

REGULAR MEETING
December 14, 2010

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 6:32PM

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

CEREMONIAL

Mayor Schreck administered an Oath of Office to Police Officer Gregory Pancza and noted that she was very pleased to swear in Officer Pancza. Officer Pancza who has served as a police dispatcher and Special Class II Officer for several years thanked the members of the governing body, Police Chief Guida and members of the department as well as this family for their support and said that he is very honored to serve the residents of Bradley Beach.

DISCUSSION ITEMS

Mayor Schreck reported that a draft ordinance regarding the change of Non-partisan Municipal Elections from May to November as proposed by Councilman Cotler as a cost savings measure for the Borough at the previous meeting is ready for consideration of introduction tonight and asked Council if there were any questions. Councilman Engelstad said that he has noticed some non-partisan communities have placed the question on a ballot for consideration by voters as once the ordinance is finally adopted the current law reads the Borough will not be allowed to switch back to May elections for ten years. Attorney McGill reported for clarification purposes that the present term of the current Mayor and Council will be extended until December 31st instead of the June 30th. Councilman Cotler expressed concern that when the concurrent council member seats expired that an entirely newly elected

Council may not be familiar with the budgetary matters which the state imposes requiring a municipality to introduce the yearly budget by early February as they would only take office on January 1st. Mr. Rosenberg suggest that the Borough consider staggered terms for the Council. Mayor Schreck thanked Mr. Rosenberg for his recommendation but noted that as a Charter Committee selected and presented the current form of government to voters this same procedure would probably be necessary for any change to the term of the governing body.

Engineer Koch discussed revitalization plans for the Miniature Golf Course with Council and reviewed a concept plan which was designed to fit the existing footprint. He advised that New Jersey Department of Environmental Protection be informed to assure that the work will be acceptable under the CAFRA and Green Acres requirements. Council had earlier discussed the desire to put the project out to bid as opposed to the municipality continuing operation of the facility which includes maintenance by public works department and seasonal borough employee staffing during the summer months. Council discussed the specifications which they would like include with the Engineer. Engineer Koch also gave his monthly capital project report noting that June 11, 2011 is the deadline for the Lake Terrace Park Improvement Project.

Items added to the agenda:

On Motion by Schreck/Cotler to direct the Engineer to write to NJ DEP and Green Acres concerning the Golf Course

On Motion by Schreck/Galassetti to authorize the Clerk to advertise for RFQ's for Borough Auditor on the Borough website

On motion by Schreck/Engelstad to authorize the Mayor to execute an agreement with Interfaith Neighbors, Inc for the rental of the Carmen A. Biase Center during 2011.

APPROVAL OF MINUTES

On Motion by Cotler/ D'Angelo to approve the minutes for October 26th 2010 as amended.

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

APPROVED MOTION

ORDINANCES

FINAL READING AND ADOPTION OF ORDINANCE

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

ORDINANCE NO. 2010- 14

**AN ORDINANCE TO AMEND THE BOROUGH OF BRADLEY BEACH SALARY
ORDINANCE CHAPTER III, PERSONNEL AND MORE PARTICULARLY SECTION 3-
9.1 OFFICERS AND EMPLOYEES PAID A SPECIFIC SALARY**

ON MOTION by Schreck / Galassetti moved to introduction.

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

Mayor Schreck gave a brief explanation of the ordinance which provides for contractual increases for members of Local 152, statutory and managerial employees to the audience. Councilman Cotler asked if this salary increase would be in addition to the contractual increase which already exists in the present administrator's contract. Mayor Schreck explained that the administrator opened her contract with the borough last year in order to pay toward the cost of her health benefits and agreed to a zero-percent increase for the year the same as other borough employees waiving the performance-based raise for 2010. In exchange for this voluntary concession the Borough agreed to share any ratable-related tax revenue improvement with the employees this year noting that municipal employees were understanding and cooperative when economic conditions last year were not optimal for salary increases. Mayor Schreck said that the contingency salary increase will not be coupled with any other raise. Councilman Cotler responded that he would like to see all the financial data concerning the contract to verify the figures as employee salaries are paid out of so many budgetary line items in the current, sewer and beach budgets that they are hard to follow. Councilman Engelstad commented that the increase is very minute which is overdue as borough workers are very hard working people. Councilman Engelstad a member of the Finance Committee said that the funds exist to provide the salary adjustments. Councilman Cotler noted he was not objecting to the increase but cited financial errors in the past as his reason for requesting the financial data.

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 NO. 2010- 15

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED
GENERAL ORDINANCE OF THE BOROUGH OF BRADLEY BEACH,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 5,
ADMINISTRATION OF GOVERNMENT, SECTION 2**

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

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

PENDING ORDINANCE

COMMUNICATIONS

On Motion by Schreck/ D'Angelo granted the following Bingo Licenses:

Congregation Agudath Achim BL 6-10

Sisterhood, CAA BL 7-10

Senior Club, CAA BL 8-10

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

NAYS: None

APPROVED MOTION

O Motion by Schreck/Galassetti to approve Kaleidoscope of Hope Foundation to use the boardwalk for their 4th Annual Walkathon on September 24, 2011 between 10:30 and 11:30am.

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

NAYS: None

APPROVED MOTION

RESOLUTIONS

Resolution 191

AUTHORIZES TRANSFER OF BUDGET APPROPRIATIONS

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

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

NAYS: None

ADOPTED RESOLUTION

Resolution 192

AUTHORIZES VOUCHER WARRANTS ON THE TREASURY FOR PAYMENT OF BILLS.

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

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

NAYS: None

ADOPTED RESOLUTION

Resolution 193

AUTHORIZES THE CANCELLATION OF OUTSTANDING CLEARING ACCOUNT CHECKS PER LIST

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

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

NAYS: None

ADOPTED RESOLUTION

Resolution 194

AUTHORIZES THE CANCELLATION OF OUTSTANDING PAYROLL ACCOUNT CHECKS PER LIST

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

ADOPTED RESOLUTION

Resolution 195 **AWARDS A CONTRACT FOR THE MODULAR CONCESSION STRUCTURE TO M/SPACE HOLDINGS, LLC, MANASQUAN, NJ IN THE AMOUNT OF \$55,140.00 UPON THE RECOMMENDATION OF BOROUGH ATTORNEY GEORGE MCGILL AND BOROUGH ENGINEER BRUCE KOCH.**

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

ADOPTED RESOLUTION

Resolution 196 **DESIGNATES THE MEETING DATES OF THE MAYOR AND COUNCIL FOR THE YEAR 2011.**

ON MOTION by Schreck / Galassetti moved to adoption.
ROLL CALL AYES: D'Angelo, Engelstad, Galassetti, Schreck
NAYS: Cotler

ADOPTED RESOLUTION

Resolution 197 **AUTHORIZES A SPECIAL PARKING SPOT AT 301A OCEAN AVENUE**

ON MOTION by Schreck / Galassetti moved to adoption.
ROLL CALL AYES: D'Angelo, Engelstad, Schreck
NAYS: Cotler, Galassetti

ADOPTED RESOLUTION

Resolution 198 **AUTHORIZES THE BOROUGH ENGINEER TO SEND LETTERS ON BEHALF OF THE BOROUGH TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN REGARDS TO CAFRA REGULATIONS AND NJ DEPARTMENT OF GREEN ACRES CONCERNING CHANGES TO THE MINIATURE GOLF COURSE**

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

ADOPTED RESOLUTION

Resolution 199

AUTHORIZES THE CLERK TO ADVERTISE RFQ'S ON THE BOROUGH WEBSITE FOR THE 2011 BOROUGH AUDITOR

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

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

NAYS: None

ADOPTED RESOLUTION

Resolution 200

AUTHORIZES THE MAYOR TO EXECUTE AN AGREEMENT WITH INTERFAITH NEIGHBORS, INC FOR A ONE YEAR LEASE OF THE CARMEN A. BIASE CENTER

ON MOTION

by Schreck / Engelstad moved to adoption.

ROLL CALL

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

NAYS: None

ADOPTED RESOLUTION

REPORTS

Councilman Cotler thanked the members of Public Works for their work in decorating the town for the holidays along with the Tourism Commission. He also thanked Rabbi Bialik and volunteers who worked during on the Annual Hannukah Lighting Ceremony.

Councilman D'Angelo reported that he is very pleased with the progress being made in the Code Department. He noted that the department is recommending an increase in permit fees as they have not been increased for many years.

Councilman Engelstad congratulated Greg Pancza and welcomed him as a member of the police force.

Councilman Galassetti announced that although the official leaf collection season has ended, residents may bag leaves and disposal is available at the public works' yard. He also stated that branches and brush collection will not resume by the Borough until March as scheduled unless in the event of a major storm.

Mayor Schreck reported that the Library has been closed due to heating issues after the building's boiler cracked and that immediate boiler replacement will be done after the Board receives proposals to replace the system. She noted that as this presents the opportunity to switch to natural gas proposals will include the cost to upgrade the system.

PUBLIC COMMENT

Samantha and Beth Cotler questioned Mayor Schreck why she hasn't answered their emails and phone calls indicating an interest to serve on the Shade Tree Commission. Mayor Schreck responded that she ended email correspondence last April and has not received any

messages indicating interest to serve on the Committee. Mayor Schreck recommended that a letter be submitted instead of using telecommunication devices.

William Psuik noting that he is not against music at the beachfront, was told that there would be music only three to four nights a week at the Gazebo and expressed a desire for the Borough to move some of the music program during the summer months to Main Street in an effort to attract visitors to the business district. Mr. Psuik also asked about the proposed changes to the home based businesses ordinance as recommended by the Joint Subcommittee. Mr. McGill responded that he has reviewed the proposal and has extensive issues to discuss with Chairman Rosenberg.

Resolution 201

RETIRE INTO EXECUTIVE CLOSED SESSION TO DISCUSS PERSONNEL CONTRACTUAL MATTERS WITH LOCAL 152, PBA LOCAL 50 AND THE POLICE CHIEF. ALSO TO DISCUSS CONTRACTUAL MATTERS CONCERNING THE GARBAGE AND RECYCLING CONTRACTS AS RECOMMENDED BY THE BOROUGH ATTORNEY.

ON MOTION

by Schreck / Engelstad moved to adoption.

ROLL CALL

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

NAYS: None

ADOPTED RESOLUTION

Council retired into Closed Session at 8:15pm.

Executive Closed Session December 14, 2010 at 8:20pm.

The Administrator explained that although she understands that the police department anticipates there may be approximately \$20,000 funds available in the 2010 budget that any action with the PBA will depend on whether that excess exists in the police budget at the end of the calendar year. She also reported that she spoke with the Labor Attorney who advised that changes to shifts are difficult to get during negotiations; health coverage matters can only be negotiated for present employees under contract; PBA dues coverage – Bradley Beach is only one a few towns; along with a few other issues. An arbitration date is set for February 18, 2011.

Chief Guida joined Council and reviewed several items in his contract proposal. Council discussed issues that they wish negotiated in the Police Chief's contract such as capping the current value of accumulated leave at a pre-set salary rate or maximum figure; health insurance coverage elimination at age 65; budget management; term of contract. Chief Guida left the meeting at 9:55pm. Council re-defined their directives concerning the Chief's contract with the Attorney who will prepare a draft for Council review.

A discussion then ensued concerning the Local 152 agreement concerning a section which addressed a salary increase based on a better tax collection in 2010 which would be shared with the union members, statutory and managerial personnel. The Administrator advised Council that the union has also requested their steps and longevity increases as they are aware that the PBA Local 50 contract expired December 31, 2009 but which members have received their full steps and longevity as provided in their prior contract as recommended by the Labor Attorney as the steps and longevity still are in affect.

Administrator O'Reilly advised that the current contractors for both the trash and recycling collection have agreed to extend the terms of their contracts again and that official action is required by Council.

On motion by Schreck/Galassetti to return to open session and take action on matters discussed during the closed session.

Council returned to open session at 10:30pm on December 14, 2010.

Resolution 202 **AUTHORIZES THE IMPLEMENTATION OF
CONTRACTUAL SALARY INCREASES WITH U.F.C.W.
LOCAL 152.**

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

ADOPTED RESOLUTION

Resolution 203 **AUTHORIZES THE FULL PAYMENT OF STEPS AND
LONGEVITY SALARY INCREASES WITH U.F.C.W. LOCAL
152.**

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

ADOPTED RESOLUTION

Resolution 204 **EXTENDS THE CONTRACT AWARDED TO DELISA
DEMOLITION, INC ON A MONTHLOY BASIS FOR THE
YEAR 2011 AT A FEE OF \$12,500.00 PER MONTH.**

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

ADOPTED RESOLUTION

Resolution 205 **EXTENDS THE CONTRACT AWARDED TO FUTURE
SANITATION, INC ON A MONTHLOY BASIS FOR THE
YEAR 2011 AT A FEE OF \$3,700.00 PER MONTH.**

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 10:39 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk