

April 1, 2019

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on April 1, 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 March 4, 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 read Proclamation – Child Abuse Prevention Month – April 2019. A copy was presented to Patricia Sullivan.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Glass, Public Safety, read the March report for the Police Department and the Bay Head Fire Department. A copy of the report is attached to these minutes.

Monthly Fire Safety Tip: Clothes Dryers

Clean the lint filter before or after each load of laundry. Remove lint that has collected around the drum. Keep the area around your dryer clear of things that can burn, like boxes, cleaning supplies and clothing.

Councilmember Barnes, Legal and Planning: I have a couple of items. Legal and Planning has been a little busy. An ordinance is being introduced tonight creating a new chapter which will cover construction, rental and transfer CO's.

We are also introducing a new ordinance that will adopt the 2018 Property Maintenance Code. This will bring us current because we are operating under the old one.

Fireworks and fire arms – there has been a change in State law concerning fireworks – this amendment will bring us current. Our current ordinance concerning fire arms states that you can discharge a fire arm in Bay Head with permission from the Public Safety Committee – this needed to be changed.

We continue to revamp and rework our present ordinance concerning marijuana – we are trying to stay ahead of the game because it is coming. We don't want to end up with a dispensary in town.

We are still looking into the no wake ordinance. I have met some residents on Wyndham who are concerned. They suggested maybe if there is flooding that the streets be temporarily closed. We are still trying to come to some conclusion.

Also on for review is our sign ordinance. Presently no store can have more than 15 sq. ft. of signage which includes interior and exterior. We are also reviewing real estate signs.

Tonight we are increasing tonnage of vehicle to park on Borough streets from 4 tons to 6 tons. This doesn't cover construction vehicles.

Chief Hoffman: We have found a number of new vehicles which are above 4 tons. According to our ordinance they can't park in front of their own house, so this increase to 6 tons will allow parking on Borough streets.

Last meeting real estate signs were discussed. Councilmember Cornell put out a message to realtors and I put out my warning. Since then we haven't had a problem with their signs.

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

As of April 1st the switch for garbage pickup will take place. Homes on Bridge Avenue north will be picked up Tuesday and Friday. Those on Bridge Ave. south will continue to be picked up Monday and Thursday.

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

It is still the winter season so move cars if it snows.

We are moving forward with the Osborne Avenue curbs and sidewalk project. An ordinance will be introduced tonight concerning an easement which is required.

We have also been notified that we will receive a grant to repave Lake Avenue from Bridge Avenue to Osborne Avenue.

Councilmember Cornell, Parks, Grounds and Recreation: We continue to move forward with work at Centennial Park: We are hoping to finalize the playground project soon.

The train station clean up group will be meeting out there on April 13th and April 23rd. If you are interested in helping please join them. It takes about an hour.

A resolution is being presented tonight affirming a Sustainable Jersey Green Team Committee. If you are interested, we are still looking for members, so give me a call.

Councilmember Lyons, Finance and Technology:
Technology – no report.

Finance: We have been working and talking about the Budget and tonight we are ready to introduce it. In recent meetings I reported the financial issues we face and even by addressing those issues the rate increase will be just under 1 cent. Copies of the Budget will be available in Borough Hall. The CFO is also available to answer your questions.

Tonight we are introducing an ordinance to increase sewer fees. They haven't been increased since 2007. As you recall, we received a deficit notice of \$120,000.00 from OCUA which we have to recoup. The sewer fees will be raised 5% this year and 5% next year. After that, we will review the ordinance. A lot of the infiltration into our sewer system is weather dependent but there is also ground water leaking into it. We are working on the mains but we can't replace all of them.

We are also increasing some of our general fees such as summer recreation, copies of marriage certificates and zoning permit fees. We are bring them up to what other towns around us are charging.

Christopher Parlow, Borough Administrator:

Beach Replenishment: I have been attending monthly update meetings but starting this week will be attending weekly meetings. Within a week or so pump lines will be moved into Bay Head off Karge Street and Egbert Street. Pumping is to begin the 1st or 2nd week in May and continue through June. The project will not be complete until the 2nd contractor installs the crossovers and fence. We hope he will follow right behind as the pumping is complete. I feel work will continue into the summer months. They have stated that they will not close two crossovers at the same time. I have also been attending meetings with BHIA to address some of their concerns. BHIA is hoping to get the crossovers changed to go east and west, falling within the property owned by the BHIA. So I am working with Army Corps, DEP and BHIA on that.

Hopefully we will get a proposed State Aid Agreement within the next week or so. If not, we will have to draft something to them that we can agree to.

Cell Service: Earlier this month New Jersey American Water, notified the Borough that they were sending a letter to each of the cellar companies terminating their lease. Since that call I reached out to AT&T, Verizon and T Mobile and we will be meeting next week regarding their options in Bay Head. This is an issue that needs to be resolved because everyone depends on their cell service and we don't want to lose that service in Bay Head.

Councilmember Lyons: I would like to get something for those, since we don't get anything from them being on NJAW tower in town now.

Mr. Parlow:

CDL Policy: I am working to update our CDL Policy – Three Public Works employees have CDL License. The Federal Government has made changes to their requirements. Hopefully, I will have this for the next meeting.

CRS: I am working with the Ocean County CRS Coordinators and the Ocean County Planning Department.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

Request from Bay Head Business Association for permission to have Sidewalk Sale the third Friday and Saturday of the month May thru October.

Request from St. Paul's United Methodist Church for permission to use Centennial Park for their annual Community Easter Egg Hunt on Saturday, April 20, 2019 from 7 am to 1 pm.

An application for a Raffles License from the Bay Head Fire Company #1 for an Off Premise Visa Gift Card and On Premise 50/50 Cash with the drawing to be held during their annual Clam Bake on August 17, 2019.

Request from Bay Head Home and School Association to move their date of the Shark Run 5k from September 21st to September 28th.

Request from Eric Beyer, owner of Beach House Classic Boardshop for his annual Old School Surfboard Display in front of 517 Main Avenue on Sunday, April 28th from 8 am to 5 pm.

Request from Linda Rhyne, 600 Main Avenue for permission to close Forsyth Street between Main and Lake Avenue on Saturday, July 6th from 2 to 10 pm for their neighborhood block party.

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

Councilmember Barnes: July 6th is 4th of July weekend – will closing the street be a problem?

Chief Hoffman: No – they do it every year and it has never been a problem.

The motion 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 2019-54 authorizing Agreement for certain Legal Services by Gluck Walrath LLP – Bond Counsel.

Councilmember Lyons offered Resolution 2019-56 adopting 2019 Temporary Emergency Appropriations #3.

Councilmember Cornell offered Resolution 2019-57 appointing Andrew Raichle, PE, of Waterman, LLC as Special Project Consultant for the Borough of Bay Head.

Councilmember Magory offered Resolution 2019-58 appointing Kenneth Seals and Tanner Curtis as Seasonal Public Works Laborer.

Councilmember Lyons offered Resolution 2019-59 amending Resolution 2018-153 providing for Salaries and Compensation of Borough Officials and Employees for 2019.

Councilmember Cornell offered Resolution 2019-60 affirming a Sustainable Jersey Green Team Committee.

Councilmember Glass moved 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.

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 Resolution – Off Consent

Councilmember Lyons read Resolution 2019-55 introducing the 2019 Budget.

Councilmember Lyons offered Resolution 2019-55 which was seconded by Councilmember Magory.

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

This resolution is scheduled for public hearing on May 6, 2019.

Mayor Curtis called for Ordinance, First Reading:

Councilmember Lyons offered Ordinance 2019-02 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, STATE OF NEW JERSEY, TO EXCEED THE 2019 MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK N.J.S.A. 40A:45.14

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

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

Councilmember Lyons offered Ordinance 2019-03 entitled:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$285,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$270,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Councilmember Lyons offered this ordinance on first reading, which motion was seconded by Councilmember Glass. 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.

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

Councilmember Lyons offered Ordinance 2019-04 entitled:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$60,000 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE COST THEREOF

Councilmember Lyons offered this ordinance on first reading, which motion was seconded by Councilmember Glass. 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.

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

Councilmember Barnes offered Ordinance 2019-05 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 CREATE CHAPTER 101, ENTITLED "CERTIFICATES OF OCCUPANCY" AND TO AMEND CHAPTER 147, ENTITLED "LAND USE"

Councilmember Barnes offered this ordinance on first reading, which motion was seconded by Councilmember Glass. 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.

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

Councilmember Barnes offered Ordinance 2019-06 entitled:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 183 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD ENTITLED "PROPERTY MAINTENANCE" SO AS TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE BOROUGH OF BAY HEAD; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND REPEALING ALL OTHER ORDINANCES OR PARTS OF LAW IN CONFLICT THEREWITH

Councilmember Barnes offered this ordinance on first reading, which motion was seconded by Councilmember Glass. 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.

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

Councilmember Barnes offered Ordinance 2019-07 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 118, ENTITLED "FIREARMS AND FIREWORKS"

Councilmember Barnes offered this ordinance on first reading, which motion was seconded by Councilmember Glass. 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.

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

Councilmember Lyons offered Ordinance 2019-08 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 195-4 OF THE BOROUGH CODE ENTITLED "SEWER USAGE FEES TO INCREASE THE SEWER USAGE FEES IN THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY

Councilmember Lyons offered this ordinance on first reading, which motion was seconded by Councilmember Glass. 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.

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

Councilmember Glass offered Ordinance 2019-09 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 222, ENTITLED "VEHICLE AND TRAFFIC" TO ESTABLISH A NO PARKING ZONE ON GROVE STREET IN FRONT OF THE BAY HEAD ELEMENTARY SCHOOL

Councilmember Glass offered this ordinance on first reading, which motion was seconded by Councilmember Magory. 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.

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

Councilmember Glass offered Ordinance 2019-10 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 222, ENTITLED, "VEHICLES AND TRAFFIC" TO MODIFY THE ALLOWABLE TRUCK OR MOTOR VEHICLE WEIGHT LIMIT FOR PARKING ON ROADWAYS WITHIN THE BOROUGH OF BAY HEAD

Councilmember Glass offered this ordinance on first reading, which motion was seconded by Councilmember Magory. 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.

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

Councilmember Lyons offered Ordinance 2019-11 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER 114 ENTITLED "FEES"

Councilmember Lyons offered this ordinance on first reading, which motion was seconded by Councilmember Glass. 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.

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

Councilmember Magory offered Ordinance 2019-12 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF AN EASEMENT OVER A PORTION OF BLOCK 2 LOT 1

Councilmember Magory offered this ordinance on first reading, which motion was seconded by Councilmember Cornell. 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.

This ordinance is scheduled for second reading and public hearing on May 6, 2019.

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.

Peter Doane, 325 Lake Avenue: I brought this question up before – have you thought about having a dog park in town? Since you are pressing the unleashed dog law, it would be good to have a dog park.

Mayor Curtis: We don't have a location.

Mr. Doane: How about right behind the tennis courts - between the tennis courts and the playground. You could charge a \$25.00 fee to have access.

Councilmember Cornell: I haven't been to a dog park – how is it policed?

Mr. Doane: There is one in Wall Township but when I called they won't give me the information. They said someone from the town would have to call.

Ms. Cipriani: Access and liability are two issues to consider. I could talk to towns that have them and the process they have gone through.

Bill Barr, 442 Lake Avenue: Has the town ever considered adopting a resolution concerning environmental climate change? If not I would like to present one to you.

Councilmember Cornell: I would be happy to speak with you. The Environmental Commission is always looking for members.

Councilmember Shaning: Kudos to our Police Department and Fire Department. My wife was preparing some food and burnt it – setting off the smoke alarms. She is a very good cook. The response was within minutes. I would like to commend them for their speedy response.

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

There being no further business Mayor Curtis adjourned the meeting.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor