

December 3, 2018

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on December 3, 2018 at 7:00 pm in the Municipal Building, 83 Bridge Avenue, Bay Head, New Jersey.

Mayor Curtis called the meeting to order and welcomed everyone, he then 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 3, 2018 and 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, Glass, Magory, Cornell, Lyons; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney.

Councilmember Glass moved to approve the regular meeting minutes of November 5, 2018. The motion was seconded by Councilmember Cornell and passed on roll call vote. YEAS: Hein, Magory, Glass, Cornell, Lyons. NAYS: None. Not Voting: Councilmember Barnes.

Chief Hoffman and Kelley Mickle presented flowers to Councilmember Glass on behalf of the Bay Head Police Department.

Chief Hoffman: Since this is the last Council meeting for Councilmember Glass we just wanted to thank her for all she has done for the Bay Head Police. When she came on board she was Chairman of Police and remained so throughout her tenure.

Councilmember Glass: I would like to thank all the citizens of Bay Head who voted for me. Also thanks to the Bay Head Board of Education and the Bay Head Business Association for supporting me. A special thanks to the Bay Head Fire Department especially Chief Fitzpatrick. I appreciate all the work they have done. Lastly, thanks to the Bay Head Police Department, they are the best.

Mayor Curtis called for Resolution 2018-149.

Councilmember Glass offered Resolution 2018-149 appointing Joseph K. Kraus as Full-Time Provisional Police Officer for the Borough of Bay Head Police Department and moved its approval. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis administered the Oath of Office to Joseph K. Kraus.

Mayor Curtis called for Reports of Standing Committees.

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

Councilmember Barnes, Legal and Planning, had no report.

Councilmember Glass, Public Safety, read the Police and Fire Department report for the month of November. Copies of the reports are attached to these minutes.

Fire Department – Tip of the Month:

Christmas Tree Fire Safe

The tree shouldn't be shedding its needles readily.

Always place your tree away from heat sources like fireplaces, radiators, candles, heat vents or lights.

Keep the tree base filled with water to avoid a dry out.

Keep all your holiday candles away from your Christmas tree, surrounding furniture and décor.

Councilmember Magory, Public Works, read the attached Public Works Report for the month of November.

Councilmember Cornell, Parks, Grounds and Recreation: The DEP Water Quality Restoration Grant (Living Shoreline) we applied for has been delayed. Hopefully we will hear in January.

Dan Paulus, Chairman of the Environmental Commission is unable to be here tonight so Heather Robertson will give an overview of the Annual Report which will be posted to the Bay Head website.

Ms. Robertson: We conducted three outreach programs in 2018.

1. Native Plant Sale which also educated and encouraged the public to use the plants in their landscaping during Art in the Park.
2. Hosted Barnegat Bay Blitz on June 8<sup>th</sup>.
3. Kids Crabbing Contest on Scow Ditch Dock during the Clam Bake at the Bay Head Firehouse. The kids loved it and were educated as to crabs and how to keep the bay clean.

Dr. Sousa from Princeton Hydro will be speaking at the December 11<sup>th</sup> meeting speaking on the shoreline. This meeting will be in the conference room and start at 5:30 pm.

Councilmember Lyons, Finance: We are working on the 2019 budget. Tonight we are presenting a resolution for the 2019 salaries. Bill Antonides, CFO gave me projections for the 2019 Capitol Budget and also a three year projection which will allow us to plan more long term

Technology: During the classes at the New Jersey League of Municipalities conference we discovered that our website needs to be ADA compliant. We contacted our webmaster and with just a minor tique it was resolved for us.

Councilmember Hein: What is an ADA website?

Mr. Parlow: It allows people with certain devices to use the information we post. It translates the information into a format they can utilize.

Christopher Parlow, Borough Administrator, in November we did receive responses for RFP's for attorney, auditor, engineer, planner and prosecutor. We received multiple sets of those proposals and they are available for each councilmember. You need to review and make a decision with the month so the professionals can be appointed at the January meeting.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following:

An application for Raffles License for Off Premise 50/50 from Big Brothers Big Sisters of Ocean County, Inc. for an event to be held at the Bay Head Yacht Club on April 12, 2019 with drawing to be held at 10 pm.

Request from Kiersten Ottmer to use Centennial Park on Sunday, December 8, 2019 from 1:30 to 4:30 pm for a wedding ceremony with live music, acoustic guitar a few minutes at the start of the ceremony. They would also like to set up 100 chairs.

Mayor Curtis opened the request up to Council.

Councilmember Hein: I am glad to see people use the park but we just denied a request this summer for a party with a pizza oven. We need to have some rules to follow.

Councilmember Lyons: The issues also need to go before the Chief for his review.

Ms. Cipriani: You did discuss a special events ordinance.

Councilmember Glass: That will be the Sunday of Christmas in Bay Head in 2019. Parking could be an issue.

Councilmember Cornell: Would they want to close a section of the park off?

Mayor Curtis: We need to meet with them.

Councilmember Cornell: Yes, I agree.

Chief Hoffman: Other towns have rules they have to follow.

Mr. Parlow: You need to determine if that is the business you want to get into – weddings, birthday parties – it could be an event every week. Do you want to have that type of use for your park?

Councilmember Barnes: Another favorite topic to certainly rise would be noise.

Councilmember Glass: People presently request streets closed for block parties but they are in front of their homes and all neighbors participate. In the past the park has been used for Bay Head events such as Art in the Park and local church events.

Ms. Cipriani: You could limit to Bay Head only but you should have procedures to follow. If it is only to be used by nonprofits and religious groups – you have to be clear as to the perimeters – limit the events to specific months etc. You have the control to say no or yes.

Mayor Curtis: Diane, please formulate some use of Centennial Park, Howe Park, Evergreen Park and the north end of Twilight Lake.

Ms. Cipriani: I will send Diane a sample ordinance.

Councilmember Glass moved to approve the request from Big Brothers Big Sisters of Ocean County, Inc. The motion was seconded by Councilmember Hein and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None.

Councilmember Glass moved to table the request from Kiersten Ottmer for the use of Centennial Park. The motion was seconded by Councilmember Hein and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None.

Mayor Curtis called for Resolutions.

Councilmember Lyons offered Resolution 2018-150 amending Resolution 2018-123 providing for Salaries and Compensation of the Police Department of the Borough of Bay Head for 2018.

Councilmember Glass offered Resolution 2018-151 authorizing the Bay Head Police Department to participate in the Defense Logistics Agency, Law Enforcement Support Office 1033 Program to enable the Bay Head Police Department to request and acquire excess Department of Defense Equipment.

Councilmember Lyons offered Resolution 2018-152 authorizing 2018 Municipal Budget Transfer.

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

Councilmember Lyons offered Resolution 2018-154 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 – Driver Sober or Get Pulled Over 2018 Holiday Crackdown - \$5,500.00).

Councilmember Hein offered Resolution 2018-155 authorizing the execution of a Shared Services Agreement with the County for the Conducting of Certain Fire Inspection Services on Behalf of the Borough of Bay Head.

Councilmember Lyons offered Resolution 2018-156 cancel General Capital Improvement authorization.

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 were none, Mayor Curtis closed the discussion by the public.

The motion passed on roll call vote: YEAS: Hein, Barnes, Glass, 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 2018-15 entitled:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER  
177 OF THE BOROUGH CODE ENTITLED "PEDDLING AND SOLICITING"

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

Councilmember Barnes: This amendment will eliminate the hot food vendor but will still allow two ice cream vendors.

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: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Lyons offered Ordinance 2018-16 entitled:

AN ORDINANCE ESTABLISHING SALARY, WAGES, HOLIDAYS, SICK  
LEAVE, VACATIONS AND OTHER BENEFITS OF EMPLOYMENT OF  
CERTAIN OFFICIALS AND NON-UNION EMPLOYEES OF THE BOROUGH  
OF BAY HEAD, OCEAN COUNTY, NEW JERSEY, FOR THE CALENDAR

## YEAR 2019 THROUGH 2022

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

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: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Hein: I would like to thank the Ocean Star for the article concerning marijuana and Mayor Reid's hope to persuade legislators to vote against legalization. Mayor Reid is also executive director of the New Jersey Chapter of Responsible Approaches to Marijuana Policy and gave testimony to a joint session of the state Senate and Assembly Budget and Appropriations Committees on Monday, Nov. 26. This sounds like something we should consider.

Councilmember Barnes: I will reach out to Mayor Reid.

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.

Lois Johnson, 818 Main Avenue: I would like to congratulate Mayor Curtis for being accepted in the New Jersey League of Municipalities Silver Hall of Fame for his ten years of service to the Borough of Bay Head as Mayor.

Helene DeFilippis, 78 Goetze Street: I was saddened to hear the rumor about Robert Hein. I hope it is not true. You have done a great service to Bay Head and to towns across the country. Please reconsider.

Councilmember Hein: Thank you for your comments.

Mayor Curtis: I would like to wish you a happy and healthy holiday season. The topic the students chose was back bay flooding – most of our damage comes from the bay and it seems to get worse with each storm. We are looking into it as are all the barrier towns because we all have the same problem. It is a big issue for us.

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

Councilmember Hein 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 Meeting 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:  
New Jersey DEP State Aid Agreement
3. It is anticipated at this time the above state subject matter will not be made public.
4. This Resolution shall become effective immediately.
5. No action will be taken after the Executive Session.

The Governing Body went into Executive Session at 8:04 pm. At 8:40 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.

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Patricia M. Applegate, Municipal Clerk

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William W. Curtis, Mayor