

**REGULAR MEETING**  
**September 27, 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  
Business Administrator O'Reilly  
Secretary: Municipal Clerk Mary Ann Solinski

**Presentation**

Mayor Schreck introduced Janet Torsney Library Director to the public who started September 1, 2011. Ms. Torsney stated that she is very excited to work at the library and noted that the library website will be updated shortly and e-books will be available by January.

**APPROVAL OF MINUTES**

On Motion by Schreck/Engelstad to approve the minutes for August 9, 2011.  
ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Schreck  
NAYS: None  
ABSTAIN: Galassetti

**APPROVED MOTION**

On Motion by Schreck/Engelstad to approve the minutes for August 23, 2011.  
ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

**APPROVED MOTION**

**Discussion Items**

Administrator O'Reilly reviewed the CY 2012 Best Practice Worksheets submitted to the State by Chief Financial Officer Wilkins noting that the Borough scored 50 consisting of answering 31 questions yes, 3 N/A and 16 Prospective.

Council reviewed proposed changes to the Borough Land Use Ordinances submitted by the Joint Subcommittee which would reduce the size of corner lots to 50x100 setting restrictions that a corner lot as a result of a subdivision which would not be permitted to have a separate garage apartment and the remaining or interior lots of such a subdivision could have a garage apartment structure. The proposal also includes changes to permitted accessory uses, residential parking and driveway requirements, and permitted yard encroachments. The attorney explained that any exceptions to the proposals would require appeals to the zoning board.

Beach Revenue surpassed the anticipated projected figures for badge sales: Season \$350,790; senior \$48,625, Junior \$5,025 and Reduced Season effective August 1<sup>st</sup> \$3,630 with daily badges \$895,054.00.

Mayor Schreck reported that the Borough Engineer, Auditor and Chief Financial Officer have determined the \$400,000 would be the correct amount to bond for the type of golf course the officials are hoping to build noting that all the money allotted might not be necessary for the project. Councilman D'Angelo noted that he thought the borough was going to bid the entire project to an investor who would construct and run the course, stated that he would rather see the town gain \$30,000 to \$40,000 a year by leasing the course out to a private company like a concession. Councilman Engelstad said he thought the town should build the course then bid the course to a private management entity. Councilman Cotler stated that to put out for bonding without a blueprint or true cost of the project is not fiscally responsible at this point in time. Administrator O'Reilly noted that the engineer is working with the golf course designer at present to keep the project rolling and that the designer will be present at the next Council meeting. Councilman Galassetti said that he agrees with Councilman Cotler that he wants to see a more definitive plan for the course but acknowledges that the project must keep moving forward.

Mayor Schreck reported that Administrator O'Reilly received information from FEMA regarding the checks the Borough has received from the agency. Councilman Galassetti asked if a Chapter 159 could be entertained at this point for the repairs to the Fifth Avenue Gazebo. OEM Coordinator Police chief Guida updated council stating that 97% of FEMA reimbursements have been identified for the nor'easter of March 2010 and that the borough has recouped all costs for the December 26<sup>th</sup> 2010 snow storm- items such as extra road salt and food expenses for public works. He noted that the borough continues dealing with Hurricane Irene storm. He expects that the final report should be completed within the next two weeks. Councilman Cotler requested that a comprehensive report for each storm be ready for the next council meeting. Chief Guida replied if everything goes well, it will be ready for the next meeting if not it will be ready by the last meeting in October. The Administrator advised that repairs for some items may require bonding.

Mayor Schreck reported that she has spoken with the Department of Environmental Protection Division of Game and Wildlife and was informed that there will be no more re-stocking of area lakes this season and that re-stock is possible for the spring season if Sylvan

Lake is found to be a candidate for re-stocking of fish as the Bradley Beach Surf Casters have submitted a request concerning the matter. As far as their request for the issuance of parking permits to their members, Captain Fahnholz reported that there really has not been a problem with the fisherman in the past noting that there is an ordinance which restricts overnight parking in the beachfront lot between 10pm and 5am. The gravel area is really an open space that facilitates moving equipment onto the beach and provides parking for the lifeguards during the summer season. Further information will be necessary from the Surf Casters regarding their parking problem and request for permit parking.

Engineer Bruce Koch gave Council an update on the Capital Project Status reporting that a draft copy of the bid documents for the Solid Waste and Recycling Service has been sent to the Administrator.

### **Public Comment**

Diane Rosari said that the concession trailer which replaced the Jetty Grill building on Brinley and Ocean Avenues earlier this year and caused controversy among residents concerning its appearance should be sold to defray costs of the \$400,000 bond for the renovations to the miniature golf course. She noted that many residents hate the trailer and added that many non-food items were being sold in addition to food and beverages at the site. Ms. Rosari also noted that during the days preceding Hurricane Irene public works wasted precious time to removing the installed landscaping, disconnecting utility connections and towing the trailer away for storage during the storm.

#### Resolution 196

#### **CANCELLATION OF UNFUNDED PORTION OF BOND ORDINANCE 2000-9**

ON MOTION  
ROLL CALL

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

#### **ADOPTED RESOLUTION**

#### Resolution 197

#### **CAPITAL BUDGET AMENDMENT #2**

ON MOTION  
ROLL CALL

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

#### **ADOPTED RESOLUTION**

### **ORDINANCES**

### **INTRODUCTION**

#### **BOND ORDINANCE 2011-17**

**BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A BOROUGH OWNED MINIATURE GOLF COURSE, BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY;**

**APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING  
THE ISSUANCE OF \$400,000 IN BONDS OR NOTES TO  
FINANCE PART OF THE COST THEREOF**

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 to approve a request from the New Jersey Tears Foundation to hold their 3<sup>rd</sup> Annual Rock and Walk at the boardwalk and Fifth Avenue Gazebo on Sunday, May 20, 2012 from 10am to 1pm

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

**APPROVED MOTION**

Councilman Engelstad noted that any organization requesting use of the gazebo should be notified that the structure may be under repair.

On Motion by Schreck/Engelstad to approve a request from St. Rose High School a Walk-A-Thon at the boardwalk on Wednesday, October 5, 2011 from 9:15am to 11:30am

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

**APPROVED MOTION**

On Motion by Schreck/Cotler to approve a request from the Bradley Beach Ladies Auxiliary to have their Annual Fall Tour of the Town Garage Sale on Saturday, October 22, 2011 with a rain date of Sunday, October 23<sup>rd</sup> from 9am-3pm

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

**APPROVED MOTION**

**CONSENT AGENDA**

Resolution 198

**BILL LIST**

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

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

**ADOPTED RESOLUTION**

## REPORTS

Councilman Cotler noted that when the borough changed its meeting format to just a regular meeting containing a consent agenda, the ability to discuss new ideas was lost and suggested an agenda item in which new business ideas could be discussed as currently one public comment section pertains to items specifically on the meeting agenda and at the last public portion anyone can comment on any matter. He stated that such a tertiary comment session does not result in immediate council action on any idea or suggestions put forth by the public but can be considered for placement on an agenda for a future meeting and that he feels some ideas might merit action at the time they are offered by the public.

Councilman D'Angelo cautioned the public that people are knocking on doors in town and begging for money and requested that if any unknown individual comes to your door to contact the police department immediately.

Councilman Engelstad reported that the Annual 5K Committee did extremely well this year and will be making donations to various local civic groups.

Mayor Schreck thanked those who participated in the Spaghetti Dinner Fundraiser for the Annual 8<sup>th</sup> Grade Washington Trip. She also reported that Sustainable NJ has given approval in the grant application submitted for the sewer plant for an amendment to change the project to the miniature golf course LED lighting.

## PUBLIC COMMENT

Harvey Rosenberg stated that he feels the LED lighting is a great idea at the golf course and suggested that they also be considered at the tennis and basketball courts as well.

### Resolution 199

### **RESOLUTION TO RETIRE INTO CLOSED EXECUTIVE SESSION FOR DISCUSSION OF PBA LOCAL 50 GRIEVANCE, MATTERS REGARDING THE BOROUGH ADMINISTRATOR, MATTERS INVOLVING THE LEASING OF REAL PROPERTY IN REFERENCE TO MATTERS CONCERNING HURRICANE IRENE AND OTHER POTENTIAL 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 8:18 PM

## **Closed Executive Session 9/27/11**

Council agreed that personnel problems in the police department should have not gotten to the level that the PBA filed a grievance for unfair salary treatment and invited Chief Guida to join the session to see if there is any merit concerning this complaint.

Chief Guida stated that he does feel the union grievance does have merit noting that due to the reduction in staff some officers are performing responsibilities usually assigned to higher ranking officers. Council discussed the department's staff composition compared with other similar communities. Council decided that committee consisting of two council members and the chief will be formed to discuss and research the matter.

The attorney and administrator updated council on the value of land which the borough is pursuing a possible lease/ purchase of real property on Main Street. Action will be taken to authorize the attorney to draft a lease for the use of DeLisa Main Street property as council gave minimum and maximum amounts to be considered.

Council discussed the adjustment for the administrator's salary. Councilman Cotler had a question concerning the salary information provided to Council. Mayor Schreck responded that she would check with the appropriate staff for further detail. Councilmembers agreed that action should be taken concerning this matter.

The attorney briefed council on a recent ABC violation concerning Shore Wines and Liquors sale to a minor. Council decided to decline taking action at this time but will reserve their right for future consideration and will authorize the attorney to prepare a letter on behalf of the council.

On motion by Schreck/ Galassetti to return to open session at 9:49PM.

Council returned to open session at 9:50 PM.

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

Resolution 200            **AUTHORIZES FINANCE CHAIRMAN ENGELSTAD AND POLICE CHAIRMAN COTLER TO WORK WITH POLICE CHIEF GUIDA ON A SPECIAL PANEL TO MAKE RECOMMENDATIONS ON STAFFING IN THE POLICE DEPARTMENT**

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

**ADOPTED RESOLUTION**

Resolution 201            **AUTHORIZES BOROUGH ATTORNEY GEORGE MCGILL TO PREPARE A LEASE FOR USE OF THE DELISA PROPERTY LOCATED ON MAIN STREET**

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

**ADOPTED RESOLUTION**

Resolution 202            **AUTHORIZES THAT THE BOROUGH ADMINISTRATOR SALARY BE ADJUSTED TO MIRROR THE SALARY TREATMENT OFFERED TO LOCAL 152 FOR 2010 AND THAT HER CONTRACT BE AMENDED**

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

**ADOPTED RESOLUTION**

Resolution 203            **AUTHORIZES THE BOROUGH ATTORNEY TO SEND A LETTER TO THE OWNER OF SHORE WINES AND LIQUORS INFORMING THAT NO ACTION WILL BE TAKEN AT THIS TIME CONCERNING AN ABC VIOLATION**

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/ Cotler the meeting was adjourned at 9:54 PM.

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Mary Ann Solinski, RMC, CMC  
Municipal Clerk