

December 4, 2017

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on December 4, 2017 at 7:00 pm in the New 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 is listed on a schedule of meetings of this Governing Body which was posted on the bulletin board at 83 Bridge Avenue on March 13, 2017 was published in *The Ocean Star* on March 17, 2017 and the *Asbury Park Press* on April 12, 2017.

The roll was called for attendance. Present were Councilmembers Hein, Glass, Magory, Lyons and Jean Cipriani, Borough Attorney. Councilmember Barnes arrived at 7:30 pm. Councilmember Green was absent.

Councilmember Glass moved to approve the regular and executive minutes of November 6, 2017. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Glass, Magory, Lyons. NAYS: None.

Councilmember Glass offered Resolution 2017-147 accepting the resignation of Borough Police Chief Robert Hoffman, Jr. for the purpose of Retirement.

Councilmember Glass offered Resolution 2017-148 appointing Captain William Hoffman as the Chief of Police of the Borough of Bay Head Police Department.

Councilmember Glass offered Resolution 2017-149 authorizing the promotion of Lieutenant Todd D. LaRue from Lieutenant to Captain in the Borough of Bay Head Police Department.

Councilmember Glass offered Resolution 2017-150 authorizing the promotion of Sergeant John F. LaSpina from Sergeant to Lieutenant in the Borough of Bay Head Police Department.

Councilmember Glass offered Resolution 2017-151 authorizing the promotion of Patrolman Zachary E. Keller from Patrolman to Sergeant in the Borough of Bay Head Police Department.

Councilmember Glass moved the above resolutions be adopted. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Glass, Magory Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Ms. Cipriani, Borough Attorney administered the Oath of Office to the following:

William Hoffman, Chief of Police
Todd D. LaRue, Captain
John F. LaSpina, Lieutenant
Zachary E. Keller, Sergeant

Chief Hoffman gave a statement of thanks to the Governing Body, family, friends and fellow police officers.

Councilmember Lyons offered Resolution 2017-159 authorizing the appointment of Christopher Parlow as Part-Time Borough Administrator.

Ms. Cipriani administered the Oath of Office to Christopher Parlow.

Haley Nelson, Student Council President of the Bay Head School and Emily Jones, Secretary presented a flag to William Hoffman, Chief of Police of the Borough. They also presented a flag to Bruce Sutphen, Chief and Ken Glass, President of the Bay Head Fire Company. The flags were presented for all the Police Department and the Fire Company do for the Bay Head School.

Councilmember Barnes arrived.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Hein, read the Construction Official, Zoning and Rental/Transfer Reports for the month of November. Copies of the report are attached to these minutes.

January is Radon Testing Month. Tests will be done in all Municipal Buildings and made available to Mayor and Council. I will have a number available for the public. More information will be given at the January meeting.

If you are in the Electric Co-op you continue to save 5% as promised. I know other third parties are reaching out to you by mail or by phone. Just know that the company we are with will not be calling or mailing you to get you to sign up with them.

The Borough is also in a separate group from the residents and it has saved us 19%.

There is a scam out there stating they are JCP&L and unless you pay up you will have your power shut off. Call JCP&L or our Police Department if you have any doubts.

Clayton Avenue update: Phase one – moving of the 6 Verizon poles has been completed. Phase two - JCP&L will be moving their wires to the new poles and installing one pole of their own. This work started today. Phase three will be Verizon moving their wires to the new poles.

Our usage reported by Ocean County Sewage Authority doubled in the months of April and May so we met with them. They stated that there were unusual high tides in the month of April and May which doubled our average. There is nothing wrong with our system. I will stay on top of that.

I would like to thank Dan Paulus, Chairman of the Environmental Commission for their annual report he submitted. This report will be posted to our website.

I would also like to thank Councilmember Glass, the Bay Head Police and the Bay Head Business Association for all their work in making the Christmas event such a success.

Mary Glass received an award from the Bay Head Historical Society for her home which is a historic building in Bay Head.

There is a new tax deduction to Veteran's with year. Please see our website for the information.

The Governing Body requested the Planning Board to review the request from Verizon Wireless to install five wireless nodes in the Borough. They are still reviewing that matter. The concerning is there are a dozen wireless companies that could request the same. I attended a session at the League of Municipalities recently. Everyone is trying to figure this out.

I will be requesting the Peddler's License to be discussed tonight be pulled from the agenda. I would like to place a questionnaire on the website requesting feedback from residents.

Mayor Curtis: Thanks to the Planning Board especially members Kaye Tell, Tom Charlton and Bill Furze for all their work on the Verizon Wireless request. I chaired the committee in Atlantic City and this is happening in every town, in the US. Their thrust is safety – not to lose a call. We haven't experienced a great loss in cell service in Bay Head. They want to place a huge box in the right of way and we are fighting it. They can be placed underground. Sue Brasefield the Planning Board Engineer is also here and is working with the Planning Board on this request.

Councilmember Barnes, Legal and Planning: Sorry I was late – I was attending my daughter's Christmas concert.

As to the scams – Bay Head adopted a Do Not Knock Ordinance which allows residents to sign up in the Police Department and prevents people coming to your door. You will also be given a sticker to be placed in your window.

Legal and Planning have been working on employee contracts related to the Police Department.

The Borough was named in a Superior Court case. Judge Ford dismissed the complaint against the Borough with prejudice.

The new governor wants to legalize marijuana within his first 90 days in office. We are looking at it very seriously and will be drafting an ordinance which will be ready in January for introduction.

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

OEM – Tip of the Month:

Prepare! Don't Let a Winter Storm Take You by Surprise

What To Do If You're Caught in a Winter Storm

Caution! Winter Storm Dangers Linger

Fire Department – Tip of the Month:

The Holiday Season is upon us. Check all your lights, trees, and fireplaces, for safe operation. Have a Safe and Merry Christmas and a Happy New Year.

I would like to thank Bob for thanking the Police for the Christmas in Bay Head event. They had the Ocean County Sheriff's Department check the area with their K-9. The street was blocked off. It was a wonderful night.

Councilmember Magory, Public Works: The Recycle Center has been repaved. Larry and crew are putting it back in shape.

The Comfort Station to the rear of this building has been closed. There is no heat so it is closed for the winter.

A resolution will be offered tonight to auction off an old dump truck once the new truck arrives.

A resolution will also be offered accepting a street sweeper obtained from a military facility in Texas. The only cost to the Borough is for transportation. All cost for repairs will be paid from grant.

Councilmember Lyons, Finance: The end of this month we will be paying off the last Bond Anticipation Note of \$332,342 for Sandy.

The Budget Committee is working on the 2018 budget. The only hold up is our 2018 Joint Insurance Fund bill. This year the State is requiring all towns to input their budgets into the State software system for review. The only problem is this has not been tested. We are hoping to get approval once it is submitted by this new method but it is out of our control.

Technology Committee: Our new website is up and running. We are intergrading GovPilot which allows you to report a concern and attach a picture. The concern will be directed to the specific department to handle. Map layers are still being added.

Ms. Cipriani: Ordinance 2017 -08 has been noticed for second reading and public hearing. If you choose not to move forward with this ordinance tonight you need to make a motion to carry the ordinance to the next meeting. By doing this, the ordinance will die because it can't cross the year.

Mayor Curtis: Please note the following dates:

Saturday, December 16th at 2 pm there will be a ceremony for Wreaths Across America. It will take place in front of this building at Veteran's Walk. I am looking for veterans from each branch of the service to lay a wreath. If you would like to participate please give me a call.

The Reorganization and Regular meeting for 2018 will be held on Tuesday, January 2nd at 6 pm.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

Application for Raffles License from Sacred Heart Holy Name Society for a monthly drawing in 2018 at 751 Main Avenue.

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

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

Councilmember Hein offered Ordinance 2017-08 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 Hein moved to adjourn the public hearing to the January 2, 2018 meeting. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

By adjourning Ordinance 2017-08 to January 2, 2018 it will die because they can't cross over from one year to the next.

Mayor Curtis called for Unfinished Business.

Councilmember Glass: We have been discussing amending the noise ordinance. I propose no work on Saturday from May 15th to September 15th. From September 16th to May 14th work can take place all day on Saturday.

Mayor Curtis: I feel we need to get some feedback from our residents.

Councilmember Barnes: I don't know if you realize the importance of your opinion. The more input the better guided we are. Anything that you would like to communicate is greatly appreciated.

Councilmember Magory: Recently I toured the entire community and spoke to a number of non-resident taxpayers. They stated they wanted contractors to be allowed to work all day on Saturday outside the summer months. Some live up north and Saturday is the only time they can get here to deal with their contractors. I would like to hear from residents and non-residents.

Councilmember Lyons: I would suggest a survey be placed on the website. Of course, they would like the work done when they aren't here. Right now contractors are allowed to work from 9 to 1 on Saturdays. I am against having them work until 6 pm in the winter months. This is a quality of life issue and if you have had ongoing construction in your neighborhood – it is nice to have a Saturday and Sunday break. Year round residents don't want to listen to the construction all week and on Saturday. Some of the new homes take two years to complete. I would say pole the public.

Mayor Curtis opened the discussion on weekend hours to the public.

Diana Kitchen, 178 Cranberry Avenue: You are talking about contractors but does it also include landscapers and residents?

Councilmember Glass: No, professionals only.

Ms. Kitchen: Would Comcast be allowed to come to your home on weekends? People rely on the internet.

Councilmember Lyons: If you have an emergency - they can come.

Ann Castagnola, 409 Lake Avenue: The shopper's village that is going to be constructed on Lake Avenue – careful consideration should be given to that. I live across the street and we have had to deal with a lot with Charlie's.

Sharon Shaning, 542 East Avenue: We were under construction for nine months and never need to have work done on a Saturday. It is not necessary to have all day on Saturday.

Ellen Tobin, 50 Bridge Avenue: I agree with Doug. We should have some relief on Saturday. No work should be allowed on Saturday – all year round.

Beverly Furze, 2 Wyndham Drive: We have been dealing with construction in our neighborhood for over a year. Enforcement is an issue. It has been a long time since Sandy.

Helene DeFilippis, 78 Goetze Street: I object to work on Saturday. There are a lot of children on our street – let families enjoy their time. We don't need contractors in town on Saturday's.

Mayor Curtis: There are four options on the table:

1. Leave as is – Saturday 9 to 1 winter months only
2. No Saturday – 12 months of the year
3. Saturday work allowed – 12 months of the year
4. No work on Saturday from May 15th to Sept. 15th – rest of year all day

Jacqueline Keer, 138 Grove Street: We have our pool open for 12 weeks. Work is being done next door. I can't go in my yard to water, sit by my pool and relax with them staring down at us. It would be nice to have Saturdays without contractors. The work has been going on for almost a year for me.

Stan Niedzwiecki, 42 Johnson Street: We need enforcement for the present situation. I have tried to call on Saturday and Sunday and can't get anyone in our police department. I leave a message with the sheriff department but I don't think the message is passed on. We need local enforcement for our quality of life. Mayor Curtis: I had a discussion with our new Chief and we are looking to team up with Point Pleasant Beach for dispatch 24/7. Our calls presently go to the sheriff department. It will cost money. We presently don't pay the county for this service. Frequencies are being changed and we are on the same with the Beach, Borough and Mantoloking.

Councilmember Hein: Thanks for the attendance. Your comments are greatly appreciated. I answer all emails and phone calls. If you have an issue, don't wait until the next meeting. Please register your comments.

Mayor Curtis called for New Business and Resolutions.

Councilmember Magory offered Resolution 2017-152 authorizing the execution of a Subrecipient Agreement with the Board of Chose Freeholders of the County of Ocean in connection with the Community Development Block Grant to be used for Handicapped Accessibility Improvements – Clayton Avenue.

Councilmember Glass offered Resolution 2017-153 authorizing the purchase of a 2018 Chevrolet Tahoe for the Bay Head Police Department from Mall Chevrolet under the Cranford Police Cooperative Pricing System.

Councilmember Glass offered Resolution 2017-154 authorizing payment to employees for hours of accrued Compensatory Time from the budgetary provision approved as Police Salary and Wages.

Councilmember Magory offered Resolution 2017-155 authorizing the sale of surplus property no longer needed for public use VIA Internet Auction website for sale of 2001 Dump Truck.

Councilmember Lyons offered Resolution 2017-156 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, P.L. 1948) – Drive Sober or Get Pulled Over 2017 Holiday Crackdown \$5,500.00.

Councilmember Lyons offered Resolution 2017-157 authorizing of Transfer in the 2017 Municipal Budget.

Councilmember Glass offered Resolution 2017-158 authorizing unused Vacation Accrual payment to the Borough Police Chief Robert Hoffman, Jr. upon retirement.

Councilmember Lyons offered Resolution 2017-160 amending Resolution 2017-24 providing for Payment of Salaries and Compensation of Borough Officials and Employees for 2017.

Councilmember Magory offered Resolution 2017-161 authorizing the receipt of a Street Sweeper/Cleaner from DLA Disposition Services.

Councilmember Lyons offered Resolution 2017-162 providing for Salaries and Compensation of the Police Chief of the Borough of Bay Head for 2017.

Councilmember Barnes moved the above resolutions be adopted. The motion was seconded by Councilmember Glass and passed on roll call vote: YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis opened the meeting to the public.

Mr. Niedzwiecki: Has Verizon Wireless offered to pay us any money?

Mayor Curtis: No.

Mr. Niedzwiecki: How much did we help Bob Hoffman out the door for his accrued vacation time?

Councilmember Glass: \$7,010.00.

Ms. Furze: East Avenue – what is happening with the yellow stripe?

Councilmember Magory: We passed a resolution to remove all the markings on East Avenue. We have looked at a number of ways to do it – grind which no one wants to do. High pressure water at a cost of \$9,000, which we feel is too costly. We started to paint it over by brush but decided we need a device to do so. We have one order and just received it.

Councilmember Glass: People have questions and comments regarding that – can we place something on the website to get their opinion?

Ms. Furze: Why when it has been voted on?

Councilmember Hein: What was voted down was the original design. Some like it some don't. We haven't questioned the town as to what they want. It doesn't

have to be exactly the way it was – some don't like the sharrows. There are alternate proposals.

Ms. Furze: They should follow the rules of the road - bikers to the right and pedestrians on the sidewalks.

Councilmember Hein: Bikes should only go south bound but that doesn't happen.

Ms. Kitchen: I don't understand – will we be revisiting this again?

Councilmember Hein: Yes, that is my wish. I would like to put an alternate plan on the website.

Councilmember Magory: This would be a brand new project. A resolution was passed to remove. If they are to go back it would require a new resolution and discussion by the public.

Councilmember Hein: Hopefully in the next month or so.

Ms. Cipriani: There was not a resolution but a motion to remove the markings on East Avenue.

Mr. Gilman: We are hopeful to complete painting over the yellow lines next week, but it may take up to a month depending on the weather. It has to be warm for us to paint. We are trying the best we can.

Ms. Kitchen: Have you thought about going to a contractor to resurface?

Councilmember Magory: It is most effective to power wash. We are trying the paint for now.

Ms. Furze: I would like to thank Larry and his team for their hard work.

Mr. Gilman: This year prior to a snow storm we will brine the roads. Hopefully with will make the roads safer.

Mr. Castagnola, 409 Lake Avenue: When you snow plow Lake Avenue could you push it all to the lake side?

Mr. Gilman: I will come and see you. We will try as best we can to accommodate requests.

Councilmember Magory: I can't tell you how pleased I am with Larry. He is doing a great job.

Ms. Castagnola: The Twilight Lake Neighborhood Plan – is that a bridge or a sidewalk?

Sue Brasfield, Planning Board Engineer: The plan has been submitted but there is no funding. Input from the public would be requested prior to moving forward.

Mayor Curtis: I wish all of you a Happy Christmas and Holiday Season. Thanks for your support in 2017.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None. A list of vouchers is attached to these minutes.

There being no further business Mayor Curtis adjourned the meeting.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor