

## **REGULAR MEETING**

**December 30, 2010**

**The meeting scheduled for December 28, 2010 was postponed due to snow and matters were carried to Thursday, December 30, 2010.**

The 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 6:37PM**

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

### **PRESENTATION**

### **DISCUSSION ITEMS**

The Administrator reported that the Borough is in the final stage with the Department of Community Affairs of re-starting the RCA Program with Wall Township. More details should be available at the next meeting as there is approximately \$100,000 left in the Agreement, possibly a half a dozen home owners may seek funding for repairs to their homes.

### **ORDINANCES**

### **FINAL READING AND ADOPTION**

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

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 / Galassetti moved to open the public hearing.

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

NAYS: None

**APPROVED MOTION**

Mayor Schreck gave a brief explanation of the ordinance to the audience and asked if there were any questions. The proposed ordinance would move the current May elections for the Mayor and Council to the General Election held in November. This action will extend the current terms of the Mayor and Council to expire on December 31<sup>st</sup> of the year of the expiration of their current terms is 2012 and 2013 respectively. Councilman Engelstad asked how the position on the ballot will be determined. Attorney McGill responded that the County Clerk will make the final decision.

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**

**Items added to the Agenda**

On motion by Schreck/Engelstad to accept and file the Fire Department Election results.

On motion by Schreck/D'Angelo to add correspondence from the Police Chief Guida requesting an immediate cash sick time payout of 250 days for action under correspondence

On motion by Schreck/Cotler to add extension of the pre-season sale of badges

On motion by Schreck/to authorize the Engineer to prepare and solicit bids for the miniature golf course facility

**COMMUNICATIONS**

On Motion by Schreck/ Engelstad to request the organizers of the William Strasser Memorial Foundation to re-schedule their 5K Run/Walk event to an off season time of year for use of the beachfront and closure of streets instead of Sunday, July 10, 2011 or on Sunday, July 24<sup>th</sup>.

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

NAYS: None

**APPROVED MOTION**

Councilman Engelstad asked the Borough Attorney if the correspondence from the Police

Chief should be a considered a contractual issue and if so should the item be considered under Executive Session. Attorney McGill advised that the matter should be considered in closed session.

On motion by Schreck/Cotler to move this item for discussion at Executive Session.

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

APPROVED MOTION

Mr. D'Angelo briefly stepped off the dais.

On Motion by Schreck/ Galassetti accepted and filed the election results for the 2011 Officers of the Bradley Beach Fire Company.

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

APPROVED MOTION

### **Public Comment**

Councilman Cotler questioned a transfer of appropriations totaling \$10,000.00 be postponed until he sees the appropriate data and receives all documentation available concerning the billing for electric costs as Jersey Central Power and Light Company is claiming they under-billed the Borough for the utility costs. Mayor Schreck noted that the Borough is attempting to negotiate and seek relief the bill still needs to be paid in the meantime.

Lorraine Marchak questioned why the Borough is not adopting a temporary budget for 2011 at Tonight's meeting as when she served on Council this action was always considered at the last meeting of the year. Mayor Schreck responded that the Auditor has advised that it is illegal to adopt a temporary budget until after January 1<sup>st</sup>.

Ms. Marchak also asked how many plows were used by the Borough to clear the streets during and after the blizzard which started on Sunday as she is concerned that so many streets were not plowed until Wednesday. Councilman Galassetti stated that the Borough has six plow trucks (four larger and two smaller trucks) explained that on the first day one truck was taken out of service after its rear brakes locked up and the smaller trucks simply could not handle the amount of snow which fell. Ms. Marchak noted that her street did not see one plow until Wednesday and now has a five foot wall of snow and asked if the Borough felt this is acceptable and not a dangerous situation and asked if the people on her block should hire someone to take care of their street as the residents had followed the alternate side of the street parking regulations to no avail. Mayor Schreck responded to the best of her knowledge every street was plowed at least one time. Ms. Marchak asked if a Borough truck had an accident. Council responded not to the best of their knowledge during the blizzard. Ms. Marchak said that she believed it happened before the Christmas holiday out of town and that there were witnesses at the scene and she advised that Council should check the bumpers. Administrator O'Reilly stated that believed one vehicle backed up and dented a bumper

which she believes happened before the holiday weekend and would look into the matter. Councilman Cotler said he would like to see the incident report and any bills if there was an accident.

Mayor Schreck and Chief Guida (OEM Coordinator) agreed neither is satisfied with the outcome of the snow removal in town but that Public Works did the best they could during the most disastrous snowstorm in recent history. She noted that she was in contact with Chief Guida and has complete confidence in him and does not interfere with the Office of Emergency Management. Council noted that the state and county were nowhere to be found and that the Borough actually plowed the county roads and that plowing was hindered by people insisting on driving during and immediately after the storm which resulted in their cars being stranded which required Borough trucks being diverted in order to assist in removal of the vehicles. Mass abandonment of such stranded cars after the storm clogged thoroughfares such as Main Street and had to be removed for plows and emergency vehicles to get through.

Jeff Bisbee of LaReine Avenue noting that he has years experience in snow removal while recognizing the severity of the storm asked if a plan which adapts to changing dynamics of a snowstorm might help the Borough as he didn't see any concerted plan in place. He suggested that perhaps other municipal vehicles such as the four wheel drive police cars be mounted with snowplows and could help out in future storms. Mr. Bisbee also urged better communication to residents despite information available on the Borough website and reverse 911 calls to residents. Council also noted that the storm hit the day after Christmas holiday.

Councilman Cotler questioned when certain plows became disabled and the number of plows out during the storm. Chief Guida noted at one point that the front end loader was the only piece of equipment to be used effectively and that vehicles were repaired quickly and put back into service. Councilman Cotler also noted that as a doctor he was not able to get out of his driveway until 9pm on Monday.

Mr. Ed Cicchi said that he feels Councilman Cotler is playing politics with his questions. Mr. Cotler responded that he is not playing politics but rather here to say we did an inadequate job and how we can make the Borough's snowstorm response better. Mayor Schreck and Councilman Galassetti disputed the comment that Borough did an inadequate job during the storm noting the tremendous effort of employees made to keep the borough streets open and safe despite their numerous hours of work.

Chief Guida stated that we can always strive to do better even when things go absolutely right and noted that the Borough will certainly learn from the storm.

Frances Licata commended the Borough's performance during the recent snowstorm.

## **RESOLUTIONS**

Resolution 206

ON MOTION

ROLL CALL

**ADOPTED RESOLUTION**

**AUTHORIZES PAYMENT TO LIENHOLDERS**

by Schreck / Galassetti moved to adoption.

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

NAYS: None

Resolution 207            **AUTHORIZES PAYMENT FOR REFUND OF TAX OVERPAYMENT**

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

**ADOPTED RESOLUTION**

Resolution 208            **AUTHORIZES THE TRANSFER OF 2010 APPROPRIATIONS**

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

**ADOPTED RESOLUTION**

Resolution 209            **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 210            **DETERMINES THE INTEREST RATE TO BE CHARGED ON DELINQUENT TAXES, ASSESSMENTS AND SEWER CHARGES FOR 2011**

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

**ADOPTED RESOLUTION**

Resolution 211            **AUTHORIZES THE CHIEF FINANCIAL OFFICER TO PAY BILLS THROUGH DECEMBER 31, 2010**

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

**ADOPTED RESOLUTION**

Resolution 212            **AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CANCEL 2010 BUDGET APPROPRIATIONS AT YEAR END 2010**

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

**ADOPTED RESOLUTION**

Resolution 213  
ON MOTION  
ROLL CALL

**EXTENDS THE SALE OF PRE-SEASON BADGES FOR 2011.**  
by Schreck / Galassetti moved to adoption.  
AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

**ADOPTED RESOLUTION**

Resolution 214

**AUTHORIZES BOROUGH ENGINEER KOXH TO PREPARE  
AND SOLICIT BIDS FOR THE IMPROVEMENT OF THE  
MINIATURE GOLF FACILITY.**

ON MOTION  
ROLL CALL

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

**ADOPTED RESOLUTION**

**REPORTS**

Councilman Cotler thanked the employees and volunteers for their hard work during the blizzard.

Councilman D'Angelo wished everyone a healthy New Year.

Councilman Engelstad thanked Chief Guida for his assistance during the storm. He expressed concern over the recent closure of the local Dunkin Donuts store and the fact the Beach Plum Ice Cream store is on the market for sale. He advocated that the Borough should work with the Chamber of Commerce to revitalize the business district

Councilman Galassetti wished everyone a happy holiday and thanked those who worked during the storm. He also thanked Patrolman Arnold for assistance during a recent incident.

Mayor Schreck thanked the local Quick Chek for providing shelter and food to stranded people during the storm. She also thanked those who had sent cards and letters during the holiday season. The Mayor thanked the borough employees and wished everyone a happy new year.

**PUBLIC COMMENT**

Mr. Strasser expressed disappointment that Council is requesting that his organization re-schedule the 5K event to another date. A discussion ensued between Council and Mr. Strasser during which Council explained their concerns. Councilman Cotler speaking as a medical doctor advocated that the summer months is the worst time for a 5K due to extreme weather conditions which may cause medical emergencies during the race. Councilman Engelstad explained that the Bradley Beach 5K has taken years to achieve their present success and

recommended that the Strasser fund consult with the Jersey Shore Running Club for coordination of a date.

Resolution 215

**RETIRED INTO CLOSED EXECUTIVE SESSION AS  
RECOMMENDED BY THE BOROUGH ATTORNEY FOR  
DISCUSSION OF CONTRACTURAL MATTERS  
CONCERNING THE CHIEF OF POLICE.**

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 Executive Session at 8:29pm.

### **Closed Executive Session 12/30/2010**

Attorney McGill and Council reviewed some of the items in the proposed Police Chief contract. Discussion included possible state mandated cap of payout for time; contribution towards health benefits; removal of the overtime clause; possible payment of payout over five years and financial affect on budget; limitation of time carryover to one year; elimination of payment of union dues; attendance of courses subject to approval of Mayor and Council; personal car use and a\$1,500.00 per year salary increase.

Attorney McGill noted that his request for payment of accrued time is provided for in his present contract.

Council requested Mr. McGill to prepare correspondence regarding their proposals.

On motion by Schreck/Cotler Council returned to open session.

Council returned to open session at 9:38pm.

Mayor Schreck announced that no formal action will be taken at present.

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**ADJOURNMENT**

ON MOTION            by Schreck / Galassetti the meeting was adjourned at 9:39 PM.

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Mary Ann Solinski, RMC, CMC  
Municipal Clerk