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**MAYOR AND COUNCIL
AGENDA
REGULAR MEETING
November 23, 2010**

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

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. OPEN PUBLIC MEETINGS ACT STATEMENT**
- 4. ROLL CALL**
- 5. DISCUSSION ITEMS**
 - a. Energy Grant update
 - b. Engineer's Report on Capital Projects
 - c. Beach
- 6. APPROVAL OF MINUTES** – September and October 7th and 14th
- 7. 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.
- 8. ORDINANCES**

INTRODUCTION (none at present)
- 9. COMMUNICATIONS (none at present)**
- 10. RESOLUTIONS**
 - A. Authorizes payment to lienholders
 - B. Authorizes transfer of Budget Appropriations
 - C. Bill List
 - D. Provides for a Special Emergency Appropriation Severance Liability resulting from accrued leave in connection with the retirement of employees
 - E. Authorizes the Mayor and Borough Clerk to enter into an agreement for Animal Control services with Associated Humane Societies for 2011 in the amount of \$12,461.80
 - F. Appointment of Kenneth A. Triano as Construction Official for a four year term

11. ANNOUNCEMENTS

The Annual Tree Lighting ceremony will be held on Sunday, November 28th at 5pm in Riley Park.

The Annual Menorah Lighting ceremony will be held on Wednesday, December 1st at 7:30pm in Riley Park.

12. MAYOR AND COUNCIL REPORTS

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

**14. EXECUTIVE SESSION (Pursuant to N.J.S.A. 10:4-13 et seq. if necessary)
Resolution to retire into Closed Session for Police Department Negotiations**

15. ADJOURNMENT

RESOLUTION NO. 2010-

Mayor Schreck offered the following resolution and moved its adoption:

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

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

WHEREAS, the following lienholders are now due reimbursement for the redemption of the Tax Sale Certificates;

NOW, THEREFORE, BE IT RESOLVED, that checks be drawn to the following lienholders for redemption of said certificates:

LIENHOLDER	CERT. #/PROPERTY LOCATION	REDEMPTION
Plymouth Park Tax Svc,LLC	#09-016/604 Bradley Blvd. Block 89, Lot 6	\$22,189.78
	Premium Refund:	<u>17,000.00</u>
	Total:	\$39,189.78
Jian Yang	#09-015/704 ½ Third Ave. Block 59, Lot 1	\$ 4,970.88
	Premium Refund:	<u>75.00</u>
	Total:	\$ 5,015.88

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

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

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

November 23, 2010

RESOLUTION NO. 2010-
AUTHORIZATION TO PROVIDE FOR SPECIAL EMERGENCY APPROPRIATION
SEVERENCE LIABILITY RESULTING FROM ACCRUED LEAVE IN
CONNECTION WITH THE RETIREMENT OF EMPLOYEES

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, Ordinance #2010-7 has been adopted creating a special emergency appropriation of \$87,548.17 to meet certain expenses to be incurred for severance liabilities resulting from accrued leave in connection with the retirement of employees and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members, thereof, affirmatively concurring) that in accordance with N.J.S.A. 40A:4-55:

1. The sum of \$87,548.17 is hereby appropriated for severance liabilities resulting from accrued leave in connection with the retirement of employees, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.
2. In order to finance this special emergency appropriation, the Borough's Beach Utility Capital Fund will issue a Bond Anticipation Note to the Current Fund in the amount of \$87,548.17.
3. That at least 1/5 of the special emergency appropriation be included in each subsequent Municipal Current Fund annual budget until the appropriation has been fully provided for.

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION 2010-

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the Borough has a need for services for the care of injured animals, trapped animals, sick animals, animals whose lives are endangered or animals that are a danger to humans and

WHEREAS, the Associated Humane Societies, Inc., a non-profit charitable organization has provided the only proposal to provide said services and

WHEREAS, the Associated Humane Societies, Inc, has provided an agreement to provide said services at an appropriate fee.

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized to enter into an agreement for Animal Control Services with the Associated Humane Societies for a period of one (1) year beginning January 1, 2011 through December 31, 2011. The contract amount for January 1, 2011 through December 31, 2011 is \$12,461.80.

BE IT FURTHER RESOLVED, that a certified copy be forwarded to the Business Administrator, Chief Financial Officer and Assistant CFO.

Seconded by Council Member

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

CHIEF FINANCIAL OFFICERS CERTIFICATION

I hereby certify that legally appropriated Funds are available in the

_____.

 Joyce M. Wilkins
 Chief Financial Officer

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 November 23, 2010 meeting.

 MARY ANN SOLINSKI, RMC, CMC
 Municipal Clerk

November 23, 2010

RESOLUTION 2010-

**APPOINTMENT OF CONSTRUCTION OFFICIAL AND
BUILDING OFFICIAL SALARY AMENDMENT**

Mayor Schreck offered the following resolution and moved its adoption:

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Bradley Beach that Kenneth A. Triano is hereby appointed Construction Official at an annual salary of \$15,000.00 effective November 1, 2010 for a four year term; and

BE IT FURTHER RESOLVED, that Kenneth A. Triano is currently serving as Building Official and his annual salary is adjusted to \$3,800.00 per year effective November 1, 2010.

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 November 23, 2010 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

REGULAR MEETING
November 23, 2010

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the council chamber on the above date.

CALL TO ORDER

Mayor Julie Schreck opened the meeting with a salute to the flag.

Sunshine Law

The meeting has been noticed publicly according to the Open Public Meetings Act requirement for "Annual Notice", and posted on the official bulletin board.

Roll Call 6:37PM

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

PRESENTATION

Councilman Cotler presented proclamations to Bradley Beach Cinema owner/manager John Esposito and employee Mary Mazza from the State House of Representatives and the Monmouth County Board of Freeholders honoring the Cinema's 85th Anniversary. Mr. Cotler said that the Cinema is a part of so many lives and a true gem of Bradley Beach noting that businesses like the cinema make Bradley Beach exceptional. Mayor Schreck thanked Mr. Esposito for what the cinema brings to town noting that it is a very special place in the Borough and the state of New Jersey.

DISCUSSION ITEMS

Mayor Schreck announced that the Borough has applied to the State Direct Install Energy Grant and a federal Energy and Efficiency Conservation Block Grant. She reported that within two weeks a representative from the state will visit and do an assessment of how to cut energy costs. If the Borough adopts the recommendations the State will pay 60% of costs to install the remedies and that the EECBG will then cover the other 40%.

Borough Engineer Koch gave a brief report to Council on the Capital Projects and advised Council that contracts could be awarded on the Lake Terrace Park and Public Works Building Addition will be ready for the December 7th meeting.

Mayor Schreck reported that the results of the public meeting on Beachfront Improvement meeting held in September will be ready for the December 7th meeting.

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Items added to the Agenda

On motion by Schreck/Cotler to add Amendment to Salary Ordinance

On motion by Schreck/Galassetti to hold a special meeting on December 7, 2010 for award of contracts on the Lake Terrace Park and Public Works Building addition.

APPROVAL OF MINUTES

On Motion by Schreck/ D'Angelo to approve the minutes for September and October 7th and 14th 2010

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

APPROVED MOTION

ORDINANCES

INTRODUCTION

ORDINANCE NO. 2010- 14

AN ORDINANCE TO AMEND THE BOROUGH OF BRADLEY BEACH SALARY ORDINANCE CHAPTER III, PERSONNEL AND MORE PARTICULARLY SECTION 3-9.1 OFFICERS AND EMPLOYEES PAID A SPECIFIC SALARY

ON MOTION by Schreck / Galassetti moved to introduction.

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

PENDING ORDINANCE

RESOLUTIONS

Resolution 182

AUTHORIZES PAYMENT TO LIENHOLDERS

ON MOTION by Schreck / Galassetti moved to adoption.

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

NAYS: None
ABSENT: Engelstad

ADOPTED RESOLUTION

Resolution 183
ON MOTION
ROLL CALL

AUTHORIZES TRANSFER OF BUDGET APPROPRIATIONS
by Schreck / Galassetti moved to adoption.
AYES: Cotler, D'Angelo, Galassetti, Schreck
NAYS: None
ABSENT: Engelstad

ADOPTED RESOLUTION

Resolution 184
ON MOTION
ROLL CALL

AUTHORIZES VOUCHER WARRANTS ON THE TREASURY FOR PAYMENT OF BILLS.
by Schreck / Galassetti moved to adoption.
AYES: Cotler, D'Angelo, Galassetti, Schreck
NAYS: None
ABSENT: Engelstad

ADOPTED RESOLUTION

Resolution 185
ON MOTION
ROLL CALL

PROVIDES FOR A SPECIAL EMERGENCY APPROPRIATION SEVERANCE LIABILITY RESULTING FROM ACCRUED LEAVE IN CONNECTION WITH THE RETIREMENT OF EMPLOYEES
by Schreck / D'Angelo moved to adoption.
AYES: Cotler, D'Angelo, Galassetti, Schreck
NAYS: None
ABSENT: Engelstad

ADOPTED RESOLUTION

Mayor Schreck explained that the beach utility reserve fund will fund the severance payments specifically for accrued, unused sick leave time for former borough employees Police Lt. Neil Scully and former Administrator Phyllis Quixley. Lt. Scully retired earlier this year and Mrs. Quixley retired in 2008. She further explained that the town will essentially be borrowing money from the beach utility resulting in a zero percent interest rate. Councilman Cotler questioned how there is \$87,548.17 surplus in the utility and had noted that he did not feel comfortable using beach utility funds. Administrator O'Reilly noted that the funds are available in a separate account.

Resolution 186
ON MOTION
ROLL CALL

AUTHORIZES THE MAYOR AND BOROUGH CLERK TO ENTER INTO AN AGREEMENT FOR ANIMAL CONTROL SERVICES WITH ASSOCIATED HUMANE SOCIETIES FOR 2011 IN THE AMOUNT OF \$12,461.80
by Schreck / Galassetti moved to adoption.
AYES: Cotler, D'Angelo, Galassetti, Schreck

NAYS: None
ABSENT: Engelstad

ADOPTED RESOLUTION

Councilman Cotler asked if any negotiation of cost had been attempted. Mayor Schreck replied that she had tried to negotiate last year and got a rock bottom price for 2010 which is the same cost for 2011. She noted that the employees have sought less expensive alternatives and none were found to be cheaper than the Associated Humane proposal and that she believes the Borough is getting a good deal compared to other towns.

Resolution 187

APPOINTMENT OF KENNETH A. TRIANO AS CONSTRUCTION OFFICIAL FOR A FOUR YEAR TERM

ON MOTION

by Schreck / Galassetti moved to adoption.

ROLL CALL

AYES: Cotler, D'Angelo, Galassetti, Schreck

NAYS: None

ABSENT: Engelstad

ADOPTED RESOLUTION

Resolution 188

ESTABLISHES A SPECIAL MEETING TO BE HELD ON DECEMBER 7, 2010 AT 6:15PM TO AWARD CONTRACTS

ON MOTION

by Cotler / D'Angelo moved to adoption.

ROLL CALL

AYES: Cotler, D'Angelo, Galassetti, Schreck

NAYS: None

ABSENT: Engelstad

ADOPTED RESOLUTION

ANNOUNCEMENTS

The Annual Tree Lighting ceremony will be held on Sunday, November 28th at 5pm in Riley Park.

The Annual Menorah Lighting ceremony will be held on Wednesday, December 1st at 7:30pm in Riley Park.

REPORTS

Councilman Cotler thanked the BB Fire Department and the Ladies Auxiliary for working hard to assemble their first holiday shop event on November 20th. The event brought in several thousand dollars for the volunteer fire department. Mr. Cotler also urged residents to bring in a can or box of food to the Public Library this month to benefit the Bradley Food Pantry. He noted that those who bring in a donation will receive amnesty on any overdue book charges. Mr. Cotler thanked the food pantry operators for helping to provide holiday meals for those who may not otherwise be able to have them.

Councilman D'Angelo thanked those who attended the Veteran's Day Ceremony but also expressed that he was disappointed that no children were in attendance to honor the country's veterans. Mr. D'Angelo suggested that the school be contacted as soon as plans are ready for next year's ceremony in order that the school can make arrangements for some of the students to be present.

Councilman Galassetti thanked Harvey Rosenberg and the volunteers for a successful flag football season. Mr. Galassetti asked residents to separate the leaves and any branches or sticks as these may damage the public works machinery.

Mayor Schreck welcomed D & L Barbecue and Caribbean Cuisine to town noting that the owners Lisa Provost and Devon McLean are also borough residents. She also welcomed Baran Art and Design to the business district. Mayor Schreck also reiterated thanks to the Ladies Auxiliary. Mayor Schreck informed Council that the Library Board would like to work with the Borough to make necessary ADA improvements to the Public Library. Mayor Schreck also announced that she recently attended a meeting at the Firehouse to discuss the Open Public Meetings Act and reported that it was very informative. She noted that the Borough Clerk has acted responsibly to Open Public Records Act request and that the Borough has high marks in terms of what we are doing as Bradley Beach has made public information accessible.

PUBLIC COMMENT

Harvey Rosenberg thanked all the volunteers and participants in making this Flag Football Season a huge success. Mr. Rosenberg asked when counsel will be prepared to discuss possibly introduce the proposed amendments made by the Joint Planning and Zoning Board. Attorney McGill responded that he is still currently reviewing the draft.

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ADJOURNMENT

ON MOTION by Schreck / Galassetti the meeting was adjourned at 7:30 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk