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**MAYOR AND COUNCIL
AGENDA
SEPTEMBER 27, 2011
6:30PM**

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. **Approval of Minutes**
6. **Presentation**
Introduction of Janet Torsney Library Director
7. **Approval of Minutes** – August 9th and August 23rd 2011
8. **Discussion Items**
 - a. Best Practice
 - b. Proposed changes to the Borough Land Use Ordinances
 - c. Beach Revenue
 - d. Bonding for the Miniature Golf Course
 - e. OEM update regarding FEMA reimbursements
 - f. Bradley Beach Surf Casters request for the Borough to issue parking permits for members at the north end parking lot and Sylvan Lake re-stocking of fish
 - g. Engineers Report
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. **Resolution**
 - A. Cancellation of unfunded portion of Bond Ordinance 2000-9
 - B. Capital Budget Amendment #2
11. **Ordinances**
Introduction

BOND ORDINANCE 2011-17

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A BOROUGH OWNED MINIATURE GOLF COURSE, BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 IN BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF
12. **Communications**
 - A. Request from the New Jersey Tears Foundation to hold their 3rd Annual Rock and Walk at the boardwalk and Fifth Avenue Gazebo on Sunday, May 20, 2012 from 10am to 1pm
 - B. Request from St. Rose High School a Walk-A-Thon at the boardwalk on Wednesday, October 5, 2011 from 9:15am to 11:30am
 - C. Request from the Bradley Beach Ladies Auxiliary to have their Annual Fall Tour of the Town Garage Sale on Saturday, October 22, 2011 with a rain date of Sunday, October 23rd from 9am-3pm
13. **Consent Agenda**
 - A. Bill List

- 14. Announcements**
- 15. Mayor and Council Reports**
- 16. Public Comments- There is a 5 minute limit on comments**
- 17. Executive Session (Pursuant to N.J.S.A. 10:4-13et seq. if necessary)**
Resolution to retire into Closed Executive Session for discussion of PBA Local 50 grievance, matters regarding the Borough Administrator, matters involving the leasing of real property in reference to matters concerning Hurricane Irene and other potential litigation matters
- 18. Adjournment**
NEXT MEETING: October 11, 2011 at 6:30 pm

September 27, 2011

RESOLUTION NO. 2011-

BOROUGH OF BRADLEY BEACH
COUNTY OF MONMOUTH, NEW JERSEY
RESOLUTION CANCELING UNEXPENDED IMPROVEMENT AUTHORIZATION

WHEREAS, the Chief Financial Officer has recently performed a review of the unexpended balance of improvement authorizations in the Beach Capital Fund; and

WHEREAS, as a result of her review of the various improvement authorizations, it was determined that inactive, unexpended and unneeded improvement authorization balances exist that should be considered for cancellation; and

WHEREAS, it is essential to sound financial practices in a municipality to review improvement authorizations and other accounts from time to time for cancellation; and

NOW, THEREFORE, BE IT RESOLVED that the following improvement authorization is hereby cancelled:

DESCRIPTION	ORDINANCE NUMBER	DATE ADOPTED	AUTHORIZATION CANCELED
Beach Capital Ord.-Beach Replenishment	BC 229F	8/8/2000	\$242,000 (unfunded)

BE IT FURTHER RESOLVED, that 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:

ABSTAIN:

ABSENT:

BOROUGH OF BRADLEY BEACH
CAPITAL BUDGET AMENDMENT NO. 2

WHEREAS, the local capital budget for the year 2011 was adopted on the 10th day of May, 2011 and amended on the 28th day of June, 2011; and

WHEREAS, it is desired to again amend said 2011 capital budget section.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bradley Beach, County of Monmouth, that the following amendment to the adopted section of the Budget be made.

RECORDED VOTE:

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

CAPITAL BUDGET (Current Year Action)
2011

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	5 PLANNED FUNDING SOURCES FOR CURRENT YEAR - 2011					6 TO BE FUNDED IN FUTURE YEARS
				5a 2011 BUDGET APPROPRIATIONS	5b CAPITAL IMPROVEMENT FUND	5c CAPITAL SURPLUS	5d GRANTS IN AID AND OTHER FUNDS	5e DEBT AUTHORIZED	
Construction of Municipal Golf Course	B-4	400,000.00						400,000.00	
TOTALS - ALL PROJECTS		3,852,000.00		198,500.00	126,500.00		772,000.00	965,000.00	1,790,000.00

**BOROUGH OF BRADLEY BEACH
CAPITAL BUDGET AMENDMENT NO. 2 (CONTINUED)**

6 YEAR CAPITAL PROGRAM - 2011 - 2016
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER BUDGET YEAR					
				5a 2011	5b 2012	5c 2013	5d 2014	5e 2015	5f 2016
Construction of Municipal Golf Course	B-4	400,000.00	2012		400,000.00				
TOTALS - ALL PROJECTS		3,852,000.00		1,662,000.00	1,767,000.00	87,000.00	112,000.00	112,000.00	112,000.00

6 YEAR CAPITAL PROGRAM - 2011 - 2016
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT TITLE	2 ESTIMATED TOTAL COST	3 BUDGET APPROPRIATIONS		4 CAPITAL IMPROVE- MENT FUND	5 CAPITAL SURPLUS	6 GRANTS-IN- AID AND OTHER FUNDS	7 BONDS AND NOTES			
		3a CURRENT YEAR 2011	3b FUTURE YEARS				7a GENERAL	7b SELF LIQUIDATING	7c ASSESSMENT	7d SCHOOL
Construction of Municipal Golf Course	400,000.00							400,000.00		
TOTALS - ALL PROJECTS	3,852,000.00	198,500.00		126,500.00		1,254,500.00	1,387,500.00	885,000.00		

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the office of the Director of the Division of Local Government Services.

IT IS HEREBY CERTIFIED that this is a true copy of a resolution amending the capital budget section adopted by the Governing Body on the 27th day of September, 2011.

CERTIFIED BY ME

September 27, 2011

Mary Ann Solinski, Borough Clerk

**BOROUGH OF BRADLEY BEACH
BOND ORDINANCE NUMBER 2011-17**

**BOND ORDINANCE PROVIDING FOR THE
CONSTRUCTION OF A BOROUGH OWNED MINIATURE
GOLF COURSE, BY AND IN THE BOROUGH OF
BRADLEY BEACH, IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY; APPROPRIATING \$400,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$400,000 IN BONDS OR NOTES TO FINANCE PART OF
THE COST THEREOF**

**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 two-thirds of all members thereof affirmatively
concurring) **AS FOLLOWS:**

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a Beach Utility general improvement or purpose to be undertaken by the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$400,000 from the Beach Utility of the Borough, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as the Beach Utility of the Borough is self-liquidating.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof, negotiable bonds of the Beach Utility of the Borough are hereby authorized to be issued in the principal amount of \$400,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said

improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$400,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the construction of a Borough owned miniature golf course in the Borough and also including all engineering, design and inspection work and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$400,000.

(c) The estimated cost of said improvement or purpose is \$400,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using

funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Beach Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of the Beach

Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Borough may lawfully undertake as a general beach utility improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$400,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$56,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds",

“pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$400,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: September 27, 2011

MARY ANN SOLINSKI,
Borough Clerk

ADOPTED ON SECOND READING
DATED: October 11, 2011

MARY ANN SOLINSKI,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2011.

JULIE SCHRECK
Mayor

Intro Published: _____

Final Published: _____

RESOLUTION NO 2011-

September 27, 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 \$ 351,558.76 and Wire Transfer \$ 71,113.33; and that a copy of the itemized computer printout is posted in the Borough Office for public inspection.

CLEARING ACCOUNT

TOTAL \$ 351,558.76

WIRE TRANSFERS

TOTAL \$ 71,113.33

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				

REGULAR MEETING
September 27, 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 6:34 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

Mayor Schreck introduced Janet Torsney Library Director to the public who started September 1, 2011. Ms. Torsney stated that she is very excited to work at the library and noted that the library website will be updated shortly and e-books will be available by January.

APPROVAL OF MINUTES

On Motion by Schreck/Engelstad to approve the minutes for August 9, 2011.
ROLL CALL AYES: Cotler, D’Angelo, Engelstad, Schreck
NAYS: None
ABSTAIN: Galassetti

APPROVED MOTION

On Motion by Schreck/Engelstad to approve the minutes for August 23, 2011.
ROLL CALL AYES: Cotler, D’Angelo, Engelstad, Galassetti, Schreck
NAYS: None

APPROVED MOTION

Discussion Items

Administrator O’Reilly reviewed the CY 2012 Best Practice Worksheets submitted to the State by Chief Financial Officer Wilkins noting that the Borough scored 50 consisting of answering 31 questions yes, 3 N/A and 16 Prospective.

Council reviewed proposed changes to the Borough Land Use Ordinances submitted by the Joint Subcommittee which would reduce the size of corner lots to 50x100 setting restrictions that a corner lot as a result of a subdivision which would not be permitted to have a separate garage apartment and the remaining or interior lots of such a subdivision could have a garage apartment structure. The proposal also includes changes to permitted accessory uses, residential parking and driveway requirements, and permitted yard encroachments. The attorney explained that any exceptions to the proposals would require appeals to the zoning board.

Beach Revenue surpassed the anticipated projected figures for badge sales: Season \$350,790; senior \$48,625, Junior \$5,025 and Reduced Season effective August 1st \$3,630 with daily badges \$895,054.00.

Mayor Schreck reported that the Borough Engineer, Auditor and Chief Financial Officer have determined the \$400,000 would be the correct amount to bond for the type of golf course the officials are hoping to build noting that all the money allotted might not be necessary for the project. Councilman D'Angelo noted that he thought the borough was going to bid the entire project to an investor who would construct and run the course, stated that he would rather see the town gain \$30,000 to \$40,000 a year by leasing the course out to a private company like a concession. Councilman Engelstad said he thought the town should build the course then bid the course to a private management entity. Councilman Cotler stated that to put out for bonding without a blueprint or true cost of the project is not fiscally responsible at this point in time. Administrator O'Reilly noted that the engineer is working with the golf course designer at present to keep the project rolling and that the designer will be present at the next Council meeting. Councilman Galassetti said that he agrees with Councilman Cotler that he wants to see a more definitive plan for the course but acknowledges that the project must keep moving forward.

Mayor Schreck reported that Administrator O'Reilly received information from FEMA regarding the checks the Borough has received from the agency. Councilman Galassetti asked if a Chapter 159 could be entertained at this point for the repairs to the Fifth Avenue Gazebo. OEM Coordinator Police chief Guida updated council stating that 97% of FEMA reimbursements have been identified for the nor'easter of March 2010 and that the borough has recouped all costs for the December 26th 2010 snow storm- items such as extra road salt and food expenses for public works. He noted that the borough continues dealing with Hurricane Irene storm. He expects that the final report should be completed within the next two weeks. Councilman Cotler requested that a comprehensive report for each storm be ready for the next council meeting. Chief Guida replied if everything goes well, it will be ready for the next meeting if not it will be ready by the last meeting in October. The Administrator advised that repairs for some items may require bonding.

Mayor Schreck reported that she has spoken with the Department of Environmental Protection Division of Game and Wildlife and was informed that there will be no more re-stocking of area lakes this season and that re-stock is possible for the spring season if Sylvan

Lake is found to be a candidate for re-stocking of fish as the Bradley Beach Surf Casters have submitted a request concerning the matter. As far as their request for the issuance of parking permits to their members, Captain Fahnholz reported that there really has not been a problem with the fisherman in the past noting that there is an ordinance which restricts overnight parking in the beachfront lot between 10pm and 5am. The gravel area is really an open space that facilitates moving equipment onto the beach and provides parking for the lifeguards during the summer season. Further information will be necessary from the Surf Casters regarding their parking problem and request for permit parking.

Engineer Bruce Koch gave Council an update on the Capital Project Status reporting that a draft copy of the bid documents for the Solid Waste and Recycling Service has been sent to the Administrator.

Public Comment

Diane Rosari said that the concession trailer which replaced the Jetty Grill building on Brinley and Ocean Avenues earlier this year and caused controversy among residents concerning its appearance should be sold to defray costs of the \$400,000 bond for the renovations to the miniature golf course. She noted that many residents hate the trailer and added that many non-food items were being sold in addition to food and beverages at the site. Ms. Rosari also noted that during the days preceding Hurricane Irene public works wasted precious time to removing the installed landscaping, disconnecting utility connections and towing the trailer away for storage during the storm.

Resolution 196

CANCELLATION OF UNFUNDED PORTION OF BOND ORDINANCE 2000-9

ON MOTION
ROLL CALL

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

ADOPTED RESOLUTION

Resolution 197

CAPITAL BUDGET AMENDMENT #2

ON MOTION
ROLL CALL

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

ADOPTED RESOLUTION

ORDINANCES

INTRODUCTION

BOND ORDINANCE 2011-17

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A BOROUGH OWNED MINIATURE GOLF COURSE, BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY;

**APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING
THE ISSUANCE OF \$400,000 IN BONDS OR NOTES TO
FINANCE PART OF THE COST THEREOF**

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/Galassetti to approve a request from the New Jersey Tears Foundation to hold their 3rd Annual Rock and Walk at the boardwalk and Fifth Avenue Gazebo on Sunday, May 20, 2012 from 10am to 1pm

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

APPROVED MOTION

Councilman Engelstad noted that any organization requesting use of the gazebo should be notified that the structure may be under repair.

On Motion by Schreck/Engelstad to approve a request from St. Rose High School a Walk-A-Thon at the boardwalk on Wednesday, October 5, 2011 from 9:15am to 11:30am

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

APPROVED MOTION

On Motion by Schreck/Cotler to approve a request from the Bradley Beach Ladies Auxiliary to have their Annual Fall Tour of the Town Garage Sale on Saturday, October 22, 2011 with a rain date of Sunday, October 23rd from 9am-3pm

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

APPROVED MOTION

CONSENT AGENDA

Resolution 198

BILL LIST

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

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

ADOPTED RESOLUTION

REPORTS

Councilman Cotler noted that when the borough changed its meeting format to just a regular meeting containing a consent agenda, the ability to discuss new ideas was lost and suggested an agenda item in which new business ideas could be discussed as currently one public comment section pertains to items specifically on the meeting agenda and at the last public portion anyone can comment on any matter. He stated that such a tertiary comment session does not result in immediate council action on any idea or suggestions put forth by the public but can be considered for placement on an agenda for a future meeting and that he feels some ideas might merit action at the time they are offered by the public.

Councilman D'Angelo cautioned the public that people are knocking on doors in town and begging for money and requested that if any unknown individual comes to your door to contact the police department immediately.

Councilman Engelstad reported that the Annual 5K Committee did extremely well this year and will be making donations to various local civic groups.

Mayor Schreck thanked those who participated in the Spaghetti Dinner Fundraiser for the Annual 8th Grade Washington Trip. She also reported that Sustainable NJ has given approval in the grant application submitted for the sewer plant for an amendment to change the project to the miniature golf course LED lighting.

PUBLIC COMMENT

Harvey Rosenberg stated that he feels the LED lighting is a great idea at the golf course and suggested that they also be considered at the tennis and basketball courts as well.

Resolution 199

RESOLUTION TO RETIRE INTO CLOSED EXECUTIVE SESSION FOR DISCUSSION OF PBA LOCAL 50 GRIEVANCE, MATTERS REGARDING THE BOROUGH ADMINISTRATOR, MATTERS INVOLVING THE LEASING OF REAL PROPERTY IN REFERENCE TO MATTERS CONCERNING HURRICANE IRENE AND OTHER POTENTIAL 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 8:18 PM

Closed Executive Session 9/27/11

Council agreed that personnel problems in the police department should have not gotten to the level that the PBA filed a grievance for unfair salary treatment and invited Chief Guida to join the session to see if there is any merit concerning this complaint.

Chief Guida stated that he does feel the union grievance does have merit noting that due to the reduction in staff some officers are performing responsibilities usually assigned to higher ranking officers. Council discussed the department's staff composition compared with other similar communities. Council decided that committee consisting of two council members and the chief will be formed to discuss and research the matter.

The attorney and administrator updated council on the value of land which the borough is pursuing a possible lease/ purchase of real property on Main Street. Action will be taken to authorize the attorney to draft a lease for the use of DeLisa Main Street property as council gave minimum and maximum amounts to be considered.

Council discussed the adjustment for the administrator's salary. Councilman Cotler had a question concerning the salary information provided to Council. Mayor Schreck responded that she would check with the appropriate staff for further detail. Councilmembers agreed that action should be taken concerning this matter.

The attorney briefed council on a recent ABC violation concerning Shore Wines and Liquors sale to a minor. Council decided to decline taking action at this time but will reserve their right for future consideration and will authorize the attorney to prepare a letter on behalf of the council.

On motion by Schreck/ Galassetti to return to open session at 9:49PM.

Council returned to open session at 9:50 PM.

Mayor Schreck announced that the following actions will be taken as a result of the executive session.

Resolution 200 **AUTHORIZES FINANCE CHAIRMAN ENGELSTAD AND POLICE CHAIRMAN COTLER TO WORK WITH POLICE CHIEF GUIDA ON A SPECIAL PANEL TO MAKE RECOMMENDATIONS ON STAFFING IN THE POLICE DEPARTMENT**

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

ADOPTED RESOLUTION

Resolution 201 **AUTHORIZES BOROUGH ATTORNEY GEORGE MCGILL TO PREPARE A LEASE FOR USE OF THE DELISA PROPERTY LOCATED ON MAIN STREET**

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

ADOPTED RESOLUTION

Resolution 202 **AUTHORIZES THAT THE BOROUGH ADMINISTRATOR SALARY BE ADJUSTED TO MIRROR THE SALARY TREATMENT OFFERED TO LOCAL 152 FOR 2010 AND THAT HER CONTRACT BE AMENDED**

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

ADOPTED RESOLUTION

Resolution 203 **AUTHORIZES THE BOROUGH ATTORNEY TO SEND A LETTER TO THE OWNER OF SHORE WINES AND LIQUORS INFORMING THAT NO ACTION WILL BE TAKEN AT THIS TIME CONCERNING AN ABC VIOLATION**

ON MOTION by Schreck/ Galassetti moved to adoption.

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

ADOPTED RESOLUTION

ADJOURNMENT

ON MOTION by Schreck/ Cotler the meeting was adjourned at 9:54 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk