

May 4, 2020

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on May 4, 2020 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.

Tonight, 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 are two public comment sessions scheduled as part of this meeting. One for the resolutions and one during the public discussion portion of the 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. I will then close the floor to public comment and move to the next item on the agenda.

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 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 2, 2020 and was published in *The Ocean Star* on January 10, 2020 and the *Asbury Park Press* on January 4, 2020.

The call in instructions for this meeting were published in *The Ocean Star* on May 1, 2020 and the *Asbury Park Press* on April 28., 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.

Councilmember Lyons moved to approve the regular and executive minutes of April 6, 2020. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Frizzell, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None.

Mayor Curtis called for Committee Reports.

Councilmember Frizzell, Public Services read the Construction and Zoning Department Reports for the month of March and April. A copy of each report is attached to these minutes.

Councilmember Cornell, Public Works stated the Public Works Report for March and April had been submitted by Larry Gilman, Public Works Supervisor. A few

items of concern: Masks are not being worn at the Recycle Center by residents, nor are they social distancing themselves. There is also a problem with people dropping off items that cannot be recycled. Please be mindful of what can be recycled. Cameras have been installed and are working. The Recycle Center will maintain weekends hours of 10 am to 2 pm on weekends through May. The Howe Park project should be wrapping up soon – grading and seeding will take place soon. Copies of the reports are attached to these minutes.

Councilmember Barnes, Legal and Planning: An Order to Cause has been filed Against New Jersey Transit. It was filed on Friday; we are proceeding forward.

Councilmember Shaning, Public Safety read the Police Reports for February, March and April. He also read the April, Bay Head Fire Department Report. Copies of the reports are attached to these minutes.

Councilmember MacPherson, Parks, Grounds and Recreation: Bay Head Life – Bay Head Wellness recently had a Droid Contest with the droid being made from recycled materials. The winners were: Roman a third grader from Bay Head School and the Martin family. They received Star War decorated cupcakes from Muller's.

Bay Head Beautification Committee, which has a number of members who are Seaweeders and very experienced, have inspected the parks. Mulch has been placed by Public Works.

Councilmember Lyons: I commend Holly for working with Bay Head Life and connecting them to the Bay Head website.

Councilmember Lyons, Finance: We will be introducing the 2020 Budget tonight and I want to thank the Finance Committee. It is a great budget with a ½ cent increase. Ocean County is the recipient of 1.6 million dollars per the CARE Act, which will cover Covid 19 expenses up to 100%. At the present time we are not sure which expenses will be completely covered. We are working very closely with them so we get a share. We have costs related to the virus.

Chris Parlow, Borough Administrator: Borough Hall is presently closed to the public and employees are working remotely. Contact information is listed on the website. More than likely, the office will remain closed until May 15 in response to the Governor's Executive Order.

Ms. Cipriani, Borough Attorney: Councilmember Barnes reported the Order to Show Cause which was filed on Friday. This was filed for emergency action and our hope is to stop or slow down the project. We should within the week get a court date. As to the CARE Act our bills designate COVID 19 related expenses – hopefully they are part of that.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

Request from Eric Beyer, Beach House Classic Boardshop, 517 Main Avenue to have his Annual Old Surfboard Display in front of business on Sunday, June 14th from 8 am to 5 pm.

Request from Bay Head Life in concert with Bay Head Home & School Association to hold at the Bay Head Duck Derby on Saturday, August 1, 2020 between 11:00 am and 4:00 pm.

Request from Hackensack Meridian Health Meridian Health Foundation for a Special Permit (One Day ABC License) for an event to be held at the Bay Head Yacht Club on May 29, 2020 from 7 to 10 pm.

Ms. Cipriani: Any approval will be regulated by the Executive Order at the time of the event.

Councilmember Lyons moved to approve the request which was seconded by Councilmember Barnes. The motion passed on roll call vote. YEAS: Frizzell, Cornell, Barnes, Shaning, MacPherson, Lyons. Nays: None.

Mayor Curtis called for Resolutions. The title of each resolution was read by the Clerk:

Resolution 2020-83
Introduction of the 2020 Budget

Resolution 2020-84
Awarding a Professional Engineering Services Contract to O'Donnell Stanton & Associates to Provide Surveying, Engineering Design and Construction and Inspection Services Associated with the 2019 CDBG Handicap Accessibility Improvements

Resolution 2020-85
Authorizing the Receipt of a Cargo Truck from General Services Administration of the United States Government

Resolution 2020-86
Authorizing David N. Clark for Volunteer Emergency-Worker's Survivor's Pension

Councilmember Lyons moved the above resolutions be adopted. The motion was seconded by Councilmember Barnes.

Mayor Curtis asked if there were any questions from the public concerning the Resolutions presented.

There being no comments or questions Mayor Curtis closed the discussion by the public.

The motion passed on roll call vote: YEAS: Frizzell, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Councilmember Lyons: The 2020 Budget is on the website and will be moved to the finance section if you wish to review it.

Mayor Curtis called for Ordinance, First Reading.

Ms. Applegate read Ordinance 2020-06 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE RECONSTRUCTION OF BAYBERRY LANE, EGBERT STREET AND CLUB DRIVE IN THE BOROUGH OF BAY HEAD AND APPROPRIATING \$190,000.00 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$60,000.00 IN BONDS OR NOTES OF THE BOROUGH OF BAY HEAD TO FINANCE THE SAME

Councilmember Lyons moved this ordinance be adopted on first reading, which motion was seconded by Councilmember Barnes.

The motion passed on roll call vote. YEAS: Frizzell, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

This ordinance is scheduled for second reading and public hearing on June 1, 2020.

Ms. Applegate read Ordinance 2020-07 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO EXCEED THE 2020 MUNICIPAL BUDGET, APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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

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

This ordinance is scheduled for second reading and public hearing on June 1, 2020.

Mayor Curtis called for Unfinished Business.

Councilmember Barnes: The sign ordinance has been drafted and is in review by the Legal and Planning Committee. Once complete it will be submitted to all for review.

Mayor Curtis called for New Business.

Mayor Curtis: We need to start planning on reopening of the beaches and small businesses in town. Borough Hall is presently closed as per Executive Order issued by the Governor.

Mayor Curtis opened the meeting to the public, stating ten people signed in to our meeting.

Valerie Magory, 1510 Bay Avenue: I would like to compliment everybody – you are going above and beyond. I am also happy to hear Doug about the budget and that Ocean County received CARES funds. What other expenses are we seeing?

Councilmember Lyons: Primary payroll - overtime by the Police Department and Public Works. Additional SLEO's are being used which normally we would not use until the summer. We are trying to keep people distancing and we need them to help facilitate that.

Tom Charlton, 18 Harris Street: What is the status of the number of Covid case in Bay Head and how are they being tracked?

Chief Hoffman: The Department is sent notification of any new case and removal of those cleared. We receive the name and address. The numbers are a little off at times because it takes time to remove someone. Right now we have 6 active cases at 5 different addresses. We get this information so if we have to respond to a call we are aware and can respond according.

Joanne Pehlivanian, 332 Western Avenue: I see a lot of people without masks and gloves – what can we do to encourage them to do so. What are we going to do about that?

Chief Hoffman: It is not mandatory to wear a mask out of doors – it is recommended. I have patrols assigned and over the weekend they requested groups of 5 to move along. A mask is required if you go into a store as well as those working in the store. Gloves aren't required just recommended. Both of the businesses have been great with their employees.

Jon Younghans, Lake Avenue: Are we still waiting to hear from the Governor on opening the beaches? Summer rentals are upon us – when will be allowed to move back to rentals?

Mayor Curtis: There is no time frame – we are waiting for direction from the State.

Chief Hoffman: The opening of the beaches is up to the County and Municipality. The Governor has issued an Executive Order on the rentals.

Ms. Cipriani: The rentals fall under the Executive Order 108 to Stay at Home.

Mayor Curtis: The Barrier Island Mayors have discussed opening the beach together but there is no definite time.

Mr. Younghans: Are rentals allowed in other towns?

Ms. Cipriani: Bay Head, Mantoloking, Point Pleasant Beach, Seaside Park and Seaside Heights have restrictions on rentals.

Mark, 859 East Avenue: What do you need to see, with the other Mayor's, to open the beaches?

Mayor Curtis: All this is for Health and Safety.

Ms. Cipriani: Some towns are looking at the effect the opening, this past weekend, of the State Parks had and how people reacted. Also to be considered is the weather and any kind of spiking in cases.

Char Charlton, 18 Harris Street: Thank you Joanne for asking about the masks. My concern is East Avenue. We live at the corner of East & Harris. I watch people walk and not all are Bay Head people and they don't wear masks.

Mayor Curtis: We can't do anything about people walking without masks.

Ms. Cipriani: The Borough has no legal authority to limit pedestrian traffic on a public street.

Ms. Charlton: They don't self-distance either.

Chief Hoffman: If people walk or bike we can't do anything. Only if they crowd together we can ask them to move on.

Robert Hein, 209 East Avenue: Congratulations to everyone – I approve of the parking restrictions east of Main, closing of the beach and restrictions on rentals. Mantoloking is having mixed success – they need to coordinate. I couldn't get the agenda on the website.

Councilmember Lyons: It was on the home page with attachments. You are correct it was not list under the agenda section.

Councilmember Frizzell: Technology is working to make the website better and user friendly.

Joan Shannon, Bridge Avenue: Thank you and our first responders in these trying times. I want to understand your decisions going forward about opening up. I understand you are working with other communities, Mayors and Councils.

Mayor Curtis: OEM Coordinator along with the Chief of Police can make these decisions with an Emergency Declaration being declared by the Governor.

Ms. Shannon: The elected body has no authority?

Ms. Cipriani: There was a Resolution by the Governing Body. At a time of Emergency – regarding safety issues - the beach is within the municipal control.

The type of business that can open is being made by the State not by the Municipality.

Ms. Shannon: Rentals – as to health and safety what are the bench marks?

Mayor Curtis: We are looking at the ramifications if the rental restrictions were lifted.

There being no further comments the public discussion was closed.

Mayor Curtis: I want to compliment the citizens of Bay Head for participating in this meeting especially those who asked questions.

Councilmember Lyons moved to approve the vouchers for payment. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Frizzell, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A list of vouchers is attached to these minutes.

Councilmember Lyons offered the following Resolution to go into Executive Session.

RESOLUTION OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
STATE OF 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:
Litigation and Contractual- New Jersey Transit and Cell Tower
3. It is anticipated at this time the above stated subject matter will be Made public in 90 days.
4. No action will be taken after the Executive Session.
5. This Resolution shall become effective immediately.

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

Mayor Curtis: If the public wish to rejoin the meeting, please call back at 9 pm.

The Governing Body went into Executive Session at 8:06 pm. At 8:55 pm the Governing Body came out of Executive Session and resumed the meeting at 9 pm.

Mayor Curtis resumed the regular meeting.

There being no further 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.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor