

February 11, 2019

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on February 11, 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 a 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, Magory- by phone, Cornell, Lyons; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney.

Councilmember Glass moved to approve the regular minutes of January 1, 2019. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None.

Mayor Curtis: Today is Councilmember Lyons's birthday – Happy Birthday.

Mayor Curtis called for Reports of Standing Committees.

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

Chief Hoffman would also like to remind everyone to contact the Police Department if you are going to be away or do not live in town year round. You can also leave a key which will allow them to access your home in an emergency. There have been some frozen pipes and the quicker they are resolved the better.

In case of snow, please don't park on the street. Cars need to be off the streets for the plows to clear them.

Councilmember Glass read the December and January report for the Fire Department. A copy of the report is attached to these minutes.

Monthly Fire Safety Tip:

With the winter snowfall season upon us, the fire department would like to remind all homeowners and business owners to shovel out any fire hydrants in front of their properties within 24 hours.

Councilmember Barnes, Legal and Planning: We have been busy over the past month – we are always looking at the code covering items that need to be revised. We are presently looking at the existing codes for signs, rental properties and utilization of public land. Some coastal towns have no wake zones in areas prone to flooding to minimize speed which causes water to be pushed onto properties causing damage. We are looking for input from residents as to this concern.

Mayor Curtis: Residents on Osborne, Lake and Bridge are up in arms with the speeders throwing additional water onto their properties and residents. They report pick-up trucks as being the major culprits.

Chief Hoffman: It would be difficult to enforce – what would be the depth of water to create the wake – 6 inches?

Councilmember Barnes: We realize it is not an easy fix.

Chief Hoffman: The easiest is to do the best we can with the regulations we presently have on the books. Larry is trying to have the barrels the county puts out on Bridge Avenue stored at public works so we can get them out as soon as possible. The barrels at least slow them down to one lane.

Councilmember Shaning, Public Services, read the Construction Official, Code Enforcement and Zoning Reports for the month of January. Copies of the reports are attached to these minutes.

The Morris Area Energy Cooperative has completed the 30 day opt out period. If you didn't opt out your first meter read after March 1, 2019 will be with the new bidder IDT. Residents can opt in and out of the program at any time during the term of the program without any penalties or fees and those requests will be processed with 1-2 meter read cycles.

Councilmember Magory, Public Works, read the Public Works Report for the month of January. A copy of the report is attached to these minutes.

The Osborne Avenue sidewalk plan has been submitted to the State for approval.

Mayor Curtis: Verizon has been working on the corner of Osborne and Lake and for the last three days there hasn't been any water sitting there.

Councilmember Magory: That is very good news – hopefully it will continue. They have been working on that for quite a while.

Councilmember Lyons: The hours to access the Recycle Center were reduced for the month of January and February – has it been positive or negative?

Councilmember Magory: Very positive – we are also saving on hours we have to pay.

Councilmember Cornell, Parks, Grounds and Recreation: This being the middle of the winter, not a lot is going on.

Summer Recreation: We have begun planning for this summer program. We are hoping to be back at the school this summer and so far all workers will be returning.

Centennial Park: The work done on the drainage is working. Work will continue on the two walls to keep water out. A resolution will be offered tonight to complete the work on the playground.

Environmental Commission: They continue working on Twilight Lake and are still waiting to hear about the grant they applied for. They are also looking into using dogs to scare the geese away. Heather Robertson is working on that with me.

Environmental Commission Monthly Tip:

With the coldest days upon us, our heating bill and energy we use to heat our homes at this time of year can be significant. Using a programmable thermostat you can set back the nighttime temperature of your house back a few degrees while you sleep and then raise the temperature as you wake to save on your energy use. The same can be done when you are out of the house for the day. Weather-stripping any leaky doors or windows will also create a savings. Stay warm and Happy Year from the Bay Head Environmental Commission.

Councilmember Lyons, Finance and Technology.

Technology: We are using the website to get more information out to you, so please continue to look for updates and information. Last Thursday, we posted notification from JCP&L that their lines were being inspected by drones. In the past they have used lowing flying helicopters.

Finance: The Finance Committee met and are reviewing items for the 2019 Budget. Pension and health costs are up. Since we have no control over these costs, we are looking to cut some areas to cover those rising costs. We continue to meet to crunch those numbers. Hopefully we can introduce our budget as soon as the state allows.

Christopher Parlow, Borough Administrator:

Correspondence was received from a resident from Main Avenue who abuts the railroad property that runs along Clayton Avenue. He is asking the town if we could work with him to purchase from the state the property. I would like to know if you wish for me and the Borough Attorney to work on this? We don't own the property but we do have a Jurisdictional Agreement. He contacted the state and they have shown a willingness to consider his request but with the Jurisdictional Agreement he would need the approval of Bay Head.

Mayor Curtis: I feel this would be an all or nothing proposition. I believe there are about twenty properties that back up to this property.

Mr. Parlow: With your permission I would like to explore that possibility.

Mayor Curtis: I think you should look into it.

Councilmember Lyons: To have information is good.

Councilmember Shaning: I feel it would be a benefit to the residents.

Councilmember Glass: This has come up before – it is just a different homeowner saying the same thing. I also feel it should be all or nothing. Quite a few have already developed the property as their own.

Councilmember Cornell: Did we know we have the Jurisdiction Agreement?

Mr. Parlow: Yes.

Mr. Parlow: What committee should I work with, Finance or Legal?

Councilmember Barnes: Legal and Planning.

Mr. Parlow: I will explore the options and speak with Jean.

Mr. Parlow, IT:

Freehold Township had a ciber attack. They have seventeen servers and the attack came through a server that handles their recreation dept. and is connected to a server in New Hampshire. Their antivirus caught the invasion the first time but the hackers figured it out and worked around it to get in. This happened over the New Year's weekend. They had a good back up system. They oversee our IT department. We don't use that program for our recreation program. The most common way to get in, that you hear about, is by an employee opening up a bad email. Once it is open it is too late. We are planning additional training for our employees. Hackers are getting better and better so the chance of them gaining access is not if but when. Good back up is key.

Beach Replenishment:

At the last Army Corps meeting they stated that we would be last. We were to be after they complete work in Toms River. They are presently working in Lavallette and Point Pleasant Beach will follow. Our hope is that they will be here in April but that could mean May into June. I don't believe they will be finished before the summer season. Originally, there was to be only one dredge working in Bay Head, closing 1,000 of beach with 250' closed and 250' opened at a time. They now say there will be three landing zones closing 3,000'. They are also far behind with the construction of the access ways (path to the beach). The best advice I have is to check the schedule on the website.

Mayor Curtis: Thanks to Chris for his attendance at these meetings. He also brought to their attention that they stated a project is completed but that the

project isn't complete until the access ways are finished. They reported work has been completed in Seaside Heights but no one can get on the beach.

Mayor Curtis: We are in need of a new Safety Coordinator. Bob Hein is not going to continue due to his work with the Historical Society, Fire Department and Team Rubicon.

Councilmember Lyons moved to appoint Christopher Parlow as Safety Coordinator. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None.

Mayor Curtis called for Clerk's Correspondence.

Councilmember Cornell: I would like the request to use Centennial Park be pulled.

Ms. Applegate offered the following request:

A request from Point Pleasant First Aid & Emergency Squad for two coin toss events to be held on June 15th and August 24th at the corner of Bridge and Lake.

An application for On Premise Raffles License from Holy Name Society Sacred Heart Church for an event to be held on March 9, 2019 at Sacred Heart Church Parish Hall.

A request from Clean Ocean Action for their 34th Annual Beach Sweeps to be held on Saturday, April 13 and Saturday, October 26, 2019 from 9 am to 12:30 pm meeting at the Beach House, 517 Main Avenue.

A request from Bay Head Home and School Association for permission to hold their 13th Annual Bay Head Shark Run 5K on Saturday, September 21, 2019 starting at 8:30 to 11:00 am.

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

Councilmember Shaning: What is the date of the Clam Bake?

Ms. Applegate: It is the third Saturday in August – this year it will be August 17th. The Squad checked the date because last year it was scheduled for the same Saturday and they moved it.

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

Ms. Applegate offered a request from Kiersten Ottmer to use Centennial Park for her wedding ceremony with live music and setting up 100 chairs on Sunday, December 8, 2019 from 1:30 to 4:30 pm.

Councilmember Glass: We have never approved the use of the park for private functions and in my opinion we should deny this request.

Councilmember Cornell: I agree with Mary. We don't have the space to cordon off the park and still have people use the playground. It would also be difficult to monitor. There are just too many unanswered questions.

Councilmember Barnes: Public property is for the use of the public.

Ms. Cipriani: If you have not allowed for private events and you wish to allow this event you have to establish some sort of criteria.

Councilmember Glass moved to deny the request which was seconded by Councilmember Cornell and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None.

Mayor Curtis called for Resolutions.

Councilmember Lyons offered Resolution 2019-30 authorizing the execution of 2019 Annual Software Maintenance Agreement with Edmunds and Associates.

Councilmember Magory offered Resolution 2019-31 authorizing the execution of a Schedule "C" Agreement with the County of Ocean Road Department.

Councilmember Lyons offered Resolution 2018-32 executing a Policy Endorsement with Metropolitan Life Insurance Company (METLIFE) as administered by Bollinger Specialty Group for Group Dental Service Plan Coverage.

Councilmember Lyons offered Resolution 2019-33 authorizing the transfer of Appropriations in the calendar year 2018 Budget.

Councilmember Lyons offered Resolution 2019-34 adopting the 2019 Temporary Emergency Appropriations #1.

Councilmember Glass offered Resolution 2019-35 authorizing payment to employees for Accrued Compensatory Time from the budgetary provision approved as Police Salary and Wages.

Councilmember Lyons offered Resolution 2019-36 canceling General Capital Improvement Authorizations to Fund Balance.

Councilmember Lyons offered Resolution 2019-37 approving the 2019 Temporary Capital Budget.

Councilmember Barnes offered Resolution 2019-38 appointing Christopher Parlow as Alternate JIF Fund Commissioner.

Councilmember Magory offered Resolution 2019-39 appointing Andrew J. LaSpina as Part-Time Public Works Laborer.

Councilmember Lyons offered Resolution 2019-40 amending Resolution 2018-153 providing for Salaries and Compensation of Borough Officials and Employees for 2019.

Councilmember Barnes offered Resolution 2019-41 appointing Brian W. McAlindin, Esq. as Alternate Prosecutor.

Councilmember Barnes offered Resolution 2019-42 awarding Peddler's License for the Year 2019.

Councilmember Lyons offered Resolution 2019-43 establishing a Voluntary Deferred Compensation Plan for the Borough of Bay Head.

Councilmember Barnes offered Resolution 2019-44 authorizing entry into Agreement with Dynamic Testing Service.

Councilmember Cornell offered Resolution 2019-45 authorizing a contract with RubbeRecycle, an approved State Contract Vendor, for purchase and installation of a Poured-in-Place Safety Surface for Centennial Park Playground.

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

The motion passed on roll call vote: YEAS: Glass, 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 2019-01 entitled:

ORDINANCE AMENDING ORDINANCE 2018-16 ESTABLISHING SALARY, WAGES, HOLIDAYS, SICK LEAVE, VACATIONS AND OTHER BENEFITS OF EMPLOYMENT OF CERTAIN OFFICIALS AND NON-UNION EMPLOYEES OF THE BOROUGH OF BAY HEAD OCEAN COUNTY, NEW JERSEY, FOR THE CALENDAR YEAR 2019-2022

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

Councilmember Lyons: This amendment will create a part-time Police Officer position.

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

There being no comments or questions, Mayor Curtis closed the public hearing.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning , Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance 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.

Lois Johnson, 818 Main Avenue: I like the idea to allow homeowners to purchase the rear of the property (old railroad right of way). We have a letter into the state with the same request but we never got an answer. I am glad you are moving on that.

Mayor Curtis thanked everyone for their attendance.

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

The meeting was adjourned.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor