

November 4, 2019

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on November 4, 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 an annual 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, Cornell, Lyons; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney.

Councilmember Glass moved to approve the regular and executive minutes of October 7, 2019. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Glass, Shaning, Magory, Lyons. NAYS: None. NOT VOTING: Barnes, Cornell.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Glass, Public Safety, read the October report for the Police Department. A copy of the report is attached to these minutes. Police got through Halloween and mischief night with no reports of criminal mischief. Everything was safe and quiet.

The Fire Department report for the month of October was read and is attached to these minutes.

Monthly Fire Safety Tip: Fireplace Safety

Create a three foot "kid free zone" around the open fire. Make sure the fireplace has a sturdy screen to stop sparks from flying into the room. Never leave a fireplace unattended, particularly when children are present. Ashes should be cool before putting them in a metal container and kept a safe distance from your home.

Councilmember Barnes, Legal and Planning: We are working on three major issues. The Dune Ordinance which has been reviewed and revised no less than 12 times but we are getting closer. We decided rather than rush to take our time and get it right so it should be ready for introduction in January or February. Cellular Nodes will be discussed tonight when we have the public hearing on Ordinance 2019-15. The third item is the status of the existing antennas on the water tower, decommission of the water tower and its removal.

Councilmember Shaning, Public Services read the Construction, Zoning and Code Enforcement reports for the month of October. A copy of the report is attached to these minutes.

Mayor Curtis: A number of people have approached me about overgrown vegetation on sidewalks. Please notice the Code Enforcement Officer to see that it gets done. If it is not done we will do it and bill them.

Councilmember Magory, Public Works read the October Public Works Report and planned projects for November. A copy of the report is attached to these minutes. The winter weekend recycling hours will be 10 am to 2 pm for January, February and March 2020.

Councilmember Cornell, Parks, Grounds and Recreation: Robert Hein and Tom Charlton have prepared the Coastal Vulnerability Assessment report and the Critical Vulnerability Assessment report which have been reviewed by the committee and submitted to Sustainable Jersey. The reports reflect the impact of coastal flooding in Bay Head under several different coastal flooding scenarios. We hope to have the report on the Environmental Commission website in a month or so. The Environmental Commission is working on projects for next year and your suggestions would be appreciated.

Monthly Tip: It is estimated that over 3 billion gallons of fuel in the US are wasted each year while idling. When you come to a stop and place your car in park turn your engine off immediately. As a reminder it is also illegal in the state of New Jersey to idle for more than three minutes.

Bay Head Life formerly Mayor's Wellness is also looking for ideas for programs. If you have any suggestions please let me know.

Chris will touch on Howe Park in his report.

Mayor Curtis: I attended a DEP seminar in Princeton recently and to my surprise received Gold Award for walking Wednesdays which was started by Tom and Char Charlton and Kirsten Hinds, Mayor's Wellness. We are proud of what is done for the kids in this town.

Councilmember Lyons, Finance and Technology:

Technology: No report.

Finance: We had our 1st budget meeting and a lot was accomplished. I feel we are ahead of last year's schedule. I also see on the agenda the current year CY 2019/SFY 2020 Best Practice Inventory but I don't have a copy.

Mr. Parlow: The discussion for CY 2019/SFY 2020 Best Practice Inventory will be listed on the December agenda.

Christopher Parlow, Borough Administrator: Cellular antennas – we had a meeting with a consultant discussing a temporary site to relocate because the water tower will be coming down in April of next year. They are requesting the Borough to lease land to them to erect a temporary antenna. The request is for the rear of this property utilizing six parking spots for their temporary antenna

and cabinetry. The duration may be up to 18 months. The NJAW water tower will come down, in a few days but they will also have to come before the Bay Head Planning Board to erect a new tower/antenna and also obtain all other permits required. That was what the meeting was about. Hopefully we won't see any disruption in the cell service to the residents. Cell services presently on the water tower are A T & T, Verizon and T-Mobile.

Councilmember Barnes: They provided us with pictures of temporary service in Brick Township by Used to Be's.

Councilmember Glass: The service is not only used by residents but for the Bay Head Police and Fire Department.

Mr. Parlow: I would like to discuss this in executive session because it is a contractual matter.

Dune Grass has been delivered and notice posted on the web site. If you plant grass it must be planted west of the easement line. DEP will plant east of that line. We have also received an allotment of sand fence but it will not be offered to residents at this time.

Beach Ordinance: As Councilmember Barnes mentioned – there have been a number of revisions. This ordinance also addresses setback language which presently reads from the center of the rock revetment but that no longer is exposed so it doesn't make sense to take a measurement from what can't be seen. We have asked the dune consultant to work on an amendment which will take the measurement from East Avenue.

Howe Park: Tonight's Resolution 2019-131 will be offered which will authorize our engineer to provide contract administration and construction observation services for Howe Park Softball Field Restoration. A pre-construction meeting will be scheduled as soon as possible.

CRS: I submitted the recertification which will allow a 20% reduction to residents who carry flood insurance. I also attended two CRS sessions in October.

Mayor Curtis: We have guests tonight who would like to speak to you concerning Resolution 2019-121 which was adopted at our last meeting.

Michael Cohen, Eastern Director Simon Wiesenthal Center: I would like to thank you for passing the anti-BDS resolution at your last meeting. By your actions you are condemning the movement known as Boycott, Divestment and Sanctions (BDS) against the state of Israel. Most of them are in New Jersey and with the recent spikes in anti-Semitic crimes across the state, it is critical we stand against it together. Thank you.

Mayor Curtis called for Clerk's Correspondence.

Request from Bay Head Business Association for their Annual Christmas celebration to be held on December 6, 7 and 8, 2019.

Application for Raffles License from Sacred Heart Holy Name Society for their monthly 50/50 Off Premise Raffle in 2020.

Councilmember Cornell moved the requests be approved. 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 Resolutions – On Consent

Councilmember Lyons offered Resolution 2019-126 providing for the insertion of a Special Item of Revenue in the Budget of the Borough of Bay Head pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) – Drunk Driving Enforcement Fund - \$9,177.46.

Councilmember Glass offered Resolution 2019-127 appointing Daniel M. Daber and John C. Jakubiak part-time Special Law Enforcement Officer Class II.

Councilmember Lyons offered Resolution 2019-128 amending Resolution 2018-153 providing for Salaries and Compensation of the Police Department of the Borough of Bay Head for 2019.

Councilmember Lyons offered Resolution 2019- 129 authorizing Transfers in the 2019 Municipal Budget.

Councilmember Barnes offered Resolution 2019-130 adopting the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County.

Councilmember Cornell offered Resolution 2019-131 awarding a Professional Services Contract to Remington & Vernick Engineers to provide Contract Administration and Construction Observation Services for Howe Park Softball Field Restoration.

Councilmember Lyons offered Resolution 2019-132 authorizing the Sale of Surplus Property no longer needed for Public Use VIA Internet Auction Website.

Councilmember Cornell offered Resolution 2019-133 appointing member to the Bay Head Coastal Vulnerability Assessment Committee.

Councilmember Barnes offered Resolution 2019-134 designating Bay Head as a Stigma Free Zone – Mental Illness Awareness.

Councilmember Glass offered Resolution 2019-135 authorizing the submission of the 2019 Statewide Grant Drive Sober or Get Pulled Over Year End Holiday Crackdown.

Councilmember Glass moved to approve the above resolutions be adopted. The motion was seconded by Councilmember Magory.

Mayor Curtis asked if there were any questions from the public concerning the Resolutions presented.

Char Charlton, 18 Harris Street: Resolution 2019-129 – when you transfer money from one account to the other - do they lose that amount of money in the following budget?

Councilmember Lyons: No – we are allowed to transfer in November, December and January. After the budget is adopted things come up that weren't anticipated.

Ms. Charlton: So some were under budgeted and others were over budgeted?

Councilmember Lyons: Yes. One transfer is for \$15,000 to group health insurance. We can't anticipate change at the beginning of the year.

Ms. Charlton: Just curious.

There being no further 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 Barnes offered Ordinance 2019-15 entitled:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER
209 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD ENTITLED
"STREETS AND SIDEWALKS" SO AS TO ADD ARTICLE III ENTITLED
"RIGHTS OF WAYS"

Ms. Cipriani: We haven't received comments back from Planning Board, so we will have the public hearing but hold the vote.

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.

Councilmember Barnes moved to hold the vote on Ordinance 2019-15 until December 2, 2019. The motion was seconded by Councilmember Glass and 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.

Councilmember Barnes: Deer are all over the place. Please be very careful in the early morning and early evening hours.

Mayor Curtis called for New Business. There was none.

Mayor Curtis opened the meeting to the public.

Massimo Parrino, 666 East Avenue: I reside at the historical house on East Avenue. We are responsible for this house and are extremely passionate to help mankind. We are involved in a social reform campaign – 270 million people are on drugs. We are addressing this situation by distributing pamphlets on the truth about drugs. This is our biggest non government campaign – it is a common sense guide for living and concern for the community.

Heather Robertson, 161 Bridge Avenue: Is the Army Corps planting dune grass this fall?

Mr. Parlow: I asked them about 2 ½ weeks ago – their contract states it will be done between December and February. There are still a number of areas other than Bay Head that need to be planted. I asked them to please let us know before they arrive and they said they would.

Rick McGoey, 50 Harris Street: Has there been any discussion with Army Corps with the loss of beach replenishment?

Mayor Curtis: We have had discussions with DEP coastal group but there are no plans at this time. They have been on the beach taking pictures. They hoped for the storm to be declared a disaster.

Mr. Parlow: There are no plans at this time.

Penny Witt, 156 Woodland Avenue: The house across the street from me is being demolished. They removed the siding but that was it. The tar paper is ripping off and blowing in the wind. Is there a time frame they have to complete the job? As neighbors we weren't notified.

Mr. Parlow: They do have to pull a permit for demolition. There is no notification to residents within a certain area but they need to secure the property. There are also property maintenance codes to adhere to. Give me the address and I will check it out.

Ms. Witt: The SE corner of Holly and Woodland.

Ms. Cipriani: A demolition permit is good for 42 days – Section 82-2D.

Peter Doane, 325 Lake Avenue: I would like a clarification on the ordinance not allowing contractors to work on weekends. The contractor works on the duplex across from my aunt on Lake Avenue on weekends.

Mayor Curtis: Harry Roon, Code Enforcement Officer works on Saturdays and has shut some down.

Councilmember Shaning: If you call the police they are responsive and will put a stop to it.

Chief Hoffman: Read the ordinance – it doesn't state commercial activities such as pool cleaning, window washing, and deliveries. If we are called for noise we give a warning and if called again a summons is issued.

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: Glass, Barnes, Shaning, 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 exists.

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 – Cell Companies
3. It is anticipated at this time the above stated subject matter will be made public within six months.
4. No action will be taken after the Executive Session.
5. This Resolution shall become effective immediately.

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

The Governing Body went into Executive Session at 8:17 pm. At 8:42 pm the Governing Body came out of Executive Session and resumed the meeting.

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

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor