

August 20, 2018

The special non-voter taxpayer meeting of the Mayor and Council of the Borough of Bay Head was held on August 20, 2018 at 7:00 pm in the Borough Hall, 83 Bridge Avenue, Bay Head, New Jersey.

Mayor Curtis called the meeting to order and 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 3, 2018 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, Magory, Cornell, Lyons; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney. Councilmember Glass was absent.

Councilmember Barnes moved to approve the regular and executive minutes of August 6, 2018. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Barnes, Magory, Cornell, Lyons. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Hein, Public Services: I am in my second term on Council and a member of the Planning Board. I serve as Chairman with Councilmember Cornell and Barnes. I am responsible for utilities: Water - A study was done last year for lead in the water. New Jersey American Water tests were clean. There is still the possibility of lead in some of the older homes if they still have lead solder. You can get tested at no cost to you. Gas – we were the first town to be upgraded by New Jersey Natural Gas - all metal pipes were removed and replaced with plastic. They were also installed with an automatic shut off. Electricity – $\frac{3}{4}$ of the residents participate in electric co-op. They will be going to bid this week so hopefully a lower rate will be received to continue providing you with at least a 5% minimum savings over JCP&L. I was notified by a resident that her rate was higher than JCP&L. When checked, I was told that IDT has one rate and JCP&L has three rates – one for winter and two for summer. If you are in the co-op and used less than 600kw in June, July and August you will receive a refund. We are very happy with them. I am also Public Health Coordinator with Ocean County Health Department. They will be at the Bay Head Fire House on September 29, 2018 from 8 to noon to provide flu shots. Garbage – if you have a complaint go to our website and complete a Report A Concern. This will go to me, Suburban and Chris. Within a day it will be taken care of. Bulk pickup for the fall will be Monday, October 1st.

Councilmember Barnes, Legal and Planning: I have served on Council since 2009. I Chair the Legal and Planning Committee, working with Jean our Borough Attorney and Councilmember Magory and Lyons. We review any and all matters concerning litigation, review ordinances, update the Code Book, resolve and review personnel issues. I also serve on the Public Services and Public Safety committees. In the last few years, with the Opioid epidemic, I have had speakers come in to update everyone on the awareness of substance abuse and what to look for. There was a mailing recently to remind you of local ordinances. I welcome your questions and comments. My email address is on the website.

Mayor Curtis: Councilmember Glass is not present tonight but is Chairman of Public Safety which covers Police and Fire Department.

I would like to report that there was a burglary last night on Evergreen Drive and two were arrested. Times are changing so lock your doors and your car. Please call if you see anything suspicious. Remember: If You See Something Say Something.

Councilmember Magory, Public Works: I am in my seventh year on Council and Chairman of Public Works. I work with Councilmember Hein and Glass. Our town engineer, John LeCompte, with the firm of Remington and Vernick, works closely with us. We have repaved almost every street since Sandy. This year we have a grant to pave five streets. I also serve on the Legal and Planning and Finance/Technology committees. Public Works is responsible for streets and buildings. This building was quite a project. Larry Gilman is our Public Works Supervisor. The following jobs are now done in house: Grass cutting, sweeping of all streets, weeding of all parks. They also installed river rock on Howe Street, carted 24 loads of recycling to the County in a one month period, clean sewage blockages, built a wall on the west side of Centennial Park and will build another on the east side this fall.

Councilmember Cornell, Parks, Grounds and Recreation: I was named to replace D'Arcy Green and I am running for my first term this November. I work with the Environmental Commission, Beautification Committee and was in charge of the Summer Recreation Program. I am learning as I go. I am also working with Save Barnegat Bay. I would like to introduce Dan Paulus, Chairman of the Environment Commission and ask him to speak on the Crabbing Contest held Saturday.

Dan Paulus: The Environmental Commission meets the 2nd Tuesday at 5:30 pm in the Conference Room. I would encourage you to attend. Saturday we held a Kid Crabbing Contest and had over 30 participants who caught 38 crabs. They were measured and returned. We spoke about clean water and catch basins which go to the lake. It was a good time for all. We also had a native plant sale at Art in the Park. We keep up on environmental issues and give our opinion.

Councilmember Lyons, Finance and Technology Committee: I have been a member of Council since 2012. The highlights so far this year, are the budget being prepared early but held up on adoption by the state. My job is to make sure others don't spend a lot of money and spend it wisely. This year the tax rate went up ½ cent the same as last year. Bill Antonides, CFO and I work together with Councilmember Barnes and Magory to keep your taxes low. This building

cost 3 million and 2/3 of that loan has been paid. We have until 2024 to pay the final 1/3 but hope to pay it off early. You can now pay your tax and sewer payment on line. The website has been revamped and we are trying to increase the amount of information available and make it user friendly for you.

Councilmember Hein: I would like to mention that we now also have on the website "Report a Concern". You can use your phone, upload a picture and the concern will go directly to the department responsible plus a councilmember and the Borough Administrator. The flood map can also be found on the website.

Councilmember Lyons introduced William Antonides, CFO who gave overview of the Borough's finance.

Mr. Antonides: The taxes you pay Bay Head also cover the school and county. \$.26 of every dollar collected goes to the Borough this covers: police, public works, fire, insurance, trash collection, utilities, road maintenance and recycling. \$.50 cents collected goes to Ocean County and the other \$.24 goes to the Bay Head Board of Education. There is a slight increase for 2018 of 5/10 of a cent (2.36%) and an overall rate increased by 2.7 cents. The school went up 6/10 of a cent (2.94%) and the county went up 1 and 6/10 cents (4.02%).

The 2018 Budget for operating decreased \$14,320 from 2017. The biggest decreases were police and public works salaries due to retirements. The biggest increase is due to garbage increase, health and pension. We have borrowed \$700,000.00 from ourselves at 0% interest. Bay Head doesn't need to hire a full time qualified individual because we share services for CFO, Tax Collector and Information Technology.

Christopher Parlow, Borough Administrator: I was hired December 2017 and I handle the day to day operations. I work with the Mayor and Council, attend committee meetings and work with the supervisors. I am also the CRS Coordinator. I am working on updates to the Hazard Mitigation Plan. I handle grant application. I am working on the personnel policy and RFP's to hire professionals for next year. I sit on the Planning Board. I meet with residents in town. I draft ordinances and work with technology updates to the website. Please start using the website. It is a way to stay current with what is going on in the town. We have a direct link to the DEP website which has their schedule for beach renourishment. Their schedule is to be in Bay Head around Christmas. I am part-time working four days a week – please call.

Ms. Cipriani, Borough Attorney: I have been Borough Attorney for eight years. I work with the Mayor, Chris and Jennifer, providing legal advice as needed. I defend the Borough if there is any litigation. I also review and draft ordinances.

Mayor Curtis thanked Ms. Applegate for all she does.

Mayor Curtis called for Clerk's Correspondence, there was none.

Mayor Curtis called for Resolutions.

Councilmember Hein offered Resolution 2018-118 authorizing the immediate execution of an Electric Supplier Agreement after the auction conducted by the Lead Agency of the Electricity Aggregation Cooperative, provided a minimum of five (5%) Percent savings is achieved.

Councilmember Hein offered Resolution 2018-119 authorizing the refund of a 2018 Building Permit Fee.

Councilmember Hein offered Resolution 2018-120 appointing Part-Time Code Enforcement Official.

Councilmember Lyons offered Resolution 2018-121 amending Resolution 2017-121 providing for Salaries and Compensation of Borough Officials and Employees for 2018.

Councilmember Cornell moved the above resolutions be adopted. The motion was seconded by Councilmember Magory and passed on roll call vote: YEAS: Hein, Barnes, Magory, Cornell, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis called for Ordinance, First Reading:

Councilmember Hein offered Ordinance 2018-14 entitled:

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 163, ENTITLED, "NOISE"

Councilmember Hein moved this ordinance on first reading, which motion was seconded by Councilmember Cornell.

Councilmember Hein: This ordinance will not allow work on Saturday or Sunday year round and if there is a violation it will go to the homeowner.

Councilmember Magory: In reading it, I don't see that the homeowner is responsible.

Councilmember Barnes: There is no reference that the liability goes to the homeowner. This ordinance bans any kind of construction work on Saturday and Sunday year round. If you don't live here full time you can't oversee construction on your property.

Ms. Cipriani: Section 1. (a) Property owners may allow the conducting of commercial activities on their properties etc. – this places it on the property owner.

Councilmember Magory: I would suggest the language be clear. The term commercial activity includes all retail, banking, and bakery – in my mind that term

should be removed and replaced with construction. Landscapers should also be added.

Councilmember Hein: I move, to amend the language to read as stated by Ms. Cipriani. The motion was seconded by Councilmember Magory and passed on roll call vote: YEAS: Hein, Magory, Cornell, Lyons. NAYS: Barnes. A copy of this ordinance, as amended, is attached to these minutes.

This ordinance is scheduled for second reading and public hearing on Monday, September 17, 2018 at 7 pm.

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.

Sam Wilson, 825 Main Avenue read a statement to the Mayor and Council concerning Historic Preservation and establishing a Preservation Board. I would like to see a Public Referendum on this.

Mayor Curtis: We tried years ago. A presentation was made and then it just died. I hope Council will take it up again. Somehow it seems it is easier to tear the older homes down. I will set a committee to look into it.

Brick Wenzel, Lavallette: Congratulations on your new building. I am here about a very exciting program. We are working to establish a United States Seafood Gleaning Program and the pilot project will start in Monmouth and Ocean County. New Jersey commercial fishermen seek to reduce hunger by participating in this new program. The USSGP will utilize discarded and wasted seafood by "gleaning" (To gather after the harvest) in order to provide a much needed year-round source of protein to food banks, pantries and soup kitchens. I would like you to consider adopting a resolution of support at your next meeting.

Virginia Dughi, 56 Johnson Street: Lake Avenue and Johnson Street is a very busy corner and I have watched some very close calls with pedestrians and bikers. Would it be possible to place strips at the crossing? There is a stop sign at the corner of Johnson and Lake but it is not adequate.

Councilmember Hein: Are you requesting the crossing of Lake Avenue at Johnson?

Ms. Dughi: Yes.

Mr. Madrid, 37 Egbert Street: I had access to the bay prior to Sandy. There was a private access but it has now been closed off. There are no crabbing signs at the street end of Johnson Street.

Mayor Curtis: I will talk to our Public Works Department. We have signs posted at most street ends. I do have your note on my desk and I will talk to them.

Paul Ames, 46 Osborne Avenue: I received a letter from the town Code Enforcement concerning my garbage cans visible from the street. When we leave they are in order – they are not left that way – and since we aren't here I am not sure how that happens. I would just like to call your attention to that issue. As to the Historic nature of the town – what do other towns do? A number of homes are on the National Historical Registry. The Dutch colonials are as important to saving as are the large shingle homes.

Joe De Amicus, 1614 Bay Avenue: Traffic safety – an accident is waiting to happen at the corner of Mount and Lake where the bikers coming over the bridge. How do you protect that – just a question?

Councilmember Hein: We have looked into speed bumps, a post in the middle so they will have to slow down. I have talked to the Police but it seems every great idea has a significant problem.

Mayor Curtis: I blame the parents. Children leave home without helmets – I see parents riding with their children without their helmets. Our Police Department has helmets to give away. Bike lights are also available.

Mr. De Amicus: There is a pine tree at the NE corner of Bay and Bridge blocking a sign – I recommend the site triangle be enforced.

Councilmember Hein: Bridge and Bay are county roads – I know about the sign. Prior to Sandy there was to be a huge redesign of that intersection.

Mr. De Amicus: Is there an ordinance about storing cars on the street? It is currently registered it just doesn't move.

Councilmember Hein: If it is registered it is ok to be on the street. If you see something you can go to Report a Concern and it will be looked into. We just hired a new Code Enforcement Official and he will look into those concerns.

John Dughi, 56 Johnson Street: I would like to thank all of you – you do a great job.

Mayor Curtis: I am very proud of this meeting and this Council; they have the best interest of the town at heart. I am proud to serve this town, we have a great attorney, great employees, great police department and volunteer fire department but best of all we have the best citizens. I am very encouraged you came out tonight and I thank you.

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: Hein, Barnes, Magory, Cornell, Lyons. NAYS: None. A list of vouchers is attached to these minutes.

Councilmember Barnes 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
Proposed Right-of-Way Agreement – Crown Castle
Proposed Jurisdictional Agreement – NJ DOT
3. It is anticipated at this time the above stated subject matters will not be made public.
4. No action will be taken after the Execution Session.
5. This Resolution shall become effective immediately.

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

The Governing Body went into Executive Session at 8:24 pm. At 8:50 pm the Governing Body came out of Executive Session and resumed the meeting.

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

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

