

REGULAR MEETING
August 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 6:35PM

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

Items added to the agenda:

On motion by Schreck/Galassetti to add correspondence for permission to construct a ramp on the Borough Right of Way at 608 Third Avenue.

On motion by Schreck/Galassetti to add a request from United Methodist Church to sell coupon cards for their upcoming fundraiser by the Fifth Avenue Gazebo during the remainder of the summer season.

DISCUSSION ITEMS

Members of the Youth Advisory Board discussed the following ideas with the Council:

Limit smoking on the beachfront

Wind Energy to power municipal buildings

Schedule clean-up days for Fletcher and Sylvan Lakes

A discussion ensued and Council again supported the idea of restricting smoking at the beachfront and noted that as a grant application has been submitted to place a small wind turbine at the Borough sewer pump station on Ocean Avenue and that Council will draft

legislation soon to facilitate the use of wind energy in the future at residential properties if any residents desire. The governing body proposed that the clean-up of the lakes be scheduled during the fall. As the members of Council supported restricted smoking areas, Mayor Schreck requested Attorney McGill to draft an ordinance to establish smoking areas along the beach.

Administrator O'Reilly gave an update regarding the mobi mats and relocation of the solar panels. She noted that the Borough Engineer indicated further review of the ADA requirements as well as the State Department of Environmental Protection requirements concerning placement of the mats by Second Avenue before any action can be taken.

Mr. Gary Cahn representing the owners of 608 Third Avenue explained the need for placement of a temporary handicap ramp at the home which will require crossing the Borough property line for proper slope.

PUBLIC COMMENTS ON AGENDA ITEMS

Norma Bishkoff noted that although the Borough of Belmar currently has restricted smoking areas at their beachfront they experience areas filled with cigarette butts.

Dr. Stuart Goodman voiced concern about residents playing musical cars with their special parking spaces which are granted by the Borough to those who meet the disability criteria, and in compliance with regulations which stipulate that the residency has no driveway or if the resident has a driveway and proves that on street space better meets their needs. Dr. Goodman also claimed that he has seen someone park different cars in their special parking spot. As a doctor, Mr. Goodman stated that he has seen people live with a wide range of disabilities and feels few disorders actually affect one's ability to ambulate. He suggested that the Borough evaluate the degree of disability when issuing the permits as parking is at a premium within the Borough.

Council noted that they have been able to eliminate a lot of older permits but agreed that some people still abuse the privilege. Attorney McGill noted that if potential abuse is seen, the police department should be alerted to investigate.

Marilyn Rosen again requested Council to take action ensuring that the mobi mats be moved to the Second Avenue beach either with or without ramps being attached as she has collected money from people who expect the mats to be at the Second Avenue beach.

Council noted that although they understand the situation, currently the mats being placed on the Evergreen Avenue beach meet all ADA requirements. The Administrator recommended that Council let the staff determine if locating one or two of the mats to Second Avenue would be feasible at this time.

Mrs. Rosen also questioned whether the Borough could prohibit door to door solicitation.

Borough officials suggested that residents could place signage stating no solicitation nor trespassing would help prevent unwanted solicitations. Such signs are sold at local hardware stores.

A resident questioned the draft of the ordinance set for introduction this evening which would regulate parking in the municipal lot. Attorney McGill advised Council to table action until he resolves a potential problem with the draft.

ORDINANCES

INTRODUCTION

ORDINANCE 2010-6

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

PENDING ORDINANCE

ORDINANCE 2010-

AN ORDINANCE TO AMEND SECTION 9-3 OF THE BRADLEY BEACH CODE ENTITLED "TRAFFIC"

ON MOTION by Schreck / Cotler moved to table action at this time pending
 further attorney review.
ROLL CALL AYES: Cotler, D' Angelo, Engelstad, Galassetti, Schreck
 NAYS: None

TABLED

COMMUNICATIONS

On Motion by Schreck/ Galassetti to approve the following Raffle License
 Food Bank of Monmouth & Ocean Counties RL 14-10

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

APPROVED MOTION

On Motion by Schreck/ Galassetti to postpone granting Interfaith Neighbors, Inc use of the Carmen Biase Center as a Packaging site for Meals on Wheels until more information is obtained by the Administrator.

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

APPROVED MOTION

On Motion by Schreck/ D' Angelo to approve the Bradley Beach Fire Department's request to sell raffle tickets by the Fifth Avenue Gazebo Monday to Friday from 7-9pm until the end of the summer season.

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

APPROVED MOTION

On Motion by Schreck/ Galassetti to refer Pierce Promotions to complete the solicitation process for seeking permission to go door-to-door on behalf of Verizon to inform residents of video, internet and phone services available through Verizon FIOS.

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

APPROVED MOTION

On Motion by Schreck/ D' Angelo to approve the Request from Kristian Hammond and Peter Pudlo to hold a wedding Ceremony on the Third Avenue Beach on October 30, 2010 from 9:30 to 11:30am.

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

APPROVED MOTION

On Motion by Schreck/ Engelstad to approve the request from the First United Methodist Church to have a table at the boardwalk gazebo to sell coupon cards for a fundraiser.

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

APPROVED MOTION

RESOLUTIONS

Resolution 118 **AUTHORIZATION FOR PAYMENT TO LIENHOLDERS FOR VARIOUS PROPERTIES**

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

ADOPTED RESOLUTION

Resolution 119 **AUTHORIZES VOUCHER WARRANTS ON THE TREASURY FOR PAYMENT OF BILLS.**

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

ADOPTED RESOLUTION

Resolution 120 **APPROVES THE ISSUANCE OF A SPECIAL PERMIT FOR A SOCIAL AFFAIR TO THE FOOD BANK OF MONMOUTH AND OCEAN COUNTIES ON SEPTEMBER 15TH 2010**

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

ADOPTED RESOLUTION

Resolution **EXTENSION OF ABC PREMISES FOR BRADLEY BEACH RECREATION CENTERS LLC ON SEPTEMBER 19TH 2010**

ON MOTION by Schreck / Cotler moved to table action would like a representative available for questions at the next meeting.
ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck
 NAYS: None

TABLED

Resolution 121 **REINFORCES THAT BRADLEY BEACH IS THE "REAL JERSEY SHORE"**

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

ADOPTED RESOLUTION

Resolution 122 **APPROVAL OF SPECIAL PARKING PERMIT AT 106 PARK PLACE AVE.**

ON MOTION by Cotler / D'Angelo moved to adoption.

ROLL CALL AYES: Cotler, D'Angelo, Schreck

NAYS: Engelstad, Galassetti

ADOPTED RESOLUTION

Resolution 123 **APPROVAL OF SPECIAL PARKING PERMIT AT 1107 ½ OCEAN AVE.**

ON MOTION by Cotler / Schreck moved to adoption.

ROLL CALL AYES: Cotler, Schreck

NAYS: D'Angelo, Engelstad, Galassetti

NOT ADOPTED

Before commencing the first vote, Councilman D'Angelo questioned whether this applicant met all current requirements as the parking spot was requested to be located on another street rather than in front of the residency. Mayor Schreck responded that at present the applicant meets all requirements.

The first time the resolution was offered the motion carried and was approved three to two. Those in favor were Cotler, D'Angelo and Mayor Schreck. Councilman D'Angelo stated that he would like to reconsider his vote and the matter was reopened and motion for approval did not carry.

Councilman Galassetti noted that Council had considered phasing out these parking spaces when the joint subcommittee of planning and board of adjustment reviewed and made recommendations to the governing body last year. Council stated that he permit idea was born out of very good intentions they would like to see abusiveness eliminated and that perhaps the responsibility should be in the police department.

The attorney will take the matter under review.

Resolution 124 **AUTHORIZES THE BOROUGH ENGINEER TO PREPARE AND SUBMIT A LOCAL AID GRANT APPLICATION TO NJ DEPT OF TRANSPORTATION FOR THE HAMMOND AVENUE ROAD PROJECT**

ON MOTION by Schreck / Galassetti moved to adoption.

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

NAYS: None

ADOPTED RESOLUTION

Resolution 125 **GRANTS CONDITIONAL APPROVAL FOR CONSTRUCTION OF A TEMPORARY HANDICAP RAMP AT 608 THIRD AVENUE**

ON MOTION by Schreck / Engelstad moved to adoption.

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

NAYS: None

ADOPTED RESOLUTION

ANNOUNCEMENTS

The Bradley Beach “Kids Race” will be held on Friday, August 20th starting at 6:30pm on Bradley Blvd.

The Annual 5K Run will be held on Saturday, August 21st starting at 8:30am on Ocean Avenue

Bradley Beach Tourism Commission will have a concert in Riley Park on August 25th featuring Marlene VerPlanck

REPORTS

Councilman Cotler announced that he would like to see the officials institute a policy that at the first meeting of the month, Council recognizes residents who have volunteered their services. He nominated Mr. Alan Quixley and the members of the Fletcher Lake Commission for the first meeting in September. He also announced that the Fire Department is selling raffle tickets and the Ladies Auxiliary members are selling their cookbook as fundraisers.

Councilman D’Angelo thanked the participants in Mayor Schueler’s dedication at the beachfront. He also recognized Police Lt. Neil Scully for his dedicated years of service and who has announced his retirement September 1st. Regarding the Code/Construction Department that the Borough is in the process of recruiting new employees as the Code official has met disability requirements. Mr. D’Angelo also announced that the Annual Foti Tournament will be held on July 21st at the miniature golf course.

Council Engelstad said that the Finance Committee will provide an accounting of the status of revenues and budget upon the completion of info entry into the new accounting system. (The Borough purchase a new accounting system in January 2010)

Councilman Galassetti reported that the cost of tipping fees is up considerably due to an increase of disposal of recycling materials being placed with household garbage. He reported that the Third Avenue Sewer line collapsed unfortunately due to the age of the current sewer system and that officials must undertake to address the infrastructure. Mr. Galassetti announced that the vision meeting for the beachfront area improvement meeting will be held at the Carmen A. Biase Center.

PUBLIC COMMENTS

Lori Marchak noted that during the past eight years, the Borough has received approximately \$10,000 in proceeds from the Foti Tournament which was a fundraiser organized by the borough officials in memory of Robert J. Foti who lost his life serving as a New York City

Fireman during the September 11, 2001 attack. Mr. Foti was a Bradley Beach Lifeguard and had been a member of the BB Fire Department. Ms. Marchak noted that during five weeks and twelve emails from the administrator she has been informed that the Borough will only provide 50% of the monies towards the trophy awards for the event this year. Ms. Marchak questioned Council when did they officially vote on this matter. Administrator O'Reilly noted that there was no appropriation set in this year's budget and that she does not consider this to fall under the golf course line item in the budget. Ms. O'Reilly noted that the Borough's funding for the 50% would come from lifeguard expenses and the remainder should come from Neptune Unexcelled Fire Department as they are currently the recipient of the other 50% of the proceeds from the event.

Mrs. Florence Foti noted that Councilmen D'Angelo and Quixley approached her after her husband's death and said that the Borough would like to have annual golf tournaments in his memory at the Borough's golf course and no borough funding will be necessary as local businesses and residents have contributed towards this cause. Ms. O'Reilly noted that when Ms. Marchak served on Council during the past year, she questioned when departmental appropriations were moved within their line items. Mrs. Foti informed the Borough that no services will be required as they will be staffed with volunteers for the event and the proceed monies will no longer be handled by the Borough. She will give a personal check for the lifeguards' share of the proceeds.

Marilyn Rosen noted that Bradley Beach is the gem of the Jersey Shore presenting great free concerts and again questions why the beachfront concessions close early and are not open until at least 9pm.

Bill Psuik again suggested moving the beach concerts to Riley Park in order to promote the business district.

ADJOURNMENT

ON MOTION by Schreck / Galassetti the meeting was adjourned at 9:05 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk