

August 7, 2017

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on August 7, 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 Hein, Barnes, Glass, Magory, Lyons and Robin La Bue, Esq. for Jean Cipriani, Borough Attorney. Councilmember Green was absent.

Councilmember Barnes moved to approve the executive minutes of June 5, 2017 and the regular and executive minutes of July 10, 2017. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis: Two weeks from tonight will be our annual Non-Voting Taxpayer meeting – August 21st at 7 pm.

Mayor Curtis called for Reports of Standing Committees.

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

Ocean County Health Department will be in Bay Head on September 23, 2017 same day as the Shark Run offering flu shots. They will be located in the meeting room of the Bay Head Fire House from 9 am to noon.

Councilmember Barnes, Legal and Planning, had no report. I have reached out to Mike Capko, Manager of DART Prevention Collation and he will be here on August 21st to give an update as to current health concerns and status report on substance - opioid abuse in Ocean County.

Councilmember Glass, Public Safety, read the Police report for the month of July. She noted a letter of acknowledgement and thanks was received by Chief Hoffman from Point Pleasant Beach Police Department concerning Ptl. Vaughn. He assisted in capturing a burglary suspect on July 7, 2017 and locating two suspects in DWI case on January 14, 2015.

She read the Fire Department and OEM Report for the month of July.

Fire Safety Tip of the Month:

Inspect Your Electrical Cords. Replace cords that are cracked, damaged, have broken plugs, or have loose connections

OEM Safety Tip of the Month:

Commuters: Stay Informed and Be Prepared

Make sure you have a plan for traveling between work and home, and other commonly visited locations, in case of an emergency. Before an emergency happens, list your normal and some alternative routes you can use to get to your destinations. Keep a copy of this plan in your wallet or another safe place where you can access it in the event of a disaster.

Every day, millions of people wake up, go to work or school, and take part in social events. But every so often the unexpected happens: an earthquake, a fire, a chemical spill, an act of terrorism or some other disaster. Routines change drastically, and people are suddenly aware of how fragile their lives and routines can be. Each disaster can have lasting effects – people may be seriously injured or killed, and devastating and costly property damage can occur. People entering any public assembly building need to be prepared in case of an emergency.

Copies of the report are attached to these minutes.

Councilmember Hein: I would also like to give a shout out to the Police Department. I live at the corner of Osborne and East and the BHIA store their equipment on my property. The other night someone came by and picked up a surf board. I called the Tom Gage who wasn't aware that it was to be picked up so I called the Police Department. A bicyclist arrived and then a patrol car. The vehicle was located and stopped. It was a non issue because the board was picked up because the lifeguards were going to be in a competition early the next morning. The response was very quick and I want to thank them for that.

Mayor Curtis: Please – if you see something say something.

Councilmember Magory, Public Works: A contract to repave Public Works was awarded last meeting. A preconstruction meeting was held today and the work will take place early October after the summer. We will relocate the recycling bins for the period of time the working is being done.

Councilmember Lyons, Finance: A letter went out with the third quarter tax bill today extending the due date until September 5th. The reason for the delay was the State budget which delayed Ocean County who delayed us. Please note if taxes aren't paid by September 5th interest will be accrued back to August 1st.

The Technology Committee met with our web master/designer. The committee had some good ideas and so did she. We hope to have a mock up of a new design by mid September with it up and running by October. I will keep you abreast of our meetings. We were told that there would be no charge to do this update which made us very happy.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

Request from Bay Head Business Association to use Centennial Park for "Art in the Park ...and Beyond" on Sunday, June 24, 2018 from 8 am to 6 pm.

Request from Bay Head Improvement Association to use the Borough Hall conference room on Wednesday, August 30th from 7 to 10 pm for their annual membership meeting.

Request from Bay Head Business Association and owner of ReFind to place her 1972 Ford pick-up truck at the end of Mount Street for "Christmas" photo opportunities from November 22nd to December 24th

Request from Stephen and Maren Stockhoff to use Centennial Park on August 12th for their son's 2nd Birthday Party.

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

Mayor Curtis called for Unfinished Business, there was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember Glass offered Resolution 2017-101 accepting donation by the Seaweeders Garden Club for a bench to be placed at Borough Hall.

Councilmember Glass offered Resolution 2017-102 authorizing submission of the 2017 Statewide Grant Drive Sober or Get Pulled Over 2017 Labor Day Crackdown.

Councilmember Magory offered Resolution 2017-103 authorizing payment of compensation for Sanitary Sewer Cleanout damaged during Superstorm Sandy clean-up activities by a Public Contractor.

Councilmember Magory offered Resolution 2017-104 authorizing the release of a Performance Bond posted by All Surface Asphalt Paving, Inc., conditioned on the acceptance of a Maintenance Bond.

Councilmember Glass offered Resolution 2017-105 awarding a Contract to Therapeutic Fitness, LLC for the provision of fitness activities for the Bay Head Summer Recreation 2017 Program in Association with the Mayor's Wellness Campaign.

Councilmember Lyons offered Resolution 2017-106 requesting change in Title, Text, or amount of Appropriation in the Budget of the Borough of Bay Head Pursuant to N.J.S.A. 40A:4-85.

Councilmember Magory offered Resolution 2017-107 authorizing the execution of Addendum No. 1 to the Contract with MNC Concrete, LLC for the 2015 C.D.B.G. Curb Ramps Project.

Councilmember Lyons offered Resolution 2017-108 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).

Councilmember Lyons offered Resolution 2017-109 extending the Grace Period for payment of Third Quarter Property Taxes.

Councilmember Lyons offered Resolution 2017-110 cancelling Sewer Billing.

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

John Younghans, 524 Lake Avenue: You approved the truck to be parked at the end of Mount Street from November 22 to December 24. Allowing that impacts the parking on my property – could it be moved to another location – it is in the way there.

Mayor Curtis: We will speak with Zas Zas.

Councilmember Glass: It was there last year and I don't recall it blocking parking spaces.

Mr. Younghans: It is hard to back out of my spaces even with the bike rack. I also lost one of my parking spaces to the underground pipe.

Councilmember Glass: I will have police check it out.

Mr. Younghans: Mount Street in general is a traffic nightmare. Presently there are signs at Mount Street stating no stopping, no standing, no parking and the Police if they see them make them move along but they continue to sit there until their business is complete in the BHIA office. I would suggest closing the street end.

Tom Charlton, 18 Harris Street: What is the status of East Avenue – specifically the bike lane? I was discouraged to hear the plan was cancelled. We live on East Avenue and it is a dynamic area with bikers, joggers, walkers, skateboarders. The proposed bike lane project goes back to 2015. Consultants who are experts on bike safety came up with the recommendations for Bay Head. We didn't think anything could be done on East Avenue but they developed the contra-flow plan. Two public meetings were held, information has been posted on the web site and comments were requested from the public. The study was published in 2016.

Council committed to the Complete Streets Plan. The plan was moved forward in 2016. We were told the project was moving forward and were very disappointed that the project was cancelled. We feel the bike lane is very effective. The project is half done and we would like Council to reconsider the project.

Mayor Curtis: We will look at it. Everyone has their opinion. What is there will stay until after Labor Day when the double yellow line will be removed.

Dennis Shaning, 542 East Avenue: I am thankful Council decided to remove the yellow lines. This is a classy, upscale community and now we have a landing strip that belongs at Newark Airport – no one knows what to do with the yellow line. Cars are afraid to move over so they are hugging the right side. I see walkers in the bike lane – I don't think the average person knows what the sharrows markings are – the whole idea is ludicrous. As to consultants recommending this – the State had consultants that put in the pump stations that don't work. Did anyone consult with the local police? I support the Council's decision to return East Avenue to the way it was. I understand this was done for safety – there are no accidents on East Avenue.

Lynn Harrington, East Avenue: I rode my bike yesterday north from Johnson to Mount. There were bikers coming at me and also walkers. I went on the sidewalk and then stopped for another. In the old days everyone moved. You have created more trouble than it is worth – very confusing.

Pat O'Hara, 522 East Avenue: I totally support Dennis. I wasn't sure what the yellow lines were for and I support the decision to remove them.

Gail Kerr, 69 Goetze Street: Bicycle riding in this town is out of control. 5 to 10% have helmets – they don't pay attention to lights or crosswalks. We have a bicycle problem – we need law and order with the bicycles.

Mayor Curtis: Our bicycle police are stopping children but they aren't the problem, the adults are. They don't make their children wear their helmets – it is a problem. Just today signs were installed on Bridge Avenue between Club and Lake to WALK YOUR WHEELS – this is for bikes, roller bladders, skate boards and is 24/7. We have gotten more calls this summer from people who have almost been run over by bikers. You can ride your bike on the south side of Bridge Avenue on the sidewalk.

Bill Podurgiel, 45 Karge Street: I am a bit surprised by the comments on East Avenue. I believe the lines have brought some order. We had a plan but the implication never happened and only two blocks had symbols put down. I lived in the Netherlands and they were educated as to bike rules and regulations. I hope Council will think about a bike lane for next year. I have noticed people slowing down and it has herded people out of the middle of the street. It is unfair to the people who have put a lot of time and effort into the plan. Information should have been posted on the website and in the newspaper prior to the marking. Changes should be considered before something happens not after. I also feel the crosswalks have helped.

Mr. Charlton: Education is key – I appreciate what you are saying. Council needs to act quickly – it is more dangerous now.

Mr. Shaning: I agree with Tom – it has made it more dangerous especially those backing out of a driveway on the east side of East Avenue. If it is not a problem don't fix it. I feel you have created more of a hazard. Bikers are to adhere to the rules of the road. I don't know what the white line is for? It is hazardous situation and unsightly.

Stan Niedzwiecki, 42 Johnson Street: Communication seems to be a real problem. Why can't we have more information in the Ocean Star. We have to get them to work a little more for us.

Char Charlton, 18 Harris Street: The double yellow line indicates a contra-flow lane. It was to be mark for bikes to travel north and only bikes. The reason for the double yellow line is to prevent traffic going south not to cross over. The project was stopped before the marking was completed. The interruption of the project has created a problem.

Mr. Charlton: I have documentation on the plan. I also have copies I would be happy to give on statistics.

Councilmember Glass: As far as the police go – bikers are to adhere to the rules of the road. They could get a ticket for going north on east but it would be hard to implement. The old way was also illegal. Bay Head does have a liability.

Mr. Shaning: I agree with Mary. The new way is also illegal and exposes us more. It compels them to do something illegal.

Ms. O'Hara: Was the main reason for safety?

Mr. Charlton: For safety and to encourage people to move more.

Ms. O'Hara: If safety is the concern you shouldn't have people park on East Avenue. You can't ban people – I don't see the purpose of the double yellow.

Mr. Charlton: One of the requirements of the Complete Streets study was not to eliminate parking spaces. The double yellow like indicates traffic is going in a different direction. We legalized going north with the double yellow line. The purpose was to indicate where the people were to go. The width of the road was considered. The consultants rode East Avenue last summer.

Councilmember Lyons: On Council we had a lack of communication. I am on the Public Safety Committee and the first time I heard about it was when the lines were painted on the road. Council needs to do a better job communication amount ourselves and with the public.

Councilmember Hein: Mayor appointed me Safety Coordinator but it will be back under Public Safety.

Mayor Curtis: We did not communicate; we just went ahead and did it. It was stopped on the day of the painting by despicable acts of residents attacking the workers. It is my (our) fault. We have heard a lot of good things tonight both pro and con. Council will take a look at it and have more public meetings on this issue.

Ms. O'Hara: Could you send an alert out when the meetings are scheduled?

Mayor Curtis: Yes we will. I hope everyone has signed up for the alerts, if not do so.

George Schweickert, 70 Osborne Avenue: I would like to compliment the Bay Head Police for the Patrolmen on bikes. It is very comforting to have them on the street and we thank you.

Mr. Shaning: In the off season it would be nice to have some way to alert residents especially those on East Avenue, to issues in town.

Councilmember Lyons: We have a lot of ways to improve communication.

Mayor Curtis: I would like to thank everyone for your instructive dialog and would like to compliment you all.

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: 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