

REGULAR MEETING
May 25, 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 6:37PM

Present: Council: Cotler, Marchak, Engelstad
Mayor Schreck
Borough Attorney Patrick Diegnan
Business Administrator O'Reilly
Absent Council: Galassetti, arrived at 7:08
Secretary: Municipal Clerk Mary Ann Solinski

ITEMS ADDED TO AGENDA

On motion by Schreck/Engelstad

Amendment to bill list

Addition of name to Special Class I officers

D'Arcy LLC application ABC Extension of Premises for July 11th.

Special Parking Permit

Tax Re-valuation

On motion by Schreck/Marchak

Chamber of Commerce Lobster Fest

DISCUSSION ITEMS

D'Arcy LLC application ABC Extension of Premises for July 11th.

Tim Mahoney, General Manager of D'Arcy's Tavern stated that the owners are requesting the extension of the ABC premises for the date of July 11th from 12Noon until 6pm only in order to cover the outdoor parking area in order to accommodate patrons interested in viewing the World Cup Soccer Final to be broadcasted on television that day. A temporary bar area which will be fenced in and patrolled. The bartender will also check for proper identification and the business will meet all requirements stipulated by the State and local police department. The event will also include an All American barbecue at noon with the game being broadcast on the tavern's TV's at 2:30pm indoors. He noted that Giamano's has offered to accommodate additional parking in their lot for the event and that notification of the event will be given to residents and businesses in the area.

Mayor Stephen G. Schueler's Dedication- Administrator O'Reilly informed Council that she has been notified that an alternative rock has been located and that she needs to verify that a 12x18" inscription can be placed on the rock. Councilwoman Marchak noted that the wording has been forwarded to the Borough for the inscription. Administrator O'Reilly stated that she will try to have the work completed by July 1, 2010.

Greenway/Maritime Forrest Concept for the North End Parking Lot- Mayor Schreck noted that a maritime forest area could be established at the north end area of Bradley Beach at the beachfront parking lot area by Fletcher Lake containing different types of shrubbery with signs containing information about the area similar to that located on Ocean Avenue in Belmar next to the Belmar Fishing Club. She said that the Environmental Commission is seeking a grant and would like support in obtaining the grant from the Kodak American Greenways Program sponsored by the Conservation Fund which deadline for submission is June 15, 2010. The planting of greenery around the parking lot area which serves various public works purposes including storage of beach equipment and parking for seasonal summer employees has been discussed for several months. The grant application would be submitted to explore plans for the area and if awarded the funding would be approximately \$2,500.00 for this purpose. Councilwoman Marchak expressed that if such an area becomes a reality that it would be maintained and kept under control. She also requested that the Fletcher Lake Commission be involved in any plans for the area. The Administrator noted that already several organizations are involved such as the Shade Tree and Environmental Club among others. Mayor Schreck said that a letter of support will be prepared for the next meeting.

Police Dept. Towing Investigation- Chief Guida stated that a preliminary report should be ready for the next meeting.

Energy fixed rate survey- Council reviewed a report prepared and submitted by Michele Whille noting a potential savings of approximately \$2,300.00 for another five month period of energy usage if using the lowest energy rate bid submitted by Titan Energy for a two year agreement. The new rate is slightly lower than the amount currently being paid to Jersey Central Power and Light Company. Councilman Engelstad thanked Ms. Whille for her work in securing the best rate for the Borough. Council also discussed other proposals submitted including GEXA.

IRS Code Section 125 Cafeteria Plan- Administrator O'Reilly recommended that adoption of a resolution to authorize the Borough participation in the IRS plan for the employee's contribution to medical benefits cost.

Special Parking Permit- Administrator O'Reilly stated that Council has been given a list of applicants noting that an evaluation for verification of information submitted on the applications need to be completed. She said that she has requested that the Police Department perform this verification but that there needs to be clarification by Council as to whose responsibility this portion is under. Ms. O'Reilly noted that public works is busy preparing the beachfront for opening for the season. Mayor Schreck suggested that Council assign this responsibility to special police officers. Chief Guida spoke saying that all assignments in his department are clearly statutorily assigned by the Chief of Police. Councilwoman Marchak stated that she has always believed the whole permit application process should be handled by only one department – the Police Department as personal confidential information is being provided with the applications. She noted that the renewal process is due April 1st and that now it is near the end of May and that the ordinance has not been followed. She suggested giving the entire responsibility back to the police department. Mayor Schreck stated that the Joint Sub-Committee of the Planning and Zoning Board recommended assigning the responsibility to the administrative staff. Councilmen Engelstad noted that only certain departments such as the Code and Police Departments have the ability to drive around town. Councilman Cotler suggested that administrative staff could review the sites via the internet. Lt. Fahnholz stated that in the past, the police involvement included more than inspection of sites for driveways. Mayor Schreck recommended that the police undertake inspections. Chief Guida stated that it would be prudent to retain this complete matter in his department. Mayor Schreck inquired how long the inspections would take and the Chief responded that he would be able to better advise Council tomorrow after reviewing the list which needs to be inspected.

Tax Re-valuation- Administrator O'Reilly noting that no action needs to be taken at present that the last revaluation of taxes was performed in 2002 and that drive bys have performed since that date. She noted that it is in the Borough's best interest to assess by true market value.

Chamber of Commerce Lobster Fest- The Administrator informed Council that Chamber of Commerce President Simonsen contacted her last week and informed her that the Chamber has agreed to move the event from Riley Park to the beachfront. O'Reilly reported that a

modest contribution will be made to offset borough costs. On motion by Schreck/Galassetti Council supported the transfer of location to the beachfront.

Municipal Budget Workshop- Mayor Schreck stated that although Council worked to keep the budget under the four percent increase allowed without a waiver at the previous budget workshop, upon consultation and discussions with the auditor, staff and financial committee she became concerned about that approach noting that without a waiver, Council would have to reduce their surplus and would not have a way to build it back up. Therefore, two budgets are under consideration for introduction the one without a waiver and one with a resolution requesting a Cap Waiver from the Local Finance Board. Councilman Engelstad who also serves on the finance committee said that after discussions with the Auditor he also has changed his mind and believes that the Borough was going in the wrong direction noting that as difficult as this year is next year will be even harder. Noting that he is not happy about requesting a waiver, he stated that even if the state approves the waiver the borough will limp through this year and able to prepare for next year. He also stated that possible savings through employee furloughs does not seem realistic at this point during the year and that he is not prepared to institute furloughs at least this year. Councilman Engelstad also stated that during campaigning for his recent re-election, many residents said that they would like to see things essentially stay the way they are even if it means a slight increase in taxes. Administrator O'Reilly noted that next year the residents could experience reduction in services or large tax increases.

Councilwoman Marchak asked CFO Wilkins what the tax increase without a waiver. Wilkins replied \$130.00 per year. Councilman Cotler confirmed with the Administrator that Local 152 union employees including the dispatchers and other managerial employees are receiving a zero percent salary increase and contributing towards health insurance cost.

The 2010 budget of \$7,503,143 which is a reduction of \$258,376 from the 2009 budget set at \$7,761,519 will be \$107,000 over the cap if the waiver is approved. The tax levy will increase 2.5% over 2009 an average home assessed at \$532,000 will see a municipal tax increase of approximately \$190 for the year. The municipal tax rate will be 52.55 cents per \$100 assessed valuation which is a 2.85 cent over last year's 49.7 cents. The municipal tax rate does not include the school and county taxes.

Mayor Schreck said that a lot of cuts in the budget have been made and that the NJ Department of Community Affairs sent the Borough a letter recently stating that the Borough must introduce the 2010 budget no later than June 4, 2010 and she recommended that the budget be introduced with the intention of seeking a cap waiver.

Councilman Engelstad said that he would like to start the 2011 budget process in November. On motion by Schreck/Galassetti to introduce the budget with a resolution for a cap waiver. Councilman Cotler and Councilwoman Marchak opposed the motion.

PUBLIC COMMENT

Marilyn Rosen asked for clarification on the dates the extensions on the garbage and recycling contracts expire. Council explained the trash contract will be extended through December 31, 2010 and that the recycling contract is extended monthly through the end of the year.

A resident who has submitted an application for a special parking permit asked when permission will be granted as the summer season is quickly approaching and it will be difficult to find parking in her area. The Administrator explained that the police department refused to conduct any site inspections at present and that Council must determine who will perform the inspection. Police Chief Guida interjected that he will assign an officer to survey the properties tomorrow after the department is given the list. He mentioned that the amended ordinance indicated that the permit process would be handled by the administrative offices and did not mention any responsibility for the police department as written.

COMMUNICATIONS

On Motion by Schreck / Galassetti to approve the Café Licenses
UVA on Main, LLC 800 Main Street

ROLL CALL AYES: Cotler, Marchak, Engelstad, Galassetti, Schreck
NAYS: None

APPROVED MOTION

RESOLUTIONS

Resolution 55 **SETTING FORTH THE REASON FOR DELAY OF
INTRODUCTION OF THE MUNICIPAL BUDGET FOR 2010.**

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

ADOPTED RESOLUTION

Resolution 56 **AUTHORIZES APPLICATION TO THE LOCAL FINANCE
BOARD PURSUANT TO N.J.S.A. 40A:4-45.46**

ON MOTION by Schreck / Engelstad moved to adoption.

ROLL CALL AYES: Engelstad, Galassetti, Schreck
 NAYS: Cotler, Marchak

ADOPTED RESOLUTION.

Resolution 57 **INTRODUCTION OF THE 2010 MUNICIPAL BUDGET**

ON MOTION by Schreck / Engelstad moved to adoption.

ROLL CALL AYES: Engelstad, Galassetti, Schreck

 NAYS: Cotler, Marchak

ADOPTED RESOLUTION.

Resolution 58 **AUTHORIZES VOUCHER WARRANTS ON THE TREASURY
FOR PAYMENT OF BILLS.**

ON MOTION by Schreck / Galassetti moved to adoption.

ROLL CALL AYES: Cotler, Marchak, Engelstad, Galassetti, Schreck

 NAYS: None

ADOPTED RESOLUTION

Resolution 59 **AUTHORIZES DISALLOWANCE FOR PROPERTY TAX
DEDUCTIONS FOR VARIOUS PROPERTIES**

ON MOTION by Schreck / Galassetti moved to adoption.

ROLL CALL AYES: Cotler, Marchak, Engelstad, Galassetti, Schreck

 NAYS: None

ADOPTED RESOLUTION

Resolution 60 **AUTHORIZES THE EXTENSION OF THE EXISTING TRASH
CONTRACT**

ON MOTION by Schreck / Galassetti moved to adoption.

ROLL CALL AYES: Cotler, Marchak, Engelstad, Galassetti, Schreck

 NAYS: None

ADOPTED RESOLUTION

Resolution 61 **AUTHORIZES THE EXTENSION OF THE EXISTING
RECYCLING CONTRACT**

ON MOTION by Schreck / Marchak moved to adoption.

ROLL CALL AYES: Cotler, Marchak, Engelstad, Galassetti, Schreck

NAYS: None

ADOPTED RESOLUTION

Resolution 62

APPOINTMENT OF SPECIAL CLASS I POLICE OFFICERS

ON MOTION

by Schreck / Marchak moved to adoption.

ROLL CALL

AYES: Cotler, Marchak, Engelstad, Galassetti, Schreck

NAYS: None

ADOPTED RESOLUTION

Resolution 63

**AUTHORIZES EXECUTION OF A BUSINESS ELECTRICITY
CONTRACT WITH GEXA**

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

AYES: Cotler, Marchak, Engelstad, Galassetti, Schreck

NAYS: None

ADOPTED RESOLUTION

Resolution 64

**AUTHORIZES AN IRS CODE SECTION 125 CAFETERIA
PLAN**

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

AYES: Cotler, Marchak, Engelstad, Galassetti, Schreck

NAYS: None

ADOPTED RESOLUTION

Resolution 64

**EXTENTION OF PREMISES OF A PLENARY RETAIL
CONSUMPTION FOR ABC LICENSE 1307-32-003-002 ISSUED
TO D'ARCY LLC.**

ON MOTION

by Schreck / Engelstad moved to adoption.

ROLL CALL

AYES: Cotler, Marchak, Engelstad, Schreck

NAYS: None

ABSENT: Galassetti

ADOPTED RESOLUTION

ANNOUNCEMENTS

The Annual Memorial Parade will be held on Saturday, May 29, 2010 on Ocean Avenue starting at 10AM. Also on Saturday, May 29th from 9am to 9pm and Sunday, May 30th from 10am to 7pm – Food, Entertainment, Crafts, Vendors and Kiddie Rides at the beachfront.

The Annual Memorial Day Ceremony will be held in Riley Park at 10am.

The Annual Go Fish contest will be held on June 6, 2010 starting at 10am Sylvan Lake.

REPORTS

Mayor Schreck announced that she attended a recent meeting of the New Jersey Conference of Mayors and that child illness costs were discussed.

PUBLIC COMMENT

Marilyn Rosen stated that she noticed on the calendar printed by Tourism the date for the Lobster Festival is July 24th which is incorrect as the Chamber has it scheduled for July 18th. She also suggested that the Borough adopt an ordinance to move its non-partisan elections from May to November. The Attorney noted that only the municipal election could be changed by ordinance if so desired and that it would not affect other elections such as the school board. She also questioned employee salaries and the anticipated increase in property taxes for 2010. Mayor Schreck noted that members of local 152 and supervisory personnel accepted a hard 0% this year but that the PBA union's contract has not been settled. She also questioned why Councilman Cotler voted against the introduction of the budget and the Cap Waiver resolutions. Councilman Cotler responded that last year when taxes were increased that Council agreed to work on a zero percent increase in taxes for 2010. Mr. Cotler noted that rather than presenting a four percent increase he feels that Council needs to review the budget and make more cuts as the Cost of Living Adjustment (COLA) for 2010 is zero yet the Borough is increasing people's taxes.

Ms. Rosen again reminded everyone that the Pepsi Grant date is May 31st which she is hoping to receive for monies towards the purchase of mobi mats. She noted that she worked hard to collect monies for the Second Avenue beachfront. Mayor Schreck noted that Council will have to evaluate the different selections of walkways before any purchase will be made and still has to make a determination on which location the mats should be located. Councilman Engelstad noted that the beach is opening this coming weekend and that he would like to vote on this matter this evening. The Administrator stated that public works is working on giving Council a recommendation regarding the materials and that a vote will be taken at the next meeting. Councilman Cotler agreed with Councilman Engelstad and stated

that the Mayor and Council made a commitment to have the new walkways in place for this season. Administrator O'Reilly again stated that the commitment will be completed before the end of June. Councilman Galassetti said that he feels the Council should explore the options. Councilman Engelstad stated that he would like to see everything in place before June 16th. Administrator O'Reilly again interjected stating that Council needs to decide whether to purchase the wooden walkways or mobi mats. Councilwoman Marchak stated that she wants the report and prices as soon as possible and Councilman Cotler said he would also like public works to check on the durability of both types.

ADJOURNMENT

ON MOTION by Schreck / Galassetti the meeting was adjourned at 7:43 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk