

April 2, 2018

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on April 2, 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 minutes of March 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 read the following Proclamations for the month of April:

Child Abuse Prevention

Autism Awareness

A copy of the Proclamations are attached to these minutes.

Councilmember Barnes introduced Michael Capko, DART Prevention Coalition Manager from RWJ Barnabas Health.

Mr. Capko spoke on battling the Opioid Epidemic in Ocean County. There was a 25% reduction from last year. Progress is definitely being made. There is a difference in misuse and abuse. Misuse is older adults sharing pills, take more than their prescription to have it work better – there is no intent. Abuse is taking prescription that belongs to someone else, taking it differently than subscribed and using for another purpose than it was subscribed for. 56% of the pills abused are obtained from a friend or relative. We also see a lot of middle age adults who are subscribed pain pills after a surgery and can't get off them. New Jersey has a new laws which allow only a five day limit of pain pills for surgery. You can become addicted within a few days and the prescriptions are very expensive which leads people to turning to heroin.

We have launched the Opioid Overdose Recovery Program which links individuals who were reversed from an opioid overdose and admitted to select emergency departments to recovery support services and substance use disorder treatment.

Narcan is a life-saving nasal spray that counters the effects of opioids and reverses an overdose. While Narcan is saving lives, many reversed survivors are trapped in a cycle of repeated drug use and may not receive the necessary treatment and recovery support services. Local law enforcement all have Narcan. You can obtain free training in Toms River on Narcan. There is no risk if it is administered and the person isn't having an overdose but if they are it will throw them right into withdrawal.

There were 53 deaths in 2012, 113 in 2013, down to 92 in 2014, up to 118 in 2015 and 209 in 2016. There were also 977 Narcan reversals in 2016.

In 2017 there were 163 deaths which is a 20% reduction and 591 reversals using Narcan.

New on the scene is fentinol which is added to herion. Dealers feel it gives a better high therefore satisfy their customers but it is killing them. It is illegally made.

Anyone in Ocean County that goes through our hospital system because of an opioid overdose is met at the hospital. They try to get them directly into treatment. If they refuse there is an eight week follow up.

There is also a Blue Heart Program – if you want to get into treatment you would go to a participating Police Department and turn in any drugs you have. You would meet with an officer – in this program you don't have to have an overdose to have access to the services available. There are seven participating Police Departments in Ocean County.

To help you can be responsible for your own medications. Talk to your children and grandchildren. Know the signs of abuse and addiction. Count your pills. Don't keep expired prescriptions. Keep medications locked up. Dispose of pills properly. There are a number of medicine drop locations in Ocean County – Point Pleasant Borough Police Department being one.

Mayor Curtis: Bay Head residents can drop off medications at our Police Department twice a year.

Lt. LaRue: We have a drop box in our department so they can be left with us year round.

Mayor Curtis thanked Mr. Capko for his informative information.

Councilmember Hein moved to appoint Councilmember Cornell as Council's Representative to the Environmental Commission. The motion was seconded by Councilmember Lyons and passed on roll call vote: YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None.

Councilmember Lyons: Tonight we will have our Budget hearing. He introduced William Antonides, Jr., CFO and Robert Hulsart, Auditor who are here tonight to answer any questions you have on the 2018 Budget.

Mayor Curtis called for Ordinance, Second Reading, Public Discussion and Vote.

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

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 Resolution 2018-55 authorizing the Budget to be Read by Title Only and moved it for adoption. 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 resolution is attached to these minutes.

Councilmember Lyons offered Resolution 2018-56 authorizing Self-Examination of the Budget and moved it for adoption. 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 resolution is attached to these minutes.

Mr. Antonides gave an overview of the 2018 Budget which was introduced on March 5th:

Self-Review will be done this year. It hasn't been allowed by the State since Sandy.

The budget is within the appropriations cap. The cap is \$4,154,899. The operating budget is \$3,753,649 which is \$401,250 or 9.66% under the caps.

The budget is within the levy cap. The cap is \$3,901.724. The tax levy is \$3,479,318 which is \$422,406 or 10.83% under the caps.

The budget as introduced is \$.2174 per hundred. The budget adopted last year was \$.2125 per hundred. The tax increase will be \$.0049 a 2.3%

increase and provide additional funds of \$104,093. This will be an increase of \$112.00 annual on a house assessed at \$1,561,000.

We continue to save money by taking advantage of low interest rates, using short term notes so there are no closing or reporting requirements. This year we borrowed \$414,035 from ourselves at 0%, and \$1,900.00 at .90%.

We will be paying off \$711,000 of these notes which is paying off 37% of outstanding debt this year.

The Budget will be posted on the Borough website.

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

Tom Charlton, 18 Harris Street: Are there any significant increases in the budget?

Mr. Antonides: We had the following increases: \$31,300 in Health Insurance, \$25,727 in PFRS (pension), \$11,601 in PERS (pension) and \$28,000 in Solid Waste.

There being no further comments or questions the public hearing on the 2018 Budget was closed.

Councilmember Lyons offered Resolution 2018-57 amending the 2018 Municipal Budget and moved it for adoption. 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 resolution is attached to these minutes.

Councilmember Lyons offered Resolution 2018-58 adopting the 2018 Municipal Budget and moved it for adoption. 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 resolution is attached to these minutes.

Mayor Curtis called for Reports of Standing Committees.

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

Bulk Pick-Up will be Monday, June 4, 2018. Notice will be posted to our web-site.

Radon Update – We are closing out our radon testing program. We have three tests remaining. There is no charge. We did get full reimbursement from the DEP for this program.

Councilmember Barnes: We will be acting on a couple of ordinances tonight that we have been working on. We continue to review our codes. We are also working on a letter to be mailed this spring reminding residents of some of the

rules and regulations in town. The letter will be circulated to council soon for their review.

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

OEM – Tip of the Month:

Even though New Jersey traditionally does not have many or severe earthquakes, New Jersey is at some risk for earthquakes. Plus, you never know when where you may travel to. Know your Risk: be Red Cross Ready “Earthquake Safety Checklist”

Fire Department – Tip of the Month:

Always supervise children when they are using a microwave oven. Use only microwave-safe food containers or dishes. Never use aluminum foil or metal in a microwave oven.

If you have a fire in the microwave, leave the door closed, turn the oven off and unplug it from the wall. If the fire does not go out, get outside and call the fire department.

Councilmember Magory, Public Works: Ocean County Solid Waste Department has reached out to us regarding document shredding events for 2018. We will be hosting an event on June 23, 2018 at our Recycling Center. Point Pleasant Borough will host an event at their Municipal Building on Saturday, September 22, 2018. So if you miss ours you can go to theirs.

We held two preconstruction meetings last week.

One to install sidewalks on the west side of Clayton Avenue – which I refer to as fill in the blanks. This project should start within the next three weeks. We have been in touch with the residents.

The second will be the repaving of five streets. It will also start within the next three weeks. We want all of the work done by Memorial Day.

We are looking into how to repair Howe Park. Rules of use will be set by our Parks, Grounds and Recreation Committee.

Osborne Avenue curbs and sidewalks will be done in the Spring of 2019.

Councilmember Cornell, Parks, Grounds and Recreation: The Environmental Commission will be participating in the Spring Beach Sweeps on April 21, 2018. If you want to participate meet at the Bay Head Beachhouse at 9 am.

The Environmental Commission meet the second Tuesday of the month at 5:30 pm in this room. They will be discussing offshore drilling and giving Council a letter of their discussion.

The Beautification Committee will be looking at improvement projects such as replacing some trees in Centennial Park and Twilight Lake and sprucing up the hot box beside the bank.

Summer Recreation Program will start on Monday, July 9th and

run for six weeks. The hours will be the same as last year
9 am to 12 noon Monday thru Thursday.

Councilmember Lyons, Finance: The 2018 Budget has been discussed.

Technology Committee: Borough Administrator, Chris Parlow has done the heavy lifting on lowering our insurance cost concerning preventing cyber crime by have all employees complete the required training. He is still working on that for our part-time employees.

I encourage you to use the “Report a Concern” on our website. As of yet it has not been used. Maybe at the next meeting we will walk you through the process.

Christopher Parlow, Borough Administrator: The Borough was selected to receive funding from the New Jersey Dept. of Transportation Fiscal Year 2018 Municipal Aid Program for Osborne Avenue Curb and Sidewalk Reconstruction in the amount of \$240,000.00. An ordinance is being introduced tonight to get the financing on the books.

We have a significant anniversary coming up October 29, 2018, it will be the 6th anniversary of Super Storm Sandy. If you received a letter of substantial damage, which indicated you had damage of 50% or more based on the assessed value of your home and requested REM or ICC money from the Federal Government or FEMA, there are conditions associated. At the beginning there was a four year period which was extended to six years to elevate your property to the BFE. Bay Head issued in 2012/2013 sixty letters of substantial damage. We are going through that list checking to see which property owners still have to elevate their homes by October 29, 2018. There are still a number of properties that haven't been lifted. We will notify them. The lift is necessary
in order for the Borough to continue to participate in the program.

Municipal Public Access Plan is being finalized by the Borough. In 2012 DEP recommended all towns adopt a plan. In November 2016 they made it a requirement as part of any land use application being submitted to them. We recently submitted a Five Year Beach Maintenance Permit and were told it won't be approved unless the Municipal Access Plan is adopted. At the present time no one can do maintenance on the beach.

Councilmember Lyons: When it is adopted by us – how long is the turn around on the Five Year Permit?

Mr. Parlow: They have to preapprove the plan before you act on it. They are ready as soon as the plan is adopted – I am hoping to have it to you at the May meeting.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following:

Request from Eric Beyer, owner of Beach House Classic Boardshop for permission to have their Annual Old School Surfboard Display in front of 517 Main Avenue, Sunday April 22nd from 8 am to 5 pm

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 Glass offered Resolution 2018- 59 appointing Class I Special Law Enforcement Officers for the Borough of Bay Head and authorizing their attendance at the Ocean County Police Academy.

Councilmember Lyons offered Resolution 2018-60 reappointing William E. Antonides, Jr., as part-time Chief Financial Officer.

Councilmember Lyons offered Resolution 2018-61 to Cancel General Capital Improvement Authorizations.

Councilmember Magory offered Resolution 2018-62 authorizing the execution of a Shared Service Agreement with Brick Township Municipal Utilities Authority for services relating to the Borough's Sanitary Sewage Collection System.

Councilmember Magory offered Resolution 2018-63 authorizing the execution of a Shared Service Agreement with Schindler Elevator for service and maintenance of the elevator in the Municipal Building.

Councilmember Glass moved the above resolutions be adopted. The motion was seconded by Councilmember Magory and 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 2018-03 entitled:

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

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. There being none the public hearing was closed.

Councilmember Barnes moved to carry the vote of Ordinance 2018-03 to the May 7, 2018 meeting to allow the Planning Board time to render their opinion on the ordinance. Their regular meeting of March 21, 2018 was cancelled because of snow. The motion was seconded by Councilmember Hein and 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 2018-04 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 to approve this ordinance be adopted on second reading and final passage. The motion was second by Councilmember Glass.

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

Tom Charlton: Why is the grant not applicable?

Mr. Parlow: It was a federal grant administered by NJ DOT. Federal grants come with a lot of conditions. The primary one required the Borough to use an engineer from the federal bid process. Bay Head had already started the process with their own engineer and paid for those services. The other condition was that our engineer couldn't do the inspection work. Since the Borough wants to move on the project instead of having to push it off a year or so they have decided to return the grant.

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

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

Dennis Shaning, 542 East Avenue: Does it have to do with the ice cream and food truck?

Mayor Curtis: Yes. There are a number of changes to the ordinance; drivers will be investigated, if more than two ice cream and one hot food application is received an auction will be held. We have awarded the 2018 license – two ice cream and one hot food.

Mr. Parlow: Additional verbiage was added – vendors can't park in front of a business that sells the same goods as they are peddling. We added a number of background check requirements – there were none before. Language was also added to allow the hot food truck to utilize the borough parking lot which will be monitored by the Chief. They still can't sell east of East Avenue or sell on Main Avenue. The ice cream is limited to 30 minutes in one location and 60 minutes for the hot food. The fees will also increase.

Mr. Shaning: The food truck can't stay in any one location more than 60 minutes – will that be true for the parking lot also?

Mr. Parlow: The Chief will have that discretion to allow them to stay more than 60 minutes in the parking lot. We feel it will be safer to have them in the parking lot. If the parking lot is an issue it can be stopped at any time.

Susie Van Schoick, 111 Meadow Avenue: So the food truck can stay in the parking lot one hour or more?

Mayor Curtis: The location will be in the white lines south of the hot box. The Chief would like to try this location.

Councilmember Cornell: He can still park on the street. If it is not safe he can move to the parking lot – for the safety of the public. He won't be in the municipal lot for the entire day.

Ms. Van Schoick: But he can be there more than one hour.

Mayor Curtis: That is correct.

Mr. Shaning: It seems this is another fine mess we got ourselves into – elected officials in the interest of tax payers – the food truck is taking away business from Dune Grass, Charlie's, Central Market, Cheese Shop. The food truck owns a business that is ½ mile down the road. How did this come about – why do we need it to begin with? Now we have to manage it – it is a detriment to the existing businesses in town. There is a generator on this truck and in order for the food truck to function it has to constantly run. Do we need a food truck? I am shocked that it even got approved.

Councilmember Barnes: The opinions of Council are not representative of all in town. We didn't arbitrarily decide – a majority of the town did want the food truck – and majority rules. Food trucks are in. I feel we are a business friendly council and promote all businesses in town.

Mayor Curtis: The licenses have been issued for 2018.

Councilmember Hein: I am not in favor but I did receive a number of emails of those who did want it.

Councilmember Lyons: Those emails received weren't from residents only – several were out of town. They were received over a two day period.

Councilmember Magory: I voiced my concerns at the last meeting. They will move there and sit there all day long. I don't believe it should be in a congested area. In this particular case, it is in the most congested area in town.

Ms. Van Schoick: My concern is that the 60 minutes can be extended and that it is a very congested area.

Mayor Curtis: We must rely on our new chief. We appreciate the comments.

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

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 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.

There being no comments or questions 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 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 to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Glass.

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

There being no comments or questions the public hearing was closed.

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.

Mayor Curtis called for Ordinance, First Reading:

Councilmember Lyons offered Ordinance 2018-09 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF OSBORNE
AVENUE SIDEWALKS AND CURBS INCLUDING RELATED EXPENSES IN AND
FOR THE BOROUGH OF BAY HEAD AND APPROPRIATING \$300,000
THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$60,000 IN BONDS
OR NOTES OF THE BOROUGH OF BAY HEAD TO FINANCE THE SAME

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

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 May 7,
2018.

Councilmember Barnes offered Ordinance 2018-10 entitled:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE
BOROUGH OF BAY HEAD, SO AS TO CREATE CHAPTER 134 OF THE
BOROUGH CODE ENTITLED, "INVASIVE PLANT SPECIES"

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 May 7,
2018.

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.

Susie Van Schoick: Our property backs up to Howe Park. In the past the park was
used to fly kites, a few soccer games, softball games – it was passive field and
hopefully will remain so.

Mayor Curtis: We will talk to the neighbors and the public as to the various uses of the field. It will be safer.

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