

July 1, 2019

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on July 1, 2019 at 7:00 pm in the Municipal Building, 83 Bridge Avenue, Bay Head, New Jersey.

Mayor Curtis called the meeting to order, welcomed everyone and asked everyone to stand and join in the Pledge of Allegiance to the Flag.

Mayor Curtis read the following statement:

Ladies and gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. This meeting is listed on an annual schedule of meetings of this Governing Body which was posted on the bulletin board at 83 Bridge Avenue on January 2, 2019 and was published in *The Ocean Star* and the *Asbury Park Press* on January 4, 2019.

The roll was called for attendance. Present were Mayor Curtis and Councilmembers Glass, Barnes, Shaning, Lyons; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney. Absent were Councilmembers Magory and Cornell.

Councilmember Glass moved to approve the regular minutes of June 3, 2019. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Lyons. NAYS: None.

Mayor Curtis called for Resolution 2019-80.

Councilmember Glass offered Resolution 2019-80 appointing Tyler Printz as Full-Time Provisional Police Officer for the Borough of Bay Head Police Department and moved its approval. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Lyons. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis administered the Oath of Office to Tyler Printz.

Chief Hoffman: I would like to thank everyone for this appointment. It has been 30 years since the Police Department has been increased. As everyone knows, times are changing. We appreciate the cooperation of the Police Committee. This addition will allow us to protect you as we should.

Ms. Cipriani: The June 3, 2019 minutes will have to be relisted at the next meeting for approval. The motion requires a majority of the quorum.

Councilmember Barnes introduced Lauren Petraglia, Field Representative Ocean County Health Department who gave a presentation on Insect – Related Diseases and Viruses.

Ms. Petraglia gave a powerpoint presentation and answer questions.

Mayor Curtis and Councilmember Barnes thanked Ms. Petraglia for her presentation.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Glass, Public Safety, read the June report for the Police Department and the Fire Department. A copy of the report is attached to these minutes.

Monthly Fire Safety Tip:

Don't Wait – Check the Date

Make sure your smoke detector is not older than 10 years

Chief Hoffman: There have been a number of car burglaries in a neighboring town. The cars were unlocked. I am happy to say a suspect was interviewed, confessed and is now in the county jail. The girl friend will also be picked up and charged. Please lock your doors both home and cars.

Councilmember Barnes: There is an app which will give you information on break-ins. It is Neighbors by Ring.

Mayor Curtis: I would also like to thank the police for their assistance with bike safety. Sessions have been conducted at the Bay Head School, Bay Head Yacht Club, Mantoloking Yacht Club and BHIA employees which took place today. It is amazing how many children ride without a helmet. We are doing everything that we can to educate them but the parents have to help by enforcing this as well.

Councilmember Lyons: We have lights available here at the Municipal Building and they are free.

Mayor Curtis: Thanks to the MYTH group for donating the bike lights to be given out.

Chief Hoffman: August 6, 2019 from 6 to 9 pm we will participate in National Night Out. This is a community and business event to promote activities in town. If you want to donate or assist please contact the police department. This is our first year to participate and it is not just for safety.

Barry Pearce, 94 Bridge Avenue: On Club/Park north of Bridge has been one way for a number of years. Recently there have been a number of cars going the wrong way. It is a dangerous situation with a number of walkers and children on bikes. Is there something we can do to try and get people to realize it is a one way street?

Chief Hoffman: We have seen some come in off Bridge and then turn around – we catch more doing that than entering off West Lake. We are aware of the issue and stop it when we see it.

Mr. Pearce: Thank you.

Councilmember Barnes, Legal and Planning, had no report.

Councilmember Shaning read the Public Works, Construction, Zoning and Code Enforcement reports for the month of June. A copy of the report is attached to these minutes.

Mayor Curtis: Summer Camp starts Monday, July 8th and will be held at the Bay Head School from 9 am to 12 noon, Monday thru Thursday. It is a wonderful program with a new head counselor this year. Please sign up your children or grandchildren.

Councilmember Lyons, Finance and Technology, had no report.

Christopher Parlow, Borough Administrator:

The Beach Replenishment Project is consuming my life. The last six weeks were spent attending meetings, performing a number of inspections concerning private structure removal, valley issues and work limits. Some ocean front properties have exposed rocks and DEP has a proposal to resolve that issue and has sent a proposal which I will present to the Governing Body in closed session. I want to thank our Public Works Dept. for their work on the access ways. As soon as Agate finished they were right there completing the work on the railings so the access way could be used. Pumping is completed in Bay Head. They are now re-pumping in Point Pleasant Beach. Agate still has some work to do and they will be back in the fall to plant the dune grass. The 4' wide walkways can now be done by the homeowners. We encourage you to do so before Agate comes back to install the fence.

We are working on amending our beach ordinance. There are shortcomings with the installation of platforms. The present ordinance was drafted when DEP wanted the structures elevated. They now want them at grade so our existing ordinance needs to be rewritten. The beachfront owners want platforms on the new dune and are asking that they be grandfathered and also allow a second one on top of the new dune. This request has been discussed because they don't want to remove one to construct another. Today they can't get a permit if they already have one unless the old one is removed. There are also other issues that have to be addressed in the ordinance to make it consistent with CAFRA regulations. Until that happens we are not able to issue permits so this needs to be addressed as soon as possible.

CRS Program: Forerunner will provide us with a software program which will allow us to transition to the new CRS requirements. I would like them to come in and do a presentation if Council permits. They have given us a very financially acceptable offer.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

Request from Mary Correll and Nancy McMahon for permission to close Twilight Road between Lake Avenue and Birch Place on Saturday, August 17th from 3:30 until 10:00 pm for their second annual block party

Request from Sarah Erbe, Bay Head Life for permission to have a Bike Parade on the 4th of July from Sacred Heart Church parking lot to the Bay Head Firehouse

Application for Social Affair from Women's Guild All Saints Church for event to be at the Bay Head Yacht Club on July 25th from 11:30 am to 3 pm

Request from Karla Partilla, 143 Park Avenue for permission to close Park Avenue between West Lake and Holly Avenue on Saturday, July 27th from 5:30 until 10:00 pm for the 6th annual block party

Councilmember Glass moved to approve the request which was seconded by Councilmember Barnes.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Lyons. Nays: None.

Mayor Curtis called for Resolutions – On Consent

Councilmember Barnes offered Resolution 2019-81 appointing Caitlin Puglisi Summer Recreation Program Coordinator.

Councilmember Shaning offered Resolution 2019-82 appointing Costa Demetriades as Seasonal Laborer for the Public Works Department.

Councilmember Lyons offered Resolution 2019-83 amending Resolution 2018-153 providing for payment of Salaries and Compensation of Borough Officials and Employees for 2019.

Councilmember Lyons offered Resolution 2019-84 amending Resolution 2019-21 providing for Salaries and Compensation of the Police Department of the Borough of Bay Head for 2019.

Councilmember Lyons offered Resolution 2019-85 authorizing the Tax Collector to conduct an Electronic Tax Sale on Delinquent Property Taxes.

Councilmember Shaning offered Resolution 2019-86 approval of Grant Application and execute a Grant Agreement with the New Jersey Department of Transportation for the reconstruction of Bayberry Lane, Egbert Street and half of Club Drive.

Councilmember Glass offered Resolution 2019-87 authorizing the purchase of a 2019 Ford F150 for the Bay Head Police Department from Winner Ford under State Contract.

Councilmember Lyons offered Resolution 2019-88 providing for the Insertion of a Special Item of Revenue in the Budget of the Borough of Bay Head pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) – Alcohol Education and Rehabilitation - \$1,336.37.

Councilmember Glass offered Resolution 2019-89 authorizing submission and acceptance of the 2019 Statewide Grant Drive Sober or Get Pulled Over 2019 Labor Day Crackdown.

Councilmember Glass moved to approve the above resolutions be adopted. The motion was seconded by Councilmember Lyons.

Mayor Curtis asked if there were any questions from the public concerning the Resolutions presented.

There being no further comments or questions Mayor Curtis closed the discussion by the public.

The motion passed on roll call vote: YEAS: Glass, Barnes (except for 2019-83 which she didn't vote on), Shaning, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis called for Unfinished Business. There was none.

Mayor Curtis called for New Business, there was none.

Mayor Curtis opened the meeting to the public.

Tony Delduca, 855 Main Avenue: With the dune reconstruction we have flooding in our back yards. I called the Fire Department and Police Department. The town knew it could possible happen – what can we do about it? Will DEP or Army Corps test our back yards? I am concerned with our grandchildren playing in the back yard.

Mayor Curtis: We need to get this to the Army Corps and DEP.

Mr. Parlow: I was informed about the condition possibly happening. I told Council and it was posted to the website. Army Corps has seen this happen with the rise in water table, caused by the volume of water pumped onto the beach. The water table has triggered sump pumps to go on in basements. If you experience this issue notice the Borough and we will pass your concern along to Army Corps and DEP and they will take appropriate action.

Councilmember Lyons: This has happen in other areas – how long does it last?

Mr. Parlow: They say it is temporary. Compounding the issue is that we probably had one of the rainiest Junes on record. Provide your information to myself or the clerk and I will pass it on. I can only notify them of your concerns and issues and ask them to respond accordingly.

Mr. Delduca: I can report that repairs were made to the storm drains last week and so far there is no odor.

Councilmember Barnes: Did you contact the Ocean County Health Department to have them test the water in your back yard?

Mr. Delduca: No.

Betsy Pearce, 94 Bridge Avenue: There use to be a Do Not Enter sign at the end of Park Avenue and West Lake Avenue but it has disappeared.

Mayor Curtis: If we have one, we will put one out.

Lynn Herrington, 657 East Avenue: Dunes – it is unclear what we can and can't do. Will we be able to build a dune deck next year?

Mr. Parlow: Yes, I am hoping as quickly as the next meeting, to have it introduced.

Ms. Herrington: Could we mark the area before they plant the dune grass?

Mr. Parlow: It can be placed on top of the dune grass. We walked the entire ocean front and we staked those opening that were obvious walkways – that is what we staked out.

Ms. Herrington: There is still a machine up on the dune.

Mr. Parlow: I will see that it is removed.

Ms. Herrington: So everything is on hold.

Mr. Parlow: You can prepare to put your walkway in – there are regulations on our website. The platforms are on hold until the ordinance is amended.

Ms. Herrington: Do we have to install fence if we only have the roll out walkway?

Mr. Parlow: Yes, and there is information on the website.

Ms. Parkhurst, 681 East Avenue: I have a problem – I have renters coming and they can't see the water. Can I put something on top of the dune?

Mayor Curtis: No.

Joseph Goryeb, 345 East Avenue: Thank you for looking at the dune ordinance and expediting the changing of the ordinance. The beach replenishment has

changed the dynamics – we are asking for some platform that would sit on the top of the dune.

Mayor Curtis: We are doing everything we can as quickly as we can.

John Younghans, 66 Mount Street: If they only had a roll out on top of the dune – would that be considered a deck?

Mayor Curtis: They can only have a 4' wide walkway.

Mr. Younghans: Traffic concerns on Mount Street – I have four thriving businesses and it is a crazy show. There are 50 to 60 cars in and out on a weekend. I want to thank you and hopefully we will take a load off the Police Department. I am working with Diane to place planters which will beautify the street end. Also please consider less light pollution, less glare to be embraced as we change out the lights in the park.

Peter Doane, 325 Lake Avenue: If homeowners can put platforms on the dune, can the town put a dune platform at the street ends?

Mayor Curtis: We will look into it. That is BHIA property – we end at the platform.

Mayor Curtis: Thank you for the two special events this evening. We will work on issues on the beach.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Lyons. NAYS: None. A list of vouchers is attached to these minutes.

Councilmember Glass offered the following Resolution to go into executive session.

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bay Head, in the County of Ocean, State of New Jersey, as follows:

1. The public shall be excluded from discussions of an actions upon the hereinafter specified subject matter.
2. The following subject involve:
Agreement with DEP concern stockpile sand
3. It is anticipated at this time the above subject matter be made

public in 60 days.

4. This Resolution shall become effective immediately. No action will be taken following the session.

Councilmember Glass moved this resolution be approved. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Lyons. NAYS: None.

The Governing Body went into Executive Session at 8:40 pm. At 9:12 pm the Governing Body came out of Executive Session and resumed the meeting.

Councilmember Lyons: Maybe we should consider a special meeting to help move up the time line on the dune platforms.

Ms. Cipriani: A special meeting can be scheduled once you have an ordinance ready for first reading. I will send a sample ordinance used by other towns.

Mayor Curtis: We already have two meetings scheduled in August.

Councilmember Glass moved to adjourn the meeting. The motion was seconded by Councilmember Lyons and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor