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CAUCUS MEETING
January 12, 2010

A caucus 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 6:34PM

Present: Council: Marchak-Ortiz, Engelstad, Galassetti
Mayor Schreck
Borough Attorney Patrick Diegnan
Business Administrator O'Reilly
Absent: Council: Cotler
Secretary: Municipal Clerk Mary Ann Solinski

Mayor and Council presented letters in recognition of the scholastic achievements to Bradley Beach Elementary School Students of the Month during the 2009-2010 school year.

DISCUSSION ITEMS

Councilman Galassetti discussed the possibility of painting parking lines on Main Street (State Hwy 71) as individual parking spaces are not currently designated by lines in order to maximize parking in the business area. Currently there is a problem with motorist parking in such a way that it takes up two parking spaces. Councilwoman Marchak-Ortiz stated that she remembered Council had visited this matter before and that it had been determined that the Borough would actually lose spaces by designating them with lines. Mayor Schreck also noted that any changes would need the New Jersey Department of Transportation approval and that no spaces could be designated within 25 feet of an intersection. Council will have the Borough Engineer research this matter and the crosswalk lines as the cost should not be high to taxpayers.

The Administrator asked Council to provide input for improvements to the north end parking lot.

Council reviewed the Regular Meeting Agenda.

PUBLIC COMMENT

Lou Coccaro stated that marked out parking was one of the Mayor's campaign issues during the last election.

ADJOURNMENT

ON MOTION by Schreck / Galassetti at 7:00PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk

**REGULAR MEETING
January 12, 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.

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 7:01PM

Present: Council: Marchak-Ortiz, Engelstad, Galassetti
Mayor Schreck
Borough Attorney Patrick Diegnan
Business Administrator O’Reilly
Absent: Council: Cotler
Secretary: Municipal Clerk Mary Ann Solinski

ORDINANCES

FINAL READING AND ADOPTION OF ORDINANCE

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

**ORDINANCE 2009-18
AN ORDINANCE TO AMEND CHAPTER 123 BEACHFRONT AREAS AND
ADJACENT WATERS SECTION 123-10B LOCKER FEES**

ON MOTION by Schreck / Galassetti moved to open the public hearing.
ROLL CALL AYES: Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None
ABSENT: Cotler

APPROVED MOTION.

ON MOTION by Schreck/ Galassetti moved to close the public hearing.
ROLL CALL AYES: Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None
ABSENT: Cotler

APPROVED MOTION.

FINAL ADOPTION

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

ADOPTED ORDINANCE

ORDINANCE 2009-19

**AN ORDINANCE APPROPRIATING THE SUM OF \$30,000 FROM THE
GENERAL CAPITAL FUND BALANCE FOR SOLAR PANELS FOR THE
PUBLIC WORKS BUILDING**

ON MOTION by Schreck / Marchak-Ortiz moved to open the public hearing.
ROLL CALL AYES: Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None
ABSENT: Cotler

APPROVED MOTION.

ON MOTION by Schreck/ Galassetti moved to close the public hearing.
ROLL CALL AYES: Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None
ABSENT: Cotler

APPROVED MOTION.

FINAL ADOPTION

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

ADOPTED ORDINANCE

ORDINANCE 2009-20

**AN ORDINANCE AMENDING CHAPTER 5 SECTION 9C ORDER OF
BUSINESS ON THE AGENDA**

ON MOTION by Schreck / Marchak-Ortiz moved to open the public hearing.
ROLL CALL AYES: Marchak-Ortiz, Engelstad, Galassetti, Schreck
NAYS: None
ABSENT: Cotler

APPROVED MOTION.

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

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

APPROVED MOTION.

FINAL ADOPTION

ON MOTION by Schreck/ Galassetti moved to adoption.

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

ADOPTED ORDINANCE

APPROVAL OF MINUTES

On Motion by Schreck/ Galassetti to approve the minutes for October and
 November 2009.

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

APPROVED MOTION.

COMMUNICATIONS

On Motion by Schreck / Marchak-Ortiz approved Jersey Shore Running Club request for
 permission to have runners proceed through the boardwalk on Saturday,
 September 25, 2010 between 9AM and 10:30AM with no permanent markers
 used on the boardwalk.

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

APPROVED MOTION.

On Motion by Schreck / Galassetti approved the Girl Scouts of the Jersey Shore Beach
 Service Unit use the Carmen A. Biase Center on Saturday, February 21, 2010.

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

APPROVED MOTION.

On Motion by Schreck / Galassetti approved the Bradley Beach Chamber of Commerce to use Riley Park for their Second Annual Lobster Fest on Sunday, July 18, 2010.

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

APPROVED MOTION.

On Motion by Schreck / Galassetti approved Clean Ocean Action's request to conduct Beach Sweeps on Saturday, April 24th and Saturday, October 23rd 2010 from 9AM to 12:30Pmduring 2010

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

APPROVED MOTION.

RESOLUTIONS

Resolution 1 **AUTHORIZES 2009 APPROPRIATION TRANSFERS WITHIN THE CURRENT OPERATING FUND AS OF DECEMBER 29, 2009.**

ON MOTION by Schreck / Galassetti moved to adoption.

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

ADOPTED RESOLUTION

Resolution 2 **AUTHORIZES VOUCHER WARRANTS ON THE TREASURY FOR PAYMENT OF BILLS.**

ON MOTION by Schreck / Engelstad moved to adoption.

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

ADOPTED RESOLUTION

Resolution 3 **AUTHORIZES PAYMENT TO LIENHOLDER 608 1/2 LAREINE AVE.**

ON MOTION by Schreck / Galassetti moved to adoption.

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

ADOPTED RESOLUTION

Resolution 4

**AUTHORIZES REDUCTION OF SEWER BILLING
FOR BLOCK 33 LOT 28.**

ON MOTION
ROLL CALL

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

ADOPTED RESOLUTION.

Resolution 5

**AUTHORIZES AWARD OF CONTRACT TO
BROYHILL COMPANY, NORTH MARKET SQUARE,
DAKOTA CITY, NE 68731 FOR THE PUBLIC WORK'S
LOAD AND PACK VEHICLE IN THE AMOUNT OF
\$157,242.00.**

ON MOTION
ROLL CALL

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

ADOPTED RESOLUTION.

Resolution 6

**AUTHORIZES PROFESSIONAL APPOINTMENT OF
DAVID A. KAPLAN AS BOROUGH AUDITOR FOR
2010.**

ON MOTION
ROLL CALL

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

ADOPTED RESOLUTION.

ANNOUNCEMENTS

The Annual Rabies Clinic will be held on Saturday, January 23, 2010 at the Bradley Beach Firehouse 2PM-4PM.

MAYOR'S APPOINTMENTS

Resolution 7

Mayor Schreck announced the following appointments effective January 1, 2010 for a one year term January 1, 2010 through December 31, 2010 unless otherwise noted:

Finance Department

Assistant CFO Gail O. Krzyzczuk

Tax Department

Deputy Collector Nicole Montedoro
Asst. Deputy Collector Michele Whille Expires 6/30/2010

Sewer Department

Collector Joyce M. Wilkins
Deputy Collector Nicole Montedoro
Asst. Deputy Collector Michele Whille Expires 6/30/2010

Emergency Management

Coordinator Leonard Guida Expires 12/31/12
First Deputy Coord. Norman Goldfarb
Deputy Coordinators Neil Scully
Joseph Everett
Ronald Minsky
John McLoughlin
Jason Afanador

Municipal Disaster Director

Leonard Guida

Fire Prevention Bureau

Interim Fire Official Kenneth Northrup

Public Works Department

Assistant Superintendent Biagio Cofone
Foreman Patrick Allan

Public Agency Compliance

Coordinator Gail O'Reilly

Community Development

Coordinator

Gail O'Reilly

Alternate Coordinator

Julie Schreck

Senior Citizen Bus Coordinator

Raffaella Tutela

Environmental Commission

Amanda Wheeler

3 year term

Al Modjeski

3 year term

John Weber

3 year term

Sylvan Lake Commission

Beth Cotler

James Santanello

Nancy Forsyth

Alternate

Recreation Board

Pat Ciccone

Harvey Rosenberg

John Christensen

Shade Tree Commission

Richard Coscarelli

5 year term

Library Board of Trustees

George Doeffinger

Expires 6/30/2012

(fills unexpired term for Mayor's Alternate)

Theresa Rosenberg

5 year term

Vickie Johnson

5 year term

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

AYES: Marchak-Ortiz, Engelstad, Galassetti, Schreck

NAYS: None

ABSENT: Cotler

ADOPTED RESOLUTION.

REPORTS

Councilman Engelstad acknowledged the Administrator's efforts to upgrade the Biase Senior Center video/audio equipment.

Councilman Galassetti reminded everyone to recycle and warned everyone not to place recyclable materials in with their regular garbage as the borough public works employees

have been checking for proper disposal of items as added weight adds to the Borough's disposal cost at the County landfill. As the employees have been issuing warnings to violators he advised that the Borough will be fully enforcing the ordinance in the future by issuing violation tickets to offenders. He also addressed grease buildup in the sewer system particularly in the business district by reminding everyone to recycle oils and stated that a Company is available which will pick up grease from restaurants at no charge. He also added that the Borough will perform inspections soon. Mr. Galassetti noted that both the Borough's contracts for recycling and trash will expire at the end of May 2010.

Mayor Schreck read the Engineer's Capital Project Status Report.

PUBLIC COMMENT

Mr. Rosenberg suggested that when the trash and recycling specifications are prepared that the Borough consider an option for trash two times per week pick-up starting Memorial Day through mid September and other times only one trash pick up per week. He also recommended recycling should be one time per month and that some companies provide containers for recycling pick up free of charge for residents.

Lou Coccaro suggested that the Borough purchase a bingo cage for the municipal clerk to use during the process of drawing positions on the ballot for the municipal elections.

Resolution 8

**RESOLUTION TO RETIRE INTO EXECUTIVE SESSION
(Pursuant to N.J.S.A. 10:4-13et seq.). AS RECOMMENDED BY
THE BOROUGH ATTORNEY FOR DISCUSSION OF
PERSONNEL AND CONTRACT NEGOTIATION MATTERS
WITH PBA LOCAL 50.**

ON MOTION

by Schreck / Engelstad moved to adoption.

ROLL CALL

AYES: Marchak-Ortiz, Engelstad, Galassetti, Schreck

NAYS: None

ABSENT: Cotler

ADOPTED RESOLUTION.

Council retired into Executive Session at 7:28PM.

EXECUTIVE SESSION 7:31PM

Administrator O'Reilly reported that Local 152 has requested clarification regarding the payment of unused vacation days upon the Carol Freda's resignation. Mayor Schreck noted that the employee never abused her sick nor vacation time and also reported to work upon request of the previous administration despite having giving notice for her scheduled time off.

Councilwoman Marchak-Ortiz questioned the Local's representative note that there were secret meetings held with this employee. Administrator O'Reilly responded that the employee called her but that she never met with the employee.

Council agreed to pay the unused vacation time to the employee. Attorney Diegnan advised that there would be no need to take formal action at the regular meeting regarding this matter.

The Administrator advised members of Council that the Code/Fire Prevention Officer has requested a leave of absence by filing a FLMA for a medical condition. She noted that the employee responsibilities are being covered by other current employees. Ms. O'Reilly noted that the employee has available time on record.

Ms. Marchak-Ortiz asked if the record is correct as there maybe compensation time, as an example. Administrator O'Reilly noted that some people feel the prior Administrator or former Mayor gave time to individual employees. Ms. Marchak-Ortiz asked if someone would check with the prior borough administrator or former Mayor Schueler or that there should be proper documentation on file with the borough. The Administrator noted that compensation time is usually given in order to save money for the Borough. Ms. Marchak-Ortiz questioned who tracks attendance time for the Borough. The Administrator responded that Department Heads and employees also complete time sheets at present. Councilman Galassetti also discussed that automated systems are available for time tracking.

Attorney Diegnan left the meeting at 7:44PM.

Members of Local PBA 50 joined Council in Executive Session for contract negotiations. Mayor Schreck reported that she and Administrator O'Reilly focused on the Borough's Budget status for 2010 noting decrease in revenue, levy cap, loss of revenue from the Library (in 2009 the Library Board voted to return approximately \$ 120,000 in reserve revenue for the Library back to the Borough), tax appeals and anticipated increases in insurance, pension etc. It was noted that under the present levy tax that the most the Borough could increase is \$224,693.00.

Lt. Fahnholz noted that meetings were started in August, 2009, with subsequent meetings on September 17th and October 1st with the union presenting a proposal during that time. He noted that since October the Borough has not presented any counter proposals to the union. The members of the union maintain that during past negotiations with the Borough proposals would present and discuss various items. Therefore, the union has requested to meet with full Council to reaffirm the commitment to negotiate in good faith noting that fair contracts were negotiated in the past without the need for legal counsel to be involved resulting in a savings to taxpayers. The union maintained that they are aware and in tune with the present economic conditions and are willing to negotiate a fair contract. Union representatives also reminded

Council that if arbitration is involved, that current awards have given a percentage increase to other police units. They expressed their continuing willingness to negotiate but stated that they cannot if the Borough does not make an offer. The union also noted that their members had agreed to change health insurance plans in an effort to save the Borough money in the past.

Mayor Schreck stated that the proposal which was given to the Borough on October 28, 2009 was the first and only proposal. The Mayor also advised the PBA that Local 152 which represents other employees of the Borough have agreed to take a zero percent (0%) increase for 2010, contribute towards health insurance as well as the statutory employees and that the Administrator is willing to reopen her contract to mirror Local 152. The Borough also has requested that the Police Chief reopen his contract which he declined and that he has also requested a sixty day (60) payout for this year.

Administrator O'Reilly stated that the Borough is happy to continue negotiations with the union but that officials must work within the state mandated levy cap.

Officer Arnold again stated that the union is negotiating fairly but has heard no official Borough proposal and that the members of the union are aware of recent average awards made through arbitration.

Councilwoman Marchak-Ortiz suggested making a counter proposal.

Mayor Schreck stated that as the Borough is still waiting for more data the Borough has not been able to offer any proposals. She suggested a zero percent increase for one year and contributions towards health insurance premiums.

Union representatives noted that they already have capped new employee sick time and changed health insurance coverage during contract during negotiations in the past.

Councilman Galassetti asked how the union is requesting a 3.9% increase when the cost of living increase is 0%.

Officer Arnold noted that the department is presently less two officers. He also noted that the members are offering to sell back unused time yearly.

Officer Bianchi noted that in the past, during tough years, the union has agreed to take less but negotiated other issues.

Union representatives noted that eye care coverage which was previously negotiated has ceased.

Council along with the representatives started reviewing some of their line items included in their proposal noting that the salary increase seemed too high.

Union members noted that the negotiation process cannot be one sided and they haven't heard back from the Borough for two months.

PBA members and Administrator O'Reilly left the closed session after Council agreed to meet again after the next borough meeting to continue discussions of the proposal.

Mayor Schreck proceeded to address the Administrator's contract stating that she is willing to open her contract to mirror Local 152 contract with a zero percent salary increase for 2010 regardless of her work performance review and contribution towards her health insurance premium along with elimination of flex time for her hours, characterize her personal and sick time as paid time off, permit accumulation of daytime off leave bank with a cap of seventy-five (75) days during the rest of her contract period. Based on her performance review, the Administrator was awarded a 4% salary increase effective October 1, 2009.

A brief discussion ensued.

Council agreed to return to open session and take official action on the amendments to the Administrator's contract.

ON MOTION by Schreck/ Engelstad to return to open session at 9:42PM.

Council returned to open session at 9:45PM.

Mayor Schreck announced that Council will take the following action as a result of the closed session.

Resolution 9

AUTHORIZES THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH BOROUGH ADMINISTRATOR GAIL O'REILLY WHICH WILL INCLUDE: CHARACTERIZE HER PERSONAL AND SICK TIME AS PAID TIME OFF, PERMIT ACCUMULATION OF DAYTIME OFF FOR THE REST OF THE PERIOD, ELIMINATE THE FLEX TIME BAN FOR HER HOURS, PARTICIPATION IN HEALTH CARE COVERAGE COST TO MIRROR LOCAL 152 AND TO FORGO ANY RAISE IN 2010 REGARDLESS OF THE OUTCOME OF HER PERFORMANCE REVIEW.

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

AYES: Engelstad, Galassetti, Schreck

NAYS: Marchak-Ortiz

ABSENT: Cotler

ADOPTED RESOLUTION

ADJOURNMENT

ON MOTION

by Schreck / Marchak-Ortiz the meeting was adjourned at 9:47 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk