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MAYOR AND COUNCIL

AGENDA

JUNE 14, 2011

8:00PM

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. Presentation - Harvey Rosenberg of the Memorial Day Committee thank you**
- 6. Public Bids and Necessary Resolutions:**
 - a. Umbrella and Chairs Bid
 - b. Lake Terrace to Cliff Avenue Pushcart Resolutions
 - a. Award of the Umbrella and Chair Rental One Year Lease with possible extension commencing June 18, 2011 on the bid of \$_____.
 - b. Award of the Lake Terrace to Cliff Avenue Pushcart One Year Lease with possible extension commencing June 18, 2011 on the bid of \$_____.
- 7. Presentation – Monmouth County Planning Board’s Shore Link Shuttle**
- 8. Discussion Items**
 - A. Monmouth County Improvement Authority Program
 - B. Pesticides and herbicides
 - C. Beachfront Miniature Golf Course design services
- 9. Public Comment 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.**
- 10. Ordinances**

Final Reading and Adoption

ORDINANCE 2011-12

 - a. AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ENACTING CHAPTER 350 “PROPERTY MAINTENANCE AND HOUSING STANDARDS”, SECTIONS ONE THROUGH FOUR; AND DELETING CHAPTER 147 “BUILDINGS, UNFIT” IN ITS ENTIRETY AND DELETING CHAPTER 262 “HOUSING STANDARDS” IN ITS ENTIRETY.

Introduction (none at present)
- 11. Communications**
 - a. Bingo Licenses

Congregation Agudath Achim	BL 3-11
Sisterhood, CAA	BL 4-11
Senior Club, CAA	BL 5-11
 - b. Café Licenses

Perfect Perk Café 602 Main Streets	
Pizza on Main	812 1/2 Main Street
The Buttered Biscuit	700 Main Street
 - c. Bradley Beach Elementary School’s request to sell water on the boardwalk nightly from June to August as a fundraiser for the 2012 8th Grade Class Trip

- d. Aubrie Ricelli and Mark Rudnick's request to hold their marriage ceremony on the Cliff Avenue Beach September 10th 2011
- e. United Engine and Truck request to accept Ravi S. Maruvada as a probationary fireman of the Bradley Beach Fire Department (possible)

12. Consent Agenda

- A. Authorizes a tax refund for Block 42 Lot 27.02 due to overpayment
- B. Authorizes a sewer utility charge refund for Block 42, Lot 27.02 due to overpayment
- C. Authorizes cancellation of sewer utility billing for Block 51 Lot 2 due to a subdivision
- D. Authorizes the preparation of estimated 3rd Quarter Tax Billing
- E. Bill List
- F. Governing Body Certification of the 2010 Annual Audit
- G. Approval of Annual Renewal of Alcoholic Beverage Liquor Licenses effective July 1, 2011
- H. Establishes restricted smoking areas on beaches
- I. Approval and/or denial of Special Parking Permits

13. Announcements

14. Mayor and Council Reports

15. Public Comments- There is a 5 minute limit on comments

16. Executive Session (Pursuant to N.J.S.A. 10:4-13 et seq. if necessary)

Resolution to retire into Executive Session for discussion of personnel matters

17. Adjournment

NEXT MEETING: June 28, 2011 at 6:30 pm

June 14, 2011

RESOLUTION 2011-

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the Borough of Bradley Beach authorized and advertised for a Lease Agreement for the rental of Beach umbrellas and chairs at the Oceanfront on Brinley Avenue, Newark Avenue and Second Avenue, with an open public bid by auction on Tuesday, June 14, 2011; and

WHEREAS, after receipt of the bids on Tuesday, June 14, 2011 the Borough of Bradley Beach wishes to award the Lease to the highest bidder.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bradley Beach that the lease is awarded to:

on the bid of \$ _____ for the first year's rent. The Lease is for a term of one (1) year from June 18, 2011 to October 31, 2011 with an extension of the term upon review and approval of the performance of the Lessee as provided by law for the use of the property located at the Oceanfront on Brinley Avenue, Newark Avenue and Second Avenue for the rental of beach umbrellas and chairs.

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk, Borough Attorney and other necessary Borough Officials are hereby authorized to execute and deliver the Lease and all other documents and undertake all actions reasonably necessary to effectuate the award of the Lease.

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 June 14, 2011 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

June 14, 2011

RESOLUTION 2011-

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the Borough of Bradley Beach authorized and advertised for a Lease Agreement for use commercial pushcart(s) at the Oceanfront between Lake Terrace and Cliff Avenue, with an open public bid by auction on Tuesday, June 14, 2011; and

WHEREAS, after receipt of the bids on Tuesday, June 14, 2011 the Borough of Bradley Beach wishes to award the Lease to the highest bidder.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bradley Beach that the lease is awarded to:

on the bid of \$ _____ for the first year's rent. The Lease is for a term of one (1) year from June 18, 2011 to October 31, 2011 with an extension of the term upon review and approval of the performance of the Lessee as provided by law for the use of the property located at the Oceanfront between Lake Terrace and Cliff Avenue for the sale of beverages and food from commercial grade push carts.

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk, Borough Attorney and other necessary Borough Officials are hereby authorized to execute and deliver the Lease and all other documents and undertake all actions reasonably necessary to effectuate the award of the Lease.

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 June 14, 2011 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

ORDINANCE 2011- 12

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ENACTING CHAPTER 350, "PROPERTY MAINTENANCE AND HOUSING STANDARDS", SECTIONS ONE THROUGH FOUR; AND DELETING CHAPTER 147 "BUILDINGS, UNFIT" IN ITS ENTIRETY AND DELETING CHAPTER 262 "HOUSING STANDARDS" IN ITS ENTIRETY.

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach that Chapter 350, Property Maintenance and Housing Standards Sections One through Four shall be hereby adopted and enacted as part of, and incorporated into, the Revised General Ordinances of the Borough of Bradley Beach as follows:

Section 350-1, Adoption of Standards, Availability of copies. Pursuant to *N.J.S.A. 40:49-5.1* the International Property Management Code, 2009, published by the International Code Counsel is hereby accepted, adopted and established as the standard and guide in determining whether dwellings and properties in this municipality are properly maintained in accordance with and in the interest of promoting the health, safety and welfare of the public. A copy of the International Property Maintenance Code (IPMC) is annexed hereto and three copies have been placed on file in the office of the Borough Clerk and are available to all persons desiring to use and examine the same.

Section 350-2. Amendments to the Code adopted. The International Property Maintenance Code as identified above shall be hereby amended and supplemented to read as follows:

(a) IPMC Sec. 101.1 Title. These regulations shall be known as the "International Property Maintenance Code of Borough of Bradley Beach", hereinafter referred to as "this code."

(b) IPMC Sec. 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the New Jersey Uniform Construction Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Borough of Bradley Beach Zoning Code. Any reference to the "International Building Code", "National Electric Code" or the "International Plumbing Code" as found in the International Property Maintenance Code adopted herein shall be construed to mean and be read in accordance with the New Jersey Uniform Construction Code. Any

reference to the "International Fire Code" as found in International Property Maintenance Code adopted herein shall be construed to mean and be read in accordance with the New Jersey International Fire Code.

(c) IPMC Sec. 103. This Section, including all subparts, is deleted in its entirety.

(d) IPMC Sec. 106.4 Violation penalties. Unless otherwise provided in this Code, Any person, persons, other entities, or their agents, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and upon conviction thereof, and be subject to the penalties set forth in Boroughs Ordinance, Chapter 1, Article II, General Penalty. Each day that a violation continues after due notice has been served shall be deemed a separate offense. All summons issued in connection with the enforcement of this code, or any rule or regulation adopted pursuant thereof, shall be heard before the Municipal Court of the Borough of Bradley Beach in accordance with the rules of the Municipal Court, as adopted by the Supreme Court.

(e) IPMC Sec. IPMC 107.7 No notice necessary. No notice of violation need be given to any person or entity prior to the issuance of a summons for the violations of any standards or provisions herein adopted and all requirements as to notice shall be read as being discretionary and permissive only.

(f) IPMC Sec. 111. This Section, including all subparts, is deleted in its entirety.

(g) IPMC Sec. 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than \$200.00 dollars or more than \$2,000.00 dollars.

(h) IPMC Sec. 302.3.1 Snow Removal Sidewalks and Parking Lots. Snow and ice shall be removed from sidewalks and private parking lots within 24 hours after cessation of precipitation.

(i) IPMC Sec. 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens. Upon failure of the owner, the owner's agent, or other person having charge of a property to cut and destroy weeds after service of a notice of violation, said person shall be subject to prosecution in accordance with Section 106.3 and as otherwise prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property.

(j) IPMC Sec. 302.7 Accessory Structures. All accessory structures, including but not limited to, detached garages, sheds, outside showers, fences and walls, shall be maintained in structurally sound and in good repair.

(k) IPMC Sec. 302.10 Depositing of snow or ice prohibited. No person or other entity shall throw, place or deposit any snow or ice into or on any street in the Borough, and no owner, tenant or occupant shall cause or allow such throwing, placing or depositing to occur, or cause or permit said throwing, placing or depositing of any snow or ice to remain in the street, it being the intent and purpose of this provision to prohibit all such persons and entities from throwing, placing or depositing snow or ice which accumulated on the private property or adjoining sidewalks into the streets of the Borough.

(l) IPMC Sec. 304.1.1. This section shall be amended to delete any Reference to International Existing Building Code.

(m) IPMC Sec. 304.3.1 Premises identification. Commercial Buildings with rear doors shall have the name of any businesses, address number and unit identification, if applicable, on the outside of said rear doors. Numbers and letters shall be a minimum of 3 inches high with a minimum width of 0.5 inches.

(n) IPMC Sec. 304.6.1 Exterior walls. All exterior walls, including masonry walls, shall be free of chipping, staining and deterioration of paint and all such walls shall be restored to a clean good appearance.

(o) IPMC Sec 304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation area, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing devise in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

(p) IPMC Sec. 308.3.1 Garbage facilities. The owner of every dwelling shall supply an approved leakproof, covered, outside garbage container, and no option to this requirement shall be permitted.

(q) IPMC Sec. 404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain at least 70 square feet (6.5 m²) for the first person and 50 square feet for each additional person.

(r) IPMC Sec. 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in National Standard Plumbing Code currently adopted by the NJ-UCC.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(s) IPMC Sec. 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 350-3. Language of ordinance controlling. The specific provisions and wording of this ordinance, whether amendments, additions or otherwise, shall take precedence over and supersede any provisions and wording as may be found in the IPMC hereby adopted and said specific provisions and wording shall be controlling.

Section 350-4. Elimination of prefacing information. All prefacing information as may be provided with the IPMC including but not limited to the sections as to Introduction, development, Adoption, Maintenance, Letter designations, Marginal Markings, Italicized words, and otherwise, shall not be considered to be part of this ordinance.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Bradley Beach that Chapter 147 entitle “Buildings, Unfit” be and is hereby deleted from the Revised General Ordinances of the Borough of Bradley Beach in its entirety.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Bradley Beach that Chapter 262 entitled “Housing Standards” be and is hereby deleted from the Revised General Ordinances of the Borough of Bradley Beach in its entirety.

THIS ORDINANCE shall become effective upon final passage and publication according to law.

MARY ANN SOLINSKI
Borough Clerk

JULIE SCHRECK
Mayor

Introduced: May 24, 2011

Date of Hearing and Adoption: June 14, 2011

Date of Publication: _____

June 14, 2011

RESOLUTION NO. 2011-

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the property owner of property located at 418 Brinley Avenue, AKA Block 42, Lot 27.02, inadvertently overpaid the 2nd quarter, 2011 property taxes, creating a principle overpayment of \$1,165.32; and

WHEREAS, said property owner has requested a refund of the overpayment; and

WHEREAS, 3rd quarter, 2011, taxes have not yet been billed to offset the overpayment;

NOW, THEREFORE, BE IT RESOLVED, that the property owner listed below be issued a refund of 2011 property taxes in the amount of \$1,165.32.

Walter Winning
346 Raleigh Rd.
Rahway, NJ 07065

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

June 14, 2011

RESOLUTION NO. 2011-

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the property owner of property located at 418 Brinley Avenue, AKA Block 42, Lot 27.02, inadvertently overpaid the 2nd quarter, 2011 sewer utility charges, creating a principle overpayment of \$112.50; and

WHEREAS, said property owner has requested a refund of the overpayment; and

WHEREAS, 3rd quarter, 2011, sewer charges have not yet been billed to offset the overpayment;

NOW, THEREFORE, BE IT RESOLVED, that the property owner listed below be issued a refund of 2011 sewer utility charges in the amount of \$112.50.

Walter Winning
356 Raleigh Rd.
Rahway, NJ 07065

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

June 14, 2011
SEWER UTILITY

RESOLUTION NO. 2011

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, 508 Beach Avenue had been subdivided during 2010 according to the 2011 records of the Tax Assessor, and

WHEREAS, the mother lot (Block 51, Lot 2) no longer exists on the tax rolls; and

WHEREAS, each of the subdivided lots (lot 2.01 and 2.02) are now being billed for sewer utility charges;

NOW, THEREFORE, BE IT RESOLVED that the sewer utility billing for Block 51, Lot 2 be canceled commencing with the 4th quarter, 2010 in the amount of \$225 as well as the 1st and 2nd quarters, 2011 in the amount of \$225 each.

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

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION NO 2011-

June 14, 2011

Mayor Schreck offered the following resolution and moved its adoption:

BE IT RESOLVED that upon proper voucher approval, the attached itemized computer printout of bills be received and checks be drawn payable on the Clearing Account in the amount of \$ 698,276.11; and that a copy of the itemized computer printout is posted in the Borough Office for public inspection.

CLEARING ACCOUNT

TOTAL \$ 698,276.11

BE IT FURTHER, RESOLVED, that the Borough Clerk is authorized to forward copies of this resolution, certified to be a true copy, to the Chief Financial Officer, Assistant CFO and Borough Auditor and copy to file.

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				

June 14, 2011

RESOLUTION 2011 –

A RESOLUTION AUTHORIZING THE PREPARATION OF ESTIMATED 2011 3RD
QUARTER TAX BILLING

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, notwithstanding any provisions of the laws, rules or regulations to the contrary, whenever a municipal governing body determines that the tax collector is unable to complete the mailing or delivery of the final tax billing; and

WHEREAS, the Borough of Bradley Beach has introduced and adopted its 2011 municipal budget; and

WHEREAS, the County Board of Taxation has not certified a tax rate for all of the taxing entities covered in a municipal property tax bill by the statutory mailing date of June 14;

WHEREAS, the Borough may, by resolution of the governing body, choose to send 3rd quarter estimated tax bills to assure adequate cash flow; and

WHEREAS, an estimated tax levy has been computed, at the rate of \$1.264 per \$100.00 of assessed valuation of the 2011 Tax Levy, in accordance with NJSA 54:4-66.3 and the Tax Collector and Chief Financial Officer has signed a certification showing the tax levy for the previous year; and

WHEREAS, pursuant to 54:4-66.3, the 3rd quarter estimated bills shall be due by August 10 which is inclusive of the 10 day grace period allowed; and

WHEREAS, any payment received after the 10th day of August, shall be subject to interest calculated from the original day that 3rd quarter taxes were due (August 1st), to the date of payment, in accordance with New Jersey State Statute N.J.S.A. 54:4-66.3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bradley Beach to authorize the Tax Collector to prepare and deliver 2011 3rd quarter estimated tax bills.

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

June 14, 2011

RESOLUTION 2011-

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand

dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Bradley Beach, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Seconded by Councilman _____ 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 June 14, 2011 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

June 14, 2011

RESOLUTION NO 2011-

APPROVAL OF ANNUAL RENEWAL OF ALCOHOLIC BEVERAGE LIQUOR LICENSES EFFECTIVE JULY 1, 2011

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the following applications have been received for the renewal of Retail Alcoholic Beverage Licenses for the twelve month period beginning July 1, 2011:

LICENSE NO.	TYPE	APPLICANT	ADDRESS
1307-33-008-004	PRC	Vic's Bar & Restaurant, Inc.	60 Main Street
1307-33-007-010	PRC	Manno, Inc.	301 Main Street
1307-32-003-002	PRC	D'Arcy LLC	310 Main Street
1307-33-001-010	PRC	Portuguese Shamrock, LLC	416 Main Street
1307-32-005-003	PRC	Gladys & Carlotta, Inc.	618 Main Street
1307-33-004-008	PRC	UVA on Main LLC	800-808 Main Street
1307-44-002-003	PRD	Swami Charan Inc.	810 Main Street

WHEREAS, no objections have been made to the renewal thereof;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to renew the above listed Retail Alcoholic Beverage Licenses effective July 1, 2011.

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 June 14, 2011 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

June 14, 2011

RESOLUTION NO 2011-

**APPROVAL OF ANNUAL RENEWAL OF ALCOHOLIC BEVERAGE LIQUOR
LICENSE 1307-33-006-005 TO BRADLEY BEACH RECREATION CENTERS,
INC. EFFECTIVE JULY 1, 2011**

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the following application has been received for the renewal of Retail Alcoholic Beverage License for the twelve month period beginning July 1, 2011:

LICENSE NO.	TYPE	APPLICANT	ADDRESS
1307-33-006-005	PRC	Bradley Beach Recreation Centers, LLC	1217 Main Street

WHEREAS, objections and recommendations have been made to the renewal thereof; (See Attached)

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to renew the above listed Retail Alcoholic Beverage License effective July 1, 2011.

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 June 14, 2011 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

The Licensee has also agreed to the following special conditions as part of its license renewal as follows:

- A. Maintain adequate outdoor lighting;
- B. Employees must wear staff shirts identifying them as Licensee employees at all times while on duty;
- C. A security officer must be on duty three (3) nights per week from September 1st to May 15th from 7:00 p.m. to 2:00 a.m. with particular attention being paid to the vestibule and lot area of the Licensee, but the presence of the security officer shall be present on Friday and Saturday nights and one (1) other week night as recommended by the Chief of Police of the Borough of Bradley Beach including any special events throughout the year;
- D. Based on the recommendation of the Chief of Police of the Borough of Bradley Beach, the Licensee shall periodically pay the Borough of Bradley Beach to post a police officer on the premises;
- E. Based on the recommendation of the Chief of Police of the Borough of Bradley Beach, the Licensee shall cooperate with a "Cops-In-Shops" program and discuss with the Chief of Police of the Borough of Bradley Beach the payment of those police officers to the Borough of Bradley Beach as permitted by the Division of Alcoholic Beverage Control;
- F. Notify the Borough of Bradley Beach and the Borough of Bradley Beach Police Department of the current names, addresses, telephone and beeper numbers of all corporate officers, including the chief executive officer, and all facility managers as well as the on-site manager and the Regional Vice President.

June 14, 2011

RESOLUTION 2011-

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS the Borough of Bradley Beach adopted Ordinance 2010-13 prohibiting the smoking of any cigarette, cigar or other tobacco products in the beachfront area at any time except in designated areas as indicated by signs posted in the beach front area; and,

WHEREAS the Governing Body wishes to authorize the placement of said to designate such smoking areas,

NOW THEREFORE, BE IT RESOLVED that signs be provided on the beach front area to be generally located at _____ that shall read “Smoking in the beachfront area is prohibited except within ____ feet of this sign. Borough Ordinance 123-8.Y(1)”

Seconded by Councilman _____ and adopted upon the following vote:

AYES	NAYS	ABSTAIN	ABSENT
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- 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 June 14, 2011 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

To insert into goose contract

Please be advised that the Mayor and Council has limited authorized expenditure to the services for "Egg Treatment" pursuant to Resolution 2011- ____ and as such the Borough is only authorized to retain such services. Any other expenses will need to be approved by further resolution. Please be guided accordingly.

June 14, 2011

RESOLUTION 2011-

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the Borough Staff has reviewed applications submitted by residents for a designated special parking space in front of their home; and

WHEREAS, the Police Department has completed a site review.

BE IT RESOLVED, that a special parking spaces are granted/ denied to the following by the Mayor and Council of the Borough of Bradley Beach effective through April 30, 2012:

130 Lake Terrace
200 Ocean Park Avenue #4F

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 June 14, 2011 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

REGULAR MEETING
June 14, 2011

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 8:12 PM

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

Presentation

Harvey Rosenberg of the Memorial Day Committee thanked the Co-Chairmen George Bacher and Norman Goldfarb and the many volunteers along with all Borough Departments, Officials and those who participated in the Memorial Day Parade and activities for making the event a huge success. He noted that the kiddie rides added to the fun and that a 3-D theater joined as a new attraction to the boardwalk festivities. Mr. Rosenberg noted that as usual some of the proceeds will be used to re-coup borough expenses related to this event. Mr. Rosenberg requested that the officials prohibit garage sale permits to residents on Ocean Avenue during any event weekend documented on the calendar and that no other major events be held within a three week time span of each other within the Borough as well as assigning the north end Ocean Avenue gravel parking lot to be used as a vendor paid parking lot.

Public Bids and Presentations:

Attorney McGill announced this was the time advertised for a Beach Umbrella and Chairs Concession Bids. As no one was in attendance to place public bids the Attorney recommended to Council that this concession be re-advertised for public bids at the June 28th meeting.

Attorney McGill announced this was the time advertised the Lake Terrace to Cliff Avenue Pushcart. Marc Rosenthal was the sole bidder offering the minimum bid of \$500.00. Attorney McGill recommended Council award the bid to Mr. Rosenthal.

Resolution

Resolution 114 Awards the public bid for the Lake Terrace to Cliff Avenue Pushcart to Marc Rosenthal in the amount of \$500.00 for the 2011 season with a possible extension in 2012.

ON MOTION by Schreck/ Galassetti moved to adoption.

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

ADOPTED RESOLUTION

Presentation

Nora Shepard of the Monmouth County Planning Board made a lengthy presentation for the Borough's participation in the County Shorelink Shuttle program. The idea for the shuttle is based on the increased summertime traffic seen at three train stops along NJ Transit's North Jersey Coast Rail Line between Asbury Park and Belmar which includes the train stop at Bradley Beach. She explained that Monmouth county and Meadowlink which is the state transportation management association partnered to come up with the Shorelink Shuttle idea which will use federal grant funds for a three year commitment and a 25% matching grants from each of the participating towns to bring the shuttle service to four shore destinations this summer: Belmar, Neptune Township-Ocean Grove, Bradley Beach and possibly Asbury Park as a pilot program this year and that the total budget for the program is \$270,471.00. The shuttle buses will bring visitors who take the train to these towns from the train station to each town's beach and business district. The potential benefits could be reduced traffic and vehicle emissions in town. The route for each shuttle will be adjusted to meet each town's needs but will always stop at the NJ Transit station, Main Street and Ocean Avenue in Bradley Beach. Other people will be welcome to use the shuttle if they wish. Bradley Beach's maximum commitment would be \$15,000 for the entire season. The seasonal shuttle would run July 1st through September 30th. Both Belmar and Asbury Park is requested to fund \$20,000.00 each with Bradley Beach and Neptune Township-Ocean Grove at \$15,000 each. Ms. Shepard noted that both Belmar and Asbury Park have partnered with their respective Chamber of Commerce for the funding and that Neptune Township has put funding in their budget for payment. Councilman Engelstad noted that usually something of this nature should have been addressed with Council during the annual budget workshops in order for municipal funds to be appropriated. Mayor Schreck stated that the Tourism Board is committed for \$5,000 towards the project and that perhaps municipal funds could be found in the general and beach utility budgets. Council asked if the Borough could be committed to only one year as a trial period and that the Borough will ask the local Chamber of Commerce and/or local businesses to partner with the Borough to provide funding. Councilman Cotler questioned how the cost will be handled. Ms. Shepard responded that Meadowlink will bill the borough for the cost of the operator, fuel and maintenance cost for the shuttle. Mr. Cotler requested that the Borough's share be \$10,000 for 2011 and that detailed billing be provided to the Borough as Bradley Beach and Neptune-Ocean Grove will be sharing a shuttle and are

smaller than both Asbury Park and Belmar. Ms. Shepard stated that the cost for the public to use the shuttle will be \$1 per passenger and that the shuttles will run on a loop on Thursdays 9am to 6pm and Fridays, Saturdays and Sundays from 9am to 9pm. Ms. Shepard informed Council that the County needs a commitment tonight from the Borough.

Council agreed to commit \$10,000 with Tourism paying \$5,000; the shuttle service will be from July 1st to Labor Day-September 5th 2011 when the borough's lifeguards go off duty and that the borough will not be obligated to participate after this year if officials do not see merit in doing so.

Discussion Items

Council reviewed requests from the police, public works, code/fire prevention, lifeguard, First Aid Squad and Fire Department for various equipment purchases. Councilman Cotler noted that he is not in favor of the borough accruing more debt adding that most of the borough's debt load is expected to be paid off by 2016 and suggested that some of the items could be funded through available funds in the budgets. Police Chief Guida advised Council that if the First Aid Squad acquires a new ambulance perhaps the squad could give the older vehicle to the Office of Emergency Management to replace the older vehicle currently used for emergencies and the police department's request for a heavy duty four wheel drive vehicle could be eliminated. Eric Hunter representing the squad stated that he could not personally make a commitment as the entire squad needs to vote on the matter as traditionally the older vehicle is either traded in or sold to private organizations. Councilman Galassetti stated that some of the equipment will be paid off in five years and others in ten years. Council agreed to apply to the Monmouth County Improvement Authority Program to acquire a lower interest rate on loans for several equipment purchases in the amount of approximately \$475,000.00: police patrol cars, public works 4x4 utility vehicle, Code/Fire Prevention Sierra Truck or equivalent with a plow, Lifeguard ATV, Lifeguard jet ski, First Aid Type 3 ambulance, Fire Department fire hose nozzles and adapters, 16 SCBA bottles for SCBA packs.

Glen Lachance representing Tru-Green regarding the use of pesticides and herbicides as at the last meeting, Council banned their use of borough properties. Mr. Lachance noted that switching to organic lawn care would cost the borough three times what the services currently cost and that organic law care would not effectively control weeds or crabgrass growth. Mr. Lachance noted that his branch located in Farmingdale manages 14,000 accounts including Bradley Beach, several in Wall, Point Pleasant, Bay Head and Manasquan among other towns in Monmouth and Ocean counties. He noted that the lawns are treated with a liquid application of pesticides (in the legal amount recommended after a nine year testing process which indicates a negligible risk) and thirty to forty-five minutes the application dries and is fine to walk on. Mr. Lachance noted that after fifteen years with TruGreen, he has not encountered any health issues with the technicians who work six days a week with the products. Councilman Engelstad questioned if there had been any health-related lawsuits concerning Tru-Green chemicals and Mr. Lachance replied that to the best of his knowledge there have been none since he started working there. Councilman Cotler stated that he still does not see a need for the chemicals and that a weed free playground is not worth toxins being used. He argued that a list of area towns which may have accounts with TruGreen is

not a reason to go along with using the services. Councilman D'Angelo noted that he would like to re-consider the matter as he has changed his mind after his original vote to ban the pesticides after doing some research. Councilman Cotler then offered a motion to have the matter placed on the General Election Ballot for the public to decide. There was no second to this motion and Attorney McGill stated that he will look into the matter of placing a questions and the November ballot and advise Council of the necessary steps at the next meeting.

Council noting that the borough has met CAFRA (Coastal Area Facilities Review Act) and Green Acres approvals to construct a new Beachfront Miniature Golf Course in the footprint of the existing one and agreed the next step required would be to advertise for design services.

Council discussed establishing smoking areas on the beach for the upcoming season. Beach Manager Dick Johnson advised Council in his memo that in his opinion the smoking areas should be placed on the west side of the dune between the pavers and the dunes and that then the radius should be the distance between the pole and pavers. He believes that by putting the poles on the west side of the dunes that the dunes will act as a natural barrier from the smoke. Mr. Johnson also recommended placing the poles between the Second Avenue food stand and the Third Avenue gate entrance, between Fourth Avenue gate entrance and the gazebo, between the Brinley Avenue and the LaReine Avenue entrances, between the LaReine Avenue and McCabe Avenue entrances and between the Cliff and Kent Avenue entrances. Mayor Schreck expressed her concern by placing the smoking areas on the west side of the dunes noting that parents will be separated from their children. Council agreed that the public works department will go and inspect each area and then establish the exact areas and provide a list which will be an attachment to tonight's resolution.

Items added and/or changed on Agenda

On motion by Schreck/Galassetti:

Delete Bingo License Congregation Agudath Achim

Add the following:

Authorization to re-advertise for Beach Umbrella and Chairs

Participation in the Interlocal Agreement with the County of Monmouth for the Shorelink Shuttle

Authorization to advertise for Golf Course Design Services

Remove the resolution for Special Parking Permits from the Consent Agenda

On motion by Schreck/Cotler to add participation with the Monmouth County Improvement Authority for the purchase of various departmental equipment

On motion by D'Angelo/Schreck to rescind the resolution adopted May 24, 2011 prohibiting the use of pesticides on Municipal Property

ORDINANCES

FINAL READING AND ADOPTION OF ORDINANCE

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

ORDINANCE 2011-12

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ENACTING CHAPTER 350 "PROPERTY MAINTENANCE AND HOUSING STANDARDS", SECTIONS ONE THROUGH FOUR; AND DELETING CHAPTER 147 "BUILDINGS, UNFIT" IN ITS ENTIRETY AND DELETING CHAPTER 262 "HOUSING STANDARDS" IN ITS ENTIRETY.

ON MOTION by Schreck/ Galassetti moved to open the public hearing.

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

Mayor Schreck gave a brief explanation of the ordinance.

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

PUBLIC COMMENT

Michael Conoscenti asked if the smoking ban will set times to be able to smoke at the beachfront area. Mayor Schreck responded no. Mr. Conoscenti then stated that the ordinance establishing a smoking ban at the beachfront should be put to a referendum on the ballot.

Harvey Rosenberg stated that the shuttle bus is a great idea but no one questioned if the bus will leave Bradley Beach Train Station and go directly to Ocean Gove before starting its route in town. He expressed concern that the visitors may depart the bus in Ocean Grove and take advantage of Ocean Grove's beach and business area. Mr. Rosenberg also stated that Main Street needs to be addressed and that the Chamber should be involved.

John McLoughlin asked if anyone could submit proposals for the miniature golf course. The Administrator replied that professional design services are being authorized at this time.

Joseph Vetrano thanked Mayor and Council for having him participate in the Memorial Day festivities. He noted that he has performed this service since 2002 and has given back to Bradley Beach in many nights such as the Public Library movies nights and performing an extra half hour during his DJ services.

COMMUNICATIONS

On Motion by Schreck/ Galassetti approved the following Bingo Licenses:
Sisterhood, CAA BL 3-11
Senior Club, CAA BL 4-11

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

APPROVED MOTION

On Motion by Schreck/ Galassetti approved the following Café Licenses:
Perfect Perk Café 602 Main Streets
Pizza on Main 812 1/2 Main Street
The Buttered Biscuit 700 Main Street

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

APPROVED MOTION

On Motion by Schreck/ Galassetti to table action on the Bradley Beach Elementary School's request to sell water on the boardwalk nightly from June to August as a fundraiser for the 2012 8th Grade Class Trip as Councilman Engelstad will speak to the school officials.

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

APPROVED MOTION

On Motion by Schreck/ Galassetti approved Aubrie Ricelli and Mark Rudnick's request to hold their marriage ceremony on the Cliff Avenue Beach September 10th 2011 subject to special event stipulations.

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

APPROVED MOTION

On Motion by Schreck/ Galassetti approved United Engine and Truck request to accept Ravi S. Maruvada as a probationary fireman of the Bradley Beach Fire Department.

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

APPROVED MOTION

CONSENT AGENDA

ON MOTION by Schreck/ Galassetti the following Resolutions were moved to adoption.

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

ADOPTED RESOLUTIONS

Resolution 115 **AUTHORIZES A TAX REFUND FOR BLOCK 42 LOT 27.02 DUE TO OVERPAYMENT**

Resolution 116 **AUTHORIZES A SEWER UTILITY CHARGE REFUND FOR BLOCK 42, LOT 27.02 DUE TO OVERPAYMENT**

Resolution 117 **AUTHORIZES CANCELLATION OF SEWER UTILITY BILLING FOR BLOCK 51 LOT 2 DUE TO A SUBDIVISION**

Resolution 118 **AUTHORIZES THE PREPARATION OF ESTIMATED 3RD QUARTER TAX BILLING**

Resolution 119 **BILL LIST**

Resolution 120 **GOVERNING BODY CERTIFICATION OF THE 2010 ANNUAL AUDIT**

Resolution 121 **APPROVAL OF ANNUAL RENEWAL OF ALCOHOLIC BEVERAGE LIQUOR LICENSES EFFECTIVE JULY 1, 2011**

Resolution 122 **APPROVAL OF ANNUAL RENEWAL OF ALCOHOLIC BEVERAGE LIQUOR LICENSE TO BRADLEY BEACH RECREATION CENTERS WITH STIPULATIONS EFFECTIVE JULY 1, 2011**

Resolution 123 **ESTABLISHES DESIGNATED SMOKING AREAS ON BEACHES**

Resolution 124 **AUTHORIZES THE BOROUGH CLERK TO RE-ADVERTISE FOR THE BEACH UMBRELLA AND CHAIRS PUBLIC BIDS**

Resolution 125 **AUTHORIZES PARTICIPATION OF AN INTERLOCAL AGREEMENT WITH THE COUNTY OF MONMOUTH FOR THE SHORELINK SHUTTLE**

ADOPTED RESOLUTIONS

RESOLUTIONS

Resolution 126 **AUTHORIZES THE ADMINISTRATOR, CHIEF FINANCIAL OFFICER AND BOROUGH CLERK TO SUBMIT A LIST OF EQUIPMENT FOR THE 2011 MONMOUTH COUNTY IMPROVEMENT AUTHORITY PROGRAM FOR THE ACQUISITION OF VARIOUS DEPARTMENTAL EQUIPMENT IN THE AMOUNT OF \$475,000.00**

ON MOTION by Schreck / Cotler moved to adoption.

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

ADOPTED RESOLUTION

Resolution 127 **RESCINDS RESOLUTION 2011-113 ADOPTED ON MAY 24, 2011 ESTABLISHING A BAN OF THE USE OF PESTICIDES ON MUNICIPAL PROPERTY**

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

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

 NAYS: Cotler, Engelstad

ADOPTED RESOLUTION

Resolution 128 **AUTHORIZES THE BOROUGH CLERK TO ADVERTISE FOR PROFESSIONAL MINIATURE GOLF COURSE DESIGN SERVICES**

ON MOTION by Schreck / Galassetti moved to adoption.

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

 NAYS: None

ADOPTED RESOLUTION

Resolution 129 **AUTHORIZES THE ISSUANCE OF A SPECIAL PARKING PERMIT TO THE RESIDENT AT 130 LAKE TERRACE**

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

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

 NAYS: Galassetti

 ABSTAIN: Cotler

ADOPTED RESOLUTION

Resolution 130 **AUTHORIZES THE ISSUANCE OF A SPECIAL PARKING PERMIT TO A RESIDENT WHO RESIDES AT 220 OCEAN PARK AVENUE 4F**

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

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

 NAYS: Galassetti

ADOPTED RESOLUTION

REPORTS

Councilman Cotler congratulated the graduates of the Bradley Beach Elementary School as well as thanking the Ladies Auxiliary and Fire Department for hosting a Pancake Breakfast on May 30th and thanked John Christensen for working to make the Annual Go Fish Tournament a success.

Mr. Cotler expressed his appreciation to all departments and volunteers for their participation in recovering the drowning victim last week. He spoke with Neptune Township's Mayor who

mentioned that he would be interested in an interlocal to provide lifeguard protection when borough guards are off duty.

Councilman Cotler also announced that the annual Choose your Cover – skin cancer screening will be held on June 25th.

Mayor Schreck expressed the Borough's condolences to the family of the recent drowning victim and announced that the borough will continue to refine and improve staffing at the beach as well as educating the public on potential dangers when swimming.

PUBLIC COMMENT

Eric Hunter of the Bradley Beach First Aid Squad asked Mayor Schreck why she hasn't responded to his numerous requests to have a meeting concerning the 2011 beach season. Mayor Schreck noted that she had responded and left a message for him to contact her.

Joseph Malysko on behalf of his mother in law questioned the cost associated with the renewal of special parking permits as her space has not even been painted in a number of years and needs to be marked out again. Council responded that they will look into the matter.

Marilyn Rosen again stated that she would like to see kiddie rides at the beachfront as those who expressed opposition at the beachfront meeting held in September 2010 were not borough residents.

Beth Cotler asked Council to consider what will happen to the sponsor signs at the miniature golf course when the course is re-design and perhaps leased out.

Resolution 131

**RETIRED INTO CLOSED EXECUTIVE SESSION AS
RECOMMENDED BY THE BOROUGH ATTORNEY FOR
DISCUSSION OF PERSONNEL MATTERS PERTAINING TO
CONTRACTUAL NEGOTIATIONS WITH THE POLICE
CHIEF AND OTHER LITIGATION MATTERS.**

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 Session at 11:53PM

Closed Executive Session 6/14/11

Administrator O'Reilly informed Council that a member of the public works department has been terminated as an employee as he violated a previous agreement with the borough concerning his employment.

Ms. O'Reilly also informed Council that the former Code Enforcement/Fire Prevention Officer has agreed to sign a settlement agreement with the Borough.

Attorney McGill informed Council that Chief Guida has requested that Council re-visit discussions regarding his contract. Councilman Engelstad stated that he understands that the Chief would agree to a one percent salary increase for two years. Discussion ensued regarding the rollover of his present contract. Mayor Schreck interjected that she is not in favor of this type of agreement and will not support it as the Chief is not willing to give back any concessions to the borough such as the other employees have already done and feels that an agreement without any give backs is totally unfair to the other borough employees who have negotiated in good faith with the Council. Mayor Schreck also noted that there will be no cap on accumulated leave if Council agrees to extend the present contract. Council invited Chief Guida into the meeting to discuss the terms of the settlement. The Council members agreed to proceed with the settlement. Attorney McGill reviewed language to be contained in his formal notice to the Chief and his legal counsel.

On motion by Schreck/Galassetti to return to open session at 12:25 am.

Council returned to open session at 12:30 AM.

Mayor Schreck announced that as a result of the executive session action be taken settling the police chief's contract at the present terms.

ADJOURNMENT

ON MOTION by Schreck/Galassetti the meeting was adjourned at 12:33 AM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk