

REGULAR MEETING
June 10, 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 6:33PM

Present: Council: Cotler, Marchak, Engelstad
Mayor Schreck
Business Administrator O'Reilly
Michael Affuso, Esq.
Absent: Council Galassetti
Secretary: Municipal Clerk Mary Ann Solinski

DISCUSSION ITEMS

Council reviewed a draft of an ordinance amending Chapter 160-4 Certificate of Occupancy fees and Chapter 210 Fire Prevention along with Section m. Fees as recommended by Ken Northrup and Attorney Diegnan.

Chief Guida reported that his department has completed the investigation of towing permit suspension which resulted from complaints received after the snowstorms earlier this year. Although residents were given advance notice via media some vehicles remained and it became necessary to have them removed in order for snow plows to clear the streets. The complaints stemmed from fees charged by the tow service for removal and storage of their vehicles. Per ordinance tow truck operators are required to charge no more than \$125.00 for each car they tow. The February storm created conditions so bad that only one operator was willing to work with the police. Detective Murray discovered that there can be a charge of \$20.00 per half hour as a flat rate for any waiting time although the ordinance doesn't specify what the wait time is. The wait time includes the time taken to dig out each vehicle individually and tow the car from Bradley Beach to the storage lot which in this case was located in Wall which was a substantial ride in those road conditions. Police reviewed all of the invoices from the vehicles in question and found that the \$200 flat rate charged was

determined by the operator as he considered the cost to be fair market value for towing under the circumstance after consultations with other towing companies. Normally tow operators are utilized during summer months.

Mayor Schreck expressed concern that the operator had the right to determine his own fees. Chief Guida noted the fact that if he wasn't available that day no one would have been towed and the roads wouldn't have been cleared.

Mayor Schreck noted that the ordinance is outdated and that an adjustment will be made to the fees. The matter of the revocation was given to the Police Chief to handle.

Mayor Schreck noted that although an application for a Cops Grant funded by the Federal Government was not granted last year that the Borough is eligible again this year and that an application is under preparation for submission. The grant would provide funds for three years in order for the Borough to hire a new police officer.

The Environmental Commission is preparing an application for a Kodak Foundation Greenway Grant with a maximum funding of \$2,500.00 for a maritime forest park by Fletcher Lake. The Mayor asked Council to authorize a letter of support for the project.

Mayor Schreck announced that she will provide Council with sample Borough letterhead and business cards for consideration of approval at the next meeting.

The Bradley Beach Chamber of Commerce Fire requested that Council consider granting a waiver for fire permit fees noting that last year they paid for inspections which were never performed for their Lobster Fest. Council replied that the fee will remain in effect waiver for special events and that inspections will be conducted by the Borough.

Council reviewed applications for Special Parking Permits.

Councilwoman Marchak stated that the rock for Mayor Schueler's Dedication will be moved closer to the fountain. Administrator O'Reilly advised Council that updated prices are necessary due to the use of a different rock that the one originally selected and said that everything should be ready around July 1st for the dedication as funding is provided for this project.

Administrator O'Reilly told Council that the Borough would be able to purchase four mobi mats with the monies from public donations (\$870.00) and financing from the Monmouth County Improvement Authority (\$10,000.00) for the beach accessibility ramps. Council discussed possibly placing two mats at Second Avenue and two at Cliff Avenue and then build up the number in future years. Councilman Cotler expressed concern over the length of the mats and the distance to the water line. He suggested placing all four mats at one location and moving the existing boardwalk walkways to the other in order to expand the length on the beach. A discussion ensued over expediting delivery of the mats for this season.

The Administrator gave Council a report on beach badge sales.

The Administrator reported an update on Emergency Management Activities for the March storm during which the Borough's solar panels were damaged along with the Fifth Avenue Gazebo and the Borough's sewer plant located on Ocean Avenue. Chief Guida and members of the Office of Emergency Management have been working on submission of documents in hopes of receiving funds for the emergency work and repairs associated with the storm of March 12, 2010. Chief Guida cautioned Council that the Borough may not receive the monies from FEMA this current year.

Items added to the Agenda

On motion by Schreck/Engelstad:

- Special Event Committee Report on Memorial Day
- Engineers Capitol Project Status Report
- Neptune Soccer Association request
- Amendment to the bill list
- Support of an application for the Cops Grant

Harvey Rosenberg, Chairman of the Memorial Day Committee reported on the success of this year's Memorial Day festivities at the boardwalk and Riley Park. He thanked Mayor Schreck and members of the committee along with the Police and Public Works Department, Administrator O'Reilly and Michele Whille. Mr. Rosenberg welcomed any one interested to work with the Special Events Committee and the Bradley Beach Tourism Commission to make Bradley Beach the best beach town on the Jersey shore.

Mr. Rosenberg reported that this past weekend, the Recreation Department held their Annual Go Fish Day which was also a success and thanked Scott's Bait and Tackle along with all the volunteers who helped make the event a success.

Engineer Koch read his report on the following Capital Projects:

- Improvements to Fourth Avenue- Phase II and Miscellaneous Improvements
- Municipal Building Solar Panel System
- Public Works Building Solar Electric Panel Installation
- Purchase of a Concession Trailer
- Public Works Building Addition
- Improvements to Fletcher Lake Avenue
- Improvements to Hammond Avenue

Councilwoman Marchak questioned the comment on page 150 of the 2009 Audit report concerning the dating of invoices before a purchase order is issued. The Administrator again said that the prior administration did not update the financial system under which the Borough operates and that a requisition system will be instituted by the Borough. She also stated that this item was omitted by the Auditor under the recommendations.

Mayor Schreck stated that the Fireworks Display sponsored by the Tourism Commission will be held on July 3rd with a rain date of July 4th. Chief Guida stated that his department was prepared to handle the display on July 4th as this is the date that has been advertised

throughout the Borough so far this year and that he may encounter difficulties with work schedules as this notification is within thirty days as part of the PBA contract. Councilman Cotler discussed the Liberty Mutual Contest which may provide funding for the event as the contest is to bring back the 4th and that the item with the most votes will win the money voting must be submitted by June 14th. The funds may help the Borough in providing the display on July 4th which has historically been the date in past years.

PUBLIC COMMENT

Marilyn Rosen thanked Council for authorizing the purchase of the mobi mats for Second Avenue. She also suggested that perhaps officials considering purchasing additional mats in coming years for the other beaches.

APPROVAL OF MINUTES

On Motion by Schreck / Engelstad accepted and filed the minutes for February 27, March and April.

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

APPROVED MOTION

INTRODUCTION OF ORDINANCES

ORDINANCE 2010-4

AN ORDINANCE TO AMEND CHAPTER 160-4 CERTIFICATE OF OCCUPANCY AND CHAPTER 210 FIRE PREVENTION OF THE BOROUGH OF BRADLEY BEACH CODE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

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

PENDING ORDINANCE

COMMUNICATIONS

On Motion by Schreck / Marchak to grant the following Café Licenses
Pizza on Main 812 ½ Main Street

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

APPROVED MOTION.

On Motion by Schreck / Marchak to grant the following Bingo and/or Raffle Licenses
Congregation Agudath Achim RL 8-10 & BL 1-10
Sisterhood, CAA BL 2-10
Senior Club, CAA BL 3-10
Neptune Township Legion Post 346 BL 4-10
Bradley Beach PTO RL 9-10

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

APPROVED MOTION.

On Motion by Schreck / Engelstad to deny the Bradley Beach Chamber of Commerce
request to waive Fire Inspection Fees for food vendors at the Chamber's
Lobster Fest on Sunday, July 18th

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

APPROVED MOTION.

On Motion by Schreck / Engelstad to grant permission to the Bradley Beach Public
Library to hold a musical performance on July 20, 2010 at 6:30pm on the
Library's west side lawn (Hammond Avenue).

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

APPROVED MOTION.

RESOLUTIONS

Resolution 66 **AUTHORIZES VOUCHER WARRANTS ON THE TREASURY
FOR PAYMENT OF BILLS.**

ON MOTION by Schreck / Engelstad moved to adoption.

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

ADOPTED RESOLUTION

Resolution 67 **AUTHORIZES A REFUND OF TAX OVERPAYMENT FOR
BLOCK 41 LOT 5 X**

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

ADOPTED RESOLUTION

Resolution 68 **AUTHORIZES PAYMENT TO LIENHOLDER**

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

ADOPTED RESOLUTION

Resolution 69 **AUTHORIZES THE PREPARATION OF ESTIMATED 3RD
QUARTER TAX BILLS**

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

ADOPTED RESOLUTION

Resolution 70 **REQUEST APPROVAL FROM THE DCA TO ESTABLISH A
DEDICATED TRUST BY RIDER FOR OFF-DUTY OR
OUTSIDE EMPLOYMENT OF POLICE OFFICERS**

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

ADOPTED RESOLUTION

Resolution 71 **GOVERNING BODY CERTIFICATION OF THE 2009 AUDIT**

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

ADOPTED RESOLUTION

Resolution 72 **APPOINTMENT OF CLASS II SPECIAL POLICE OFFICERS**

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

ADOPTED RESOLUTION

Resolution 73 **AUTHORIZES EXECUTION OF A SHARED SERVICE
AGREEMENT WITH THE COUNTY OF MONMOUTH FOR
911 COMMUNICATIONS SERVICES 1/1/09 THROUGH
12/31/14**

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

ADOPTED RESOLUTION

Resolution 74 **APPROVAL OF ANNUAL RENEWAL OF ABC LICENSES
EFFECTIVE JULY 1, 2010**

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

ADOPTED RESOLUTION

Resolution 75 **APPROVAL OF ANNUAL RENEWAL OF ABC LICENSE
WITH STIPULATIONS EFFECTIVE JULY 1, 2010**

ON MOTION by Schreck / Marchak moved to adoption.
ROLL CALL AYES: Cotler, Marchak, Engelstad, Schreck

NAYS: None
ABSENT: Galassetti

ADOPTED RESOLUTION

Resolution 76 **AUTHORIZES ADVERTISEMENT OF RFQ'S FOR BOROUGH ATTORNEY, LABOR ATTORNEY AND BOROUGH ENGINEER**

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

ADOPTED RESOLUTION

Resolution 77 **APPROVAL OF SPECIAL PARKING PERMITS THROUGH APRIL 30, 2011**

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

ADOPTED RESOLUTION

Resolution 78 **AUTHORIZATES THE MAYOR TO EXECUTE A CONTRACT FOR FIREWORKS ON JULY 3, 2010 WITH GARDEN STATE FIREWORKS**

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

ADOPTED RESOLUTION

Resolution 79 **SUPPORTS SUBMISSION OF AN APPLICATION FOR A COPS GRANT FROM THE FEDERAL GOVERNMENT**

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

ADOPTED RESOLUTION

Resolution 80

AUTHORIZES THE PURCHASE OF FOUR MOBIMATS FOR PLACEMENT ON THE SECOND AVENUE BEACH

ON MOTION
ROLL CALL

by Schreck / Cotler moved to adoption.
AYES: Cotler, Marchak, Engelstad, Schreck
NAYS: None
ABSENT: Galassetti

ADOPTED RESOLUTION

Resolution 81

AUTHORIZES DISCOUNTED BEACH BADGES AND GOLF COURSE PRICES FOR THE NEPTUNE SOCCER ASSOCIATION'S 36TH ANNUAL SUMMER KICK-OFF TOURNAMENT PARTICIPANTS ON JUNE 26TH AND 27TH

ON MOTION
ROLL CALL

by Schreck / Engelstad moved to adoption.
AYES: Cotler, Marchak, Engelstad, Schreck
NAYS: None
ABSENT: Galassetti

ADOPTED RESOLUTION

MAYOR'S APPOINTMENTS

Resolution 82

Mayor Schreck announced the following appointments

Environmental Commission

Jana Crawford

(Fills unexpired term)

Expires 12/31/2010

Recreation Committee

Michael Roth

Expires 12/31/2010

ON MOTION
ROLL CALL

by Schreck / Engelstad moved to adoption.
AYES: Cotler, Marchak, Engelstad, Schreck
NAYS: None
ABSENT: Galassetti

ADOPTED RESOLUTION

ANNOUNCEMENTS

The Bradley Beach Tourism Committee is having a concert in Riley Park on Main Street June 26, 2010 starting at 7pm featuring "The Jersey Sound"

REPORTS

Council thanked everyone for their work and volunteerism in making both the Memorial Day Weekend and Go Fish Tournament successful.

Councilman Cotler stated that the mobi mats will provide greater beach access for the public but that also he would like to see walkovers at the beachfront perhaps at Brinley Avenue. He thanked his daughter, Samantha Cotler for providing additional musical entertainment at the beachfront during the summer. Mr. Cotler noted that many of the performers are donating their time and talent. He announced that the Walking Club meets on Saturdays at the Fifth Avenue Gazebo at 5:30pm. Mr. Cotler announced that the Bradley Beach Bocce League sign-ups are being accepted.

Councilman Engelstad noting that he will not be able to attend the next meeting thanked Councilwoman Marchak for all her work as a member of Council during the past six years. He also announced that the school graduation is Wednesday, June 16th.

Mayor Schreck noted that the Youth Board, Shade Tree Commission and Recreation Board need members and that if anyone is interested to either contact her or Borough Hall.

PUBLIC COMMENT

Marilyn Rosen suggested that vendors are needed at the beachfront in order to bring in revenues for the Borough. She thanked Councilwoman Marchak for her years of service and devotion to the Borough. She also thanked Council for authorizing the purchase of the mobi mats.

Samantha Cotler read the entire line-up of musical entertainers she has secured for the summer season on Wednesdays, Thursdays and Sundays during 2010.

ADJOURNMENT

ON MOTION by Schreck / Engelstad the meeting was adjourned at 8:20 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk