

August 21, 2017

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on August 21, 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 Barnes, Glass, Magory, Lyons and Jean Cipriani, Borough Attorney. Councilmember Green and Hein were absent.

Councilmember Barnes moved to approve the regular minutes of August 7, 2017. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Barnes, Glass, Magory, Lyons. NAYS: None.

Councilmember Barnes introduced Daniel Ganzalez and Lauren Petraglia, Health Education Representatives from the Ocean County Health Department.

Mr. Ganzalez and Ms. Petrglia gave a presentation on the following topics:

Zeka Virus – all reported have not been from a local outbreak but from those who have traveled.

Hepatitis C – there has been a big spike but we believe it has to do with the drug use. Ocean County was approved for a grant to test for Hepatitis C and many individuals were identified. Baby boomers are at a high risk and 1 out of 3 may be infected.

Opioid, prescription, pain killers are very addictive. After surgery when they are no longer available from the Doctor that is when people turn to the streets. The cost of prescription drugs has driven them to herion which is more potent and cheaper. 2,000 teens begin abusing drugs every day.

Narcan, which is a nose spray, is administered to those who overdose. They wake up, feel withdrawal symptoms, and they aren't very happy. Prescription drugs should be locked up and you should keep track of your pills. You can drop off unused medication at your local police department.

Immunization – Ocean County Health Department will be offering flu and pneumonia vaccines at the Bay Head Firehouse on September 23, 2017 from 9 am to 12 pm.

Mayor Curtis asked for questions from the public.

Resident: Does the overall drug problem exist in Bay Head?

Ms. Petraglia: I don't have the numbers for Bay Head but I am sure it does.

Resident: Does the Bay Head Police have narcan?

Mayor Curtis: Yes they do.

Resident: Do they still have methadone clinics?

Mr. Ganzalez: Yes.

Resident: Is there a particular identifier of one county or another?

Ms. Petraglia: Those with money can afford – it doesn't discriminate. Drugs are not just in poor areas. A lot of factors come into play.

Resident: Is this just a problem with children or older people?

Ms. Petraglia: Both – Surgery can start with pain pills and people don't like to admit they are addicted.

Resident: Why are the numbers so high in Ocean vs. Middlesex or Monmouth?

Mr. Petrglia: I don't have an answer.

Lt. Hoffman: We have administered narcan twice – to someone in their 50's and someone in their late 20's.

Councilmember Glass: We have two dates a year to drop off unused or expired drugs to our police department.

Councilmember Barnes: Ocean County Prosecutor has stated Ocean County is geographically situated in the middle of New York and Philadelphia as to the reason we have a very high drug problem. Drugs are also more common in an area that there is money to purchase them. I wanted to bring in the health department to make you aware so you could keep your eyes and ears open. Pay attention to your children and grandchildren.

Councilmember Glass: Summer residents can dispose of drugs by dropping them off at our Police Department anytime, for regular and full time residents there are specific dates.

Mayor Curtis thanked Mr. Ganzalez and Ms. Petraglia for their presentation.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Barnes, Legal and Planning: I chair the committee and work with Jean our Borough Attorney and Councilmember Magory and Lyons. We review ordinances, update the Code Book, resolve and review personnel issues. I also serve on the Public Services and Public Safety committees.

Councilmember Glass, Public Safety: I work with Doug and Jen. I take care of watching the Police and Fire Department who are vital to this town. We have added more bicycle police this year to help. Chief Bruce Sutphen has visited all businesses on how to access if there is a fire. We are grateful for our Fire Department and they go through a great deal of training. Police are always onto things and they have been very busy these past few months. If you have any questions please contact me as you know I have the Bay Head Sands.

Mayor Curtis: A lot of homes have been elevated and our Fire Department has answered a number of calls for burst pipes. Make sure you are set for the winter.

Councilmember Glass: Summer people – if you know that your house is empty call the police or fire to let them know if you have a caretaker or leave a key with police so they can gain entrance.

Councilmember Magory, Public Works, introduced Larry Gilman our new Supervisor of Public Works. Public Works encompasses all of the roads. We apply for grants to do those repairs. This new building, we are all enjoying – half the cost was covered by grants. I am very happy we are here. We also now have a comfort station to the rear by the park. Public Works does all paving, plowing and sweeping. Councilmember Hein and Green also work with me.

Councilmember Lyons, Finance: I work with Councilmember Green and Magory to keep your taxes low. We are revamping our website to make it more user friendly. Bill Antonidies our CFO is here part time and Denise Mayer, Assistant is here full time. They make my job very easy. Now and until the early part of next year we will be developing the budget for next year. Every year we are required by the State to review our Best Practices Inventory which has been submitted to Council. We received a score of 88 which allows us to continue to receive State Aid.

Councilmember Lyons introduced William Antonidies, CFO who gave overview of the Borough's finance.

Mr. Antonides: The taxes you pay Bay Head also cover the school and county. \$.26 of every dollar collected goes to the Borough this covers: police, public works, fire, insurance, trash collection and utilities. \$.49 cents collected goes to Ocean County and the other \$.25 goes to the Bay Head Board of Education. There is a slight increase for 2017 of 5/10 of cent to cover the debt service for the Borough with overall rate decreased of 1.1 cents due to county recovering from Sandy.

The 2017 Budget for operating increased about \$295,000 over 2016 due to increases in insurance, trash collection and costs to operate new building. We have borrowed from ourselves at 1% interest. We share services for CFO, Tax Collector and Information Technology because Bay Head can't afford to hire full time qualified individuals.

Future savings will comprise of a FEMA grant which offset a large portion of the new municipal building and will allow us to avoid permanent debt and related costs. We also borrow from ourselves, other municipalities or temporary notes which allow us to avoid subsequent SEC reporting requirements which could cost up to \$10,000 per year. We have paid off \$1,400,000 of the \$3,000,000 for the new building or 37%. We have a balance of \$1,900,000 and will be paying off at least \$425,000 in 2018 with grant leaving balance of 22% which we project to payoff within eight years.

Mayor Curtis called for Clerk's Correspondence, there was none.

Mayor Curtis called for Unfinished Business, there was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember Lyons offered Resolution 2017-111 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) Alcohol education and Rehabilitation - \$193.02.

Councilmember Lyons offered Resolution 2017-112 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) Recycling Tonnage Grant - \$2,624.36.

Councilmember Glass offered Resolution 2017-113 authorizing payment to Employees for Hours of Accrued Compensatory Time from the budgetary provision approved as Police Salary and Wages.

Councilmember Barnes offered Resolution 2017-114 establishing an Internet Purchase Exchange Zone in the Municipal Building Parking Lot.

Councilmember Glass offered Resolution 2017-115 authorizing the execution of a Shared Services Agreement with the County of Ocean for Drug Recognition Expert Callout Program.

Councilmember Glass offered Resolution 2017-116 authorizing the execution of a Shared Services Agreement with the County of Ocean for the Driving While Intoxicated Enforcement Program.

Councilmember Magory offered Resolution 2017-117 authorizing the execution of an Amendment of Order Agreement with Comcast Business Service.

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

Councilmember Lyons: Resolution 2017-114 – what appropriate signage will be required?

Councilmember Barnes: One or two parking spots will be designated for participants to park.

Mayor Curtis: The municipal parking spot could be used.

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

Mayor Curtis opened the meeting to the public.

Duke Habernickel, 537 East Avenue: Thank you for accommodating the non-voting taxpayers. Tonight you approved an agreement with Comcast – I don't know anyone in town who likes Comcast service. I am sure everyone in this room has had an issue. I understand there is only one game in town. Also, bicycles are a major hazard in town. I pointed out the Walk Your Wheels sign out to some youngsters on Bridge Avenue and was given the finger. The bicycle police don't seem to do anything or correct the kids.

Councilmember Magory: As to Comcast – there are only two choices and Verizon doesn't offer DSL service so we are stuck with Comcast.

Councilmember Lyons: I have both and both are horrible.

Councilmember Magory: Comcast is cheaper for this building – for the town it made the most sense.

Chief Hoffman: We have six specials on bikes – two shifts. We are open 24/7 365 days a year. If you see something say something. We can't be everywhere so if you call we can get someone to the area.

Mayor Curtis: We will get out a voice blurb about walk you wheels on the north side of Bridge. You can ride your bike on the south side of Bridge. It wouldn't hurt to have the bicycle police stop those who are riding on the north side of Bridge. We are trying to make it a little safer. Anything that you see please call the police direct so they can get on it right then and there.

Michael Conway, 200 Woodland Avenue: I have been here three times to no avail to get the curb repaired on Woodland – this happened with the debris pickup after Sandy.

Councilmember Magory: We repair the curbs when we do the roads – normally. Woodland is not on the list for this year but I will take a look at it.

John Huneke, 716 Clayton Avenue: There has been an increase in automobile traffic down town with people eating and shopping. Lake and Clayton are getting more traffic with people following GPS to avoid Route 35. A lot of the homes on Lake don't have driveways so they have to park on the street. The other day I had

to stop because of the bike traffic going north and south – it is a very dangerous situation.

John Younghans, 524 Lake Avenue: At the last meeting I brought up Mount Street and the parking issues. I agree with the prior comments about the traffic on Lake Avenue. Last year we discussed eliminating parking on one side – are you going to address that?

Mayor Curtis: Council, we should take another look at Lake Avenue. Parking is on both sides and a lot of homes don't have driveways. Adults are at fault. We have educated the children – over 200 for the last two years between safety sessions at the BHYC, BHIA, Bay Head School and Mantoloking Yacht Club. Maybe the parents should receive a ticket. We are very concerned about the safety of the children. Adults should be wearing helmets too.

Mr. Younghans: The parking on the end of Mount Street, speaking on behalf of some tenants has gotten worse. It is posted No Stopping or Standing – Police are in agreement to block the street only to allow those to park in our spots. You need to resolve this conflict. People are parking in the middle of the street.

Mayor Curtis: Let's put up barricades on the west side of Lake Avenue on Mount Street.

Chief Hoffman: We can put them up tomorrow.

Councilmember Lyons: I witnessed it this weekend – double parking in spots, causing a hazardous condition.

Tom Fitzgerald, 232 Main Avenue: Is there any way we can show we need garbage pickup in the off season. They don't come – we need a way to show that we were there.

Mayor Curtis: It has been talked about - suggestions have been some type of flag.

Councilmember Barnes: The concern is advertising that you aren't there. The contract requires the service to check. If you are missed please call the 800 number – 800 339-1757. If you continue to be missed please call Borough Hall at 732 892-0636 and we will check it out.

Jackie Burke, 333 East Avenue: There is a sign on Main Avenue going north that is blocking the Karge Street sign.

Councilmember Magory: I will look at it.

Ms. Burke: I also have a lake at the corner of Karge and East every time it rains. The pitch goes to our side. I have also noticed this issue on several other streets. Can we look at the pitch of the street?

Councilmember Magory: Karge is a street that is on our list.

Ms. Burke: Before Sandy it drained to Route 35. I wish we didn't have a coloring book on East Avenue – I really hate it and I know I am not the only one. I don't want to look like Seaside – we have more class than that. I wish we could take care of that.

Don Monks, 820 East Avenue: I live almost to the Mantoloking line and I have a 40 foot lake in front of my house. It is now twice as big since East Avenue was paved.

Bob Jones, 626 East Avenue: Thank you – I appreciate the work you do. I received a picture of a tee shirt about Bay Head with two yellow lines on it – what is the plan of attack?

Mayor Curtis: The Council voted to remove the lines – it will be done after the season, it is too busy to do it now.

Dennis Shaning, 542 East Avenue: Thank you – I realize the amount of work and effort you put into our town. I want to thank you for taking care of our yellow line.

Martin Stadler, 552 East Avenue: Why was it put into place to begin with?

Mayor Curtis: A couple of years ago we had a grant and people from the State were hired and made suggestions. They suggested a contro flow bike lane. Since there is no parking on the east side of East Avenue it was decided to place it there. The single while line indicates parking space. The double yellow also means cars can't cross – so the thought that bikers and pedestrians would be safe in that area. New sidewalks have been installed on East Avenue but as we know they aren't used. Sharrows markings were used to indicate south bound bikers – sharing the road with the cars and the double yellow with arrows pointing north for north bound bikers. We didn't educate the public well – we did have two meetings at the Firehouse but we didn't communicate well.

Mr. Stadler: Now they think it is there as a walking lane. I saw people coming both ways and argue over who was right or wrong. I am surprised people haven't been hurt.

Bruce Brown, 526 East Avenue: Thank you for continuing the tradition of this meeting. Are rumors correct as to the series of burglaries on the west side? Have you caught anyone – do we have any information?

Mayor Curtis: The investigation is ongoing.

Lt. Hoffman: Three residences were entered on the west side of town. It happened early morning between 5:30 and 6:30. We have a good description and are working with transit. Please lock your doors – cars also. They are looking for cash or anything they can sell. If they go to sell the stolen items they have to provide ID. Also just so you know – the pawnshops only have to keep jewelry for seven days.

Councilmember Glass: The bikes reported stolen have been unlocked.

Councilmember Barnes: They are looking for cash – with the high opioid use – they are looking to buy drugs.

Mr. Brown: I have been here 35 years and I am thrilled with the public restrooms. Tonight I walked over at 6:20 and they are locked. Is there a liability to not having them open in the evening? I would suggest a night light and with cameras installed they could remain open later – people are still using the park until dark. You are half way there.

Mayor Curtis: This being the first year the hours to be open were set at 8 am to 6 pm.

Councilmember Magory: The building was designed that the children go from the park to the restrooms without having to cross a road. We do have cameras and the video is kept for 90 days.

Councilmember Glass: We don't have a lot of lights because the neighbors complained.

Mr. Brown: Item no. 3 – I understand you tabled the noise ordinance and I am strongly in favor of that not being revisited. We need to do everything possible to get the work done. From the wording I saw the amendment would even prevent Comcast from working on Saturday or Sunday. My advice would be don't change it – leave it alone. I would also think with the technology of cell phones the fire department wouldn't have to sound the horn. Also, one of the ice cream trucks is very noisy and one is not.

Mayor Curtis: There have been different options as to work hours. Presently contractors aren't allow to work on Saturdays from June 15<sup>th</sup> until after Labor Day. After that they can work on Saturdays from 9 am to 1 pm.

Mr. Brown: That is what I am hearing from the newspaper. The change only hurts those of us who can't be here other than on Saturday. I don't object to work being allowed on Saturday.

June Meehan, 133 Woodland Avenue: Do we have a noise ordinance?

Lt. Hoffman: The noise ordinance is 24/7.

Ms. Meehan: Does it apply to private parties and is a permit required?

Ms. Cipriani: No permit is required for private parties. Residents have requested permission to close the street for a block party – and that does require Council approval.

Ms. Meehan: All of Memorial Day weekend there was a party next door. I called and was told that a permit had been issued. The band played to 12:30 am. The



valet service closed off one of the streets. That wasn't the Bay Head I have lived in for a long time.

Ms. Cipriani: The tent would have required a permit which is issued by the Ocean County Fire Marshall.

Ms. Meehan: I am interested in learning the requirements including telling the neighbors. This affected our entire Memorial Day weekend. Does the town have an ordinance about commercial vehicles parked in private driveways?

Ms. Cipriani: Bay Head can't prohibit commercial vehicles.

Ms. Meehan: The vehicles are used for a commercial restaurant but parked in a residential area. There are three parked in the driveway. This is a quality of life issue.

Mayor Curtis: Please call me tomorrow.

Mr. Habernickel: One more on bicycles. Someone is going to get killed. If there is any questions as to helmets or lights go take a ride right now down East Avenue. There will be flocks of kids with no lights or helmets on.

Pat O'Hara, 522 East Avenue: Have you on Council had any discussion to limit the time of deliveries to commercial properties?

Mayor Curtis: They come when they want to.

Ms. O'Hara: I am talking about safety here – I think it has to be addressed.

Mayor Curtis: We will look into it – it is a major problem.

Pat Evans, 636 Main Avenue: The discussions on Clayton Avenue – started before we came for the summer. You are talking about things that affect us. We have to access Clayton because we can't get out on Main Avenue in the summer because of the traffic. We need the driveways and we need your consideration.

Mayor Curtis: Comments were made at a meeting I missed. I was never in favor of taking away driveway access to your properties.

Ms. Evans: You are only talking about 1/3 of a mile – it is not that much.

Mayor Curtis: Rest assured you will not lose your driveway.

Mr. Habernickel: East Avenue should be marked for individual parking spaces. As it is now with the solid white line some cars are taking up two or three spaces.

Mayor Curtis: I am very proud of this meeting and this Council. I feel very good that this town has come back so rapidly after the storm. I am proud to serve this town, we have a great attorney, great employees, great police department and

volunteer fire department but best of all we have the best citizens. I am very encouraged you came out tonight and I thank you.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment, which motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: 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.

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Patricia M. Applegate, Municipal Clerk

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William W. Curtis, Mayor