

March 5, 2018

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

Councilmember Glass moved to approve the regular and executive minutes of February 5, 2018. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Cornell, Parks, Grounds and Recreation: We are starting to look into the Summer Recreation Program for this summer. I will have more information at the next meeting.

Beautification Committee will be meeting soon.

The Environmental Commission met on February 13th and discussed a couple of issues one of which was the reduction of plastic bags by businesses and encouraging homeowners to use reusable (cloth) shopping bags. A letter was received concerning dog waste which is being handled by the Public Works Department. They invite you to attend their meetings on the second Tuesday of each month at 5:30 pm.

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

Radon Update – January was Radon Awareness Month and we provided radon tests to residents. We have three tests remaining. I have seen half of the results and no one has an issue.

I attended a marijuana seminar with Mary and Chief Hoffman. The

financial impact is very scary. Nothing good will come from it. We are on the right track and hope the Governor takes another look at it.

Councilmember Barnes: Mike Capko, Dart Prevention Coalition Manager will be here next month to update everyone on the growing opioid epidemic in Ocean County. The States that presently sell recreation marijuana are having an increase in crime because it is a cash only business. Hopefully the Governor will reconsider.

Councilmember Barnes, Legal and Planning: We continue reviewing and rewriting ordinances. A few will be introduced tonight.

Councilmember Glass, Public Safety, read the Police, OEM and Fire Department report for the month of February. A copy of the report is attached to these minutes.

OEM – Tip of the Month:

Re Ready – Register Ready.

New Jersey's Special needs Registry for Disasters. Allows New Jersey residents with disabilities or access/functional needs and their families an opportunity to provide information to emergency response agencies so emergency responders can better plan to serve them in a disaster or other emergency. www.registerready.nj.gov

Fire Department – Tip of the Month:

With the arrival of spring come blue skies, blooming flowers and spring cleaning. Keep fire safety in mind when doing things around the house.

Fact: The leading cause of home clothes dryer fires is failure to

- Clean them. 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.

We received a couple of letters concerning dogs running without being leashed which has been discussed with our police officers. DPW is going to take care of the dog waste concern.

As of March 1st we have a SLEO II in our Bay Head School. He is there all day.

Councilmember Magory, Public Works: We had a very productive month. We will be awarding two contracts tonight. One to repave five streets: Cedar, Karge, Oak, Strickland and Bridge and the other to install sidewalks on the west side of Clayton Avenue.

We have received a grant to install curbs and sidewalks on Osborne Avenue. We are hopefully to start this project in the fall.

Dog bags will be located at various locations in town – we still expect dog walkers to carry their own bags.

Howe Park survey is complete.

Two recycling resolutions will be offered tonight for approval.

Councilmember Lyons: The dog stations to be scattered throughout the town – was there any coordination from Parks, Grounds and Recreation?

Councilmember Cornell: It was discussed at the Environmental meeting.

Councilmember Lyons: Others who attended didn't hear the discussion to locate dog stations. They referred to the letter received and stated they would look into it. They did discuss how bad plastic bags are. I feel the decision of installing dog stations around town should have gone thru Parks, Grounds and Recreation. The Environmental Commission should only be making recommendations. If it was discussed by them it wasn't in their notes.

Councilmember Magory: We still encourage people to carry their own plastic bags. The bags in the dispensers are dated and biodegradable.

Councilmember Lyons: It should have been discussed in Parks, Grounds and Recreation.

Mayor Curtis: Diane is new and yes the Environmental Commission should go to Diane and she would bring their recommendations to us.

Councilmember Lyons: Can we hold off on the dog stations until we go through the proper channels?

Councilmember Magory: The plan was to locate the dog stations next to the existing garbage/recycle box located in Centennial Park. Howe Park and Twilight Road.

Councilmember Lyons: I just want to say I am not blaming Diane but everyone else.

Councilmember Lyons, Finance: The 2018 Budget will be introduced tonight. We could have done it last month but the State was still set on instituting their new software system but they have relented. We can now file a paper copy to the State. Copies are available in the Clerk's office and it will be posted on our website.

Technology Committee: We are working on preventing cyber crime. Chris Parlow our Borough Administrator has been doing the bulk of that work.

Mr. Parlow: Some towns in Monmouth County have been held for ransom demands. Ocean County JIF has issued policies and procedures. We have been

provided a template of the MEL Cyber Risk Management Program which we are working on. We use Freehold Twp. IT and are working with them to make sure we have the protection we need, the backups required and training required of all employees. The hits have come through email so everyone needs to be trained to recognize and not open to prevent the cyber breach. If we comply with Tier 1 we will have a deductible of \$10,000.00. If we reach Tier 2 we will have a deductible of \$2,500.00 in the event we get a breach.

Christopher Parlow, Borough Administrator:

I attended my first Beach Renourishment Partnership monthly meeting. Once they are working in Bay Head the meetings will be weekly. Posted to our website is a DEP link to keep you updated as to their progress. This will be useful to realtors and renters for the summer. At present their schedule has them in Bay Head June 15th with a completion date of the 1st week in August. They will close 1,000 feet of beach at one time and move at 250 foot intervals. They have also stated that no more than two access ways will be closed at one time to get onto the beach.

Councilmember Barnes: Can we file a motion to push this to after Labor Day?

Ms. Cipriani: Some towns have contacted DEP through their elected officials. Seaside Heights went through the process and did push them coming until the end of August. The way the project was bid it is up to the contractor. No town wants them working during the summer except Mantoloking.

Mr. Parlow: This summer there will be two other active work zones beside Bay Head. They only have one at this time. They will be ramping up the project to have three active work sites throughout the project area in the summer months. We were told they will start in Bay Head in the middle – I am not sure if they will move north or south from there.

Mayor Curtis: This has already started in Bay Head. There is no Commissioner only an Acting Commissioner.

Mr. Parlow: There are three dredging units. The one assigned to Bay Head is not the same that is in Mantoloking. We have had conversations with the homeowners and the BHIA.

Mayor Curtis: We will have someone on this project every single day that it is in Bay Head 24/7 throughout the project.

Mr. Parlow: I am learning to update the website – especially the announcement side.

Councilmember Lyons: If the public sees something you want to have added please bring it to our attention.

Mr. Parlow: The Report a Concern is up. You can submit a concern to various departments – Police, Public Works, Code Enforcement. This will generate an email to that department and your concern will be addressed.

We also have a mapping function under GovPilot. You will find information concerning traffic alerts, flood insurance for individual properties.

I will also start attending the CRS meetings which control your flood insurance discounts based on certain qualifications we have to meet.

Bay Head is part of the All Hazard Mitigation Plan for Ocean County. Updates have been completed and were submitted on February 8, 2018.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

A request from Point Pleasant Beach PTO for the residents of Bay Head to participate in their Town Wide Garage Sale on Saturday, June 2nd with a rain date of Sunday, June 3rd

A request from the Kate Shea Foundation for their 14th Annual Bay Head 5K Memory Run on Saturday, May 19th with a start time of 8:30 am

A request from St. Paul's United Methodist Church to use Centennial Park for a Community Easter Egg Hunt on Saturday, March 31st from 9 am to 1 pm

A request from Special Olympics New Jersey and Jersey Shore Running Club for permission to have participants in the Jersey Shore Relay to Benefit Special Olympics run through Bay Head on Saturday, April 21st

A request from the Bay Head Business Association to use the Borough Hall, Conference Room the 2nd Tuesday of the month beginning March 13th through December 11th from 5:30 to 8 pm

An application for Raffles License from Big Brothers Big Sisters of Ocean County, Inc. for an Off-Premise License with the drawing to be held on May 18, 2018 at the Bay Head Yacht Club

Councilmember Glass moved to approve the request which was seconded by Councilmember Magory 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- 37 awarding Peddler’s License for the Year 2018.

Councilmember Lyons offered Resolution 2018-38 authorizing an Agreement for certain Legal Services – Bond Counsel adopted by the Borough of Bay Head.

Councilmember Glass offered Resolution 2018- 39 amending Resolution 2017-121 providing for Salaries and Compensation of Borough Officials and Employees for 2018 – SLEO I and SLEO II.

Councilmember Magory offered Resolution 2018-40 authorizing submission of Tonnage Grant Application on behalf of the Borough of Bay Head.

Councilmember Magory offered Resolution 2018-41 approving Tax Certification pursuant to Recycling Enhancement Act.

Councilmember Hein offered Resolution 2018-42 approving 2018 Safety Contract with Ocean County Municipal Joint Insurance Fund.

Councilmember Lyons offered Resolution 2018-43 authorizing the establishment of a Petty Cash Fund in the Police Department in the amount of \$100.00.

Councilmember Lyons offered Resolution 2018-44 authorizing the Transfer of Appropriations in the Calendar Year 2017 Budget.

Councilmember Lyons offered Resolution 2018-45 rescinding Petty Cash Fund for the Administrator’s Office in the amount of \$10.00.

Councilmember Glass offered Resolution 2018-46 authorizing the submission of the 2018 Distracted Driving Crackdown U Drive, U Text, U Pay Grant.

Councilmember Glass offered Resolution 2018-47 awarding a Contract to purchase one Polaris to Ocean County Powersports in the amount of \$7,544.00.

Councilmember Barnes offered Resolution 2018-48 requesting the reappointment of Joseph D. Coronato as Ocean County Prosecutor.

Councilmember Glass offered Resolution 2018- 49 authorizing payment to employees for Accrued Compensatory Time from the budgetary provision approved as Police Salary and Wages to Ptl. Sherman in the amount of \$2,877.60.

Councilmember Barnes offered Resolution 2018-50 authorizing and approving a Person-to-Person Liquor License Transfer Application to Burke’s Market, LLC (Plenary Retail Distribution License No. 1502-44-003-006).

Councilmember Magory offered Resolution 2018-51 awarding a Contract to Shore Top Construction Corp. for the 2017 NJ DOT Roadway Improvements Various Streets in the amount of \$220,449.00.

Councilmember Magory offered Resolution 2018-52 awarding a Contract to T. Fiotakis Construction, LLC for the Clayton Avenue Sidewalk – West Side Project in the amount of \$85,250.00.

Councilmember Lyons offered Resolution 2018- 54 to adopt 2018 Temporary Emergency Appropriations #2.

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.

Lois Johnson, 818 Main Avenue: Resolution 2018-52 is to fill in the blanks?

Councilmember Magory: Yes, we will install sidewalks where there aren't any between Johnson Street and the Mantoloking line on the west side of Clayton Avenue.

Ms. Johnson: Will Ordinance 2018-04 pay for this?

Councilmember Magory: No.

Ms. Johnson: The Borough will pay for all of that?

Councilmember Magory: Yes.

There being no further questions, 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 2018-02 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.

Councilmember Barnes: The amendment will require the following concerning building numbers:

1. In Arabic numerals.
2. A minimum height of four inches.
3. Composed of a durable material and of a color other than the

- color of the exterior of the building so as to provide a contrast.
4. The numbers must be affixed prominently to the exterior of the house facing the public street, and must be clearly visible from the street during the daytime hours.
 5. The number must also be at least thirty (30) inches above the grade of the property.
 6. Conforming numbers shall be affixed no later than July 1, 2018.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance. There being none 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.

Mayor Curtis called for Ordinance, First Reading:

Councilmember Lyons offered Ordinance 2018-04 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE NO. 2017-07 OF THE BOROUGH FINALLY ADOPTED JULY 10, 2017 TO ELIMINATE THE NJDOT GRANT FOR CLAYTON AVENUE SIDEWALKS AND TO INCREASE THE BONDS AND NOTES AUTHORIZED FROM \$411,350 TO \$601,350

Councilmember Lyons moved this ordinance on first reading, which motion was second by Councilmember Glass.

Councilmember Lyons: The amendment is required because a grant for \$190,000.00 is being returned.

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.

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

Councilmember Lyons offered Ordinance 2018-05 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, STATE OF NEW JERSEY, TO EXCEED THE 2018 MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)

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

Councilmember Lyons: The 2018 Budget is within the required limits but this allows us to bank the overage so that we could at a later time use it if needed. It is an insurance policy.

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.

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

Councilmember Barnes offered Ordinance 2018-06 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 on first reading. Chris, Chief and I worked on this making it more workable for Bay Head.

Mr. Parlow: One hot and two cold hasn't changed. There is a new provision that will provide for an auction on the 1st Monday in February if more than one hot and two cold applications are received. There will be an increase from \$250.00 to \$300.00 for the cold and \$500.00 to \$600.00 for the hot. The minimum bid fee will start at \$300.00 for cold and \$600.00 for hot. At the present time there is no review of the application or background check. The new application is very lengthy.

Chief Hoffman: In the past the hot truck moved around. We had complaints of it blocking sidewalk areas and creating a safety issue. We came up with the idea of moving it to the Borough lot, in the striped lines east of Manasquan Bank. They would still be under our discretion. I talked to the bank and they have no problem if it doesn't block the access to the bank from the lot. This resolves the safety issue from our end. I would like to thank Jen and Chris for all their work on this ordinance.

The motion was seconded by Councilmember Hein.

Councilmember Lyons: This copy was revised from the one sent on Friday?

Mr. Parlow: Yes, the yellow parking areas were removed.

Chief Hoffman: The ice cream trucks are allowed to go into the yellow curb to sell. We monitor that; otherwise they would have no where to park on East Avenue.

Councilmember Lyons: The auction is a great idea. If you rent a place you will pay much more in taxes and rent.

Councilmember Magory: I believe we are taking a fast track down a very slippery slope. We have had the food truck for the past few years and learned they come with a number of issues. We are in good company, since many towns in NJ have experienced similar issues. The issues that need to be addressed are: Competitiveness, Parking, Sanitation, Property tax, Proximity to brick & mortar businesses.

I do not believe it's fair to turn over the problem to the police. As with other communities we have tried to fit the regulations for ice cream and hot dog vendors to mobile restaurants. Our densely packed down town area which has limited space & parking is not suited to adding a mobile restaurant to Bridge Avenue. The new proposal to move the mobile restaurant to the municipal lot, which already services the Fire Department, Borough Hall, Centennial Park, Tennis Courts & Public Parking is not the answer. Other communities prohibit mobile restaurants from locating in congested areas along with establishing other requirements.

I believe we should deal with the land use issues raised by us now that we are considering providing public land to this private entity.

We should also address the issue of private land being used for mobile restaurants. I believe this land use should be addressed in our Master Plan and the issue sent to the Planning Board for recommendations.

I believe food trucks in small communities do provide a useful service for functions such as Art in the Park but to allow a mobile restaurant to permanently park in our municipal parking lot, at no cost to the vendor is a windfall to the vendor. I am not sure that we have thoroughly considered all of the issues involved.

I think you can see – that for all of the above reasons I do not think our municipal lot lends itself to being a food court.

The motion passed on roll call vote: YEAS: Hein, Barnes, Glass, Cornell. NAYS: Magory, Lyons. A copy of this ordinance is attached to these minutes.

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

Councilmember Barnes offered Ordinance 2018-07 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 174, ENTITLED "PEACE AND GOOD ORDER"

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

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.

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

Councilmember Hein offered Ordinance 2018-08 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 Hein moved this ordinance on first reading, which motion was seconded by Councilmember Glass.

Councilmember Barnes: How about ladies scarf?

Councilmember Lyons: I am not sure why we want to go into the retail business. They can come directly to you and that would be great. Who would collect the revenue? Where are the ties made? Will they continue to be made there? I feel it doesn't make a lot of sense.

Councilmember Glass: We sell Bay Head flags now.

Councilmember Lyons: That is different. Will we next sell shirts, pants? Who would be the one selling the ties?

Councilmember Hein: I could do it. I just want people to have the opportunity to have a Bay Head tie.

Councilmember Cornell: How many ties do you have to sell?

Councilmember Hein: 20 of each color – yellow, blue, red.

Councilmember Cornell: Is there a specific fund the money would go in?

Ms. Cipriani: The General Fund.

The motion passed on roll call vote: YEAS: Hein, Barnes, Glass, Magory, Cornell.
NAYS: Lyons. A copy of this ordinance is attached to these minutes.

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

Councilmember Lyons offered Resolution 2018-53 introducing the 2018 Municipal Budget which was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None. A copy of this resolution is attached to these minutes.

Mayor Curtis called for Unfinished Business.

Councilmember Barnes: I would like to thank Chief Hoffman for participating in the Ocean County College panel discussion on February 28, 2018.

Mayor Curtis called for New Business.

Councilmember Magory moved authorizing Mayor Curtis to sign a letter concerning Safe Street to School Grant. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None. A copy of the letter is attached to these minutes.

Mayor Curtis opened the meeting to the public.

Heather Robertson, 161 Bridge Avenue: I was in attendance at the Environmental Commission meeting on February 13, 2018. There were no recommendations made to go forward with the dog waste stations.

Joanne Pehlivanian, 322 Western Avenue: Allowing the hot food truck to locate on the south side of Bridge will create a serious problem. Last year you directed all bikers to ride on the south side and not the north between Club and Lake.

Mayor Curtis: The truck will not be near the sidewalk. If they park on the street, that would be a problem.

Chief Hoffman: It will be into the lot – behind the hot box.

Ms. Pehlivanian: We have never had food trucks until recently. I feel if you are hungry go to Dune Grass or Central Market. I am not a fan of the food truck.

Mayor Curtis: I am not a voting member but I am not for the hot food truck.

Sharon Shaning, 542 East Avenue: You are giving the food truck a piece of our property and at a cost of only \$600 which I feel is very low.

Ms. Cipriani: It is not a lease. It will be at the desecration of the police if the location doesn't work.

Ms. Shaning: He is allowed to park in the municipal parking lot and he is the only hot food – to me it is semantics.

Chief Hoffman: If you see dogs running lose call us. You are not bothering us. We appreciate the call so we can respond.

Mayor Curtis: This summer we will have more bicycle police on the beach in the morning and around town.

Neil DeVesty, 81 Osborne Avenue: Will there be any more town meetings about the renourishment?

Mayor Curtis: No. We do have a DEP link to our website.

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

The meeting was adjourned.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor