

June 3, 2019

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on June 3, 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, Magory, Cornell; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney. Absent were Councilmembers Lyons and Shaning.

Councilmember Glass moved to approve the regular and executive minutes of May 6, 2019. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Glass, Barnes, Magory, Cornell. NAYS: None.

Councilmember Glass moved to approve the special and executive minutes of May 13, 2019. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Glass, Barnes, Magory, Cornell. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Glass, Public Safety, read the May report for the Police Department. A copy of the report is attached to these minutes.

Councilmember Glass read the Fire Department Report for the month of May. A copy of the report is attached to these minutes.

Monthly Fire Safety Tip: Propane Tank Use and Storage

Cylinder tanks for equipment such as stoves and ovens must be located outside of the home.

Never store or use propane gas cylinders larger than one pound inside the home.

Never operate a propane-powered gas grill inside the home.

Use of propane-powered gas grill shall be at least 5 feet away from the home.

If you smell a strong odor of gas, leave the area immediately and call the fire department from outside the home.

Councilmember Glass: Today was bulk pickup and they did a fabulous job. Everything was cleaned up by 10 am.

Councilmember Barnes, Legal and Planning, had no report.

Councilmember Magory read the Construction, Zoning and Code Enforcement reports for the month of May. A copy of the report is attached to these minutes.

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

All of the sidewalks – concrete work has been completed on Osborne Avenue. The restoration work will continue by following the contour of the land – that is the reason for the waviness of the sidewalks.

Councilmember Cornell, Parks, Grounds and Recreation: The tennis courts will not be locked this year. They are available to residents and guests only, using only one hour at a time. We will see how this works for this summer.

Summer recreation registration forms are available on the website or stop by Town Hall.

Christopher Parlow, Borough Administrator:

Beach Replenishment Project is going on. The progress is quicker than anticipated, the weather has cooperated. It seems to be ahead of schedule. I am trying to keep up on the website – the streets that are open or closed. It looks as if Bridge Avenue will be started by the end of the week. Information has been sent to ocean front homeowners permitting them to install their 4' walkways. They don't have to wait for the project to be finished. Those properties north of Harris could start at any time. I hope to get this information out on our website. The contractor is not publishing this information. I don't work for the contractor but for the residents so as soon as you can install your 4' walkways the better for you. We are hoping that they may be finished with the middle sections sometime next week. The northern line is running south to Mount Street.

CRS Program: I will be attending a meeting Thursday – I have been invited to participate in a pilot program which will allow us to transition to the new software program.

Ms. Cipriani: On the agenda tonight is a resolution appointing me as Borough Attorney as of July 1, 2019 with another law firm. My services will remain the same. I am very thankful and touched by the support of Bay Head.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

Request from Dr. Steve Kimbrough for permission to exhibit the paintings of Sarah Ann Kimbrough – A Salute to Summer Flowers

from August 5th thru August 18th in the lobby of Borough Hall with an open to the public reception on Sunday, August 11th from 4 to 6 pm

Request from the Bay Head Business Association for permission to use a meeting room at Borough Hall every second Wednesday of the month from June 1, 2019 thru June 10, 2020 for their meetings from 5:30 to 7 pm

Application for On Premise Raffles License from the Women's Guild All Saints Church for a gift raffle and 50/50 for an event to be held at the Bay Head Yacht Club on July 25th from 11:30 am to 3 pm.

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

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. Nays: None.

Mayor Curtis called for Resolutions – On Consent

Councilmember Magory offered Resolution 2019-69 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) – Police Safety Grant for \$5,000.00.

Councilmember Glass offered Resolution 2019-70 authorizing submission and acceptance of a grant application to the New Jersey Department of Highway Traffic Safety for the FY 2020 Pedestrian Safety Grant - \$11,000.00.

Councilmember Cornell offered Resolution 2019-71 authorizing payment to Employees for Hours of Accrued Compensatory Time from the Budgetary Provision approved as Police Salary and Wages – Chief Hoffman for \$4,051.60.

Councilmember Magory offered Resolution 2019-72 amending Resolution 2018-153 providing for Salaries and Compensation of Borough Officials and Employees for 2019.

Councilmember Barnes offered Resolution 2019-73 requesting the Director of the Division of Alcoholic Beverage Control to act upon the request of the Bay Head Yacht, Club, for Renewal of its Liquor License.

Councilmember Barnes offered Resolution 2019-74 approving the Renewal of Plenary Retail Consumption License issued to Shoppers Wharf, LLC t/a Charlie's of Bay Head for the 2019/2020 License Term.

Councilmember Barnes offered Resolution 2019-75 approving the Renewal of a Plenary Retail Distribution License issued to And Bottles Too, Inc. for the 2019/2020 License Term.

Councilmember Barnes offered Resolution 2019-76 approving the Renewal of a Plenary Retail Distribution License to Burke's Market, LLC for the 2019/2020 License Term.

Councilmember Cornell offered Resolution 2019-77 authorizing a contract with Hertrich Fleet Services, Inc. and approved State Contract Vendor for the purchase of a 2019 Dodge Journey 4DR SE FWD in the amount of \$21,709.00.

Councilmember Magory offered Resolution 2019-78 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) – Clean Communities Program - \$5,427.86.

Councilmember Barnes offered Resolution 2019-79 authorizing the execution of an Agreement with Jean L. Cipriani, Esq. of Rothstein, Mandell, Strohm & Halm, P.A. as Borough Attorney for the Borough of Bay Head as of July 1, 2019.

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

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

Chief Hoffman: The Bay Head Police Department entered a contest on safety thru Aftermath Specialists in Trauma Cleaning and Biohard removal and we won first prize which was \$5,000.00 Resolution 2019-69 allows the Police Department to spend this for training. The video submitted was prepared by Detective Robert Sherman and S/O Tyler Printz and Kelley Mickle.

Mayor Curtis: Thank you and congratulations to the Police Department.

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, Magory, Cornell. NAYS: None. A copy of each resolution 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.

Harry Typaldos, 345 Main Avenue: Since they moved the pipe (pumping sand onto the beach) we have had about 2 inches of water in our basement. The sump pumps are running constantly and I don't know who to contact. My biggest concern is if we also get a heavy rain which will add to this problem.

Mr. Parlow: We will pass this along to DEP, Army Corps and the contractor – putting them on notice of your problem. If you have damages we can file a claim.

This has happened to others and they say it is a temporary. As soon as they move on it should resolve itself. I will speak to you after the meeting.

Councilmember Magory: Could they supply a temporary sump pump for backup?

Mr. Parlow: I will ask.

Chuck Maloof, 384 Western Avenue: Have we heard anything further concerning NJAW and the cell sites?

Mr. Parlow: We have been told by NJAW that the tower will be decommissioned. We have contacted the three cell companies and offered them to take a look at Borough property. They need an alternate site in town. We haven't heard back from them – the ball is in their court.

Mr. Maloof: I have heard talk that even with the tower being decommissioned the cell sites will remain on the property.

Mr. Parlow: We have been told that the reason for the water tower coming down is because of the cost of upkeep. I don't feel that is an option – they want to get out of the cell tower business. I am not a representative of NJAW, as soon as I get any information I will let the Council know. The cell companies are preparing a feasibility study but we haven't seen their report.

Peter Doane, 325 Lake Avenue: Larry did a great job in adding the eggs this spring – I haven't seen any baby goslings. Do they really need to cut the fragmantizes all the way down, around the lake?

Councilmember Cornell: They will be cut down a little but no all the way to the ground and not as often as last year. People who walk along the lake want to see the lake.

Mr. Doane: Will benches be placed on the east side of the lake?

Councilmember Cornell: We were waiting to hear if we would receive the grant we applied for. Recently we learned that we were turned down this year. We were hoping to do all the work at once. Rick McGoey has tracked down a company which has quoted a great price for the benches. Hopefully we will be placing a few on the east side of the lake but they will not be placed much past your property.

Ellen Akersten, 128 Cranberry Avenue: Are they not done on Osborne Avenue?

Councilmember Magory: Only with the concrete work. The restoration work has started and will continue until complete.

Ms. Akersten: Jay walkers are a concern to me. There are places to cross Bridge Avenue – the crosswalks at Club, Lake and the pedestrian crossing in front of the Post Office. It is very distracting and disturbing to see people just cross wherever

they want – they assume they have the right of way. It is worse than I have ever seen it.

Chief Hoffman: We are aware of it. There are more businesses and people in town. We just got done with the Pedestrian Safety Grant Program. I will put out a note to the specials to keep a look out for those crossing. I sit at the Firehouse and always directing people to the crosswalk. I will do what I can.

Mr. Doane: What can be done about the discharge of water on Karge Street – second house in from the corner?

Councilmember Magory: Unfortunately it is allowed.

Councilmember Cornell: We can ask the homeowner to possibly readjust their sump pumps.

Mr. Parlow: Adjust the float.

Councilmember Magory: The only solution would be to install a dry well.

Mr. Parlow: I will notice the homeowner.

Mr. Doane: What is the policy on new pool construction?

Councilmember Magory: The pumped water has to be directed by hose to the nearest storm drain.

Mr. Doane: The platforms, at the street ends, will they be moved out?

Mr. Parlow: There are no plans to change the location of the platforms.

Mayor Curtis: The access ways will be built up but there won't be seats.

Mr. Parlow: Bay Head wanted the dune height of 18', which would have allowed a view of the ocean but Army Corps has the dune height at 22'.

Mr. Doane: Sitting on the walkovers you can't see the waves breaking.

Mayor Curtis: Mr. Delduca participated in a conference call with DOT concerning the sulphur smell coming for the storm drains located at the southern end of Route 35. They have agreed to do anything in their power to remedy the situation. A sleeve will be installed in the storm drain, to see if that works.

Mr. Parlow: They asked us when we thought this should be done – they would need to have workers here for 5 – 8 hours shifts. Lane altering needs to take place. They suggested the third week in June which presents a number of issues. Our recommendation was Monday, Tuesday or Wednesday and to push the 8 hour shifts to complete in those three days. If that doesn't work they will come back to us.

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

Mayor Curtis adjourned the meeting.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor