

September 17, 2018

The special meeting of the Mayor and Council of the Borough of Bay Head was held on September 17, 2018 at 7:00 pm in the Borough Hall, 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 was posted on the bulletin board at 83 Bridge Avenue on August 22, 2018 and was published in *The Ocean Star* on August 31, 2018.

The roll was called for attendance. Present were Mayor Curtis and Councilmembers Hein, Barnes, Glass, Cornell, Lyons; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney. Councilmember Magory was present via phone.

Councilmember Barnes moved to approve the regular and executive minutes of August 20, 2018. The motion was seconded by Councilmember Cornell and passed on roll call vote. YEAS: Hein, Barnes, Magory, Cornell, Lyons. NAYS: None. ABSTAIN: Glass.

Mayor Curtis called for Reports of Standing Committees.

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

Electric Co-op – If you didn't receive a letter from Morris Area Energy Cooperative you will in the near future. The new rate of \$0.0886 for a term of 19 months will be effective March 2019. In the interim (Nov. 2018 – February 2019) IDT Energy, Inc. will automatically return participating residents to Basic Generation Service through JCP&L. You can also opt out if you wish. Residents participating in the program saved an average of 10% on their electric bill. As before, feel free to send any questions you get to me.

Councilmember Barnes, Legal and Planning: Two weeks ago I attended a seminar on legalizing Marijuana in the State which will take place within the next few weeks. The Attorney General for the State is also requesting the suspension from prosecution of pending charges concern marijuana. If you oppose legalizing marijuana please contact Senator Holzapfel at 732 840-9028.

I have invited Dan Trolaro, Executive Director of the Council of Compulsive Gambling to speak to you about gaming and gambling addictions on October 1, 2018. He will speak about middle school and high school students playing video games, using tablets and their

phone and how they are connected to gambling substance abuse addiction. Please come out to hear him.

We continue working on the employee handbook to comply with State, Federal and JIF requirements.

FLAG – Foundation for Liberty and American Greatness has provided copies of the United States Constitution. Today is Constitution day so please take a copy.

Councilmember Lyons: Have copies been sent to the school?

Councilmember Barnes: Yes, I spoke with the high school.

Councilmember Lyons: I was speaking of Bay Head School.

Councilmember Barnes: I will check with them.

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

Fire Department – Tip of the Month:

Don't Wait – Check the Date

Make sure your smoke detector is not older than 10 years

Councilmember Magory, Public Works, read the Public Works Report for the month of August. A copy of the report is attached to these minutes.

Tonight we will also offer a resolution to increase the payment to Shore Top Construction for repairs to a sink hole on Cedar Drive.

There will also be two resolutions on the agenda allowing us to submit for grants – one for sidewalk and the other for street repaving. We apply but that is not to say they will be granted.

Councilmember Cornell, Parks, Grounds and Recreation: We have submitted an application for Living Shoreline Construction at Twilight Lake. This was submitted on August 31, 2018 and we hope to hear back by the end of November with the work to take place in December or January.

We are working on improvements to Centennial Park with the Public Works Department to contain the drainage.

The Environmental Commission is always looking for your input. They meet the 2<sup>nd</sup> Tuesday of the Month in the Conference Room.

Monthly Tip – The New Jersey American Water Company regularly tests the quality of the water in Bay Head and has been satisfactory in the past; however these tests are done in locations other than your house. We are not aware of any issues to date, but if you live in an older home you should be testing your water for lead and other contaminants that may be present

in your pipes and fittings.

Household Hazardous Waste Disposal Program: Point Pleasant Borough will host a drop off on Saturday, September 29, 2018 at the Borough High School Lot. You must pre-register by calling 732 367-0802.

Councilmember Lyons, Finance and Technology Committee, had no report.

Councilmember Hein: Just a reminder – Bulk Pick-Up will be Monday, October 1, 2018. Please have your items out Sunday evening.

Christopher Parlow, Borough Administrator: I have finalized the RFP for professional positions for 2019 and they have been submitted for Council review. Please submit any comments you have. A resolution will have to be adopted at the next meeting to advertise the bids. I hope to have the bids submitted by early November. That will give two months to review for appointments to be made in January 2019. We are seeking bids for Auditor, Prosecutor, Engineer, Attorney and Planner.

Updates to JIF are due in October. We have two weeks to finalize those updates so a Resolution to approve the Personnel Policy can be adopted at the October 1<sup>st</sup> meeting.

CRS – I am working on the report using the old manual for recertification this year. The report must be filed the first week in October. We must transfer to the new manual in 2019, which has a new point system – which will take some doing to convert. I have requested the Planning Board Engineer to submit a quote to help with this process. I will then submit the quote to the budget committee for approval.

I attended a Beach Replenishment meeting and was told there are three pump locations and none are operating. The current schedule has them in Bay Head by Christmas. I am sure it will get pushed back – the fear is we will be dealing with it next summer.

I made some changes to the Borough website concerning flood information. Go to the website – look up mapping. There is also information on emergency kits, how to rebuild your house etc.

Two or three months ago we joined Stafford Township purchasing. We are using their diesel and fuel contractor which gives us a 5% savings totaling about \$4,000.00 per year. They will be going to bid for natural gas and we should see a savings in our New Jersey Natural Gas bill as well.

The Assessor has new office hours. He will be in Bay Head on Fridays from 9 to 11 am. This information has been posted to our website.

I will also post the office hours of our new Code Enforcement Officer next week as well.

Mayor Curtis called for Clerk's Correspondence.

A request from Zsa Zsa Stakles of ReFind for the 4<sup>th</sup> Annual Glimmer of Hope to be held on Twilight Lake, August 10, 2019

A request from the Seaweeders Garden Club to use the Borough Garage on Monday, April 29, 2019 from 12 to 4 pm for the preparation of their Annual May Day Event

Councilmember Barnes: The use of public works garage – will it interfere with Public Works?

Mayor Curtis: It never has in the past.

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

Mayor Curtis called for Resolutions.

Councilmember Magory offered Resolution 2018-122 approving a Change Order in the Amount of \$12,915.00 for an increase in the Contract executed with Shore Top Construction, Corp. for the 2017 NJ DOT Roadway Improvements.

Councilmember Lyons offered Resolution 2018-123 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) – Shared Service: Bay Head Board of Education - \$10,000.00

Councilmember Lyons offered Resolution 2018-124 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) – Private Donation \$250.00.

Councilmember Hein offered Resolution 2018-125 authorizing the Sale of Surplus Property no longer needed for public use VIA Internet Auction Website – 1982 Sewer King Rodder Machine.

Councilmember Hein offered Resolution 2018-126 awarding a Professional Services Contract to Remington & Vernick Engineers to provide Engineering Services to prepare and submit a Safe Streets to Transit Grant Application – Twilight Lake Walkway Construction.

Councilmember Hein offered Resolution 2018-127 awarding a Professional Services Contract to Remington & Vernick Engineers to provide Engineering Services to prepare and submit a NJ DOT FY 2019 Municipal Aid Grant Application – Lake Avenue, Bayberry Lane, Egbert Street.

Councilmember Lyons offered Resolution 2018-128 Cancel Sewer Billing.

Councilmember Lyons offered Resolution 2018-129 authorizing Disallowance of 2018 Veteran Deduction and 2018 Widow of Veteran Deduction per the Tax Assessor.

Councilmember Lyons: I would like to vote on Resolution 2018-126 separately.

Councilmember Glass moved resolutions 2018-122 to 2018-125 and 2018-127-129 be adopted. The motion was seconded by Councilmember Barnes.

Mayor Curtis opened the discussion to the Public on the Resolutions.

Char Charlton, 18 Harris Street: Resolution 2018-123 is this new?

Chief Hoffman: Yes – we will have two Class II Officers who will rotate coverage at the Bay Head School. They will be there from 7:30 to 3 pm daily and also be present at school events.

Ms. Charlton: Are they armed?

Chief Hoffman: Yes.

There being no further comments or questions the public portion was closed.

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: Resolution 2018-126.

Councilmember Lyons: At the last meeting I objected to this project to install a sidewalk on the west side of Lake Avenue along Twilight Lake. I don't understand the need for a hard surface right next to the lake and the wildlife. I don't see the need.

Councilmember Cornell: It is also in the same area that we just applied for a grant – Living Shoreline. I don't know if it would conflict with what we have already submitted. The Engineer is the same as submitted the Living Shoreline grant application.

Councilmember Magory: I don't believe we will be in conflict.

Councilmember Hein moved Resolution 2018-126 be approved. The motion was seconded by Councilmember Barnes.

Mayor Curtis opened the meeting to the public concerning questions or comments on Resolution 2018-126.

Bill Meakem, 66 Howe Street: Does it have to be a sidewalk? Maybe a boardwalk would be better – just a thought.

Councilmember Magory: The plan calls for cement but if we get approval we can change that. It also may not be approved. It has been turned down before. We would finalize the plan if it is approved.

Mayor Curtis: Also if we get the approval we don't have to use it.

Bob Correll, 86 Twilight Road: People walk their dogs along the lake. Why do you want to make it more metropolitan? Didn't the same thing happen on East Avenue – the roadway was painted and then it was covered over. What is the purpose? There is a sidewalk across the street to walk on.

Councilmember Magory: It is a natural path to walk into the town. On the north side of Twilight Road – there are some properties without sidewalks – they will also be filled in.

Mr. Correll: That area of grass is covered in goose droppings. Presently the homeowners clean up the sidewalk in front of their property. Who will clean up the sidewalk once constructed along the lake?

Dennis Shaning, 542 East Avenue: In the interest of transparency – how and why did this whole idea come up in the first place?

Mayor Curtis: It has come up many times over the years by a number of people who have made the suggestion of a walkway along the lake.

Peter Doane, 325 Lake Avenue: Councilmember Lyons stated he doesn't see the need for it. I measured Lake Avenue and it is 34 feet in width. People only have to walk 34 feet across the street to walk on a sidewalk. I don't see where a sidewalk on the west side is necessary – it is not like people are getting hit by a car – it is not a dangerous situation. This process cost us money – you have to pay the engineer to prepare and submit the application – it doesn't seem at all necessary. It is beautiful along Twilight Lake, all natural. It is a nice place to walk your dog. Thank you.

Marge Geraghty, 400 East Avenue: I agree with Doug and Dennis. No one walks on the sidewalks on East Avenue and there are sidewalks on both sides of the street. They walk in the street. You are wasting your time.

Mr. Doane: I live in the middle of Lake Avenue. I don't feel it is necessary. Is the town going to shovel the sidewalk within 24 hours after a snow storm? Twilight Lake has been fine for 500 years with nothing there. Why is there such a hub-bub now? Leave it alone and let it be a lake.

Mayor Curtis closed the discussion on Resolution 2018-126 to the public.

The motion to approve Resolution 2018-126 was denied on roll call vote: YEAS: Magory. NAYS: Hein, Barnes, Glass, Cornell, Lyons. A copy of the resolution is attached to these minutes.

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

Councilmember Hein offered Ordinance 2018-14 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 163, ENTITLED, "NOISE"

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

Ms. Cipriani: There were minor suggestions made to the Ordinance after introduction and publication:

Section 1. 163-2(7) – add landscaping, or Lawn-cutting

Section 1. 163-2(7)(a) add landscaping or cutting

Section 1. 163-2(7)(b) add landscaping, or lawn-cutting without commercial assistance

Section 1. 163-2(7)(d) add Landscaping or lawn-cutting – landscaping, carpentry

These are not substantial changes but clarify changes only. They do not alter as it was published.

Councilmember Glass moved to proceed with the second reading of Ordinance 2018-14 as amended. The motion was seconded by Councilmember Hein.

Councilmember Hein: This ordinance will not allow work on Saturday or Sunday year round and if there is a violation it will go to the homeowner.

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

Mr. Meakem: So this eliminates work on Saturday, year round.

Ms. Cipriani: Yes, by contractors. Homeowners can work themselves on Saturdays.

Mr. Meakem: Work can take place Monday thru Friday year round. If a contractor is working on Saturday and the Police go – can they make them stop?

Ms. Cipriani: The Police can go to the property and tell them not to work. If they continue they can issue a summons to the homeowner. They can't make them leave.

Mr. Correll: Most of the contractors working in town are regulars. Is there a fine?

Chief Hoffman: 1<sup>st</sup> offense is \$275.00. It would increase from there requiring a court appearance and possible jail time or community service. Once it goes to court it would be up to the Judge.

Lynn Harrington, 657 East Avenue: We have a young man who can only work for us on Saturday because he has a full time job.

Councilmember Barnes: That is why I object – that is my concern. When are you suppose to work with your contractor unless you take off during the week.

Ms. Harrington: This is very onus on the homeowner.

Councilmember Lyons: The contractor is directing the workers and you can meet with him any time and he will relay to the workers.

Councilmember Barnes: What if you want to oversee the work being done?

Councilmember Glass: I can meet with my contractor on Saturday.

Ms. Cipriani: That is correct.

Jack Geraghty, 400 East Avenue: Is indoor work covered with this?

Councilmember Barnes: Yes – Even as a homeowner you can't work after 7 pm on Saturday and Sunday.

Ms. Geraghty: For so long we both worked and would come down late Friday or Saturday morning. Some contractors only want to be there when the homeowner is there. This is very onus on the homeowner.

Councilmember Lyons: There are people who live here year round and they only have two days of peace. I feel this is a compromise with your neighbors by not allowing work on Saturday and Sunday.

Mr. Correll: Even when you allowed contractors to work on Saturday it was only 9 to 1. The police are wasting their time babysitting them.

Ms. Geraghty: How about carpet being installed or cleaned.

Char Charlton, 18 Harris Street: I lived through Sandy and since then major work has been going on. Not accommodating the need of the community bothers me.

Chief Hoffman: With work only from 9 to 1 on Saturday – police become babysitters. We are at the sites to make sure they don't start before 9 and back again a 1 to make sure they stop. My opinion is that contractors be allowed to work all day on Saturday or not at all. We have pages and pages of warnings given to contractors. If this is approved the warnings will go to the homeowner and the summons will go to them also.

Councilmember Hein: The existing ordinance didn't allow work on Saturday in the summer. This will only make it year round.

Chief Hoffman: This is a noise ordinance change.

Bill Podurgiel, 45 Karge Street: Is there exceptions for emergencies?

Ms. Cipriani: Yes, you would receive approval from the Construction Official.

Councilmember Hein: In my experience I haven't found the Police to be unreasonable. I don't see that to change.



Councilmember Barnes: This shouldn't be in the noise section of the Code Book.

Mr. Shaning: I agree with Councilmember Lyons. Peace and tranquility – if we allow work on Saturday you are going to have several construction vehicles and considerable noise. I personally don't think this is attractive. You need to consider the greater good. A carpet delivery is not noisy. We did construction and it worked out with our contractor only working Monday thru Friday.

Mr. Correll: I work full time. Construction should take place Monday thru Friday. Peace and quiet is just a courtesy. All residents should be treated the same with no work on Saturday year round – not just in the summer. Our police have better things to do than monitor contractors.

Chief Hoffman: Contractors are allowed to work from 8 am to 6 pm – Monday thru Friday. That is a 50 hour work week.

There being no further comments or questions Mayor closed the public discussion on Ordinance 2018-14.

The motion passed on roll call vote. YEAS: Hein, Glass, Magory, Cornell, Lyons. NAYS: Barnes. 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. There was none.

Mayor Curtis opened the meeting to the public.

Mr. Doane: Is there anything going forward about adding additional dog waste stations? Every single garbage can needs one.

Councilmember Cornell: We will have to order more. We have to check our budget. I will speak with Bill Antonides our CFO.

Councilmember Lyons: Are they being utilized?

Councilmember Cornell: Yes they are.

Mr. Doane: There are no benches on the east side of the lake except on the docks, which get covered with goose droppings. There are some on the west side.

Councilmember Cornell: The supplier is no longer in business. We are looking into a new vendor – they are very expensive.

Sharon Shaning, 542 East Avenue: The Seaweeders purchased some at \$900.00 each.

Mr. Doane: An article in the Ocean Star showed a picture of lumber on the beach in Mantoloking, it also stated it would be left there to wash back out. What would Bay Head do if it was our beach?

Mayor Curtis: I will get with Tom Gage and talk about it. We would not let it go back out. We are still trying to negotiate with the State and Army Corp.

Mr. Doane: Beach replenishment – money was raised to repair the jetties. Can we use that money to fix them since the beach replenishment keeps getting pushed off.

Mayor Curtis: The state will not issue the permit to repair the jetties/groins.

Mr. Meakem: Police report listed one burglary – was it a home or business?

Chief Hoffman: It was multiple private homes. They only gained entrance to one and both parties were arrested within thirty minutes. Please lock you doors and your vehicles.

Mr. Meakem: I spoke to you in June and again in August. I offered to take on this project and engaged Albright Electric who worked on the project for the town. He inspected the lights and the globes. The panels are very expensive to replace and I am looking into dimmers. I am making some progress. Also thinking of changing the globes – it seems it is a lot of trial and error. I will be back in October with some ideas.

Mayor Curtis: One thing that will have to be done is that everything will have to be checked with Police and the safety factors for light.

Mr. Parlow: I would recommend that you not touch our lights or globes.

Mr. Meakem: He only went up and looked at them. He didn't remove them.

Mr. Parlow: I misunderstood what you said.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment. The motion was seconded by Councilmember Glass 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 Glass offered the following Resolution to go into Executive Session.

RESOLUTION OF THE BOROUGH O 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:  
Potential Litigation Clayton Avenue  
It is anticipated at this time the above stated subject matters will not be made public.
3. No action will be taken after the Execution Session.
4. This Resolution shall become effective immediately.

The motion was seconded by Councilmember Hein and passed on roll call vote:  
YEAS: Hein, Barnes, Magory, Cornell, Lyons. NAYS: None.

The Governing Body went into Executive Session at 8:40 pm. At 9:22 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 Cornell and passed on roll call vote.  
YEAS: Hein, Barnes, Glass, Magory, Cornell, Lyons. NAYS: None.

---

Patricia M. Applegate, Municipal Clerk

---

William W. Curtis, Mayor