

February 5, 2018

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on February 5, 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 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 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- by phone, Lyons; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney.

Councilmember Glass moved to approve the regular minutes of January 2, 2018 and the special minutes of January 22, 2018. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis stated a letter of resignation had been received from D'Arcy Rohan Green effective January 2, 2018 at midnight. I regret to accept this resignation. She served the Borough for 10 years and did an outstanding job.

Mayor Curtis then stated a letter dated January 10, 2018 had been received from The Regular Republican Organization of Bay Head submitting the following three nominees to be considered by Council for the remaining term of the open Borough Council position:

Mrs. Diane Cornell
Mr. William T. Gage
Mr. Frederic Wintersteen

Councilmember Lyons offered Resolution 2018-29 appointing Diane M. Cornell to the vacant seat on the Borough Council created by the resignation of Councilwoman D'Arcy Rohan Green. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Ms. Cipriani, Borough Attorney administered the Oath of Office to Diane M. Cornell. She then took her seat on the dais.

Councilmember Cornell thanked everyone for their support stating that she was looking forward to serving the Borough.

Mayor Curtis designated Christopher Parlow as the Borough's Community Rating System Coordinator.

Mayor Curtis made the following appointments to Council Standing Committees for the remainder of 2018. The first person is Chairman.

Legal and Planning	<u>BARNES</u> , Cornell, Magory
Parks, Grounds & Rec.	<u>CORNELL</u> , Glass, Lyons
Public Services	<u>HEIN</u> , Barnes, Cornell
Public Safety	<u>GLASS</u> , Lyons, Hein
Public Works	<u>MAGORY</u> , Hein, Glass
Finance & Technology	<u>LYONS</u> , Magory, Barnes

The appointments were moved by Councilmember Barnes, seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Hein, read the Construction Official, Code Enforcement and Zoning Reports for the month of January. Copies of the report are attached to these minutes.

The Borough is in a separate Electrical Co-op than the residents. They recently went out to bid – the new bid will reflect a 18% savings for the Borough. The residents receive a 5% savings.

I am looking for a gas co-op but we have to join an existing one. I will keep you informed.

Councilmember Barnes, Legal and Planning: I have been reviewing various ordinances that have come across our desk. We are working on an ordinance concerning public urination – we have one but sections need to be revised.

DART Prevention Coalition will be present at the April 2, 2018 Council meeting to update everyone on the growing opioid epidemic in Ocean County.

Councilmember Glass, Public Safety, read the Police and OEM report for the month of January and the Bay Head Fire Company report for the months of December and January. A copy of the report is attached to these minutes.

OEM – Tip of the Month:

Be prepared – Keep in touch with your Valentine during and after a disaster strikes. Ensure our emergency plans include phone numbers – also written in case phone is lost or out of power – of people to contact and places to meet during evacuations or shelter-in-place events.

Fire Department – Tip of the Month:

With the winter snowfall upon us, the fire department would like to remind all homeowners and business owners to shovel out any fire hydrants in front of their properties within 24 hours.

Councilmember Magory, Public Works: We are working on repaving five streets: Cedar, Karge, Oak, Strickland and Bridge. Bids will be accepted on February 21st. This work will be done outside the summer season.

The sidewalk installation on the west side of Clayton Avenue is progressing. We have spoke with the homeowners and have adjusted the drawings to make it as accommodating as possible. The plans are complete and bids will be received on February 21st.

Howe Park survey will be authorized by Resolution tonight. The next step will be to define the fill we will need to make it available for use.

Councilmember Lyons, Finance:

The Budget Committee has the 2018 budget ready and fine tuned. The State has implemented a new system which requires our CFO to enter our budget prior to introduction but it still is not working properly. We have asked the State to postpone utilizing the new system until 2019 but they don't want to hear it. Tonight we will present an emergency to our temporary budget which will carry us until we can adopt our 2018 Budget.

As you are aware a number of people prepaid their taxes. In December 2016 for 2017 we received \$214,000 in prepaid taxes. In December 2017 for 2018 we received 2.3 million dollars. This is a big revenue boost for the Borough but we are limited as to what we can do with it.

Mayor Curtis: There was a special meeting on January 22, 2018 which was for only one subject – payment of bills.

Councilmember Lyons: Yes, we had to pay bills. There were several important bills that need Council approval and couldn't wait until tonight. It was the only thing done at the meeting.

Technology Committee: Please visit our new website. There is a new feature – Report a Concern now added through GovPilot. I would like to thank Chris Parlow for working on this to get it up and running. Tomorrow all department heads will be trained on how the Report of Concerns works.

Mr. Parlow: Overlays have been added to the GovPilot maps: flood maps, critical facilities, you can also highlight a specific property and find information on it.

Councilmember Lyons: I am working with the CFO and we will be going to allow you to pay your taxes on line. We are hoping to roll that out this year. We are trying to make it easy to connect to the town.

Christopher Parlow, Borough Administrator:

A draft copy of the agenda will be posted to the website on Friday afternoon prior to the Monday Council meeting.

In December the Council authorized by Resolution 2018-155 the sale of a public works truck. After the last big snow, it was found to be the best in plowing 8 to 12 inches of snow so at the moment the sale is on hold.

We will be updating our CDL (Commercial Drivers License) Policy because a number of drugs are being added to be tested for. Councilmember Hein and I are working to revamp the entire policy.

All I am sure are aware of the injury to our public works supervisor on January 10, 2018. He got his hand stuck in an augur. We are working with JIF and OSHA concerning his injuries.

I am updating myself on the Borough Zoning Ordinances since I have been appointed as Class II member to the Planning Board.

I am reviewing the Employee Handbook – some job titles need to be updated.

Also on my desk is the renewal of the General Beach Maintenance Permit, which allows the BHIA to perform maintenance on the beach. The permit is issued for five years but expired on June 30, 2017. I am Working with the Borough Engineer so that maintenance activity can go on.

A Flood map Ordinance will be introduced tonight.

I continue to work on GovPilot.

Beach Replenishment is coming to Bay Head. We need to be prepared. Work is going to happen so I am trying to bring myself up to date on that project.

The all County Flood Hazard Mitigation Plan needs to be updated, we will meet the February deadline.

A amendment to the house numbering ordinance will be introduced tonight.

A draft of the Beach Access Plan has been submitted to DEP and they returned with comments. We will be answering those comments and resubmitting soon.

Mayor Curtis: If not for Tommy Linton the injury to Larry would have been worse. He saved his life and definitely his arm by applying a tourniquet. I would like to recognize his quick response in acting as quickly as he did.

Councilmember Glass: Because of that accident all police cars have tourniquets.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

An application for Raffles License from Meridian Health Foundation, Inc. for an Off-Premise License for an event to be held June 1, 2018 at the Bay Head Yacht Club.

An application for Raffles License from Bay Head Fire Company #1 for an Off-Premise License with the drawing to be held on June 30, 2018 at the Bay Head Firehouse.

A request from Bay Head Business Association to hold their 3rd Annual "Glimmer of Hope" lantern event on Twilight Lake on August 11th with rain date of August 12th at 7:30 pm.

A request from Clean Ocean Action for their 2018 Beach Sweeps to be held on Saturday, April 21 and Saturday, October 20, 2018 from 9 am to 12:30 pm.

A request from Bay Head Home and School Association for permission to hold their 12th Annual Bay Head Shark Run 5K on Saturday, September 29, 2018 starting at 8:30 to 11:00 am.

An application for Raffles License from Sacred Heart Holy Name Society For an On-Premise License for an event to be held on March 10, 2018 at Sacred Heart Church Parish Hall.

Councilmember Glass moved to approve the request which was seconded by Councilmember Lyons and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. Nays: None.

Mayor Curtis called for Resolutions.

Councilmember Barnes offered Resolution 2018-30 authorizing the execution of a Policy Endorsement with Metropolitan Life Insurance Company (METLIFE) as administered by Bollinger Specialty Group for Group Dental Service Plan Coverage.

Councilmember Lyons offered Resolution 2018-31 authorizing the execution of 2018 Annual Software Maintenance Agreement with Edmunds and Associates.

Councilmember Lyons offered Resolution 2018-32 amending Resolution 2017-121 providing for Salaries and Compensation of Borough Officials and Employees for 2018.

Councilmember Glass offered Resolution 2018-33 authorizing payment to employees for Accrued Compensatory Time from the Budgetary provision approved as Police Salary and Wages.

Councilmember Lyons offered Resolution 2018-34 adopt 2018 Temporary Emergency Appropriations #1.

Councilmember Hein offered Resolution 2018-35 awarding a Professional Services Contract to Remington & Vernick Engineers to provide Surveying and Drafting Services for Howe Park Softball Field Topographic Survey and Property Line Stakeout.

Councilmember Lyons offered Resolution 2018-36 authorizing the Transfer of Appropriations in the Calendar Year 2017 Budget.

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

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

Ann Kelly, 100 Meadow Avenue: Who is covered by the dental insurance policy?

Councilmember Barnes: Employees and Council. Not all employees are covered under our plan they may choose to go with their spouse. The rules as to Council changed a few years back.

Ms. Kelly: Resolution 2018-35 – what is the cost to the Borough?

Mr. Parlow: \$9,200.00.

Mayor Curtis closed the discussion by the public.

The motion passed on roll call vote: YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None. NOT VOTING: Cornell. 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 2017-01 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROHIBITING APPROVAL OF APPLICATIONS WITHIN THE BOROUGH OF BAY HEAD THAT REQUIRE BOROUGH GOVERNMENT APPROVAL WHICH ARE VIOLATIVE OF FEDERAL LAW AND AMENDING CHAPTER 147

SO AS TO PROHIBIT SALE OF DISPENSING OF MARIJUANA OR
ANY CANNABIS-BASED PRODUCTS

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

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance.

Councilmember Lyons: What is the fine for a violation?

Ms. Cipriani: This ordinance will prohibit the sale. We haven't seen the proposed legislation.

Sharon: Thank you for taking this stand.

Councilmember Barnes: There is the argument that marijuana is a gateway drug. We have to do our part; especially that Ocean County is one of the highest in the country with drug abuse/overdose.

Andy Frizzell, 1606 Bay Avenue: I would ask you to vote no. The greater concern is that you are creating legislation on things that might not happen. Now you are in the process of protecting us. The sale of medical marijuana has been in effect since 2010. This is unnecessary – recreational marijuana is illegal in the State of New Jersey. What you should be doing is sending letters to Trenton or going there to express your concerns.

Councilmember Barnes: Thank you for your opinion.

The motion passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons.
NAYS: None. NOT VOTING: Cornell. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Ordinance, First Reading:

Councilmember Barnes offered Ordinance 2018-02 entitled:

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF
BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
CHAPTER 93 OF THE BOROUGH CODE ENTITLED "BUILDING,
NUMBER OF"

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

This ordinance is scheduled for second reading and public hearing on March 5, 2018.

The motion passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons.
NAYS: None. NOT VOTING: Cornell. A copy of this ordinance is attached to these minutes.

Councilmember Barnes offered Ordinance 2018-03 entitled:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
STATE OF NEW JERSEY AMENDING CHAPTER 126 OF THE MUNICIPAL
CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "FLOOD DAMAGE
PREVENTION"

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

Mr. Parlow: Pre Sandy, the date of the FEMA map was September 29, 2006. After Sandy there have been two Preliminary Maps. The Borough adopted Ordinance 2014-03 stating that they would enforce the best available data. A letter was received stating the 2006 Map was being updated as of June 20, 2018. This map update is required because Point Pleasant Beach decided to accept the preliminary maps. All other towns in Ocean County are waiting for the adoption of the Preliminary Maps. Since Bay Head is on the same panel as Point Pleasant Beach and they accepted they are requiring us to accept the panels also.

Councilmember Lyons: Should we look at it down the road as a problem by not accepting the Preliminary Maps?

Mr. Parlow: The data for the June 20, 2018 panel will only be modified for Point Pleasant Beach – it will remain the same as the 2006 Map for Bay Head and Point Pleasant Borough. Should we accept? I might say the higher the better. The next one might be worse. If New York City wins their appeal the elevations may be reduced. What does that do to Bay Head – the Municipality can always adopt higher standards. With the higher standards you get better discounts on your flood insurance. You have to adopt this ordinance. If you want to accept as Point Pleasant Beach you will need to notify FEMA and they would have to change the panel – there is no time to do that prior to June 20, 2018.

This ordinance is scheduled for second reading and public hearing on April 2, 2018.

The motion passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons.
NAYS: None. NOT VOTING: Cornell. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Unfinished Business.

Councilmember Barnes: Ocean County College has a panel discussion scheduled with Police Chief's for February 28, 2018 at 2 pm. Chief Hoffman will be part of the panel. All are invited.

Mayor Curtis called for New Business. There was none.

Mayor Curtis opened the meeting to the public.

Char Charlton, 18 Harris Street read the following:

Mr. Mayor, Members of the Town Council and Residents here tonight,
Speaking on behalf of the members of the Women's Republican Club of Mantoloking and Bay Head, I would like to publicly recognize the service and leadership of Councilwoman D'Arcy Rohan Green and to thank her for all she has done to support the members of our community over the years.

Her passion and support for protecting a clean and natural environment for Bay Head, the Barrier Island and Barnegat Bay has been clear throughout her tenure. Through her leadership as Chairperson of the Parks and Recreation Committee she has served as Council liaison to both the Beautification Committee and the Environmental Commission, working to preserve and enhance the native beauty of Bay Head's public land and to protect and develop the natural resources of Bay Head.

Her contributions to the youth and citizens of this community are noteworthy. She was responsible for spearheading the construction of our modern town playground used by so many of us. She has had oversight for the Summer Rec Program enjoyed by hundreds of young people each summer. She was the Council liaison and a founding member of the Mayors Wellness Campaign and was instrumental in helping to create Walk Wednesdays, currently in its 8th year.

D'Arcy served as a member of the Council for 2 weeks short of ten years. According to our Mayor, she was the first woman to be elected Council President in Bay Head. Most importantly, she has been an outstanding role model for the women and girls of this community. Her actions have created a legacy that inspires others to "*...dream more...learn more...do more... and become more*".

We, the women of this community, and particularly the members of WRCMBH *thank* D'Arcy for her service, *respect* her contributions, *admire* her leadership and *wish* her the very best in the years to come

Ellen Tobin, 50 Bridge Avenue: What is the status of the vendor ordinance?

Mayor Curtis: No changes were made and it is too late to do so for this summer. We will have two ice cream trucks and one hot food truck.

Mayor Curtis thanked everyone for their attendance.

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

Councilmember Glass offered the following Resolution to go into Executive Session.

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 discussions of an actions upon the hereinafter specified subject matter.
2. The following subject involve:
 Shared Service Agreement for Dispatching
 Safe Streets to School Grant Program
3. It is anticipated at this time the above stated subject matters will Be made public with the next sixth days.
4. This Resolution shall become effective immediately.

The Governing Body went into Executive Session at 8:29 pm. At 9:04 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 Lyons and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor