

March 1, 2021

The regular meeting of the Mayor and Council of the Borough of Bay Head was conducted on March 1, 2021 at 7:00 pm using the GoToMeeting platform.

Mayor Curtis called the meeting to order and welcomed everyone.

Tonight, we will attempt to go through the meeting as usual. There are five public comment sessions scheduled as part of this meeting. One for the 1st CDBG hearing, one for resolutions, one for each ordinance and one during the public discussion portion of the meeting. At the appropriate time, I will open the floor to public comment. If a member of the public wishes to comment they must state their name. I will recognize each person separately and relinquish the floor to that person. Once I have relinquished the floor, the person who wishes to comment must once again state their name and provide their address for the record. I will continue this process until all comments are heard. I will then close the floor to public comment and move to the next item on the agenda.

Mayor Curtis 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 7, 2021 and was published in *The Ocean Star* on January 15, 2021 and the *Asbury Park Press* on January 14, 2021.

The roll was called for attendance. Present were Mayor Curtis, Councilmembers Gates, Cornell, Barnes, Shaning, Lyons; Borough Administrator, Christopher Parlow and Borough Attorney, Jean Cipriani. Councilmember MacPherson was absent.

Councilmember Lyons moved to approve the regular and executive minutes of February 1, 2021. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, Lyons. NAYS: None.

Mayor Curtis appointed Darryl Webster as a member of the Bay Head Fire Department.

I would like to relay our condolences to the family of former Fire Chief, Bruce Sutphen, who passed away recently. He served the Bay Head Fire Department for over 50 years.

Mayor Curtis: I will now have Chris Parlow, Borough Administrator conduct the 2nd public hearing on our CDBG 2021 application.

Mr. Parlow: Our engineer has provided three different locations for submission: Location #1 – Club Drive (at Howe Park Field Crossing)

Location #2 - Meadow Avenue (West Lake Avenue Intersection & Library)

Location #3 - Park and Bay Avenue Intersection

We should open the hearing to the public for any comments or questions.

Mayor Curtis opened the discussion to the public. There were no comments or questions so the public hearing was closed.

Mr. Parlow: Resolution 2021-66 will be acted on later in this meeting which will authorize the Submission of the 2021 Community Development Block Grant Program Application.

Mayor Curtis called for Committee Reports.

Councilmember Gates, Public Services, read the Construction Official and Code Enforcement report of the month of February. A copy of each report is attached to these minutes.

Councilmember Cornell, Public Works: The Public Works Report for the month of February is posted for your review. They have been very busy as usual dealing with snow and ice. Hopefully that is coming to an end but if there is snow, please try and keep your cars off the street so they can plow. Anything you can do will help.

Repairs are being made to the roll off truck, sweeper and back hoe.

We have started Phase II of our sewer project so you may see their trucks around. With the work they are doing you may see the water in your toilet shaking. Please keep the lid down on your first floor toilets.

We are working with Mantoloking to abate some of the flooding issues on Clayton Avenue at the border with Mantoloking. They are the lead on this project.

Environmental Commission is really busy and will have their next meeting Tuesday, March 9th. They need extra bodies so join in to help with the projects they are working on.

A copy of the public works report is attached to these minutes.

Councilmember Barnes, Legal and Planning: Two items, I am working on the sign ordinance with Melanie Appleby, Esq. in Jean's office, to make sure it complies with all requirements. Believe it or not there are 1st amendment issues.

Lastly Monday, a new law was enacted legalizing Marijuana. We are going to have to create a new ordinance because our intent is to prevent any business in town. There are also changes to parental access – if a minor is issued a summons the police can't contact the parent – that is the law.

Councilmember Shaning, Public Safety, read the Bay Head Fire Department report for the month of February and the Reminder to Residents submitted by Chief Glen Brown:

Hopefully the snow is behind us, but if we do get another snow event, please remember to shovel out the hydrants near your property if at all possible.

He also read the Bay Head Police Activity Report for the month of February. A copy of both reports are attached to these minutes.

Chief Hoffman has reported that there were DNA hits on the last two stolen vehicles so warrants can be issued to those subjects. He feels they will be apprehended and charged.

He also notified me that at 6:02 tonight there was an attempted car theft just over the bridge in Point Pleasant. The people had just moved into the home. Stay alert, keep your cars locked even if you are just going into a store a few minutes. Also keep your key fob in your pocket or secure. If you see any suspicious activity call the police. Be alert and be safe.

Mayor Curtis: Holly is not with us tonight but I would like to report for the 2nd time the State of New Jersey has recognized Bay Head as Healthy Town for the Year of 2020. I would like to thank Meryl Clement and her committee for all the work they did even in the tough times of COVID.

Bay Head Life has a lot planned for 2021 so Meryl has named Sarah Erbe as her Co-Chair for 2021.

Councilmember Lyons, Finance: We have received clarification from the state as to what will and will not be in their budget for this year. We hope to introduce our 2021 Municipal Budget at our April meeting.

John Antonides, Tax Collector has submitted his annual Tax Report on the activity for 2020. The levy for 2020 taxes was \$14,179,694.53 and only \$107,568.97 is delinquent. A copy of the report is attached to these minutes.

Chris Parlow, Borough Administrator:

1. We have switched to a new alert system which is Code Red. Members who were enrolled in the old will be converted to the new. There is no reason that you will have to reenroll. If you wish to enroll please go to the Borough website – www.bayheanj.gov. The Code Red icon is located in the left hand margin. By signing up you will receive emergency notifications.
2. At the last meeting I reported that our CRS Program was under audit. We have reviewed 134 elevation certificates and corrected the majority of them. There are only a handful left which require contacting the surveyor. I am confident that it will all be done in the time FEMA has allotted us.
3. Temporary Cell Antenna – The Bay Head Fire Department has entered a contract with a provider to have the temporary cell antenna on their property. They have submitted construction applications which have been approved. I am sure they will be starting soon so there should be no loss of service. The specifications for a permanent tower have been published in the newspaper with bids being received the 3rd week in March.

Ms. Cipriani, Attorney had no comments.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request from Clean Ocean Action for residents to participate in the

36th Annual Beach Sweeps – Spring Beach Sweeps on Saturday, April 17th and the Fall Beach Sweeps on Saturday, October 23rd

Request from Bay Head Home and School Association for their Duck Derby to be held on August 7, 2021 at 1 p.m.

Request from Point Pleasant Beach High School PTO for the residents of Bay Head to participate in the Spring Town Wide Garage Sale on Saturday, May 15th from 9 a.m. to 3 p.m. with rain date Sunday, May 16th to support the students of PPBHS at events such as Spirit Week, Project Graduation and Senior Scholarships

Any approval will be regulated by the Executive Order at the time of the event.

Councilmember Lyons moved to approve the requests which was seconded by Councilmember Barnes. The motion passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, Lyons. NAYS: None.

Mayor Curtis called for Resolutions.

The title of each resolution was read by the Clerk.

Resolution 2021-54

Authorizing Payment to Employees for Hours of Accrued Compensatory Time from the Budgetary Provision Approved as Police Salary and Wages

Resolution 2021-55

Appointing Daniel Daber as Part Time Police Officer

Resolution 2021-56

Authorizing Donation of a 1997 AM Cargo Truck which is no longer needed for Public Use to the Borough of Point Pleasant and Rescinding Resolution 2021-45

Resolution 2021-57

Authorizing the Submission of the 2021 Distracted Driving Crackdown U Drive, U Text, U Pay Grant

Resolution 2021-58

Authorizing the Submission and Acceptance of a Grant Application to New Jersey Department of Highway Traffic Safety for the FY 2021/2022 Pedestrian Safety Grant

Resolution 2021-59

Emergency Temporary Appropriation

Resolution 2021-60

Authorizing Agreement for certain Legal Services Adopted by the Borough of Bay Head – Bond Counsel.

Resolution 2021-61
Authorization to Cancel General Capital Improvement Authorizations

Resolution 2021-62
Authorizing the Acceptance of the Memorandum of Agreement and Approval of the Collective Bargaining Agreement between the Borough of Bay Head and the Bay Head Police Department Employees

Resolution 2021-63
Authorizing the Sale of Surplus Property no longer needed for Public Use VIA Internet Auction Website

Resolution 2021-64
Grandfathering Rentals for Leases that had been signed prior to Adopting of Ordinance 2020-15

Resolution 2021-65
Appointing the Borough Attorney as the Governing Body's Designee to Review and Resolve Professional Fee Challenges pursuant to N.J.S.A. 40:55D-53.2A

Resolution 2021-66
Authorizing the Submission of the 2021 Community Development Block Grant Program Application

Councilmember Lyons 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 the public comment period was closed.

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

Mayor Curtis called for Ordinance, Second Reading, Public Hearing, Vote.

Ms. Applegate read Ordinance 2021-01 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, NEW JERSEY PROVIDING FOR THE ACQUISITION OF A LOADER IN THE AMOUNT OF \$115,000 AND PROVIDING FOR THE ISSUANCE OF \$109,250 IN BONDS OR NOTES OF THE BOROUGH OF BAY HEAD TO FINANCE THE SAME

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

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance. There being no questions or comments the public hearing was closed.

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

Ms. Applegate read Ordinance 2021-04 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
NEW JERSEY, PROVIDING FOR THE RECONSTRUCTION OF LAKE AVENUE
AND MAPLE DRIVE IN THE BOROUGH OF BAY HEAD AND APPROPRIATING
\$260,000 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$63,800
IN BONDS OR NOTES OF THE BOROUGH OF BAY HEAD TO FINANCE
THE SAME

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

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

Lisa Baney, 421 Lake Avenue: This is the first I am hearing about this. Could you direct me where I can obtain more information?

Councilmember Cornell: This ordinance will allow paving of Lake Avenue from Bridge to Osborne. The plans aren't final. The street will be resurfaced with replacement of pipes underneath. They will also be installing check valves which hopefully will help with flood. Lake Avenue will also be part of the project with Twilight Lake and Ocean County to help control flooding, down the road. Maple Drive will also be repaved.

Ms. Baney: What time of year will this take place and how long will it take?

Councilmember Cornell: It will not be done in the summer. The county is presently working on Osborne so I would say it will be in the fall or spring of next year.

There being no further comments or questions the public comment period was closed.

The motion passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, 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.

Beverly Furze, 2 Wyndham Drive: I want to go on record that I am strongly opposed to accepting NJ Transit's settlement agreement. I am a litigant in this matter. They did not give serious consideration to our recommendations to

improve the project such as relocate the new building out of wetlands, failure to address the environmental and aesthetic concerns that the 55-foot-high power lines will have on the neighborhood, notification was not proper. I have been involved for the past 20 years and I would expect that each of you would value and give credence to my opinion and decision. The decision to accept or decline NJ Transit's settlement offer is a critical one and one that is now in your hands.

Ms. Cipriani: The settlement offer has not been discussed with the Governing Body but will be done tonight in executive session. They can't discuss it at this time.

Patricia Kruger, 218 Osborne Avenue: I have lived here for 30 years. I appreciate what Ms. Cipriani said. I second what the last speaker said. I have read all the posts by Save Barnegat Bay and I oppose this project. Thanks for working on this and hopefully we can manage to defeat them.

There being no further comments the public discussion was closed.

Councilmember Lyons moved to approve the vouchers for payment. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, Lyons. NAYS: None. A list of vouchers is attached to these minutes.

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

RESOLUTION OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
STATE OF 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:
Pending Litigation New Jersey Transit and Burke
3. It is anticipated at this time the above stated subject matter will be made public in 90 days.
4. This Resolution shall become effective immediately.

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

The time for the public to rejoin the meeting was discussed, deciding to have the public rejoin at 8:50 pm.

The Governing Body went into Executive Session at 7:50 pm. At 8:53 pm they came out of Executive Session and resumed the meeting.

There being no further business, Councilmember Lyons moved the meeting be adjourned. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor