers involved in the National Night Out event as well as thanking the Tourism Commission for providing a tribute to Elvis Concert last week.

Councilman D’Angelo thanked the Sons of Italy for honoring him during their annual Italian Festival. Mr. D’Angelo also invited the public to attend the 10th Annual Robert J. Foti Miniature Golf Tournament.

Councilman Engelstad noted that the Joint Subcommittee is reviewing the Borough’s street cleaning policy.

Mayor Schreck thanked all the employees and volunteers for making the town of Bradley Beach the jewel which it is known as for providing public entertainment and services.

PUBLIC COMMENT

Julia Rand expressed concern for wildlife danger with the use of wind turbines at the beachfront. Ms. Rand also state that she feels it would be best to continue collecting recyclables and garbage on Mondays. She also stated that signage should be provided at the beachfront informing the public where smoking is permitted.

Joseph Applegate noting his thirty years of service to the Borough of Spring Lake Public Works department offered to assist public works superintendent in developing an efficient garbage, recycling, brush and street sweeping schedules for the borough.

Resolution 176

**RETIRED INTO CLOSED EXECUTIVE SESSION AS
RECOMMENDED BY THE BOROUGH ATTORNEY FOR
DISCUSSION OF PERSONNEL MATTERS PERTAINING TO
POLICE ARBITRATION AND DEPARTMENT PERSONNEL
MATTERS.**

ON MOTION

by Schreck/ Engelstad moved to adoption.

ROLL CALL

AYES: Cotler, D'Angelo, Engelstad, Schreck

NAYS: None

ABSENT: Galassetti

ADOPTED RESOLUTION

Council retired into Closed Session at 8:23PM

Closed Executive Session 8/9/11

Council discussed the police lieutenant's grievance concerning unfair work and pay issues. Administrator O'Reilly explained that the police chief advised her that the department can handle the cost associated with promoting the lieutenant to captain retroactive to January 1st 2011. She also advised the arbitration hearing is scheduled for tomorrow during which the matter will be resolved. Council members agreed that the lieutenant deserves the promotion and that they would like to offer him a promotion to Captain.

Lt. Fahnholz was invited into the closed meeting and offered a promotion to captain retroactive to January 1st. He consulted with his attorney and agreed to accept the promotion.

On motion by Schreck/D'Angelo to return to open session at 8:55PM.

Council returned to open session at 8:56 PM.

Mayor Schreck announced that as a result of the executive session that action will be taken concerning a personnel matter.

Resolution 177

**APPOINTMENT OF STEPHEN FANHOLZ TO THE
POSITION OF POLICE CAPTAIN WITH RETROACTIVE PAY
AND TITLE TO JANUARY 1, 2011**

ON MOTION

by Schreck/ Cotler moved to adoption.

ROLL CALL

AYES: Cotler, D'Angelo, Engelstad, Schreck

NAYS: None

ABSENT: Galassetti

ADOPTED RESOLUTION

ADJOURNMENT

ON MOTION

by Schreck/D'Angelo the meeting was adjourned at 8:57 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk