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**MAYOR AND COUNCIL  
AGENDA  
REGULAR MEETING  
July 27, 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. NJ Department of Transportation Municipal Aid Program
  - b. Mobi Mat update
6. **Approval of Minutes** – May 13<sup>th</sup>, May 25<sup>th</sup>, June 10<sup>th</sup> 2010
7. **PUBLIC COMMENTS 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**

**FINAL READING AND ADOPTION**

**ORDINANCE 2010-5**

- a. **BOND ORDINANCE PROVIDING FOR VARIOUS 2010 ROADWAY IMPROVEMENTS, BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$337,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$210,000) AND AUTHORIZING THE ISSUANCE OF \$120,650 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

**INTRODUCTION (None at present)**

9. **PUBLIC HEARING ON AMENDMENT TO 2010 MUNICIPAL BUDGET**

**10. COMMUNICATIONS**

A. Raffle Licenses

St. James Episcopal Church

RL 12-10 & 13-10

**11. RESOLUTIONS**

A. Adoption of the 2010 Municipal Budget

B. Release of Cash Performance Guarantee Bradley Beach Village Block 32 Lots  
24-26 & 29 PB 2005-B24,6,9-4

C. Authorization for payment to Lienholder(s)

D. Authorization for Sewer Billing for Block 51 Lot 2.01 and Block 51 Lot 2.02

E. Cancellation of Delinquencies and/or overpayments for Special Assessment

F. Bill List

**12. ANNOUNCEMENTS**

The Sons of Italy Festa Italiana will be held Friday, July 30<sup>th</sup>, Saturday, July 31<sup>st</sup>  
and Sunday August 1<sup>st</sup> at the beachfront. Fireworks Display Saturday, July 31<sup>st</sup> at  
the Brinley Avenue Beach 9pm.

National Night Out Celebration will be held on Tuesday, August 3<sup>rd</sup> at the  
Bradley Beach Firehouse 815 Main Street from 6-9pm.

**13. MAYOR AND COUNCIL REPORTS**

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

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

**16. ADJOURNMENT**

**BOROUGH OF BRADLEY BEACH  
BOND ORDINANCE NUMBER 2010-5**

**BOND ORDINANCE PROVIDING FOR VARIOUS 2010 ROADWAY IMPROVEMENTS, BY AND IN THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$337,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$210,000) AND AUTHORIZING THE ISSUANCE OF \$120,650 BONDS OR NOTES OF THE BOROUGH 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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$337,000, said sum being inclusive of a \$210,000 grant received or expected to be received from the New Jersey Department of Transportation (the "Grant") and a down payment in the amount of \$6,350 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$337,000 appropriation not provided for by application hereunder of the Grant or said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$120,650 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$120,650 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various 2010 roadway improvements to various roads, including but not limited to, Fletcher Lake Avenue from Second Avenue to Lake Terrace, such improvements shall include but are not limited to, as applicable, milling, paving, reconstruction and resurfacing the roadways, the repairing and/or installation of curbs, sidewalks and driveway aprons, drainage work, roadway painting, landscaping and aesthetic improvements, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, 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 improvements or purposes is \$120,650.

(c) The estimated cost of said improvements or purposes is \$337,000, the excess thereof over the said estimated maximum amount of bonds or notes to be

issued therefor is the Grant in the amount of \$210,000 and the down payment in the amount of \$6,350 available for such improvements or purposes.

**SECTION 4.** Except for the Grant, 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. Except for the Grant, 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 or otherwise authorized by the Local Bond Law. 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 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 the Local Bond Law. 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 Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, 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 improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is twenty (20) 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 \$120,650 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$50,875 for items of expense listed in and permitted under section 20 of the Local Bond Law 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 bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes 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 improvements or purposes 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 improvements or purposes 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 improvements or purposes 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 improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$120,650. 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 improvements or purposes 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: July 13, 2010

\_\_\_\_\_  
MARY ANN SOLINSKI,  
Borough Clerk

ADOPTED ON SECOND READING  
DATED: July 27, 2010

\_\_\_\_\_  
MARY ANN SOLINSKI,  
Borough Clerk

APPROVAL BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
JULIE SCHRECK  
Mayor



**BOROUGH OF BRADLEY BEACH**  
**AMENDMENT TO 2010 MUNICIPAL BUDGET**

WHEREAS, the Local Municipal Budget for the year 2010 was approved on the 25th day of May 2010; and

WHEREAS, the public hearing on said Budget has been held as advertised; and

WHEREAS, it is desirous to amend said Budget,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Bradley Beach, County of Monmouth, that the following amendments to the approved budget for 2010 be made:

RECORDED VOTE:

<u>CURRENT FUND</u>	<u>From</u>	<u>To</u>	<u>(MEMO)</u>
<u>GENERAL REVENUES</u>			
Miscellaneous Revenues:			
Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items:			
Reserve for Payment of Bonds	\$ <u>23,723.14</u>	\$ <u>71,457.45</u>	\$ <u>47,734.31</u>
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items	<u>90,900.00</u>	<u>138,634.31</u>	<u>47,734.31</u>
Summary of Revenues:			
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items	<u>90,900.00</u>	<u>138,634.31</u>	<u>47,734.31</u>
Total Miscellaneous Revenues	<u>1,024,834.64</u>	<u>1,072,568.95</u>	<u>47,734.31</u>
Subtotal General Revenues (Items 1, 2, 3 and 4)	<u>1,564,834.64</u>	<u>1,612,568.95</u>	<u>47,734.31</u>
Amount to be Raised by Taxes for Support of Municipal Budget:			
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	<u>5,938,308.38</u>	<u>6,000,033.31</u>	<u>61,724.93</u>
Total Amount to be Raised by Taxes for Support of Municipal Budget	<u>5,938,308.38</u>	<u>6,000,033.31</u>	<u>61,724.93</u>
Total General Revenues	<u>\$ 7,503,143.02</u>	<u>\$ 7,612,602.26</u>	<u>\$ 109,459.24</u>

CURRENT FUND

	<u>From</u>	<u>To</u>	<u>(MEMO)</u>
General Appropriations:			
(A) Operations - Within "CAPS":			
GENERAL GOVERNMENT:			
General Administration:			
Salaries and Wages	<u>72,328.00</u>	<u>46,220.00</u>	<u>(26,108.00)</u>
Total Operations (Item 8(A)) within "CAPS"	<u>5,178,580.00</u>	<u>5,152,472.00</u>	<u>(26,108.00)</u>
Total Operations Including Contingent - within "CAPS"	<u>5,182,280.00</u>	<u>5,156,172.00</u>	<u>(26,108.00)</u>
Detail:			
Salaries and Wages	<u>2,888,241.50</u>	<u>2,862,133.50</u>	<u>(26,108.00)</u>
Total General Appropriations for Municipal Purposes within "CAPS"	<u>5,733,451.73</u>	<u>5,707,343.73</u>	<u>(26,108.00)</u>
(A) Operations - Excluded from "CAPS":			
Maintenance of Free Public Library	<u>258,360.00</u>	<u>392,692.74</u>	<u>134,332.74</u>
Total Other Operations - Excluded from "CAPS"	<u>316,594.00</u>	<u>450,926.74</u>	<u>134,332.74</u>
Total Operations - Excluded from "CAPS"	<u>377,469.64</u>	<u>511,802.38</u>	<u>134,332.74</u>
Detail:			
Other Expenses	<u>377,469.64</u>	<u>511,802.38</u>	<u>134,332.74</u>
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	<u>1,491,925.13</u>	<u>3,688,424.78</u>	<u>134,332.74</u>
(O) Total General Appropriations - Excluded from "CAPS"	<u>1,491,925.13</u>	<u>3,688,424.78</u>	<u>134,332.74</u>
(L) Subtotal General Appropriations (Items (H-1) and (O))	<u>7,225,376.86</u>	<u>7,333,601.60</u>	<u>108,224.74</u>
(M) Reserve for Uncollected Taxes	<u>277,766.16</u>	<u>279,000.66</u>	<u>1,234.50</u>
9. Total General Appropriations	<u>\$ 7,503,143.02</u>	<u>\$ 7,612,602.26</u>	<u>\$ 109,459.24</u>

Summary of Appropriations:	<u>From</u>	<u>To</u>	<u>(MEMO)</u>
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	\$ <u>5,733,451.73</u>	\$ <u>5,707,343.73</u>	\$ <u>(26,108.00)</u>
Operations - Excluded from "CAPS":			
Other Operations	<u>316,594.00</u>	<u>450,926.74</u>	<u>134,332.74</u>
Total Operations - Excluded from "CAPS"	<u>377,469.64</u>	<u>511,802.38</u>	<u>134,332.74</u>
Reserve for Uncollected Taxes	<u>277,766.16</u>	<u>279,000.66</u>	<u>1,234.50</u>
Total General Appropriations	\$ <u><u>7,503,143.02</u></u>	\$ <u><u>7,612,602.26</u></u>	\$ <u><u>109,459.24</u></u>

BE IT FURTHER RESOLVED that this budget amendment be published in the Coaster in the issue of July 22, 2010 and that a public hearing on this amendment will be held at Boro Hall, Bradley Beach, New Jersey on July 27, 2010 at 6:30 o'clock P.M., at which time and place objections may be presented by taxpayers or other interested persons.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the 2010 Local Municipal Budget, so amended.

IT IS HEREBY CERTIFIED that this is a true copy of a resolution amending the Budget, adopted by the Governing Body on the 13th day of July, 2010.

DATED: July 13, 2010

ATTEST:

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Mary Ann Solinski, RMC, CMC  
Municipal Clerk

July 27, 2010

**RESOLUTION 2010 -  
RELEASE OF CASH PERFORMANCE GUARANTEE POSTED BY:  
JOSEPH CAMMARATA, BRADLEY BEACH VILLAGE  
BLOCK 32, LOTS 24-26 & 29  
FILE NO. PB-2005-B32-L24, 6, 9-4**

Mayor Schreck offered the following resolution and moved its adoption:

**WHEREAS**, a Performance Guarantee in the form of Cash was posted in the amount of **\$34,310.40**, together with a Cash Inspection escrow in the amount of **\$17,155.20 to guarantee all requirements for construction of above-stated project at said premises as required for approvals by the Planning Board have been completed by the applicant; and**

**WHEREAS**, a site inspection performed by CME Associates has determined that the developer must still submit as-built drawings of all of the public improvements, as required by the Borough’s Ordinance, as well as the utility services for the buildings prior to release of the balance of the Master Escrow. (See attached letter of Bruce Koch, P.E., P.P., C.M.E., Borough Engineer, CME Associates dated June 23, 2010); and

**WHEREAS**, pending completion of the as-built drawings for final approval, a bond reduction was recommended, with a minimum of 10% of the remaining guarantee to be in the form of cash as per Borough Ordinance; and

**WHEREAS**, a reduction in the cash performance guarantee in the amount of **\$19,375.55** is heretofore released by Resolution of Mayor and Council, and there remains a cash balance of **\$10,293.12**, including interest; and

**WHEREAS**, all fees for professional services to date have been satisfied;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Bradley Beach that the Chief Financial Officer of the Borough release the sum of **\$19,375.55** from the Master Escrow, and maintain a cash balance of **\$10,293.12**, together with the Performance Bond posted.

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 July 27, 2010 meeting.

\_\_\_\_\_  
MARY ANN SOLINSKI, RMC, CMC  
Municipal Clerk

July 27, 2010

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 Certificate has been satisfied, said redemption money having been deposited into the Miscellaneous Trust Fund Account; and

WHEREAS, the following lienholder is now due reimbursement for the redemption of the Tax Sale Certificate;

NOW, THEREFORE, BE IT RESOLVED, that a check be drawn to the following lienholder for redemption of said certificates:

LIENHOLDER	CERT. #/PROPERTY LOCATION	REDEMPTION
Royal Tax Lien Services, LLC	#09-013/408 Main Street Block 57, Lot 30	\$17,350.71
	Premium Refund:	<u>7,100.00</u>
	TOTAL:	\$24,450.71

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:

July 27, 2010

SEWER UTILITY

RESOLUTION NO. 2010 –

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the following property owners have received final Certificates of Occupancy for new dwelling units;

NOW, THEREFORE, BE IT RESOLVED that the following property owners be charged for sewer utility as stipulated below:

BLOCK/LOT	PROPERTY LOCATION	CHARGES	QUARTER
51/2.01	508 Beach Avenue, Unit 1	\$ 75.00	3Q2010 (2 months)
		112.50	4Q2010
		112.50	1Q2011
		112.50	2Q2011
51/2.02	508 Beach Avenue, Unit 2	\$ 75.00	3Q2010 (2 months)
		112.50	4Q2010
		112.50	1Q2011
		112.50	2Q2011

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:

ABSTAIN:

ABSENT:

Cc: sewer billing for new construction

July 27, 2010

SPECIAL ASSESSMENT

RESOLUTION NO. 2010 –

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the governing body of a municipality may, by resolution, authorize the Collector to cancel special assessment delinquencies or overpayments of \$10.00 or less; and

WHEREAS, the Borough of Bradley Beach has several properties reflecting 2010 delinquencies or overpayments for special assessments of \$10.00 or less;

NOW, THEREFORE, BE IT RESOLVED, that the delinquencies/overpayments listed below be canceled.

BLOCK/LOT	OVERPAYMENT/DELINQUENCY	AMOUNT
7/23	overpayment	\$2.43
7/24	overpayment	<u>2.09</u>
		\$4.52
31/1	delinquency	\$2.81
81/14	delinquency	<u>2.68</u>
		\$5.49

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:

ABSTAIN:

ABSENT:

**REGULAR MEETING**  
**July 27, 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 6:35PM**

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

\* Arrived at 6:40pm

**DISCUSSION ITEMS**

Mayor Schreck announced that NJ Department of Transportation has announced the deadline of August 13, 2010 for submission of applications for the following Programs:

Municipal Aid Program- local transportation projects

Bikeway-dedicated bikeways noting special bikeways that are physically separated from motorized vehicular traffic by an open space or barrier

Centers of Place- Non-traditional transportation such as sidewalks, streetscaping, streetlights, landscaping etc that advance municipal growth management objectives and improve quality of life to municipalities which have formally participated in implementation of the NJ State Development and Redevelopment Plan

Safe Streets to Transit- construct safe and accessible linkages to transit facilities in order to promote increased usage of transit

Transit Village Programs- traditional and non-traditional transportation projects which enhance walking, biking and/or transit ridership within ½ mile of transit facility. Only municipalities that have been designated as Transit Villages by the Commission of Transportation and the inter-agency Transit Village Task Force are eligible to apply.

Mayor Schreck requested Council to consider a resolution authorizing submission of a Municipal Aid application for continuation of road work upon the recommendation of the Borough Engineer and Administrator at the next meeting.

The Administrator informed Council that the Borough Engineer reviewed the Second Avenue beach conditions regarding placement of the Mobi Mats and advised any alterations will require further research regarding ADA and CAFRA requirements. A complete report will be ready for the next meeting.

### **APPROVAL OF MINUTES**

On Motion by Schreck/ Galassetti to approve the minutes for May 13<sup>th</sup>, May 25<sup>th</sup>, June 10<sup>th</sup> 2010

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

Councilman D'Angelo noted that he was voting on the June 10<sup>th</sup> meeting only as he was not in attendance at the other meetings.

### **APPROVED MOTION**

### **PUBLIC COMMENTS ON AGENDA ITEMS**

Marilyn Rosen noted that she sent an email requesting permission to sell the Ladies Auxiliary Cookbook, at the Gazebo during the remainder of the summer season performances. The Administrator said that the request was received after the deadline for submission of items for consideration by Council as the Agenda is prepared and published on the website Thursday afternoon preceding the Council meeting. Mrs. Rosen requested that this item be considered at this meeting.

### **ORDINANCES**

### **FINAL READING AND ADOPTION OF ORDINANCE**

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

**ORDINANCE 2010-5  
BOND ORDINANCE PROVIDING FOR VARIOUS 2010  
ROADWAY IMPROVEMENTS, BY AND IN THE BOROUGH OF  
BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF  
NEW JERSEY; APPROPRIATING \$337,000 THEREFOR  
(INCLUDING A GRANT RECEIVED OR EXPECTED TO BE  
RECEIVED IN THE AMOUNT OF \$210,000) AND AUTHORIZING**

**THE ISSUANCE OF \$120,650 BONDS OR NOTES OF THE  
BOROUGH TO FINANCE PART OF THE COST THEREOF**

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.

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 HEARING ON AMENDMENT TO 2010 MUNICIPAL BUDGET**

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 read and gave an explanation of the necessary amendment to the audience.

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

**APPROVED MOTION.**

**COMMUNICATIONS**

On Motion by Schreck/ D'Angelo to approve the Raffle Licenses  
St. James Episcopal Church RL 12-10 & 13-10  
ROLL CALL AYES: Cotler, D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: None

**APPROVED MOTION**

**RESOLUTIONS**

Resolution 112 **ADOPTION OF THE 2010 MUNICIPAL BUDGET**  
ON MOTION by Schreck / D'Angelo moved to adoption.  
ROLL CALL AYES: D'Angelo, Engelstad, Galassetti, Schreck  
NAYS: Cotler

**ADOPTED RESOLUTION**

Resolution 113            **AUTHORIZES THE RELEASE OF CASH PERFORMANCE  
GUARANTEE BRADLEY BEACH VILLAGE BLOCK 32 LOTS  
24-26 & 29 PB 2005-B24, 6, 9-4**

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

**ADOPTED RESOLUTION**

Resolution 114            **AUTHORIZATES PAYMENT TO LIENHOLDER, ROYAL  
TAX LIEN SERVICES #09-013/408 MAIN ST.**

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

**ADOPTED RESOLUTION**

Resolution 115            **AUTHORIZES SEWER BILLING FOR BLACK 51 LOT 2.01  
AND BLOCK 51 LOT 2.02**

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

**ADOPTED RESOLUTION**

Resolution 116            **AUTHORIZES THE CANCELLATION OF DELINQUENCIES  
AND/OR OVERPAYMENTS FOR SPECIAL ASSESSMENT**

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

**ADOPTED RESOLUTION**

Resolution 117            **AUTHORIZES VOUCHER WARRANTS ON THE TREASURY  
FOR PAYMENT OF BILLS.**

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

**ADOPTED RESOLUTION**

## **ANNOUNCEMENTS**

The Sons of Italy Festa Italiana will be held Friday, July 30<sup>th</sup>, Saturday, July 31<sup>st</sup> and Sunday August 1<sup>st</sup> at the beachfront. Fireworks Display Saturday, July 31<sup>st</sup> at the Brinley Avenue Beach 9pm.

National Night Out Celebration will be held on Tuesday, August 3<sup>rd</sup> at the Bradley Beach Firehouse 815 Main Street from 6-9pm.

## **REPORTS**

Chief Guida updated Council on the Office of Emergency Management submission of claims for the March storm for damages amounting to approximately \$151,000.00 and stated that he estimates that 75% or \$110,000.00 may be secured minus insurance claims.

The Administrator advised that the Engineer is completing an evaluation for replacement of the solar panels on the municipal building which were damaged during the storm. She also advised that the roof needs to be repaired. Mayor Schreck stated that while the work was well intended when the panels were installed that the location on the municipal office Section of the roof was ill conceived.

Council Cotler proposed that all commissions and departments should submit a bimonthly report to Council of their needs and costs. In addition he suggested that the Council have a quarterly review of the budget stating that the Council needs to be fiduciary astute. Councilman Cotler also proposed a possible spending freeze at over items of \$500.00 and that a strong watch of expenditures should be instituted immediately. He noted that the Borough must look closer to find savings and revenues in light of the rising local taxes and state funding cuts.

Councilman Engelstad a member of the Finance Committee argued that the committee is fiduciarily astute when preparing the municipal budget. He along with the Administrator and Chief Financial Officer went over each line item. Mr. Engelstad added that he did not support micro-managing the departments. He also stated that budget reports will be available at the next meeting.

Mayor Schreck stated that the Borough actually reduced the total budget over that of 2009 but that non-tax (raised) revenue had been diminished.

Council D'Angelo said that the Council is considering beachfront improvements such as kiddie parks, ice cream concession along with other ideas although being cautious on expenditures as a non tax revenue stream.

Councilman Galassetti noted that the departments are aware of budgetary restraints as public works has already had to lay off two seasonal employees.

Council Cotler announced that the Bradley Beach Fire Department is selling 50/50 tickets for a drawing on November 22<sup>nd</sup>. He also announced the National Night Out Celebration is scheduled for August 3, 2010 6-9pm and thanked all the organizations involved.

Councilman D'Angelo

Announced that the dedication ceremony honoring Mayor Schueler, will be held on July 31<sup>st</sup> at 12:30pm by the fountain.

Reported that during a recent tour of the town, most residents do obey local regulations and maintain their homes.

Code/Construction Office discussing future changes in the department.

Councilman Engelstad reported that he checked on the remark that the school gave salary increases. He noted that the employees received small increases but concessions were made during negotiations.

Councilman Galassetti

Reported that the First Aid Squad will have a sub station located on LaReine Avenue at the beachfront to handle emergencies.

Public Works Trash Vehicle is doing a great job but that the Borough may have to purchase more containers to keep up with demands in the future

Asbury Park provided video taping services of sewer lines for the Borough which uncovered infiltration in the sewer lines which must be addressed.

Mayor Schreck

Congratulated the Chamber of Commerce on the success of the Second Annual Lobster Fest  
Announced that the Tourism Commission will have booth at a street fair in New York during September in order to promote tourism in the Borough

## **PUBLIC COMMENT**

Mr. McPherson read in the newspapers about proposed kiddie rides at the beachfront. He stated that twenty years ago after the storm of 1992 (which destroyed most of the beachfront), Borough officials brought the beachfront from a run down area to the gem it is known as today after series of meetings soliciting public input as to what the residents wanted to see at the beach. He asked the Council not to place junk in the area which will require more police and public works services.

Marilyn Rosen asked if there is any way to move the mobi mats to the Second Avenue beach location as she is still collecting monies on behalf of the project. She also asked Council to watch professional costs and keep a watchful eye on the municipal budget.

Mrs. Rosen asked if the Ladies Auxiliary will be permitted to sell their cookbooks at the Gazebo during the remainder of the performances at the Gazebo.

ON MOTION by Schreck/Galassetti to permit the Ladies Auxiliary to sell their Cookbook at the Gazebo during the remainder of the summer season Performances.

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

**APPROVED MOTION.**

Bill Psiuk complained about the musical entertainment which takes place seven nights a week at the Fifth Avenue Gazebo stating that the music just bounces off homes near the gazebo. He added that one of his neighbors currently has their home up for sale and believes it is because of the music adding that people were told there would be only three nights of music and questioned whether the council wants to chase people with properties valued up to several million dollars out of town. Mr. Psiuk noted that the more expensive the home the higher the tax revenue for the town. The Borough scheduled four nights with the Cotler family scheduling the remaining evenings.

Councilman D'Angelo noted that Council gave the children and public a place to go providing free summer music. He questioned what people were thinking when purchasing homes near the beachfront gazebo and added that perhaps people are being snobbish. Mr. Psiuk proposed that the outdoor music and activities such as the lobster fest and upcoming Italian Festival be moved to the north end of town where Mr. D'Angelo resides. Councilman D'Angelo responded that he is supporting the idea of kiddie rides near the north end. Mr. Psiuk reminded everyone that the Council disallowed musical entertainment at Cerrato's Restaurant on Main Street last year because one family complained. Mayor Schreck acknowledged that this is accurate and noted that Ocean Avenue homeowners are disproportionately affected by boardwalk activity and do in fact pay the highest taxes for their homes. The Mayor said that she could ask the performers to lower the volume noting that the family with their home up for sale had called to complain about the music.

Wayne May noted that the boardwalk has always had music seven nights a week since the history of the town. He also noted that there was a casino, penny arcade, rides and a pool in the past for good family entertainment and further discussion continued.

Bill Psiuk suggested to move the music to Riley Park in order to promote the businesses and restaurants.

## **ADJOURNMENT**

ON MOTION            by Schreck / D'Angelo the meeting was adjourned at 7:55 PM.

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Mary Ann Solinski, RMC, CMC  
Municipal Clerk