

May 22, 2020

The special meeting of the Mayor and Council of the Borough of Bay Head was held on May 22, 2020 at 2:00 pm in the Municipal Building, 83 Bridge Avenue, Bay Head, New Jersey.

Mayor Curtis called the meeting to order and welcomed everyone.

We will attempt to go through the meeting as usual. We have removed a few of the normal items in an effort to get through the needed items on the agenda. There will be one public comment session scheduled as part of this meeting. At the appropriate time, I will open the floor to public comment. If a member of the public wishes to comment they must state their name. I will recognize each person separately and relinquish the floor to that person. Once I have relinquished the floor, the person who wishes to comment must once again state their name and provide their address for the record. I will continue this process until all comments are heard.

Mayor Curtis 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 special meeting notice and call in instructions were posted on the bulletin board at 83 Bridge Avenue on May 20, 2020 and was published in *The Ocean Star* and the *Asbury Park Press* on May 22, 2020.

The roll was called for attendance. Present were Mayor Curtis, Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney.
By phone: Councilmembers Frizzell, Cornell, Barnes, Shaning, MacPherson, Lyons.

Mayor Curtis called for Unfinished Business, there was none.

Mayor Curtis called for New Business: We have seven items listed for discussion.

1. Opening Rentals – June 1, 2020 will be the date for rentals to take occupancy if they have a Rental Certificate of Occupancy from Bay Head and a Fire Inspection from the Ocean County Fire Marshall. Airbnb's and VRBO's also have to comply.

This is on the table – are there any comments from Council?

Councilmember Barnes: Is there a limited amount of time for the rental stay?

Councilmember Shaning: I am not sure what that means – allowing for weekend only?

Councilmember Barnes: Yes, there is no minimum stay required at this point.

Councilmember Shaning: Would you entertain a minimum stay for all rentals?

Ms. Cipriani: If you are looking at restrictions as to the number of days, you would need a policy. They are restricted as per Executive Order.

Councilmember Frizzell: I talked to Mayor and this has been discussed by the Public Services Committee – we need to include Airbnb’s and VRBO’s. The existing ordinance requires a list of those signing the lease – I don’t think that is being done at this time. We are going to take a look at that.

Councilmember Shaning: There will be an appropriate time and place to discuss the possibility of limitations. The ordinance doesn’t limit the time but could we with reasonable rational do so during the COVID crisis? Is it possible to limit?

Ms. Cipriani: As far a COVID-19 State of Emergency restrictions – you have an Emergency Proclamation/Resolution based on short term health crisis. Ongoing and permanent, you would have to amend the existing ordinance as to minimum stay. You would go through the ordinance process with a public hearing. These are two separate things.

Councilmember Frizzell: This will be an outgrowth of our committee and our suggestions will be passed to Ms. Cipriani and Councilmember Barnes as Chairman of Legal and Planning.

Councilmember Lyons: Is it possible for us to open the rentals as you suggested but to look at the ordinance in the future concerning short term rentals? We need to move forward today but come back after the Public Services Committee comes back to us.

Mayor Curtis: Yes – we want to open up the rentals for those who have inspections.

Ms. Cipriani: I would suggest the committee come up with proposed regulations to me, I will do a legal review prior to presenting to the public.

Councilmember Shaning: Jean, could you shoot me an email or memo as to what you might like to see in our decision – as to limitation of the rentals and what we need to put in there.

Ms. Cipriani: Yes – I have some information from other towns which I have looked into.

Councilmember MacPherson: If they are not complying, there needs to be some type of fine.

Mayor Curtis: We already have that.

Councilmember Lyons: The fine is up to \$1,000.00.

Ms. Cipriani: The existing ordinance includes fines. For any new amendment you would need to include a fine provision under the penalty section. Violations of

the Emergency Proclamation – laid out by the State is governed by the Prosecutor’s Office and enforcement will take place.

Councilmember Cornell: The present Ordinance for Rentals also requires a copy of the lease. Is there a way we can enforce that? If they were submitted we would have an idea of how many people and how long they will be there.

Mayor Curtis: Jean, how do we implement this change?

Ms. Cipriani: The ban on rentals was done by the Emergency Proclamation/Resolution and can be lifted. The Executive Order has been extended to June 6th. If the Governor would end his Executive Order the Emergency Proclamation would end.

Mayor Curtis: We will lift the Emergency Order on rentals as of June 1, 2020 with Rental Certificate of Occupancy and Fire Inspection from the Ocean County Fire Marshall.

Mayor Curtis: Item 2 – Parking in Town:

Should we leave the current parking restrictions until June 20th – no parking east of Route 35 – Main Avenue? That includes street ends and East Avenue. This restriction also includes resident parking. Should Police enforce the 2 hour parking limit?

Councilmember Barnes: How are we going to enforce the parking when police can’t mark the tires?

Chief Hoffman: I have a plan.

Ms. Cipriani: What are the proposed restrictions?

Mayor Curtis: Presently there is no parking on any street east of Route 35. It has been suggested to remove the restrictions with the beach opening on June 20th, with restrictions remaining on the street ends east of East Avenue – which is where people access the beach.

Ms. Cipriani: I don’t see a problem with that. Where are the two hour restrictions.

Chief Hoffman: Two hour parking is normally enforced from Memorial Day to Labor Day. I wouldn’t put a date on opening up the parking – I would like to play it by ear.

Ms. Cipriani: If the beaches do open up for full activity – you have to provide sufficient parking available for non-residents.

Chief Hoffman: Maybe we could open up the cross streets first – then East Avenue.

Ms. Cipriani: As long as there is parking for nonresidents with access to the beach. In our Municipal Access Plan we lay out parking so people can gain access to the beach.

Councilmember Shaning: Chief is the best expert with traffic safety and if he has a concern we should address it. Safety should be ahead of fear. Maybe we could open before or maybe it will be after the 20th – for public safety. Remember the street ends are a funnel for people going to the beach and they need space to keep their distance.

Ms. Cipriani: Making of decisions is always up to the Governing Body and in emergency – questions could be raised by the Governor and others.

Councilmember Cornell: We didn't open the access to the beach on the streets where the jetty work was taking place. Will they remain closed?

Chief Hoffman: The jetty company will be finished by June 12 and then access will be open.

Councilmember Frizzell: I have concerns regarding traffic on Lake Avenue. Two way traffic and parking on both sides creates problems. Is there any consideration to have Lake Avenue one way (south to north) on the congested section?

Mayor Curtis: Not at this time.

Chief Hoffman: The section of Lake Avenue, from Mount to Johnson, has been an issue for many years. People are concerned and pedestrian signs have been placed along there. It has been discussed but nothing has been done.

Councilmember Frizzell: I would like to take that conversation off line with you.

Councilmember MacPherson: Parking on Main Avenue is very heavy as well as the number of pedestrians crossing at Osborne Avenue. Could a crossing guard be placed there?

Chief Hoffman: That is a controlled intersection and pedestrians and cars need to abide by the light.

Mr. Parlow: Any action that is needed concerning parking, at this time, has been given to the Chief by the Emergency Proclamation. He has the ability to open it up.

Ms. Cipriani: The Chief is here and has heard Council.

Mayor Curtis: Item 3 – Outside Dining Expansion.

We have five eating establishments that are closed to indoor seating. The Governor has stated he is going to permit outside dining in the next couple of weeks. They can submit a plan to allow them to use property adjacent to their establishment for outside dining. They can't expand their seating capacity. We

have Charlies' Dune Grass, Grenville, Theresa's South and Burkes. This would only be until the Executive Order is lifted. I have asked them to submit a plan. It will have to take in safety as to pedestrians and traffic. It would allow them to get some revenue.

Mr. Parlow: This would be by action of Council to allow. Charlie's, Dune Grass and Theresa's presently have outside seating. They can continue – this proposal would be for short term policy to permit those to expand in order to serve their customers. This would be a pilot plan through a resolution that would give those restaurants that ability.

Councilmember Shaning: There would be limitations placed on the extent of the expansion allowed?

Mayor Curtis: Yes – there would have to be social distancing – 6 feet apart and they can't exceed their inside capacity.

Mr. Parlow: They can't block right of ways, sidewalks – you can put restrictions on alcohol service. There wouldn't be expansion without conditions.

Councilmember Lyons: I am in favor of allowing and helping our businesses. How are we going to enforce the rules? I have seen some of the proposed plans – how do we make sure they are 6' apart, distance from pedestrians to walk. We need to do it the right way. I don't know how we should do that? With a blanket or a rule for each.

Mayor Curtis: There will be guidelines issued when the Governor allows it. Theresa's South could utilize the side along Mount Street with barriers put up between the tables and the sidewalk. Burke's could eliminate parking spots with some divide to keep the diners safe.

Councilmember Lyons: Would we have a say in the barrier they are putting up? Type, Height.

Mayor Curtis: I think we would.

Ms. Cipriani: Yes. They will have to submit a plan and you can't require less than the Executive Order.

Councilmember Lyons: Who would review the plan?

Ms. Cipriani: The Chief and Zoning Officer. This would be self-expiring, when the Executive Order lifts it goes away. It would only be temporary.

Councilmember Frizzell: We also need to ask were people who are waiting to be seated will be.

Mr. Parlow: We will take that into consideration.

Ms. Cipriani: You can adopt a Resolution by title today or have it listed for consideration on the agenda of June 1.

Mr. Parlow: Right now outdoor seating is prohibited. We will have to wait until the Governor issues the Executive Order allowing outdoor seating.

Ms. Cipriani: It could be contingent on the Governor's action to lift outdoor dining or any executive order for outdoor dining.

Mr. Parlow: I suggest we draft something for next week, get it out for review so it can be acted on it at the June 1st meeting.

Mayor Curtis – Item 4 – Tables in front of Nonessential Businesses with products on it for sale.

A table would be in front with their product. This will be in addition to online orders and curbside pickup. Customers still can't go into the store. I asked this question from the State and was given permission. It too would go away once all Executive Orders are lifted as to nonessential businesses.

Councilmember Barnes: I think it is a fantastic idea. I feel it is the minimum we can do for them. I am in complete favor.

Councilmember Lyons: I completely agree with Jen. Will they need the same approval – not every footprint is the same. Some have large sidewalks in front and other are very small. We do need to approve the placement? I am all for it.

Councilmember Shaning: I agree. We need to do whatever we can to support our businesses in town. They add to the charm of our town. They will only have sidewalk displays which will not block the sidewalk. I support it.

Mayor Curtis: It is done every year when they have their sidewalk sales which Council approves.

Ms. Cipriani: Do you want to do it by title today or wait until June 1 – it is up to the Governing Body. It will be a pilot program for outside display.

Chief Hoffman: I just received notification from the Prosecutor's Office that certain towns have started doing their own thing. The Prosecutor's Office enforces the Executive Order and payment has to be over the phone the same as with online with curbside pickup. There are compliance checks around the state. We can't drift from the order – cash can't change hands.

Mr. Parlow: That language should be placed in the resolution. It is up to the business to make it work. No exchange of money.

Ms. Cipriani: That would not be our condition – it is in Executive Order 142.

Councilmember Lyons moved to approved a Resolution authorizing a pilot program for nonessential business to have table outside for their products. This motion was seconded by Councilmember Barnes.

Mayor Curtis opened the meeting to the public for any questions on this resolution.

Mary Glass, 2 Twilight Road: As President of the Bay Head Business Association, I would like to thank all for your considering this and doing this – also thanks for the outside seating to be allow restaurants when the Governor allows.

Jon Younghans, 66 Mount Street: I agree with Mary. It is great that you are trying to help the small businesses. I echo the Chief comments as to the stipulations complying with the Governor's Executive Order. Businesses doing business again.

Vote: YEAS: Frizzell, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A copy of this resolution is attached to these minutes.

Mayor Curtis: Item 5 – When to open public tennis courts.

Private Clubs have opened. I can't see a reason to keep ours closed. We could open one or both, allow singles or doubles and limit the hours from 8 am to 6 pm.

Councilmember Cornell: Can we extend the court time? It isn't dark until 8 pm. I would open only one for play at this time.

Councilmember MacPherson: I agree. One court going from 8 am to 8 pm.

Chief Hoffman: There has never been a time to open or close. It is open 24 hours a day.

Ms. Cipriani: This item and the next go under Executive Order 143. If the park is open the restrooms have to be open. There is a protocol for the bathrooms as to cleaning, regulations, signage, one in at a time etc.

Councilmember Barnes: In that vein, it is time to reconsider a cleaning service to come in and clean. This also came up in our public service committee meeting. It needs to be taken away from public works.

Mr. Parlow: I strongly suggest and ask that we delay the opening to procure a cleaning service to comply to the CDC requirements.

Councilmember Barnes: They would be responsible.

Councilmember Lyons: I agree with Jen. I am not certain Public Works can fullfill all the requirements and do we want to put them at risk. We only have a small staff. I agree with Chris to delay the tennis opening until the public bathrooms can be opened.

Councilmember Barnes As well as the public restrooms in the Borough Hall.

Councilmember Shaning: We have a great Public Works staff. They are carpenters, landscapers but not to be latrine orderlies. I don't want to place them

in harms way. We need to look for a professional cleaning service. Tennis can wait.

Mayor Curtis: We don't need to include the restrooms in the Borough Hall in the service.

Mr. Parlow: The public bathrooms on the 2nd floor of Borough Hall are closed to the public. We are only talking about the public bathrooms at the comfort station.

Councilmember MacPherson: Along with clean for the summer, an attendant needs to be there on the weekends. It is very busy.

Mayor Curtis: We have to limit the number going in and out.

Ms. Cipriani: You have to limit the occupancy and social distancing.

Mr. Parlow: An attendant will be included in the request.

Councilmember Barnes: When will meetings be opened to the public?

Ms. Cipriani: There are still restrictions of indoor gatherings of no more than 10. As of today you can have 25 outside. We will have to wait for an executive order for a larger gathering.

Councilmember Barnes: I would also like to see a professional cleaning service clean the restrooms in Borough Hall, when they are opened to the public.

Mayor Curtis: We can address that as it comes down the pike.

Mayor Curtis: Item 7 – Should we hold more meetings while the Stay At Home Order is in place?

Our next meeting is June 1. I feel Council should meet every other week until the Executive Order is lifted – have you found this meeting to be beneficial?

Councilmember Lyons: Yes – we have important topics to address. I would suggest the 1st and 3rd Monday of each month.

Councilmember Shaning: I agree with Doug. We have committee meetings but it is helpful to have input from the rest of council.

Councilmember Barnes: I totally agree. I would also like to see us do a visual meeting.

Councilmember Frizzell: Given the items we need to discuss we need to meet every two weeks. This one has been very beneficial to me. I also like to hear from the folks of Bay Head.

Mr. Parlow: I am not sure we can do a video for the next meeting – it will have to be the same as today. I have done this on my own and if we move to video I will have to have IT involved.

Councilmember Lyons: The IT Committee can take a deeper look into it. Councilmember Frizzell sent us something from Google Hang Out – as a Committee we will come up with a solution.

Councilmember Shaning: Going forward maybe we should look into streaming our council meetings and not just during COVID. It would benefit those residents who aren't here on a year round basis.

Mayor Curtis: We can take a look at it.

Mayor Curtis opened the meeting to the public.

Ms. Glass: Now that you are allowing rentals, and hotels can open, how about B & B's?

Mayor Curtis: I just got the answer from the State and B & B's go under the same regulations as hotels.

Ms. Glass: Thank you. I agree with the bathrooms being professionally cleaned, especially when the beach opens on June 20th.

Harry T, 345 Main Avenue: Could you clarify the regulations for Hotels this weekend?

Ms. Cipriani: I believe it is up to 25% capacity. I will look it up.

Mayor Curtis: I only got the clarification that B & B's are classified the same as hotels. I didn't get answer as to capacity.

Zas Zas, ReFind: I am confused as to the guidelines – they say no more than 10 so can art classes resume?

Ms. Cipriani: Unfortunately this is not a question for the Municipality but the State.

Zas Zas: It stated no more than 10.

Ms. Cipriani: I can't speak to the consistence of the Executive Order. Personal services are not permitted under the Executive Order which is a State regulation.

Zas Zas: Thank you. I recommend Zoom for a platform in the future.

Issac, 741 Main Avenue: I continue to have issues with my garbage being picked up on a regular basis.

Councilmember Frizzell: I will address your concerns with the service. This Tuesday the entire town will be picked up. On Thursday and Friday of this week we will resume the summer schedule.

Councilmember Barnes: When will we have bulk pickup?

Councilmember Frizzell: Monday, June 1st.

Chief Hoffman: Since Code Enforcement is not about as much – people are putting their garbage out on the street for pick up. Please remind them that we have back yard pick up.

Councilmember Frizzell: Yes, we will get that message out.

Ms. Cipriani: The State regulation for Hotel and Motels to insure compliance with social distancing is up to the Municipality as far as the percentage of occupancy. You do not have to address it but if you don't there is no limitation.

Chief Hoffman: Point Pleasant Beach has set it at 25%.

Mayor Curtis: I would like to go with 25%.

Ms. Cipriani: You have two options. Resolution by the Governing Body or give authority to the OEM Coordinator and Chief. You have a June 1st meeting. Mayor has suggested 25% until the June 1st meeting – that could be approved by Resolution.

Councilmember Lyons moved to allow Hotel, B & B's occupancy up to 25% until June 1st. The motion was second by Councilmember Barnes and passed on roll call vote. YEAS: Frizzell, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A copy of this resolution is attached to these minutes.

Laura, 530 Main Avenue – Theresa's South: Thank you. What type of barrier will be required between the sidewalk and the tables on Mount Street? We need more direction. We would propose four tables on the side but don't know what your vision will be – we need your thoughts.

Mayor Curtis: When the Governor lifts the restriction on outside dining, it only has to be safe and a distance maintained.

Bob Hein, 204 East Avenue: Two things. Bay Head Life with the Bay Head Fire Department has planned a Memorial Day ride around town at 10 am.

Mayor Curtis: On Saturday at 9 am you can access the Memorial Day Service, on our website, which was recorded. It is about 10 minutes long.

Councilmember MacPherson: Flyers as to the BHFC ride around town will be distributed. Your support will be appreciated.

Mr. Hein: Will the amendment to the setback ordinance be on the June 1st agenda?

Mayor Curtis: We will try. It is not ready at this moment.

Mr. Hein: I did the work and submitted it so I am not sure what else is needed.

Ms. Cipriani: Information has been provided but the engineer has to submit his input as well.

Mr. Hein: I will look for it.

Councilmember Barnes: Everything you sent has been forwarded along.

Bernard, 72 Bridge Avenue – Charlie's: Can we start to plan what we are going to do? Can it be done prior to the Governor opening the outside dining or do we have to wait for the town.

Ms. Cipriani: The capacity, if the Governor lifts the restriction on outdoor dining will be only 50% of your inside capacity. The Council will decide on June 1st to allow a higher percentage.

Kurk Akersten, Lake Avenue: I would ask you to limit parking on Lake Avenue to one side of the street.

Mr. Younghans: Could you close Mount Street from Lake Avenue to Scow Ditch. It is a dangerous situation with people pulling in to pick up beach badges.

Daren Urb, 83 Osborne Avenue: I am also concerned with pedestrians crossing Route 35 at Osborne Avenue. Could some social distancing markers be placed on the pavement/sidewalk? At times there are 20 people waiting for the light to turn. I also agree that Lake Avenue should be one way.

There being no further comments or business, Councilmember Lyons moved the meeting be adjourned. The motion was seconded by Councilmember Barnes and passed on roll call vote: YEAS: Frizzell, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None.

Mayor Curtis: Thank everyone, Council, public have a great weekend and be safe.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

