

August 6, 2018

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on August 6, 2018 at 7:00 pm in the Municipal Building, 83 Bridge Avenue, Bay Head, New Jersey.

Mayor Curtis called the meeting to order and welcomed everyone, he then 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 3, 2018 and was published in *The Ocean Star* on January 12, 2018 and the *Asbury Park Press* on January 11, 2018.

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

Councilmember Glass moved to approve the regular and executive minutes of July 2, 2018. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Hein, Barnes, Magory, Glass, Cornell, Lyons. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Hein, Public Services, read the Construction Official and Zoning Reports for the month of July. Copies of the reports are attached to these minutes.

Electric Co-Op Update: When we join the Co-Op we were guaranteed a savings below JCP&L rates and if not we would roll back to JCP&L. I was called a week or so ago by a resident stating the rate she was charged by IDT was higher than the JCP&L rate. She was correct. IDT has only one rate. JCP&L has two rates – the JCP&L summer rate, if you use less than 600kw is lower than IDT. If you use more than 600kw the IDT rate is lower than JCP&L. I brought this to the attention of the Co-Op we belong to and was told 200 residents that used below 600kw and they would receive a credit on their October or November bill. They will go out for bids in October. We are still getting what we were promised.

Councilmember Barnes, Legal and Planning: We have had a couple of meetings concerning potential litigation which we can't discuss at this time. I will discuss the noise ordinance later under unfinished business.

Councilmember Glass, Public Safety, read the Police and Fire Department report for the month of July. Copies of the reports are attached to these minutes.

Fire Department – Tip of the Month:

WHAT TO DO WITH HOT ASHES AND COALS

To properly dispose of ashes or coals we recommend the following:

If possible, allow ashes and coals to cool in the area where you had the fire for several days. These devices are designed to contain their heat safely.

When it is time to dispose of the ashes, transfer them to a metal container and wet them down.

Keep the metal container outside your home and away from any combustibles until the refuse is hauled away.

DO NOT place any other combustibles in the metal container.

DO NOT use a combustible container.

Chief Hoffman: Safety signs have been installed on Bridge Avenue. Speed was checked for nine days in April and the average speed was 31 mph. 40,597 cars passed and 85% were going less than 35 mph and 95% were going less than 38 mph. We checked again for nine days in July, after the safety signs were installed and found the average speed was 26 mph. 58,945 cars passed and 85% were going less than 30 mph and 95% were going less than 32 mph.

We also checked speed on Lake Avenue in April for nine days and found the average speed was 31 mph. 40,597 cars passed and 85% were going less than 35 mph and 95% were going less than 38 mph.

Councilmember Lyon: Does it record the time?

Chief Hoffman: Yes, but those speeding was spread out. We are enforcing speeding – we are up 500 tickets issued this year over last year.

Mayor Curtis: Bridge Avenue is a county road and they were put up by the County at no cost to us. They run about \$5,000 each.

Councilmember Magory, Public Works, read the attached Public Works Report for the month of July.

Construction on the wall in Centennial Park is complete. We will also be working on the north side of the Park in the fall.

The Osborne Avenue Sidewalk Project survey will be completed soon. That project is scheduled for the spring of 2019.

Bob and I toured all the streets this morning. I feel we have done a marvelous job over the last five years obtaining grants for the work that has been done.

I would like to get feedback from Council concerning a sidewalk

being installed along the west and north side of Twilight Lake (along the west side of Lake Avenue and the south side of Twilight Road. I would like your comments before moving forward with this item.

Councilmember Glass: I live on Twilight Road. A sidewalk on the west side of Lake Avenue would be very helpful – people presently walk in the street. It is not a problem off season but in the summer it would be beneficial. What is the problem with the manhole cover on Lake an Osborne?

Councilmember Cornell: I am not for the sidewalk on the west side of Lake Avenue. In the winter the sidewalks aren't cleared so the only safe place to walk in on the side of the lake. People also walk their dogs there. If we install a sidewalk, we will have to plow it in the winter – it will become a maintenance issue. I also feel it will take away from the beauty. I don't understand putting more concrete down. We do need a sidewalk on the north side of the lake.

Councilmember Lyons: I am not sure why we want to put more impervious surface right next to the lake.

Councilmember Magory: It might help raise the sides and help with the flooding.

Councilmember Barnes: I am always in favor if it involves safety. I am always worried about liability. I am in favor of putting the sidewalk there.

Councilmember Magory: I would also like to thank the Fire Chief and fireman who helped us make sure we are as good a neighbor as possible. We painted the backside of the lights so they don't shine into the neighbors property. We also put tape around the top. The firemen brought over their ladder truck in helping with this. They helped the town and we greatly appreciate it.

Councilmember Hein: The manhole at the corner of Osborne and Lake – it was connected to a storm water drain but the County cut it. We have a potential solution but it must be dry to get down in it. I have talked to Verizon, public works and the County. I have been working on this for two years.

Councilmember Cornell, Parks, Grounds and Recreation: Twilight Lake Paddle was held last night and will continue on the 1st Sunday of September and October.

The Mayor's Walk was held on July 25th with a tour of the restaurants on Bridge Avenue. A second Mayor's Walk is scheduled for August 22nd to tour Theresa's South, Burke's Market/Candy Cabana, Noon Design Shop and the Grenville Hotel & Restaurant. We will meet at Theresa's South at 4 pm.

The Recreation Program will finish up this Thursday. It seems a great time was had by all. We will look to extend it to six weeks next year. I would like to thank All Saints Church for allowing us to use their facilities this year.

The Environmental Commission and the BHFD will host the first Bay

Head Kids Crabbing Contest on Saturday, August 18th from 2 to 3 pm.
You can sign up at the Clam Bake and admission is free to the contest with paid admission to the Bay Head Clam Bake.

Councilmember Lyons, Finance and Technology: I do not have a technology report. But as to Finance – Hopefully everyone received their 2018/2019 tax bill. The grace period is being extended to September 4th. If your bill is not paid by September 4th the interest will be calculated back to August 1st. You can also pay on line. Fees do apply. I received a call from the town south of us questioning who designed our website because they like it. It is nice to have something people want to copy.

Christopher Parlow, Borough Administrator: We are still without a Code Enforcement Officer. We have had a couple of interviews and we are still receiving applications. We recently had help from our prior Code Enforcement Officer to conduct some inspections. For those of you who have utilized the Report of Concern concerning Code Enforcement issues – I am trying to handle some but others are being held until the new hire is on board.

We will be discussing backlog issues concerning inspections, in our Construction Department in executive session this evening.

Beach replenishment web site as to the start date in Bay Head is now listed as sometime in the fall or winter. You won't see it this summer. We will be attending another meeting with DEP tomorrow.

Councilmember Barnes is working on the Personnel Policy concerning updates required by JIF for our renewal to be complete by October 1, 2018.

I attended a couple of meetings with Point Pleasant Beach and Point Pleasant concerning DEP Flood Resiliency Grant. It requires three towns to submit together that were impacted by Sandy. We have submitted an application which shows municipal needs. The projects will not be identified until the grant is received. Point Pleasant Beach submitted the grant for us and Point Borough.

Mayor Curtis: I would like to remind everyone that there will be a second meeting in August for our annual Non Voter Taxpayer Meeting. It will be held on Monday, August 20th at 7 pm. Various departments will give a talk as to what they do.

Mr. Parlow: The Army Corp will be holding two public meetings concerning back bay flooding in the Barnegat Bay. Information is posted on the Borough website. The closest public meeting will be held at Ocean County College Gateway Building – Lot 1, College Drive, Toms River on September 13, 2018 from 6 to 8 pm

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following:

Request from Point Pleasant First Aid Emergency Squad to change the date for the coin toss from August 18th to August 25th

Request from Tom Gage, President of the BHIA for permission to use the Courtroom in Borough Hall on August 29, 2018 from 7 to 9 pm for their annual meeting

Request from Andrea Booth for permission to close Cranberry Avenue from West Lake Avenue to Holly Avenue on Saturday, September 1st from 5:30 to 9:30 pm for their annual block party

Request from Ma Deuce Deuce a nonprofit local veteran's organization for a 22 kilometer walk fundraiser to go through a portion of Bay Head on September 22, 2018

Request from Jersey Shore Relay to benefit Special Olympics for permission to run through Bay Head on Saturday, April 6, 2019

Request from Point Pleasant Beach High School PTO to have Bay Head residents participate in their Town Wide Garage Sale on Saturday, October 13, with rain date of Sunday, October 14, 2018

Councilmember Glass moved to approve the request which was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. Nays: None. Councilmember Lyons abstained on the block party request.

Mayor Curtis called for Resolutions.

Councilmember Magory offered Resolution 2018- 109 approving a Change Order in the amount of \$1,082.25 for a Decrease in the Contract executed with Johnson Baran Corp. for Public Works Parking Lot reconstruction.

Councilmember Lyons offered Resolution 2018-110 extending the Grace Period for Payment of the Third Quarter Property Taxes.

Councilmember Lyons offered Resolution 2018-111 authorizing the return of a Street Opening Performance Bond for Street Opening permit in the amount of \$690.00 for 420 Lake Avenue, Block 25, Lot 8.

Councilmember Barnes offered Resolution 2018-112 authorizing the execution of a Shared Services Agreement between the Borough of Bay Head and Bay Head Board of Education for a School Resource Officer.

Councilmember Magory offered Resolution 2018-113 authorizing the Sale of Surplus Property no longer needed for public use VIA internet auction website – 2006 Chevy ½ ton Pickup Truck.

Councilmember Lyons offered Resolution 2018-114 Cancel Sewer Billing.

Councilmember Cornell offered Resolution 2018-115 awarding a Professional Services Contract to Remington & Vernick Engineers to provide Engineering Services to prepare and submit a Barnegat Bay Watershed Water Quality Restoration Grant Application.

Councilmember Glass moved 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 were none.

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

The motion passed on roll call vote: YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis called for Unfinished Business.

Councilmember Barnes: Noise Ordinance concerning contractor hours. Three options have been provided by Chris Parlow after review and discussion. I would like to thank him very much for his work on this matter. All options will have the liability go to the property owner. The options are as follows:

- A. Liability to the property owners –
Tuesday following Labor Day until June 14 – 8 am to 6 pm Monday through Friday / 9 am to 1 pm Saturdays / no work on Sunday
June 15 to Labor Day – 8 am to 6 pm Monday through Friday
No Saturdays or Sundays
- B. Liability to the property owners –
Year round work – 8 am to 6 pm Monday through Friday
No work on Saturday or Sunday
- C. Liability to the property owners –
Year round work – 8 am to 6 pm Monday through Saturday
No work on Sunday

Councilmember Barnes: I am looking for feedback.

Mayor Curtis: We hope to have a proposal for the August 20th meeting.

Chief Hoffman: The main thing that we feel is very much needed is that the liability is on the property owners. My guys have been to a property three different Saturdays and spoke to three different subcontracts who say they weren't made aware by the general contractor that they couldn't work. We have a warning sheet but we don't see repeat offenders. We also would prefer no Saturdays instead of allowing 9 to 1.

Mayor Curtis: This would apply to all ordinances not just the noise ordinance.

Councilmember Lyons: A lot of us up here agree with your reasoning. The buck stops with the homeowner. This discussion has been going on multiple years. I feel the year rounds get punished by allowing work in the off season. Contractors have Monday thru Friday that should be enough. We need to preserve the quality of life in Bay Head all year round.

Mayor Curtis: I would like to open the discussion to the public for your questions and concerns on this item.

Chief Hoffman: The ordinance right now allows Monday thru Friday 8 am to 6 pm – that is 50 hours. If Saturdays work is allowed my officers become babysitters. They have to check in the morning that they don't start and that they stop by 1 pm.

Dennis Shaning, 542 East Avenue: I agree with Councilmember Lyons. Off season work on Saturdays discriminates against the all year round residents. I live on East Avenue and a lot of work is being done. What is the penalty?

Chief Hoffman: \$275.00 for 1st offense. It can go up as high as \$1,000.00 if it requires a court appearance.

Councilmember Cornell: I am for Monday through Friday only year round. Traffic is an issue and there is never just one contractor when work is going on – plumbers, electricians, builders, masons. If there is an emergency they can always request permission to work on Saturday.

Bill Meakem, 66 Howe Street: I support Monday thru Friday all year round.

Councilmember Hein: This is the third summer working on this. I sounds like it is going to work this time. I have always agreed to have Monday thru Friday and no work on Saturday – same for summer and year round residents.

Councilmember Magory: What if a construction vehicle shows up to a home just to meet with the homeowner. Is that allowed as long as there is no work? Saturday is the only time some can meet with contractors.

Mayor Curtis: A summons will be issued if they are working.

Chief Hoffman: This is amending the noise ordinance.

Councilmember Barnes: What if a painter is working on Saturday – there is no noise. This change is not for all commercial activity.

Councilmember Hein: No contractors – noise it not an issue because they can't work on Saturday.

Councilmember Barnes: If you ban all contractors – there will be more calls to allow emergency work.

After discussion Councilmember Hein moved to draft an amendment to the noise ordinance allowing work to occur Monday thru Friday from 8 am to 6 pm year round with the liability going to the homeowners. The motion was seconded by Councilmember Lyons.

Gina Davis, 380 Western Avenue: I agree to no work on Saturday or Sunday. But the liability should fall to the general contractor.

The motion passed on roll call vote: YEAS: Hein, Glass, Cornell, Lyons. NAYS: Barnes, Magory.

Mayor Curtis called for New Business. There was none.

Mayor Curtis opened the meeting to the public.

Joanne Pehlivanian, 332 Western Avenue: Bicycle helmets – if a child is under 17 the law requires them to wear a helmet. Isn't there a fine attached to that? My grandson was punished, by me, for not wearing his. I also would like to thank the police for giving ice cream gift certificates to the children that do wear them. People come down for the summer maybe from a state that doesn't have the same laws – how do we enforce this safety issue?

Chief Hoffman: To enforce and issue a summons we must first stop the child, call the parents who are the ones who would receive the summons – 1st offense is a \$25.00 fine. Education starts at home – we even see parents riding with the kids who aren't wearing helmets. We have helmets and lights that we give out. It all goes back to the parents.

Gail Kerr, 71 Goetze Street: There were 4 or 5 contractor trucks at the corner of Johnson and Clayton recently. This is a huge problem with bicycles and traffic on that corner. I don't see how trucks that size are allowed to park there even with working being done.

Councilmember Hein: Let me poke into the helmet issue to get some ideas. This is a state law and certainly a safety issue.

Ms. Pehlivanian: Within the information recently received from the town, was information as to wearing a helmet but it didn't mention a penalty.

Mr. Meakem: On June 4 I spoke about the bright lights of this property. Brian and Chief came to my house after that meeting. I understand an attempt was taken to correct this matter but I have not been part of the process. Mayor gave me specs of the lights. I am willing to pay for this to be rectified. I plan to come back in September. I have also voiced concern about a shield for the generator. I understand you as Mayor and Council have an awful lot to do. I have the time and I am willing to contribute. Having other opinions are good. What is the status of the shield?

Mayor Curtis: Chris could you inform Mr. Meakem where the shield stands?

Mr. Parlow: I have a contractor coming out tomorrow to take a look at it. This is for a 10' high fence. I was told it is critical to block the generator from view and the only way to block it is with a fence.

Mr. Meakem: I would like to see a visual before we sign off. I would like to help with the process.

Gina Davis, 380 Western Avenue: Thank you for the public bathrooms. Have you been in there after a rain? It is totally flooded.

Councilmember Magory: Unfortunately people throw things down the toilet. This particular issue was a ton of paper – the toilets were backed up on both sides. It has become more vandalism. The rain doesn't come in but we do have issues.

George Adesso, Ma Deuce Deuce: I am here tonight representing Ma Deuce Deuce. I would like to thank you for your approval. I would also like to invite you to join us on September 22.

Mayor Curtis: Please mark your calendars for the Non Voter Taxpayer Meeting on August 20th.

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

Councilmember Glass offered the following Resolution to go into Executive Session.

RESOLUTION OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY,
NEW JERSEY EXCLUDING THE GENERAL PUBLIC FROM A MEETING
PURSUANT TO THE OPEN PUBLIC MEETINGS ACT

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, this 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 discussion of an actions upon the hereinafter specified subject matter.
2. The following subject involve:
State Aid Agreement concerning Beach Replenishment Program
Personnel

3. It is anticipated at this time the above stated subject matters will be made public within 60 days.
4. This Resolution shall become effective immediately.
5. Action may be taken after the Executive Session

The motion was seconded by Councilmember Cornell and passed on roll call vote: YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None.

The Governing Body went into Executive Session at 8:43 pm. At 9:14 pm the Governing Body came out of Executive Session and resumed the meeting.

Councilmember Hein offered Resolution 2018-116 authorizing the execution of an Employment Agreement with Todd J. Morgano, Part-Time Construction Official, Building Subcode Official and Building Inspector HHS and moved its adoption. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Hein offered Resolution 2018-117 amending Resolution 2017-121 providing for Salaries and Compensation of Borough Officials and Employees for 2018 and moved its adoption. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None. A copy of the resolution is attached to these minutes.

There being no further business Councilmember Hein moved to adjourn. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor