

April 5, 2021

The regular meeting of the Mayor and Council of the Borough of Bay Head was conducted on April 5, 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 four public comment sessions scheduled as part of this meeting. One for resolutions, two 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, MacPherson, Lyons; Borough Administrator, Christopher Parlow and Borough Attorney, Jean Cipriani.

Councilmember Lyons moved to approve the regular and executive minutes of March 1, 2021 and March 8, 2021. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, MacPherson, Shaning, Lyons. NAYS: None. Councilmember MacPherson abstained from the vote on the March 1st regular and executive minutes.

Mayor Curtis offered Proclamation declaring April 2021 as Child Abuse Prevention Month. A copy of the Proclamation is attached to these minutes.

Mayor Curtis called for Committee Reports.

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

Kudos to all in the Building Department they are current with inspections and plan reviews are all up to date.

Councilmember Cornell, Public Works: The Public Works Report for the month of March is posted for your review. I will touch on a few items. All manhole covers have been removed and replaced. A few had been covered over during paving. Repairs have been made to the snow fence at the beach access. Road construction, consisting of milling and paving will start this week on Club Drive. They will also be working on Bayberry and Egbert. Just keep that in mind when you are traveling around town that you may not have access.

Mayor Curtis: Will the entire length of Egbert Street be paved?

Councilmember Cornell: Only from Clayton Avenue to the Bay. The final work has been complete on our sewer project so hopefully we will have the report for the next meeting.

There will be a resolution tonight concerning an agreement with Earthworks. We are going to finish seeding this project ourselves.

Bulk Pick-Up will be Monday, June 7th and is posted on our web-site.

Councilmember Barnes, Legal and Planning: At the last meeting I spoke about the new law enacted legalizing Marijuana. The law prevented the Police from notifying parents if they issued a summons to their child. The law was amended on March 26th and now allows notification to the parents. We can thank our Chief Hoffman and the Chief in Point Pleasant Beach who worked to get that changed.

Councilmember Shaning, Public Safety, read the Police Activity report for the month of March. A copy of the report is attached to these minutes.

Lock your vehicles at all times. Also keep your key fob in your pocket or secure. If you see any suspicious activity call the police. Be alert and be safe.

Councilmember MacPherson, Parks, Grounds and Recreation:

Bay Head Life partnered with Burke's Market the weekend before Easter for the East Bunny Hunt. 12 carrots were hidden around town and when found a prize was awarded. It was a great event and enjoyed by everyone.

Earth Day will be April 24th and there will be events in the Municipal Parking Lot with the Environmental Commission, Public Works and Safe Barnegat Bay.

Clean Action Beach Sweep is moving forward and you can find more information in the paper.

The Town Wide Garage Sale will be Saturday, May 15th from 9 to 3 with rain date of Sunday, May 16th.

Calendars for Bay Head Life will be going out soon also check the website.

Councilmember Lyons, Finance: Tonight we will be introducing our 2021 Municipal Budget. The public hearing on the budget will be Monday, May 7th. If you would like to review the budget, please stop in the office to obtain or copy or view it on our website. The total local tax levy is \$3,966,982.00 with a tax rate of .2440. There will be an increase of 1.3 cents over last year. I would like to thank our CFO Bill Antonides and Chris Parlow, Borough Administrator for all their valuable input. I feel this is a really good budget to consider.

Chris Parlow, Borough Administrator: I am requesting an executive session tonight to discuss New Jersey Transit litigation.

1. The Borough has been copied on a permit submitted by New Jersey Transit to OCUA for temporary discharge into the sewer system. They are required to treat the ground water excavated from the site. They are requesting to pump into OCUA manhole which leads into the Bay Head Sewer System. It would be an alternative means to discharge the water other than into Twilight Lake. NJ Transit needs to get the Borough's permission as well as OCUA.
2. Two bids were received on the placement of the cellular antenna at the Public Works Yard. They are being reviewed by our attorney and consultant. We are hoping to award at the May meeting.
3. On the Borough website information is available regarding Residential Emergency Rental Assistance Program. Ocean County Board of Commissioners will open applications to the Ocean County Residential Emergency Rental Assistance Program on Wednesday, April 7. Click on the link to get more information.
4. I would like to request a resolution be added for your consideration tonight. We need to authorize BHIA through vendors to make the necessary repairs to the beach. BHIA will solicit bids. They hope to begin work the middle of April. I would ask the Borough Attorney to prepare a resolution by title to be voted on tonight, it will be Resolution 2021-77.

Ms. Cipriani, Borough Attorney: A number of ordinance are up for 1st reading tonight concerning Cannabis Laws. Councilmember Barnes has reported that one has been amended concerning parental notification. I don't expect any additional changes to that law anytime soon. The other ordinances go as far as permitted on the enforcement side. We may have to revise them in the next few months. My advice is to do these because they are as strict as they can be under the present law.

Chief Hoffman: Councilmember Barnes thank you for your kind comments. The notification was a very minor change to the Cannabis Law, much more needs to be changed. The ordinances being introduced tonight are great but we will have to address drinking in public to cover 18 and above.

I would like to encourage everyone to go to the Borough website under Police. There is a link to sign a petition for us to fight this law even further. The current changes won't help us in the shore communities this summer.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request from Eric Beyer, owner of Beach House Classic Board Shop for their Annual Old School Surfboard Display in front of 517 Main Avenue on Sunday, April 24th from 8 am to 5 pm with back up date of Sunday, May 2nd

Application for Raffle License from the Bay Head Fire Company for Off Premise Visa Card Raffles, On Premise 50/50 Raffles and ABC Special Permit for their Annual Clam Bake to be held Saturday, August 21, 2021

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, MacPherson, Lyons. NAYS: None.

Mayor Curtis called for Resolutions.

Councilmember Lyons requested Resolution 2021-69 be voted on separately.

The title of each resolution was read by the Clerk.

Resolution 2021-67

Appointment of Douglas Applegate as Emergency Management Coordinator for a term of three years as of April 1, 2021

Resolution 2021-68

Appointing Thomas Sellers Special Law Enforcement Officer Class II

Resolution 2021-70

Authorizing Submission of the Statewide Grant Click It or Ticket 2021 Seat Belt Mobilization

Resolution 2021-71

Authorizing the Execution of a Shared Services Agreement with the County of Ocean for the Conducting of Certain Fire Inspection Services on Behalf of the Borough of Bay Head

Resolution 2021-72

Authorizing the Execution of a Settlement Agreement and Termination of a Contract with Earthworks, Inc. for the Howe Park Softball Field Restoration

Resolution 2021-73

Introduction of the 2021 Municipal Budget

Resolution 2021-74

Purchase of a Foley Caterpillar Compact Wheel Loader Model Number 908M through Sourcewell Cooperative Purchasing Community

Resolution 2020-75

Appointing Darren Erbe to the Full Time Position of Technical Assistant to the Construction Office/Secretary to the Planning Board

Resolution 2020-76

Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

Ms. Cipriani offered by title:

Resolution 2021-77

Authorizing the Bay Head Improvement Association to perform Beach Repairs necessitated by the January 31, 2021 Storm pursuant to State and Agreement and Agreement with Bay Head Improvement Association for Beach Operations

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, MacPherson, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Ms. Applegate read by title:

Resolution 2021-69

Providing for Salaries and Compensation of Borough Officials and Employees for 2021

Councilmember Shaning moved the above resolution be adopted. The motion was seconded by Councilmember Barnes.

Mayor Curtis asked if there were any questions from the public concerning the resolution 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, MacPherson. NAYS: None. Abstain: Lyons. A copy of the resolution is attached to these minutes.

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

Ms. Applegate read Ordinance 2021-02 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE II OF CHAPTER 75 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "PROTECTION OF BEACHES AND DUNES"

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

Mr. Parlow: This ordinance has been revised as per the Planning Board recommendation to not only request a sketch for the dune platforms but also add plot plan.

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, MacPherson, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Ms. Applegate read Ordinance 2021-03 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING 207 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "STORMWATER MANAGEMENT"

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

Mr. Parlow: This ordinance was provided to us by DEP. We are required to adopt which is in accordance of the rules of DEP.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance. 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, MacPherson, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Ordinances, First Reading:

Ms. Applegate read Ordinance 2021-05 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, STATE OF NEW JERSEY, TO EXCEED THE 2021 BUDGET CAP APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A 40a: 4-45.14)

Councilmember Lyons moved this ordinance on first reading, which motion was seconded by Councilmember Barnes.

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

This ordinance is scheduled for second reading and public hearing on May 3, 2021.

Ms. Applegate read Ordinance 2021-06 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER 66, ENTITLED "ALCOHOLIC BEVERAGES"

Councilmember Lyons moved this ordinance on first reading, which motion was seconded by Councilmember Barnes.

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

This ordinance is scheduled for second reading and public hearing on May 3, 2021.

Ms. Applegate read Ordinance 2021-07 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD SO A TO AMEND CHAPTER 174, ENTITLED "PEACE AND GOOD ORDER"

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

This ordinance is scheduled for second reading and public hearing on May 3, 2021.

Ms. Applegate read Ordinance 2021-08 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER 147, ENTITLED "LAND USE"

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

This ordinance is scheduled for second reading and public hearing on June 7, 2021.

Mayor Curtis called for Unfinished Business, there was none.

Mayor Curtis called for New Business.

Councilmember Barnes: Please be aware with the warm weather there may be a spike in bike thief. Please lock your bike.

Mayor Curtis opened the meeting to the public.

There being no 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, MacPherson, 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:
Contractual matters with Ocean County Utility Authority and
Litigation concerning 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, MacPherson, Lyons. NAYS: None.

The time for the public to rejoin the meeting was discussed, deciding to have the public rejoin at 8:25 pm.

The Governing Body went into Executive Session at 7:57 pm. At 8:33 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, MacPherson, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor