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**MAYOR AND COUNCIL
AGENDA
REGULAR MEETING
November 9, 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. Beach
 - Badge fees for 2011 and pre-season sales
 - Locker availability dates
 - b. Energy Grant update
 - c. Joint Sub-committee planning and zoning matters
 - d. Regional Contribution Agreement Program update
 - e. Chamber of Commerce discussions concerning Main Street
 - f. Marilyn Rosen will give an update regarding the Pepsi Grant Proposal for Beach Walkways
6. **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.
7. **ORDINANCES**

FINAL READING AND ADOPTION

ORDINANCE 2010-13

- a. **AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH CODE, CHAPTER 123, BEACHFRONT AREAS AND ADJACENT WATERS, AMENDING SECTION 123-8Y (1) & (2)**

INTRODUCTION (none at present)

8. **COMMUNICATIONS**
 - a. Raffle License
United Engine and Truck of BB Fire Dept RL 19-10

9. RESOLUTIONS

- A. Authorizes payment to lienholders
- B. Authorizes transfer of Budget Appropriations
- C. Bill List
- D. Approval and/or denial of Special Parking Permit(s)
- E. Authorizes removal of a hazardous tree
- F. Authorizes a Fire Department expenditure
- G. Authorizes the Borough Engineer to proceed with the Lake Terrace Park Project

10. ANNOUNCEMENTS

The Bradley Beach Fire Department's Ladies Auxiliary will host a Holiday Shop Bazaar on Saturday, November 20, 2010 from 10am until 4pm at the Bradley Beach Firehouse, 815 Rear Main Street. Santa Claus will make an appearance, please have cameras ready for photo opportunities. Unique gifts will be available and can be gift-wrapped for a monetary donation. All proceeds will benefit the Bradley Beach Fire Department.

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

11. MAYOR AND COUNCIL REPORTS

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

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

14. ADJOURNMENT

ORDINANCE 2010-13

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCE'S OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 123, BEACHFRONT AREAS AND ADJACENT WATERS, AMENDING SECTIONS 123-8.Y(1) & (2)

WHEREAS the Mayor and Council of the Borough of Bradley Beach finds that each is charged with the duty to promote and protect the health, safety and welfare of the citizens of the Borough of Bradley Beach, and;

WHEREAS the Mayor and Council of the Borough of Bradley Beach acknowledges that the smoking of tobacco products has been shown to deleteriously affect the health of both smokers and non-smokers and;

WHEREAS the Mayor and Council of the Borough of Bradley Beach finds that by restricting the smoking of tobacco products to certain designated areas in the beach area that it may promote a more healthy and cleaner beach environment for its citizens and guests;

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach that Chapter 123, Sections 8.Y (1) & (2), of the Revised General Ordinances of the Borough of Bradley Beach shall be revised and amended to read as follows:

Y. Smoking restrictions of beachfront areas.

(1) No person shall smoke a cigarette, cigar or other tobacco product in the beachfront area at any time except in a designated smoking area as indicated by signs posted in the beachfront area.

(2) For purposes of this subsection, the term "beachfront area" shall mean all public areas, including but not limited to, all beaches, boardwalk areas, access ramps, grass areas, sidewalk areas, paver areas and other areas subject to the control or jurisdiction of the Borough of Bradley Beach east of the easterly curb line along Ocean Avenue, in the Borough of Bradley Beach.

MARY ANN SOLINSKI
Borough Clerk

JULIE SCHRECK
Mayor

Introduced: October 26, 2010

Date of Hearing and Adoption: November 9, 2010

Date of Publication: _____

RESOLUTION NO. 2010-

Mayor Schreck offered the following resolution and moved its adoption:

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

WHEREAS, the following Tax Sale 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
Life Center Academy	#060010/602 Monmouth Ave. Block 81, Lot 9	\$36,604.47
	Premium Refund:	<u>25.00</u>
	Total:	\$36,629.47
Rainbow Assoc., LLC	#10-00024/22 Main St. Block 83 Lot 12	\$ 3,449.11
	Premium Refund:	<u>2,000.00</u>
	Total:	\$ 5,449.11
Daxuan Wang	#10-00012/610 LaReine Ave. Block 33, Lot 21	\$ 1,029.38
	Premium Refund:	<u>400.00</u>
	Total:	\$ 1,429.38
Ace Plus	#10-00015/507 ½ LaReine Ave. Block 43, Lot 5	\$ 1,736.36
	Premium Refund:	<u>550.00</u>
	Total:	\$ 2,286.36
	#10-00023/604 Burlington Ave. Block 83 Lot 10	\$ 794.30
	Premium Refund:	<u>300.00</u>
	Total:	\$ 1,094.30

LIENHOLDER	CERT. #/PROPERTY LOCATION	REDEMPTION
Ace Plus	#10-00006/511 Park Place Ave. Block 21, Lot 3	\$ 792.70
	Premium Refund:	<u>325.00</u>
	Total:	\$ 1,117.70

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 9, 2010

RESOLUTION 2010-

Mayor Schreck offered the following resolution and moved its adoption:

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize the removal of a tree located by the most western curbside of 311 Fifth Avenue as it presents an imminent danger to the public.

Seconded by Council Member _____ 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 November 9, 2010 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

November 9, 2010

RESOLUTION NO. 2010-

Mayor Schreck offered the following resolution and moved its adoption:

BE IT RESOLVED, that Borough Engineer Bruce Koch of CME is hereby authorized and directed to prepare design, bid and construction administration services for the Lake Terrace Park Project at a fee not to exceed \$5,159.50.

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

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				

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 9, 2010 meeting.

MARY ANN SOLINSKI, RMC, CMC
Municipal Clerk

SPECIAL MEETING
November 9, 2010
6:00pm

A special 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 6:05M

Present: Council: *Cotler, D'Angelo, Engelstad, Galassetti
Mayor Schreck
Borough Attorney Thomas Hall
Business Administrator O'Reilly
Secretary: Municipal Clerk Mary Ann Solinski
Councilman Cotler Arrived at 6:10pm

Resolution 172

**RETIRE INTO CLOSED SESSION AS RECOMMENDED BY
THE BOROUGH ATTORNEY TO DISCUSS POLICE AND
CONSTRUCTION DEPARTMENT PERSONNEL MATTERS
AND LOCAL 152 CONTRACTURAL 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 executive session at 6:10pm.

Councilman Cotler explained that he and the police department personnel interviewed about twenty people and would like to recommend three candidates and that each of them are excellent choices for the position of police officer.

The first candidate has been a long time employee who has worked as a dispatcher and special class II for the department and is highly qualified for the position.

Mayor Schreck commented that at present no one is versed in a second language and would like to see someone acquire knowledge of the Spanish language in particular as the Borough has a large community of Hispanic people. The administrator noted that there is a line item in the budget for training. Mr. Cotler said that all three candidates expressed an interest in volunteering on the local emergency departments (fire and first aid).

Councilmen Cotler and D'Angelo strongly recommended hiring the first candidate to the position as they feel that he is the best candidate for the position and also has his accreditation as a police officer which will provide a savings to the Borough. The Administrator cautioned regarding the expense of the utilizing of an employee noting that the past practice of transferring the longevity from the past position. She expressed concern over the departments' expenses for overtime, special officers and personal day payout of approximately \$21,000 this pay period. She noted that the department does not coordinate with the administrator concerning budgetary matters. Councilman D'Angelo suggested that the Chief be invited to join the meeting.

Mayor Schreck asked the Chief for a projected budget through the end of the year. Chief Guida responded that he feels that there is adequate funding in his present budget and suggested making the appointment effective December 1st upon the receipt of necessary requirement checks.

Council noted that they made the commitment to hire a new officer and will make the appointment effective December 1st as recommend by the Chief during the regular meeting.

The administrator stated upon the recommendation of Donald Clare who recently resigned his position with the Borough, Kenneth Triano will assume the position of Construction Official and retain his present position as Building Sub-code Official and that the Borough will hire a building inspector to assist with the duties. Mr. Clare's position as Director of Community Development will not be filled at this time.

Councilman D'Angelo expressed concern of the availability of the department to the public with the part-time staffing at present. The administrator responded that the re-structuring will continue and feels that there is no need for a full time Technical Assistant to the Construction Official.

The administrator reminded the Council that the Borough is obligated to a commitment made to Local 152 that if the Borough was in a better position during this year that salary increases would be awarded. She noted that as the Borough is in a better position with added and omitted taxes and appeals approximately netting \$24,000.00. Councilman Engelstad questioned whether the borough was locked into this item and the administrator explained that this is part of the agreement settled last year when the union agreed to a flat zero increase for 2010.

On motion by Schreck/Galassetti to return to open session at 7:10pm

Council returned to the dais at 7:12pm.

Mayor Schreck announced that as a result of the executive session action will be taken during the regular meeting to hire patrol officer Gregory Pancza effective December 1st pending successful background checks and requirements.

ADJOURNMENT

ON MOTION by Schreck / Galassetti the meeting was adjourned at 7:12 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk

REGULAR MEETING
November 9, 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 7:15PM

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

DISCUSSION ITEMS

Council reviewed data regarding beach badge prices for neighboring towns, estimated revenues using different price scenarios. Council decided to hold the adult season badge price at \$65.00 but the preseason cost will only be reduced by \$10.00 if purchased by December 29th and they determined that age for senior badges will be increased from 60 to 62. These changes were made to concerns over the beach utility budget which has been doing well with revenues over the past few years. Councilman D'Angelo had initially argued that he was not in favor of the change in age as many seniors are living on a fixed income but understood the need as the expenditures in the beach budget have increased the past couple of years and that the budget really depends on sales and the weather. The daily badge prices will remain the same as last year. Councilman Cotler suggested considering a two day weekend badge offered at a discounted price of \$15.00 for a savings of \$1. Although the members supported the idea they noted that the logistics of it would have to be worked out first. A lengthy discussion also ensued regarding problems related to seasonal locker dates and preferred placement of lockers at the beachfront. Council agreed to have the Superintendent look into acquiring lockers which are more resilient to the weather elements such as plastic or treated

wood. Council also agreed that if the borough had more room for locker storage off season they would like to make more available for the public.

Mayor Schreck gave an update on the energy audit grants available and the direct install program where there would be payment of 60% by the BPU Clean Energy.

Mayor Schreck explained that the Joint Sub-committee consisting of planning and zoning members reviewed and made recommendations on the ordinance regulating home-based businesses and that the Planning Board has approved the revision. She noted that the Borough should either repeal the existing ordinance or should introduce the proposed revision and the code as written is not enforceable. Zoning Officer William Gray explained the problems with the existing ordinance and outlined the changes which are being recommended. He urged Council to fully review the proposed draft for any changes and send it back to the committee for review or adopt the draft as written. Councilman Cotler recommended that public notices be prepared to advise the public of changes to the code.

Administrator O'Reilly noted that some funds still remain from the Regional Contribution Agreement Program with Wall Township and that Mr. Gray will again manage the program when it re-opens in the near future.

The Administrator reported that the Chamber of Commerce discussed their concerns regarding Main Street during a recent meeting. They discussed the possibility of forming a Special Improvement District which would involve establishing a Board to oversee changes to Main Street with funds collected from property owners on Main Street. They also discussed problems with the pavers along Main Street which the Borough Engineer will evaluate and make recommendations to the Borough concerning the sidewalks.

Marilyn Rosen gave an update regarding her efforts to win a Pepsi Grant of \$50,000.00 to purchase mobi mats for the Beachfront Walkways and noted that although the grant was not awarded this time that she will resubmit for the grant. Mrs. Rosen criticized the Borough staff members for not doing enough to encourage people to vote for the grant including their failure to contact other municipal associations. Mayor Schreck noted that she feels it would be inappropriate for the employees to email colleagues to vote for the grant on a daily basis. Mayor Schreck thanked Mrs. Rosen for her outstanding volunteerism efforts concerning the walkways.

Items add and or deleted to Agenda

On motion by Schreck/ Cotler to add a resolution appointment of a probationary patrolman effective December 1, 2010

On motion by Schreck/Engelstad to add Bradley Beach PTO Raffle License

On motion by Schreck/Galassetti to establish the 2011 Beach Badge Fees and authorizes the pre-season sale of season badges

On motion by Schreck/D'Angelo to remove the resolution authorizing a Fire Department expenditure

PUBLIC COMMENTS ON AGENDA ITEMS

ORDINANCES

FINAL READING AND ADOPTION OF ORDINANCE

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

**ORDINANCE 2010-13
AN ORDINANCE TO AMEND AND SUPPLEMENT THE
REVISED GENERAL ORDINANCES OF THE BOROUGH
OF BRADLEY BEACH CODE, CHAPTER 123,
BEACHFRONT AREAS AND ADJACENT WATERS,
AMENDING SECTION 123-8Y (1) & (2)**

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

APPROVED MOTION.

Mayor Schreck gave a brief explanation of the ordinance to the audience. Councilman Galassetti noted that the promenade is partially funded by Green Acres Grants making the area a borough park and that the Borough currently prohibits smoking in park areas. Charles Bellina complained that his rights are being violated as he can no longer enjoy smoking a cigar on the boardwalk after returning home from work noting that he understands the restrictions on the beach but that he is always considerate of others when smoking on the boardwalk. He requested Council consider setting a time limit on the restrictions. Councilman D'Angelo noting that he is not in favor of smoking, is against taking people's privileges away. However, he is in favor of designated areas on the sand for smoking but does not feel the boardwalk should be part of the banned area. Mayor Schreck said that the ban is to serve as a health measure for non-smokers who unwillingly breathe in second hand smoke.

Michael Conoscenti asked what measures the public could take to repeal the ordinance if adopted by Council. Attorney Hall replied that a petition could be filed for the new ordinance to be placed on the ballot for the public to vote on the ordinance during an election.

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, Engelstad, Galassetti, Schreck

NAYS: D'Angelo

ADOPTED ORDINANCE

COMMUNICATIONS

On Motion by Schreck/ Galassetti granted the following Raffle License

United Engine and Truck of BB Fire Dept RL 19-10

Bradley Beach PTO RL 20-10

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

NAYS: None

APPROVED MOTION

RESOLUTIONS

Resolution 173

AUTHORIZES PAYMENT TO LIENHOLDERS

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

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

NAYS: None

ADOPTED RESOLUTION

Resolution 174

AUTHORIZES TRANSFER OF BUDGET APPROPRIATIONS

ON MOTION by Schreck / Galassetti moved to adoption.

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

NAYS: None

ADOPTED RESOLUTION

Resolution 175

AUTHORIZES VOUCHER WARRANTS ON THE TREASURY FOR PAYMENT OF BILLS.

ON MOTION by Schreck / Galassetti moved to adoption.

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

NAYS: None

ADOPTED RESOLUTION

Resolution 176

APPROVAL OF A SPECIAL PARKING PERMIT FOR 313 McCABE PARK AVE APT #3

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

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

NAYS: Galassetti

ADOPTED RESOLUTION

Resolution 177 **AUTHORIZES REMOVAL OF A HAZARDOUS TREE AT 311 FIFTH AVENUE**

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

ADOPTED RESOLUTION

Resolution 178 **AUTHORIZES THE BOROUGH ENGINEER TO PROCEED WITH THE LAKE TERRACE PARK PROJECT**

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

ADOPTED RESOLUTION

Resolution 179 **APPOINTMENT OF GREGORY L. PANCZA AS A PROBATIONARY PATROLMAN EFFECTIVE DECEMBER 1, 2010**

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

ADOPTED RESOLUTION

Resolution 180 **ESTABLISHES THE 2011 BEACH BADGE FEES AND AUTHORIZES PRE-SEASON SALE OF SEASON BADGES**

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

ADOPTED RESOLUTION

Resolution 181 **AUTHORIZES RELIEF FOR THE PROPERTY OWNERS OF 206 FOURTH AVENUE FOR THE REMOVAL OF BUSHES ON THEIR PROPERTY DUE TO EXTENUATING CIRCUMSTANCES**

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

ADOPTED RESOLUTION

ANNOUNCEMENTS

Veteran Day Services will be held on Thursday, November 11th at 11am in Riley Park weather permitting. In case of inclement weather the services will be held at the Carmen A. Biase Center, 719 Main Street.

The Bradley Beach Fire Department's Ladies Auxiliary will host a Holiday Shop Bazaar on Saturday, November 20, 2010 from 10am until 4pm at the Bradley Beach Firehouse, 815 Rear Main Street. Santa Claus will make an appearance, please have cameras ready for photo opportunities. Unique gifts will be available and can be gift-wrapped for a monetary donation. All proceeds will benefit the Bradley Beach Fire Department.

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

REPORTS

Councilman Cotler requested that Council have an opportunity to review the bid specifications for trash and recycling when completed by the Engineer and staff but before advertising for submission of bids. Mayor Schreck stated that the Engineer be instructed to put copies in the Council mailboxes.

Councilman D'Angelo stated that he is pleased with the new Code Officer and that the Construction Department is making great strides and are working on scheduling full coverage for the daily office hours.

Councilman Engelstad announced that unfortunately he will not be able to attend this years Veteran's Day Services as he has a commitment at work.

Mayor Schreck thanked the Fire Department and members of the Ladies Auxiliary for making the annual Halloween Parade a huge success noting that the Auxiliary provided good refreshments at the event.

PUBLIC COMMENT

Harvey Rosenberg suggested that Council start discussing plans for the miniature golf course and beachfront. Council replied that they will wait until the public meeting information is available before any decision, but feel that renovations are definitely necessary at the golf course.

Chief Guida thanked the Mayor and Council for the appointment of the new officer.

ADJOURNMENT

ON MOTION by Schreck / Galassetti the meeting was adjourned at 9:45 PM.

Mary Ann Solinski, RMC, CMC
Municipal Clerk