

July 2, 2018

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on July 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, 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 minutes of June 4, 2018. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Barnes, Magory, Glass, Cornell. NAYS: None. NOT VOTING: Lyons.

Mayor Curtis called for Reports of Standing Committees.

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

I would like to remind everyone if you are renting your home you must get a rental inspection from our Code Enforcement Officer and the Ocean County Fire Marshall.

Sharon Runyon, 666 East Avenue applied and received permission to Adopt a Train Station. Two cleanings were held in May and June. We also met with NJT station master. With Bay Head being the end of the line we feel it didn't get the attention others did. Twenty have signed up and transit does appreciate the work being done. The next clean up will be held on July 10, 2018 at 10 am. Please join us.

Councilmember Glass: Does the rental requirement also apply to air B & B's?

Councilmember Hein: Yes. Bay Head sets the occupancy and Fire Marshall checks the detectors.

Councilmember Barnes, Legal and Planning: We met with DART representatives last week and hope to introduce an ordinance tonight requiring all front of house employees are certified and keep current a Certification in Alcohol Management.

Training for Intervention Procedures (“TIPS”) and Techniques of Alcohol Management (“TAMS”) Certifications. There is also a training program with TIPS and TAMS for those establishments. They will also pay for one of our officers to attend. We spoke with Chief Hoffman and hopefully we will be sending someone. We also talked about under aged drinking and reviewed our ordinance as to on your property liability risk. We are up to date with our ordinance.

I have available tonight copies of the letter to go out to residents concerning rules and regulations of the Borough. The letter will be mailed and posted to our web site.

The Borough is being sued. The matter stems from the Planning Board. We can’t discuss this matter at this time.

Councilmember Lyons: As to the letter - it is going out and half of the council hasn’t seen it. This is the first time I am seeing it.

Councilmember Barnes: It was sent to everyone and I didn’t receive any feedback.

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

OEM – Tip of the Month:

Have a Plan for Hurricane Season – Collect, Share, Practice
Handouts were available

Fire Department – Tip of the Month:

Prevent Mulch Fires

When the weather is hot and there has been little or no rain mulch fires can start usually in the afternoon. Consider using decorative stone instead of mulch. Provide a minimum 18-inch space between mulch beds and combustible building materials. Provide proper clearance for electric devices such as decorative lights by following the manufacturer’s instructions.

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

Construction started on the wall in Centennial Park and should be finished in July. We will also be installing a wall at Osborne Avenue beach entrance. The public works building will be power washed, painted and the roof repaired. All of this work will be done by our public works employees.

We participated by hosting the Ocean County Residential Document Shredding Program recently. We had a great turn out. I would like to thank the Chief for his guys directing traffic and the two public works employees who worked that day. I would also like to thank the County – we filled the truck.

Councilmember Lyons: Compliments to public works for providing us with a report. I think this is great letting us know what you did and what you have planned to do.

Councilmember Glass: Thanks to public works also for all their help during Art in the Park.

Councilmember Cornell: Thanks also to Zsa Zsa Tackles who organized Art in the Park and Beyond. She worked so hard and it was a great event. A fabulous day in Bay Head.

Councilmember Cornell, Parks, Grounds and Recreation: Summer Recreation Program will start next Monday. It will be held at All Saints Church and run from July 9th to August 9th. It is available to anyone who lives in Bay Head or attends Bay Head School. The cost is \$100 for the first child and \$75 for each additional child. A resolution will be offered tonight for the first hour to be with a fitness trainer.

Twilight Lake Paddle was held last night and will continue on the 1st Sunday of every month thru the summer.

The Mayor's Walk will continue this year – July 25th and August 8th starting a 4 pm – more information will be provided soon.

The Environmental Commission had a table at Art in the Park providing information on recycling, reducing plastic and selling native plants at cost. A lot of people stopped by – thanks to Heather, Alice and Sharon, they did a great job.

DEP News Release – DEP Extends Recreational Use Advisory on Clinging Jellyfish to Northern Barnegat Bay. For a fact sheet on clinging jellyfish, visit www.nj.gov/dep/docs/clinging-jellyfish-factsheet.

Also, please empty pots of standing water to help control mosquitoes.

Councilmember Lyons, Finance and Technology: I do not have a technology report. But as to Finance – We are closing in on six years since Sandy and we are almost closed out with FEMA. We are due \$159,000.00 for past rental money paid. They have made good on all others so we are waiting for this check.

Christopher Parlow, Borough Administrator: We received resignation from our Code Enforcement Officer that he will be leaving on July 9th. The vacancy is listed on the NJ Municipalities website and on our web site. This is a part-time position.

Update on the Beach Maintenance Permit from DEP. This permit is required for the BHIA to do maintenance on the beach. We have received an emergency permit. We are being held up until we have the Municipal Access Plan approved. Every time I think I have submitted

everything they give me a new list – requirements just keep coming. The time length was up June 30, 2018. We have withdrawn and they will hold the money until we resolve the Municipal Access Plan and receive approval.

The last post on the DEP web site concerning Beach Replenishment shows no change in their start date – it is still the end of September.

Mayor Curtis: The Ocean Star article covering Art in the Park did not mention Zs Zs's by name. This event was long standing prior to the storm and last year it was resurrected by Zs Zs. She has worked very hard on this project and done a great job.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following:

Request from Bay Head Business Association for the use of Centennial Park on June 23, 2019 for Art in the Park...and Beyond

An application for Raffles License from Bay Head School Foundation for an On-Premise gift raffle and Off-Premise 50/50 cash raffle with the drawing to be held at the Bay Head School on September 22, 2018

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 Glass offered Resolution 2018- 97 authorizing the purchase of a 2018 Ford F150 for the Bay Head Police Department from Winner Ford under State contract.

Councilmember Lyons offered Resolution 2018-98 providing for the Insertion of a Special item of Revenue in the Budget – Chapter 159 – Clean Communities Program \$4,930.52.

Councilmember Barnes offered Resolution 2018-99 authorizing amendment to Agreement with Manasquan Savings Bank to provide for current signatories on Municipal Court Accounts.

Councilmember Cornell offered Resolution 2018-100 awarding a Contract to Therapeutic Fitness, LLC for the provision of Fitness Activities for the Bay Head Summer Recreation 2018 Program.

Councilmember Lyons offered Resolution 2018-101 providing for the Insertion of a Special Item of Revenue in the Budget – Chapter 159 – Alcohol Education and Rehabilitation Fund \$659.09.

Councilmember Lyons offered Resolution 2018-102 providing for the Insertion of a Special Item of Revenue in the Budget – Chapter 159 – Pedestrian Safety Grant \$11,000.00.

Councilmember Lyons offered Resolution 2018-103 to Cancel General Capital Improvement Authorizations.

Councilmember Cornell offered Resolution 2018-104 appointing Olivia Frizzell, Lily Akersten and Teagan Gambert as Assistant Summer Recreation Program Coordinator.

Councilmember Lyons offered Resolution 2018-105 amending Resolution 2017-121 providing for Salaries and Compensation of Borough Officials and Employees for 2018.

Councilmember Magory offered Resolution 2018-106 authorizing a contract with an approved State contract vendor for purchase of a vehicle for the Department of Public Works.

Councilmember Glass offered Resolution 2018-107 authorizing a contract with the New Jersey Equipment Company, an approved State contract vendor, for purchase of Air Packs for the Bay Head Fire Department.

Councilmember Magory offered Resolution 2018-108 approving a Change Order in the amount of \$11,493.00 for a Decrease in the Contract executed with T. Fiotakis Construction, LLC for Clayton Avenue Sidewalk – West Side.

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

Mayor Curtis asked if there were any questions from the public concerning the Resolutions presented. There were none.

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. Councilmember Barnes abstained from voting on Resolution 2018-104 and 2018-105. A copy of each resolution is attached to these minutes.

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

Councilmember Glass offered Ordinance 2018-13 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 222, ENTITLED, "VEHICLES AND TRAFFIC" TO ESTABLISH A LOADING ZONE ON BRIDGE AVENUE

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

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.

Mayor Curtis called for Unfinished Business. There was none.

Mayor Curtis called for New Business.

Mayor Curtis: I received a letter today requesting use of Centennial Park from noon to 2 pm on July 27th for a private event. A copy of the letter is attached to these minutes.

Councilmember Glass: They will need to submit a Certificate of Insurance.

Mayor Curtis: And also sign the Hold Harmless Agreement.

Ms. Cipriani: Regarding time – they are also requesting 2 hours prior to set up the pizza oven and maybe more to take it down.

Mayor Curtis: We have only given permission to nonprofit organizations not private. I do conduct weddings there but only in the gazebo. We haven't approved a private request with food.

Councilmember Cornell: How many parking spaces will he need?

Mayor Curtis: Down by the tennis courts – 4 or 5 against the back area.

Councilmember Barnes: This is opening up Pandora's Box – I just don't see it.

Councilmember Lyons: They show a smoke stack on the unit to cook the pizza. Wouldn't the neighbors have to give approval prior to us?

Councilmember Cornell: Would they cordon off the area?

Ms. Cipriani: If you are going to change the policy, which Council has the ability to do, you need an adopted policy to set a number of factors.

Councilmember Glass: They will need security and approval from the Fire Marshall.

Councilmember Magory: It is the wrong time of year – there is too much activity in Centennial Park.

Councilmember Glass: We have given permission to have a block party – to close off the street.

Chief Hoffman: There is no official application to use the park. The letter states there will be 14 people but as we know 14 could become 50. They are only having 14 – which is not a lot to host at their home – they are residents.

Gina Davis, 380 Western Avenue: It is a beautiful park so I understand their asking. Would children be allowed in the park at the same time? The park is a major part of our community.

Mayor Curtis: We are not closing the park to the public.

Sharon Runyon, 666 East Avenue: I have obtained permission for a number of events in public parks – there is always an application. Normally towns like to see the parks used.

Mayor Curtis closed the public comment on this topic.

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

Councilmember Hein: I would like to see what procedures other towns follow for the use of their parks.

Ms. Cipriani: I could send you a couple of samples to review.

Mayor Curtis opened the meeting to the public.

Peter Doane, 325 Lake Avenue: What is the chance of getting more of the dog stations along the lake?

Councilmember Cornell: There are four out. Where would you suggest they be placed?

Mr. Doane: By the garbage cans.

Councilmember Cornell: Is it helping?

Mr. Doane: Yes.

Larry Gilman, Public Works Supervisor: We only have five and they are out.

Mr. Doane: Could they be attached to the garbage containers?

Councilmember Cornell: Larry, are you restocking the bags?

Mr. Gilman: Not so much yet.

Councilmember Cornell: We will look into getting more.

Mr. Doane: The phragmites are being cut so frequently that the geese are just walking out – when they get some height it prevents the geese from just walking out.

Councilmember Magory: They are a very evasive European style. They are bad for the water and bad for the ground. They spread very easily and the only way to remove is to hit with chemicals and burn it.

Mr. Doane: They hold the soil there.

Councilmember Cornell: Is a machine used to take them down?

Mr. Gilman: We do have a machine that cuts the top down but by the water we use a different machine.

Councilmember Magory: There are no longer any cat tails – it has taken them out.

Mr. Doane: At the last meeting I asked about valet parking across the street from my aunt's house. The Planning Board didn't approve this when they granted the approval for the restaurant or the shops. The approval given for the shops stated they would only be open to 8 pm. The restaurant is open later and cars are leaving all evening up to 10 – 10:30 pm. Construction equipment is parked there. The property is not zoned for valet parking.

Councilmember Lyons: I wasn't at the last meeting but if they don't park there where would you wish them to park?

Mr. Doane: On the street – it is time to spread it around town. It is not fair to those four properties – it has been going on for five years.

There being no comments Councilmember Lyons moved to approve the vouchers for payment. The motion was seconded by Councilmember Cornell 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 Barnes 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 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 discussion of an actions upon the hereinafter specified subject matter.
2. The following subject involve:
 - Pending Litigation – Rantz vs. Bay Head
 - Shared Services Agreement – Point Pleasant Beach
3. It is anticipated at this time the above stated subject matters 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 8:16 pm. At 9:19 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 Glass and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor