

August 19, 2019

The regular non voter taxpayer meeting of the Mayor and Council of the Borough of Bay Head was held on August 19, 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 Barnes, Shaning, Magory, Cornell, Lyons; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney. Councilmember Glass was absent.

Councilmember Magory moved to approve the regular minutes of August 5, 2019. The motion was seconded by Councilmember Lyons and passed on roll call vote. YEAS: Shaning, Magory, Cornell, Lyons. NOT VOTING: Barnes. NAYS: None.

Mayor Curtis introduced the following:

Kelley Mickle, Secretary to the Police Dept. and OEM Director
Chief William Hoffman, Bay Head Police
Harry Roon, Code Enforcement Officer
Adam Curtis, Public Works Dept.
Tom Gage, President of BHIA

Mayor Curtis called for Reports of Standing Committees.

Councilmember Barnes, Legal and Planning: I am Chairman of Legal and Planning. Basically I spearhead ordinances, resolutions, contracts working with our Borough Attorney and Borough Administrator. I also serve on the Public Services and Parks, Grounds and Recreation Committees. If you have any questions please give me a call.

Councilmember Shaning, Public Services: Public Services also includes construction, zoning and code enforcement. I also serve on Public Safety and Public Works Committees and Council representative to the Planning Board. I have also become good at handling garbage complaints.

Councilmember Magory, Public Works: I am Chairman working with Councilmembers Cornell and Shaning. Public Works jobs include grass cutting, street cleaning, maintenance of buildings and equipment, snow plowing, etc. I

submit grants. Recently we just completed sidewalks on Osborne Avenue with the help of Bob Hein, which was done by a grant. We receive grants to repave streets – and over the years, we have repaved most of the streets in town.

Councilmember Cornell, Parks, Grounds and Recreation: I am serving my first term having been elected last November. I work with the Environmental Commission, Beautification Committee and also sit on the Public Works and Finance & Technology Committees.

Councilmember Lyons, Finance and Technology: I am Chair and work with Councilmembers Magory and Cornell. I would like to introduce Bill Antonides our CFO who will give us a summary of the finances for the Borough.

Mr. Antonides: 26 cents of your tax dollar goes to the Borough, 26 cents to the School and the balance goes to the County. We are required by statute to collect for the school and county. The Borough portion covers police, public works, fire department, insurance, trash collection, utilities, and pensions. The biggest increase to our 2019 Budget was for liability insurance - \$9,815.00 (24.81%), OCUA bill of \$169,400.00 (42.78%) and pensions of \$66,831.00 (23.54%). The 2019 increase in the municipal rate was 9/10 of a cent. The school was up 2/10 of a cent and the county was down 4/10 of a cent. The new building: we will have paid off at least \$2,046,000 of the \$3,000,000 or 68% by year end and project to pay off the new building by 2024. This fall you will have the ability to have automatic ACH payments for taxes and sewer at no charge. You will sign up and then automatically your payments will be taken from your bank account.

Councilmember Lyons: We purchased a new pick up and a new dump truck and will also be purchasing a car for administrative use. Concerning IT – a lot of work and additions have been added to our website – GovPilot, Report a Concern, paying of taxes and sewer payments by credit card. We are in a Shared Service Agreement with Freehold Township for IT services. They will be doing an audit in September to see if there are any ways to improve our system to protect us. All employees have had training as to computer use and what to look out for.

Mayor Curtis: We were very fortunate to get Chris Parlow as our Borough Administrator. He was with Lavallette a number of years and is very familiar with all the changing law and dealings with the State. We are very happy to have him.

Christopher Parlow, Borough Administrator: I am part-time and have a hand in a little of everything. I attend committee meetings. I am CRS Coordinator which is responsible for the discount you receive, if you carry flood insurance. I am Safety Coordinator and a member of the Planning Board.

Ms. Jean Cipriani, Borough Attorney: I have been with the Borough for eleven years working with Jen and Chris on ordinances, resolutions and contract. I give general advice and enjoy working for the Borough very much.

Mayor Curtis thanked Ms. Applegate, Borough Clerk for her service to the Borough.

Kelley Mickle, Police Department: We have signup sheets available for the following programs:

Emergency Contact List

Request for House Watch

Alarms systems in residence or business

Firearms applications can be done online – <https://njportal.com/NJSP/FARS>

Mayor Curtis: We also have a do not knock ordinance. If you don't want to be bothered you can sign up at the Police Department and your name will be added to the list and given to all those organizations that are soliciting in Bay Head.

Councilmember Lyons: Also a reminder that you can register to receive all Borough Alerts on the website.

Chief Hoffman: Please register with us if you have cameras. We can sometimes use them to make arrests. Also my door is always open if you have any concerns or questions.

Mayor Curtis: Our police force does an outstanding job – every month not just in the summer. Thanks to you and all the officers.

Adam Curtis, Public Works: The recycle center is not policed all the time so make sure you place your items in the proper bin. We do not recycle ice cups, playa bowl containers or dog waste.

Councilmember Magory: We have a very small staff – only three and they do an outstanding job. They clean the building, cut the grass, do the weeding, sweep the streets – they are doing a lot more with less.

Mayor Curtis called for Resolutions – On Consent

Councilmember Shaning offered Resolution 2019-104 appointing Class II Special Law Enforcement Officers for the Borough of Bay Head and authorizing attendance at Ocean County Police Academy.

Councilmember Cornell offered Resolution 2019-105 awarding a contract to Therapeutic Fitness, LLC for the provision of Fitness Activities for the Bay Head Summer Recreation Program in association with Mayor's Wellness.

Councilmember Shaning offered Resolution 2019-106 appointing Justin McLaughlin as Part-Time Police Officer.

Councilmember Barnes offered Resolution 2019-107 adopting a "Controlled Substance and Alcohol Use and Testing Policy" for all employees required to maintain a CDL License in compliance with 49 CFR Part 40 Regulations of the U.S. Department of Transportation Procedures and Urine Specimen Collection Guidelines, Office of Drug and Alcohol Policy and Compliance, U.S. Department of Transportation.

Councilmember Magory offered Resolution 2019-108 authorizing the Sale of Surplus Property no longer needed for Public Use via Internet Auction Website – 2010 Chevy Tahoe.

Councilmember Cornell moved to approve the above resolutions be adopted. The motion was seconded by Councilmember Barnes.

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: Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis called for Ordinance, Second Reading, Public Discussion and Vote.

Councilmember Lyons offered Ordinance 2019-13 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE LAKE AVENUE ROADWAY AND DRAINAGE RECONSTRUCTION INCLUDING RELATED EXPENSES IN AND FOR THE BOROUGH OF BAY HEAD AND APPROPRIATING \$580,000 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$185,000 IN BONDS OR NOTES OF THE BOROUGH OF BAY HEAD TO FINANCE THE SAME

Councilmember Lyons moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Magory.

Mayor Curtis opened the meeting to the public for a hearing on this ordinance.

There being no questions or comments the public hearing was closed.

The motion passed on roll call vote. YEAS: Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Unfinished Business.

Councilmember Barnes: I have had discussions with residents of Osborne, Bridge and Lake concerning flooding. We are trying to figure out a solution. If you have a solution please see me.

The Dune Ordinance – We had to amend our existing ordinance to comply with DEP and State requirements. I would like to thank Chris for all his work on this. I understand there are concerns and we welcome an opportunity to sit down with those who have concerns. I would like to meet with you.

Ms. Cipriani: We have received several questions from several groups and I will provide a written response to the Council which hopefully will address your concerns to everyone satisfaction.

Mayor Curtis called for New Business, there was none.

Mayor Curtis opened the meeting to the public.

Mayor Curtis: We are not going to debate the dune ordinance tonight. The public hearing is scheduled for Monday, September 9, 2019 at 7 pm. If you have comments we will take them. But we would prefer that you put them in writing. They will be passed along to our Borough Attorney and will be discussed before September 9th.

Bob Hein, 203 and 204 East Avenue: I came tonight to discuss the dune ordinance. This came on pretty quickly. I feel there should be an open public discussion on something this big. I would suggest putting it off and setting up a meeting to discuss.

Sherrie Urner, 42 Mount Street: Tell us about the plans for the water tower.

Mayor Curtis: I wish we knew. I can say NJAW has noticed the cell companies they have a year to get off the tower.

Mr. Parlow: I have been told that the water tower will come down – it will be decommissioned but I was not given a time line as to when that will happen. They say there will be adequate service to the residents without the tower. They do not require permission from the Environmental Protection Agency or the Board of Public Utilities. No state permits are needed to decommission. They are doing this for management reasons.

Ms. Urner: Will they possibly erect an antenna tower?

Mr. Parlow: Yes that is a possibility. The town needs the cell companies to provide cell service.

Ms. Urner: Revenue from the cell towers would be nice for the Borough.

Councilmember Barnes: Further down the line we will open up discussion as to where they should go. People are always concerned with health issues.

Mayor Curtis: We have a lot of wetlands where it can't go. The water company has no intention of selling their property. They haven't been very responsive. Our main concern is would there be enough water pressure – they say they will be ok.

Regina Calcagno, 301 East Avenue: I have sent previous emails about the dangerous situation across my private beach access. I just want DEP going on record. I haven't received any notification and my deed has been transferred.

Chris Dombalis, 452 Lake Avenue: Do those cell companies have in the deed that they have access to this property?

Ms. Cipriani: The lease is between NJAW Company and the cell companies.

Mr. Dombalis: That is the problem we are facing up north.

Ms. Cipriani: If there is a gap in coverage I believe they have an entitlement to put up a tower. Bay Head doesn't own the property.

Allen Tyson, 212 East Avenue: We have owned and maintained our property for over 100 years. Our lot on the ocean is undeveloped since the hurricane in the 60's. We are very concerned that this ordinance will force costs on us. We would like an open and detailed conversation on the topic.

Owen Lynch, 747 East Avenue: Who will aggregate the questions that come in and answer? It should be a complete transparency.

Ms. Cipriani: I will answer the questions.

Mr. Lynch: How many full time residents versus non voting residents are there?

Mayor Curtis: We have 1,000 homes – I would say 60 – 40.

Tom Coughlin, 190 Osborne Avenue: The sign that displays the speed placed on Bridge Avenue – could one also be placed on Osborne?

Chief Hoffman: The one on Bridge Avenue was installed by the county. It is in their hands but we continue to try to have them install one on Bay and Osborne.

Mr. Coughlin: Does the town negotiate for internet/tv service? I am primary resident in New York and pay much less there.

Ms. Cipriani: The problem is to get other providers to come in. The Comcast contract agreement is coming up but our powers are limited.

Saundra Cortese, 669 East Avenue: You have stated you will not discuss the ocean front ordinance tonight – what will happen on September 9th?

Mayor Curtis: Ordinance 2019-14 was introduced on 8-5-19. It was sent to the Planning Board who has 35 days to review and respond. The next regular meeting will be September 9th – so that is why it is scheduled for public hearing on the 9th.

Ms. Cortese: Can there be a meeting prior to 9-9-19?

Mayor Curtis: It could be pulled on the 9th for further discussion. We will let you know.

Paul Ames, 46 Osborne Avenue: I asked at the last meeting where the waves had gone. My family has been coming to Bay Head since 1923 and I will keep coming back but there are those who won't. No one can surf here. Was this ever discussed with the Army Corps of Engineers? Please look into it. Is there an

update as to the parking situation? Does Charlie's pay anything for parking in the municipal parking lot?

Councilmember Cornell: The front part of the municipal parking lot is limited to 2 hour parking – the back is unlimited. Charlie's employees as well as other businesses park in the back lot.

Mr. Ames: What is the specific of the valet service of Charlie's using the municipal lot?

Councilmember Cornell: The valet parking for Charlie's is the lot off Lake Avenue, which is their property.

Mr. Ames: The flood on Osborne Avenue – is Point Pleasant Beach still pumping from Lake of the Lilies to Twilight Lake?

Councilmember Magory: All of the water goes to the ocean – that pipe doesn't function any longer.

Tom Gage, President of BHIA, 49 Twilight Road: We were warned about the lack of waves with the shore break. We have had a yellow flag up most of the summer. Normally the waves are back in 3 to 4 months. Mantoloking has their surf back.

Barbara Denihan, 845 East Avenue: Has anyone else been affected by the pumping by Army Corps? I had 15 sink holes and flooding in my basement. Our insurance companies are rejecting our claim. Why weren't we given a heads up?

Mayor Curtis: There were more than you – especially on the east side of Main Avenue. We did also have heavy rains in June.

Ms. Denihan: I am looking as how to proceed from here.

Mr. Parlow: They did mention this to us in the preconstruction meeting. We were told it would be temporary. We placed this information on our website. I have been noticed by 4 or 5 other residents about water in their basements. These concerns have been transmitted to Army Corps and Weeks Marine so they can handle it with their risk management company. Rain fall recorded in 2018/2019 have been the heaviest since records have been kept.

Ms. Denihan: I did report this – Weeks Marine rejected the claim.

Ms. Urner: Can you explain what the noise ordinance is – what kind of measurements?

Ms. Cipriani: It is a general noise ordinance. It is not based on decibel level but reasonable standard for enforcement. It is subjective to some degree – always ends up reasonable.

Councilmember Barnes: You can access the Borough Code by going to www.generalcode.com – New Jersey – Bay Head.

Chief Hoffman: I am familiar with the commercial fan in the Urner's neighborhood. It is a commercial use approved by the Planning Board. If we are called to a loud party, we arrive and tell them to move it inside. If we sit on Mount Street to hear the fan and say it is too loud is beyond the police department ordinance enforcement.

Ms. Cipriani: Have you obtained private counsel?

Ricardo Mestress, 507 East Avenue: Is the State Aid Agreement and the BHIA Agreement signed and if so where can I find it?

Mayor Curtis: Yes they are both signed. You can obtain a copy from the Clerk.

Councilmember Barnes: We can post everything together on our website.

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

Mayor Curtis thanked everyone for their attendance, he then adjourned the meeting.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor