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**MAYOR AND COUNCIL
AGENDA
REGULAR MEETING
September 14, 2010**

Agenda Items are subject to change. If you have any questions regarding an agenda item please contact the Borough Clerk at 732 776-2999 Ext. 11

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **OPEN PUBLIC MEETINGS ACT STATEMENT**
4. **ROLL CALL**
5. **DISCUSSION ITEMS**
 - a. Special Events Applications
6. **Approval of minutes- June 22, 2010 and July 2010**
7. **PUBLIC COMMENTS ON AGENDA ITEMS** – Public Session only on Agenda. We will continue to have a Public Session at the end of this meeting. There is a 5 minute limit on comments.
8. **ORDINANCES**

FINAL READING AND ADOPTION

ORDINANCE 2010-7

- a. **ORDINANCE OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”) PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$100,000 TO FUND CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES RESULTING FROM THE RETIREMENT OF BOROUGH EMPLOYEES**

INTRODUCTION

ORDINANCE 2010-8

- b. **AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 123, BEACHFRONT AREAS AND ADJACENT WATER, SECTION 123-8-H.**

9. COMMUNICATIONS

- a. Bingo and Raffle Licenses
Neptune Township American Legion Post #346 BL 5-10 and RL 15-10
- b. Fletcher Lake Commission request to hold their Annual Fundraiser at the miniature golf course on May 21st and 22nd 2011.
- c. Cystic Fibrosis Foundation request to hold their Annual Great Strides: Talking Steps to Cure Cystic Fibrosis Walk 11am to 3pm on Sunday May 1st 2011 and use of the Fifth Avenue Gazebo at 9:30am.
- d. The Tears Foundation request to hold their Second Annual Walk and Rock-a-thon on Sunday, May 22, 2011.
- e. New Jersey Marathon request to hold their 15th Annual New Jersey Marathon on Sunday May 1st 2011 arriving in Bradley Beach about 10:00am. Also requesting to locate and staff one Water and Gatorade Station on the Bradley Beach Boardwalk Section very near the Ocean Grove Boardwalk section.
- f. Bradley Beach Ladies Auxiliary request to have their “Annual Tour of the Town Garage Sale” on Saturday, October 9th with a rain date of Sunday October 10th 2010.
- g. Request to hold a block party on the 500 block of Ocean Park Avenue on Saturday, September 18, 2010 from 4pm until dark.

10. RESOLUTIONS

- A. Authorizes payment to lienholders
- B. Bill List
- C. Authorizes the Mayor to execute a one year maintenance agreement with Motorola for the Police Department Communication Console
- D. Authorizes the Borough Clerk and Police Chief to prepare and advertise an ad for a police officer

11. ANNOUNCEMENTS

Bradley Beach Tourism Commission will hold their Annual Fall Festival on October 3rd in Riley Park starting at 10am

12. MAYOR AND COUNCIL REPORTS

13. PUBLIC COMMENTS- There is a 5 minute limit on comments

14. EXECUTIVE SESSION (Pursuant to N.J.S.A. 10:4-13 et seq. if necessary).

15. ADJOURNMENT

**BOROUGH OF BRADLEY BEACH
ORDINANCE NUMBER 2010-7**

**ORDINANCE OF THE BOROUGH OF BRADLEY BEACH,
IN THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY (THE "BOROUGH") PROVIDING FOR A SPECIAL
EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO
EXCEED \$100,000 TO FUND CONTRACTUALLY
REQUIRED SEVERANCE LIABILITIES RESULTING FROM
THE RETIREMENT OF BOROUGH EMPLOYEES**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than the majority of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. N.J.S.A. 40A:4-53 provides that a local unit such as the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey (the "Borough"), may adopt an ordinance authorizing a special emergency appropriation for the contractually required severance liabilities resulting from the layoff or retirement of Borough employees.

SECTION 2. The Borough has determined and does hereby authorize a special emergency appropriation in an amount not to exceed \$100,000 to fund the contractually required severance liabilities resulting from the retirement of Borough employees.

SECTION 3. To finance the appropriation authorized hereunder, and described in Section 2 hereof, special emergency notes of the Borough (the "Notes") shall be authorized by a resolution of the Borough Council to be adopted in accordance with the provisions of N.J.S.A. 40A:4-55.

SECTION 4. A certified copy of this ordinance as finally adopted will be filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs.

SECTION 5. This ordinance shall take effect twenty (20) days after final adoption and approval by the Mayor.

ADOPTED ON FIRST READING
DATED: August 24, 2010

MARY ANN SOLINSKI,
Borough Clerk

ADOPTED ON SECOND READING
DATED: September 14, 2010

MARY ANN SOLINSKI,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2010.

JULIE SCHRECK
Mayor

ORDINANCE 2010- 8

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 123, BEACHFRONT AREAS AND ADJACENT WATER, SECTION 123-8-H.

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach that Chapter 123: Beachfront Areas and Adjacent Water, Section 123-8H of the Revised General Ordinances of the Borough of Bradley Beach shall be amended to read the following:

123-8. Rules and Regulations.

H. Animals. Except as specifically set forth herein, no person owning, keeping or harboring any animal shall permit it to be on the boardwalk, the promenade, the walkway, or any public land located east of the easterly most curb on Ocean Avenue. However, from **September 16 to April 30**, it shall be lawful to allow dogs and other domestic animals to be on the public beach area in the Borough. During this period, the dogs or other domestic animals may be unleashed at the beach but must be accompanied by the owner or the owner's representative. Any such animals must be taken directly onto the public beach area. During the applicable time period, solely for the purpose of gaining access to the public beach area, it shall be lawful for said animals to cross over the boardwalk, promenade, walkway, and public area. The prohibitions contained in this subsection shall not apply to Seeing Eye dogs, guide dogs, or other guide animals.

This Ordinance shall become effective upon final passage and publication according to law.

MARY ANN SOLINSKI
Borough Clerk

JULIE SCHRECK
Mayor

Introduced: _____
Date of Hearing and Adoption: _____
Dates of Publication: _____

RESOLUTION NO. 2010-

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, N.J.S.A. 54:5 provides for the property owner or a party of interest to redeem a Tax Sale Certificate within a two year period; and

WHEREAS, the following Tax Sale Certificate has been satisfied, said redemption money having been deposited into the Miscellaneous Trust Fund Account; and

WHEREAS, the following lienholder is now due reimbursement for the redemption of the Tax Sale Certificate;

NOW, THEREFORE, BE IT RESOLVED, that a check be drawn to the following lienholder for redemption of said certificates:

LIENHOLDER	CERT. #/PROPERTY LOCATION	REDEMPTION
Schwab Tax Lien Svcs, LLC	#10-00013/610 Fletcher Lake Ave. Block 42, Lot 31	\$ 337.90
	#09-011	\$ 689.57
Royal Tax Lien Svcs, LLC	#10-00019/412 Fourth Ave. Block 55, Lot 18	\$ 8,541.45
	Premium Refund:	<u>14,200.00</u>
	Total:	\$22,741.45

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the CFO, Assistant CFO and Borough Auditor.

Seconded by Council Member _____ and adopted on roll call by the following vote:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

September 14, 2010

RESOLUTION NO. 2010-

Mayor Schreck offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Mayor is hereby authorized and directed to execute a one year maintenance agreement with Motorola at a cost of \$855.22 per month commencing October 1, 2010 for the Police Department Communication Console.

Seconded by Council Member _____ and adopted on roll call by the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Cotler				
Mr. D'Angelo				
Mr. Engelstad				
Mr. Galassetti				
Mayor Schreck				

CERTIFICATION

I, Mary Ann Solinski, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the September 14, 2010 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

September 14,2010

RESOLUTION 2010-

**AUTHORIZES THE BOROUGH CLERK TO ADVERTISE FOR
EMPLOYMENT OF ONE FULL TIME POLICE OFFICER.**

Councilman Cotler offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Borough Clerk and Police Chief are hereby authorized and directed to advertise in the Borough’s official newspapers for employment of one (1) full time police officer.

Seconded by Councilman _____ and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Cotler				
Mr. D’Angelo				
Mr. Engelstad				
Mr. Galassetti				
Mayor Schreck				

CERTIFICATION

I, Mary Ann Solinski, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the September 14, 2010 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

REGULAR MEETING
September 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

DISCUSSION ITEMS

Special Events Applications- Mayor Schreck noting that a number of events take place at the boardwalk explained that the Council must decide what procedure should be followed as the Borough has a code regarding special events. She noted that several organizers have already applied for events during 2011. The Administrator questioned if there should be a set value on the municipal expenses which should trigger a full review by municipal staff or if the Council prefers the procedure which has been followed during the past years of Council just receiving correspondence and approving the activity. Council requested more information concerning municipal expenses associated with the individual event.

ITEM ADDED TO AGENDA

On motion by Schreck/Cotler Bradley Beach Public Library request to use the Carmen A. Biase Center on Saturday, November 13th 2010 from 9am-12pm for a Flu Vaccine Event.

On motion by Schreck/Galassetti to adopt a resolution authorizing the Mayor and Borough Clerk to submit a New Jersey DOT Grant Application for the Hammond Avenue Paving and Storm Drainage Improvements Project

APPROVAL OF MINUTES

On Motion by Schreck/ Galassetti to accept and file the minutes for June 22, 2010 and July 2010.

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

APPROVED MOTION

PUBLIC COMMENTS ON AGENDA ITEMS

Members discussed the amendment scheduled for introduction changing the rule for dogs being permitted on the beach with members of the audience. The new dates will be September 16th through April 30th.

Attorney McGill stated that action should be tabled on the items scheduled for permission to proceed with particular events until the update is presented to Council regarding requests for special events. Council requested that the report be prepared for the next meeting as they would like to be able to take action as soon as possible.

On motion by Schreck/Galassetti to table action on the following pending a detailed report from the staff:

Fletcher Lake Commission request to hold their Annual Fundraiser at the miniature golf course on May 21st and 22nd 2011.

Cystic Fibrosis Foundation request to hold their Annual Great Strides: Talking Steps to Cure Cystic Fibrosis Walk 11am to 3pm on Sunday May 1st 2011 and use of the Fifth Avenue Gazebo at 9:30am.

Tears Foundation request to hold their Second Annual Walk and Rock-a-thon on Sunday, May 22, 2011.

New Jersey Marathon request to hold their 15th Annual New Jersey Marathon on Sunday May 1st 2011 arriving in Bradley Beach around 10:00am. Also requesting to locate and staff one Water and Gatorade Station on the Bradley Beach Boardwalk Section very near the Ocean Grove Boardwalk section.

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 2010-7

ORDINANCE OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "BOROUGH") PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$100,000 TO FUND CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES RESULTING FROM THE RETIREMENT OF EMPLOYEES.

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.

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 2010-8

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 123, BEACHFRONT AREAS AND ADJACENT WATER, SECTION 123-8-H.

ON MOTION by Schreck / Galassetti 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 and Raffle Licenses
Neptune Township American Legion Post #346 BL 5-10 and RL 15-10

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

APPROVED MOTION

On Motion by Schreck / Galassetti approval of the Bradley Beach Ladies Auxiliary
request to have their "Annual Tour of the Town Garage Sale" on Saturday,
October 9th with a rain date of Sunday October 10th 2010.

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

APPROVED MOTION

On Motion by Schreck / D'Angelo approval to hold a block party on the 500 block of
Ocean Park Avenue on Saturday, September 18, 2010 from 3pm until 7pm
upon the recommendation of Police chief Guida.

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

APPROVED MOTION

On Motion by Schreck / Cotler approval of the Bradley Beach Public Library request for
use the Carmen A. Biase Center on November 13, 2010 from 9am-12pm for a
free Flu Clinic.

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

APPROVED MOTION

RESOLUTIONS

Resolution 138 **AUTHORIZES PAYMENT TO LIENHOLDERS**

ON MOTION by Schreck / Galassetti moved to adoption.

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

ADOPTED RESOLUTION

Resolution 139 **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 140 **AUTHORIZES THE MAYOR TO EXECUTE A ONE YEAR
MAINTENANCE AGREEMENT WITH MOTOROLA FOR
THE POLICE DEPARTMENT COMMUNICATION CONSOLE
COMMENCING OCTOBER 1, 2010 AT A COST OF \$855.22
PER MONTH.**

ON MOTION by Schreck / Galassetti moved to adoption.

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

ADOPTED RESOLUTION

Resolution 141 **AUTHORIZES THE BOROUGH CLERK AND POLICE CHIEF
TO PREPARE AND ADVERTISE AN AD FOR A POLICE
OFFICER**

ON MOTION by Cotler / Galassetti moved to adoption.

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

ADOPTED RESOLUTION

Councilman Cotler explained that although this action is not a guarantee that a police officer will be hired right away to replace Lt. Scully who retired last month, it will start the process of potential candidates being reviewed and the necessary background investigations being performed in case the Council decides to hire an officer in the future.

Resolution 142 **APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTION OF A GRANT CONTRACT WITH NEW JERSEY
DEPARTMENT OF TRANSPORTATION FOR THE
HAMMOND AVENUE PAVING AND STORM DRAINAGE
IMPROVEMENT PROJECT**

ON MOTION by Schreck / Galassetti moved to adoption.

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

ADOPTED RESOLUTION

ANNOUNCEMENTS

Bradley Beach Tourism Commission will hold their Annual Fall Festival on October 3rd in Riley Park starting at 10am

The Belmar Mayor's Health Awareness Campaign will be held on September 18th from 11am to 3pm at the Taylor Pavilion on the Belmar Boardwalk.

REPORTS

Councilman Cotler presented several items to illustrate the confusion over which articles should be recycled which included plastic food containers and milk cartons from the supermarket. Mr. Cotler noted that more education needs to be provided about recycling and that the borough should try to enter into a contract with a recycling company which would allow more items to be recycled. He also suggested that the public learn more about communities earning money for recycling at a website www.recyclebank.com. Mr. Cotler praised the lifeguard staff for their diligence rescuing about thirty people on one day during the last weeks of the summer season. Mr. Cotler also announced that the Fire Department is selling raffle tickets and the Ladies Auxiliary is selling cookbooks.

Councilman D'Angelo noted that he is very upset that the public is dumping waste and oil along the streets noting that it is not sanitary. He asked the public to report anyone seen dumping items to the Borough. Mr. D'Angelo also noted that a meeting will be held with the Police Chief concerning his new contract and that the Committee will report back to the Board.

Councilman Engelstad noted that the meeting held on beachfront improvements was a huge success with a lot of public insight. He noted that a lot of the public feels there should be no dramatic changes at the beach. Mr. Engelstad also requested prior to year end the Borough should explore the possibility of shared services with Avon, Neptune City and Neptune Township. He also stated that Dr. Turner of the Bradley Beach Elementary School expects to be able to attend the next Borough meeting to give a school update.

Councilman Galassetti noted that he would like to see more recycling information given to the public as 4% of municipal budget is dedicated to tipping fees for solid waste disposal. He also requested that the public not place trash or brush at the public parks for borough pick-up as there is scheduled times for brush pick-up. Mr. Galassetti noted that he would like to see several improvements made to the beach area.

Mayor Schreck announced that the Borough has received a \$10,000.00 Sustainable Energy Grant funded by Walmart which will be used to install a small wind turbine that will generate electricity for the sewer pump station at Evergreen and Ocean Avenues. The project will utilize a 4-kilowatt vertical-access wind turbine under fifteen (15) feet tall.

PUBLIC COMMENT

Councilman Cotler suggested that the Borough officials facilitate easier permits for installation of wind turbines on individual properties.

Harvey Rosenberg announced that on September 24th the opening game of Flag Football season will start.

The audience suggested that the Borough publish a newsletter to inform residents about trash, recycling and brush requirements and collection schedules among other news updates. Members of the audience inquired about the results of the special beach improvement meeting and were informed that due to such a large response tabulation of the suggestions is taking longer than anticipated but that the public will be informed when the data is available and when another public meeting will be held to discuss the findings.

Marilyn Rosen announced that she will forward borough officials information regarding the \$50,000 Pepsi Grant she is submitting for the purchase of mobi mats for the beachfront at the next meeting.

Art Gorgio expressed hope for a police officer to be hired as he does not want to see the police department forced into the winter months short handed. When he asked council about the status of the dispatch interlocal study with Neptune Township, Council responded that the study is a dead issue. Councilman Engelstad noted that should any police shared services be brought up in the future, the Bradley Beach Police Department would act as a host station for another community if anything.

Joseph Licata asked about the curb cut at 1105 Ocean Avenue. Mayor Schreck responded that all the proper permits were obtained from the Zoning and construction departments as the owner is in his rights under the present code.

Wayne Mae asked when the borough will be manning the building department with a full time secretary as the previous secretaries provided the public with prompt services. Council responded that they are working on addressing the situation at present. He also mentioned businesses placing garbage out on Main Street noting that he does not feel it is right for the taxpayers to pay the tipping fees associated with trash disposal of local businesses. A brief discussion also ensued regarding attracting new businesses into town. Mr. Cotler suggested placing art in the empty store windows (10 at present) as a way to keep Main Street presentable.

ADJOURNMENT

ON MOTION by Schreck / D'Angelo the meeting was adjourned at 8:05 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk