

July 10, 2017

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on July 10, 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 Mayor Curtis and Councilmembers Green, Hein, Barnes, Glass, Magory, Lyons and Borough Attorney, Jean Cipriani.

Councilmember Glass moved to approve the regular minutes of June 5, 2017. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons. Abstain: Green.

Mayor Curtis appointed the following to the Bay Head Planning Board:

John Henry Morris – Planning Board Member Class II  
R. Neil DeVesty – Planning Board Member Class IV

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: Summer Recreation has started with over 20 children participating every day. They are having a grand time. We are so fortunate to have Melissa Kiss as the Director. We have several new staff and several who returned. The program is held at the Bay Head School so spread the word.

Councilmember Hein, Public Services, read the Zoning, Transfer/Rental and Construction Official reports for the month of June. Copies of the report are attached to these minutes.

The annual water report can be found at [www.njamwater.com](http://www.njamwater.com) and it is as good as last years. Nothing was found anywhere in our water supply.

Councilmember Barnes, Legal and Planning: We are working on creating a safe exchange zone in town. We are also working on the handbook for employees. I have reached out to DART Collation and he will be here on August 21<sup>st</sup> to give a status report on substance abuse in Ocean County. We are also working with the Ocean County Health Department on this issue.

Councilmember Green: What is a safe exchange zone?

Councilmember Barnes: It is an area in town designated for people to meet to exchange items they have purchased on eBay or Craig's List.

Councilmember Lyons: Would it be possible to have at least one be a Bay Head resident?

Councilmember Green: Do we monitor all the sights?

Councilmember Barnes: No.

Ms. Cipriani: It is a designated area usually a Police parking lot. There is no involvement by the Municipality. A well lit area is chosen - neutral ground.

Councilmember Glass, Public Safety: Read the Police Report, OEM, and Fire Company report for the month of June. A copy of the report is attached to these minutes.

Fire Safety Tip of the Month:

Are you and your family prepared for a SUDDEN summer thunder storm?  
Do you know where to seek safe shelter? Never seek shelter under a  
TREE. Just like two ways out, always have a plan of escape to safety!

OEM Safety Tip of the Month:

Stay Informed and Be Prepared

Take time now to:

- Have a good communications plan in place (who to contact with phone numbers, where to meet, etc.).
- Have emergency kits ready (at home, at work, in your vehicle, etc.)
- Make sure your children also have this information available and know what to do.

There are many resources available to stay informed and to learn how to prepare before an emergency occurs and how to stay safe during an emergency.

Councilmember Magory, Public Works: Last meeting I announced the retirement of Chip Tillson our Public Works Supervisor of many years. Tonight I would like to introduce his replacement Larry Gilman. Later a Resolution will be offered to have our engineer prepare plans allowing us to move forward with repairs to five roads. Grants were received to do this work.

Councilmember Green: I am also a member of the Public Works Committee and Brian does an outstanding job. After the 4<sup>th</sup> of July it was crazy at the Recycle Center but Tommy, Bill and Adam with Larry did a great job.

Councilmember Magory: All of the public works employees are workers.

Councilmember Lyons, Finance, had no report. Most of the heavy lifting has been done. We did have the 1<sup>st</sup> meeting of a new committee – Technology. We talked

about our goals and mission. The primary goal is to increase and improve information that is going out. We want to create an easy format to stay in touch. Expect big things.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

Request from Bay Head Historical Society to use Borough Hall Conference Room for their general meeting on Saturday, July 22, 2017 10 am.

Request from Bay Head Chapel to use Borough Hall Conference Room for worship service on Sunday, July 2, 2017 9:30 to 11:30 am.

Request from Karla Partilla, 143 Park Avenue to close Park Avenue between West Lake and Holly Avenues on Saturday, August 19, 2017 from 5 to 10 pm for an annual Block Party.

Request from Alexa Hesse to locate her Ice Cream cart on the grass in front of Del Mar East Boutique at 68 Bridge Avenue for an event on July 29, 2017 from 12 to 6 pm. She will not be selling but this is a promotion with the store customers who make a purchase be given a free ice cream sandwich.

Chief Hoffman: The block party is the same day as the Clam Bake – I don't see a problem.

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

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

Councilmember Barnes stated that Ordinance 2017-06 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 69, ENTITLED "ANIMALS"

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

Councilmember Barnes: We have received a lot of correspondence both pro and con and I have read every single one. The ordinance would prohibit pet shops but not shelters or pounds housing rescue animals.

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

Benjamin Applegate, 320 Maryland Avenue, Point Pleasant: I grew up here. If I am in the market for a dog, I want to know the history. If you go to a shelter you don't know what they have been through and therefore you don't know what you are getting. There is no warranty. At Shake a Paw you are given a health guarantee. They have a long history of selling healthy pups. I would like the option to have a pet store to purchase my dog.

Cindy Knowles, Tewksbury, NJ: A lot of the information out there is false information. I don't know how much research you have done on this? We all have seen some bad apples closed down recently. The laws in New Jersey are very strict – in fact the strictest in the country. There are laws on the books so there is no need to prohibit pet stores.

Pictures were submitted to Council.

Ms. Knowles: Pet stores are USDA licensed. You can't limit a choice to consumers. They lost at the State level so now they are going town to town trying to prohibit pet stores. We are all professional people and are against this ordinance.

Mayor Curtis: What would be your recommendation to this Council – aside from voting this down?

Ms. Knowles: I can provide you with state laws. There presently exists local oversight by health departments. We are working with other towns to do something very similar. We are concerned with the trafficking that is going on out of the country and out of the state.

Jeff Morton, Union, NJ: I am president of Shake a Paw. Governor Christy vetoed the bill before him so now they are approaching local municipalities. The animal rights extremists are using this town to forward their goals. 465 towns have said no to a pet store ban.

Jonathan Newbright, Green Brook, NJ: I am the owner of Shake a Paw of Green Brook. The one sided bill was vetoed by Governor Christy so now they are going town to town. We are 100% against puppy mills.

Dana West, Lanoka Harbor, NJ: I oppose this ordinance. Our puppies come from good breeders.

Fred Castagnola, 409 Lake Avenue: Is the town looking to pass this ordinance?

Councilmember Barnes: It is on the agenda for action.

Mr. Castagnola: As far as I am concerned this is a vacation town. I don't see a market for a pet store in this town. I don't see how it would benefit Bay Head. I am for the ordinance.

Councilmember Barnes: It would be a preventive measure. I understand your position. People have options and rights.

Councilmember Glass: Bay Head has never had a pet store or even a vet in town.

Councilmember Lyons: If I want my dog to have puppies with the purpose to sell them – can I do that?

Ms. Cipriani: You would not be able to sell your puppies if this ordinance is adopted.

Councilmember Hein: Anyone in Bay Head can go to another town to purchase their pet.

Ms. Cipriani: It would not prevent you from purchasing but it would prohibit the action of selling in Bay Head.

Ms. Knowles: To clarify the ordinance – it would allow the sale of the animals in shelters or rescued. The ordinance is not covering both issues.

Mayor Curtis: What benefit of passing does it give Bay Head?

Ms. Knowles: None.

Councilmember Lyons: I am concerned if it doesn't outright prohibit sales. You can't have a pet store to sell but you can have a shelter and it would be allowed to sell.

Councilmember Barnes: I feel as though it is a non issue here. I am in favor of less government and I don't like what I am hearing of limiting people's choices. I don't like the broader picture that is being painted.

Councilmember Green: Many of us share that – I don't think a pet shop is for Bay Head. There are presently shelters in Ocean County for residents to use.

Joann Pehlivanian, 332 Western Avenue: I would request you to table this ordinance. I don't want a pet store or a shelter in Bay Head.

Evalyn Shippee, 56 Bridge Avenue: Why are you going where you don't have to go. We don't have a pet store, we may never have a pet store in town – you don't need to put your government into our business.

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

Councilmember Glass: I move to table this ordinance.

Ms. Cipriani: The ordinance can be tabled to a definite date. If tabled it would be exactly as is. If the majority wants to revisit the ordinance it would make more sense to vote it down and come back with another version.

Councilmember Barnes: I want to vote on this ordinance.

Mayor Curtis: I feel you should vote and start over.

The motion was denied on roll call vote. YEAS: Green. NAYS: Hein, Barnes, Glass, Magory, Lyons. A copy of this ordinance is attached to these minutes.

Councilmember Lyons offered Ordinance 2017-07 entitled:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$823,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$411,350 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Councilmember Lyons moved to approve the ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Green.

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

There being no comments or questions the public hearing was closed.

The motion passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Unfinished Business.

Mayor Curtis: I need comments one way or the other on the following:

1. Leave work hours as is – No work on Saturdays or Sundays from June 15<sup>th</sup> thru Labor Day.
2. Keep that in place 12 months of the year – no work on Saturdays or Sundays year round.
3. Extend the Saturday work hours from 8 am to 6 pm all year.

Mr. Castagnola: We have had a tremendous amount of work in town – I would like you to consider Monday thru Friday only – for a little peace.

Councilmember Lyons: My concern with no Saturday is landscapers who have had a week worth of rain. They are also in and out of a property in less than ½ hour.

Mayor Curtis: If contractors have an emergency they can request permission to work from the Construction Official.

Councilmember Green: Quality of life is the issue and this affects all of our residents not only summer but all year round.

Chief Hoffman: It is great to say go issue a summons to those working on Saturday but the summons needs to go to the homeowner – there needs to be some meat put into the ordinance.

Duke Habernickel, 537 East Avenue: East Avenue is a very busy and dangerous place on weekends. There are kids on bikes, skate boarders, joggers, babies being pushed in strollers – so if we have more contractors on the weekend in the summer it will be a disaster.

Mayor Curtis: If a proposed ordinance to change the existing is introduced at the first meeting in August it can be passed at the 2<sup>nd</sup> meeting.

Jane Ridolfi, 32 Bridge Avenue: Does the ban on Saturdays include plumbers and electricians?

Mayor Curtis: Yes.

Councilmember Green: We need to have provisions for emergencies.

Marty McLaughlin, 31 Harris Street: Outside construction I can see but I don't see the inside work being a problem.

Mayor Curtis called for New Business and Resolutions.

Councilmember Green offered Resolution 2017-73 appointing Emily M. Mickle as Assistant Summer Recreation Program Coordinator.

Councilmember Lyons offered Resolution 2017-88 reappointing Michael D. Imbriaco as Tax Assessor for the Borough of Bay Head.

Councilmember Barnes offered Resolution 2017-89 supporting Legislative action requiring the State Public Defenders' Office to represent defendants in Superior Court Bail hearings for those eligible defendants charged with Disorderly Person Offenses or Petty Disorderly Offenses in lieu of the Municipal Public Defender.

Councilmember Barnes offered Resolution 2017-90 awarding Peddler's License for the year 2017 for second driver to License No. 2017-01.

Councilmember Green offered Resolution 2017-91 appointing Joseph Esquivel-Murphy as Assistant Summer Recreation Program Coordinator.

Councilmember Lyons offered Resolution 2017-92 amending Resolution 2017-24 providing for payment of salaries and compensation of Borough Officials and Employees for 2017.

Councilmember Glass offered Resolution 2017-93 amending Resolution 2017-82 permitting the Borough of Bay Head to purchase radio equipment from the Borough of Lake Como.

Councilmember Magory offered Resolution 2017-94 authorizing the purchase of a 2017 Dump Truck from Truis, Inc. under State Contract #79123.

Councilmember Magory offered Resolution 2017-95 authorizing the release of a Performance Bond posted by C. J. Hesse Inc., conditioned on the acceptance of a Maintenance Bond.

Councilmember Magory offered Resolution 2017-96 awarding a Contract to Johnson Baran Corporation, for the Public Works Parking Lot Reconstruction Project.

Councilmember Magory offered Resolution 2017-97 appointing Lawrence H. Gilman as Public Works Supervisor and authorizing the execution of an Employment Agreement.

Councilmember Magory offered Resolution 2017-98 awarding a Professional Services Contract to Remington, Vernick & Vena Engineers to provide Design, Administration, and Observation Services for the NJDOT FY 2017 Municipal Aid Roadway Project.

Councilmember Hein offered Resolution 2017-99 adopting revisions to Personnel Policies & Procedures Manual and/or Employee Handbook.

Councilmember Barnes moved the above resolutions be adopted. The motion was seconded by Councilmember Green and passed on roll call vote: YEAS: Green, 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.

Martin McLaughlin, 31 Harris Street: What is the status of the permit that was denied on fixing the groins? Where do we go from here?

Mayor Curtis: The Bay Head Preservation Organization is looking at their next option.

Mr. McLaughlin: What about Beach renourishment?

Mayor Curtis: Take the property and negotiate price. Judge Ford decision has not been given.

Mr. McLaughlin: There is a large hole in the road – Karge & Lake.

Councilmember Magory: Karge is one of the five streets that is on the list to be repaved.

Evalyn Shippee: There is a plate in the middle of Lake Avenue with standing water from a sump pump.

Larry Gilman, Public Works Supervisor: We have marked about a dozen areas – we will be out in the morning to fill in the holes that have been marked.

George Parise, 333 Lake Avenue: There is running water from Main Avenue down to Lake.

Mayor Curtis: Yes and we are going to work on it.

Councilmember Magory: It is one of the issues we are looking into.

Ann Castagnola, 409 Lake Avenue: We heard that there is a possibility of a wooden bridge to be construction from Bridge Avenue to the train station – can you tell me anything?

Mayor Curtis: It has been looked into for years. It is so far in the future – there is a nature preserve in the center of the lake. The cost is very high but yes it has been looked at.

Councilmember Lyons: Recently a grant for some lake work was denied.

Councilmember Magory: That was a grant for a sidewalk around the lake not through it.

Councilmember Green: The State owns Twilight Lake – it is an idea but no plan or funding.

Lisa Baney, 421 Lake Avenue: 45 years of summers loving Bay Head. The level of growth has increased. I am one house north of the intersection of Bridge and Lake. It is a trade off – it is harder to ride a bike – the noise level is up. I was unable to attend the Planning Board meeting for Charlie's Restaurant and Shopping Village. I did ask a question at the Non-Voter Taxpayer meeting and was told they wanted the best for Bay Head and that they know the quality of life in Bay Head. Valet parking has had an impact. They should be parking in the municipal lot – 196 seats approved – four people per car – not true 48-50 spots. I am watching with interest – the construction in the parking lot – there needs to be a balance between growth and charm. I appeal to keep things as peaceful as possible. Did the number of seats go up and down? Did it change at one point?

Mayor Curtis: We can't sit on those applications. Claire could give you the information.

Mr. Habernickel: I am a non-resident long term taxpayer. You always hear let's keep Bay Head the way it always was. It was never was like that. It is better now. The worse places are those that don't keep up with the times. Improvements are wonderful. Certainly there are traffic jams by Charlie's and someone is going to get hurt. There was duck feeding on the lake, model sail boats, nature with peace and quiet. I love fun but not too fast. I don't oppose growth – let's not rush to recovery – need to use reasonable caution.

Jay Cornell, 349 Lake Avenue: I noticed a lot more lines and signs and it is confusing – double yellow lines on East Avenue. It seems bikes are directed to go the wrong way on East. I feel you are adding things that are not needed. People think they have rights and they don't. You are allocating an area and we have

never been allocated before – it is not needed. As to the signs for crossing at corners and watching out for pedestrians - the signs are blocking your vision. What can we do to get rid of them?

Councilmember Hein: There is a good reason they are there and it is safety.

Mayor Curtis: We will look into it.

Michael VanSciver, 431 Main Avenue: I have been in Bay Head 33 years. The property on East is the most desirable ocean front street on the Jersey Shore. I have never witnessed an accident. The stencils on the west side of East Avenue could have you run into a door that is opened. The east side is a problem for people trying to exit their driveway. Are we protected if someone gets hurt following the markers that presently exist? Who made the decision on this Council to go ahead with it? Can we have a vote?

Ms. Cipriani: No.

Mayor Curtis: We hear your argument.

Silke Stutz, 204 East Avenue: I grew up in Germany and have been in Bay Head six years. Traffic is different. It goes both ways on East. I have noticed with the double line walkers and bikers go to the side. Driving is a lot safer. I feel once they get use to the traffic pattern it will be safer.

Ms. Baney: On the topic of bikes – the stencils are in the north end but not the south end. There needs to be more education so people can understand.

Mayor Curtis: Thank you for all your comments and we appreciate it.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment, which motion was seconded by Councilmember Green.

Councilmember Barnes: I don't understand why we are paying Native Design over \$11,000 for landscaping. Wasn't M & M to provide landscaping for the new municipal building?

Councilmember Green: There were many meetings with the Seaweeders who donated the plants for the front of the building.

Councilmember Magory: I pulled \$10,000 from their bill.

The motion passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: Barnes – Native Design Invoice only. A list of the vouchers is attached to these minutes.

Councilmember Glass offered the following Resolution to go into executive session.

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



