

March 4, 2019

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on March 4, 2019 at 7:00 pm in the Municipal Building, 83 Bridge Avenue, Bay Head, New Jersey.

Mayor Curtis called the meeting to order, 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 an annual schedule of meetings of this Governing Body which was posted on the bulletin board at 83 Bridge Avenue on January 2, 2019 and was published in *The Ocean Star* and the *Asbury Park Press* on January 4, 2019.

The roll was called for attendance. Present were Mayor Curtis and Councilmembers Glass, Barnes, Shaning, Magory, Cornell, Lyons; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney.

Councilmember Glass moved to approve the regular minutes of February 11, 2019. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None.

Mayor Curtis appointed Deirdre M. Einhorn as a member to the Bay Head Fire Department.

Mayor Curtis read Proclamation – National Poison Prevention Week March 17-23, 2019

Mayor Curtis called for Reports of Standing Committees.

Councilmember Glass, Public Safety, read the February report for the Police Department. A copy of the report is attached to these minutes.

Mayor Curtis: Chief and I have talked about dogs running unleashed on the beach and around town. He has assured me that regular patrols will be done on the beach. The police can't be everywhere at once so if you see something, say something. You wouldn't think we would have to remind people but it seems we do – please pick up after your dog – by not doing so you create a health problem.

Councilmember Glass read the February report for the Fire Department. A copy of the report is attached to these minutes.

Monthly Fire Safety Tip: Microwave Use

Always supervise children when they are using a microwave oven.  
Use only microwave-safe food containers or dishes. Never use aluminum foil or metal in a microwave oven. If you have a fire in the microwave,

leave the door closed, turn the oven off and unplug it from the wall.  
If the fire does not go out, get outside and call the fire department.

Councilmember Barnes, Legal and Planning: I have been meeting with Chris, reviewing and revising six ordinances. Hopefully they will be ready to introduce at the next meeting. They cover rentals, transfers, signs, etc. We are thinking about a no wake ordinance – we feel it would benefit the town. This ordinance would require motorist to slow down. We would like your input. Some towns have a six inch level – we have discussed the level being above the curb line. Please reach out to me to let me know your thoughts.

Councilmember Glass: I have noticed, over the past couple of weeks, a number of realtor signs with balloons. Balloons aren't allowed on realtor signs. Police have picking up the signs when they aren't in the right place and have balloons on them. The ones I have seen are not local realtors so they may not know the law. The police do go in and tell them if there is an open house. Hopefully this requirement can be reported in the Ocean Star.

Councilmember Cornell: Chief also mentioned this issue to me. I told him I would drop an email to all the brokers. Chief will also draft a letter to go out to all realtors.

Councilmember Glass: It is better to get a warning instead of a summons.

Councilmember Shaning, Public Services, read the Construction Official, Code Enforcement and Zoning Reports for the month of February. Copies of the reports are attached to these minutes.

Councilmember Magory, Public Works, read the Public Works Report for the month of February. A copy of the report is attached to these minutes. We will also be offering tonight, resolutions to start the curb and sidewalk restoration project on Osborne Avenue and to submit a CDBG grant application to fix handicapped access.

Councilmember Glass: You know where my house is and the lake. The other day there were five geese cuddled by the deterrent posted by the lake.

Councilmember Magory: They have to be moved more often.

Councilmember Glass: The manhole at the intersection of Lake and Osborne was dry for four days or so but now there is a little seepage.

Councilmember Magory: Verizon has been working on that manhole for quite a while.

Councilmember Cornell, Parks, Grounds and Recreation: We have posted the locations for the 2019 Household Hazardous Waste Disposal on our website. Pre-registration is required. Registration is on a first-come first-served basis. The locations are Lakewood, Toms River and Stafford.

Centennial Park: We are hoping to finalize the playground project soon.

Environmental Commission: Dan Paulus and Heather Robertson are working on Sustainable New Jersey and are looking for volunteers to work with them.

Beautification: They are working on the geese avoidance/deterrent. Larry did find Wind Movement 3-D Coyote replica deterrent and Scare Eye Bird Chaser deterrent which he purchased at Home Depot. These items have to be moved around – so if you are walking by – please relocate them to a different location in that area.

Councilmember Cornell introduced Rich McGoey who spoke on the NJ Transit station beautification efforts.

Mr. McGoey: I am working with Bob Hein and a group of residents to help beautify the train station. We have worked this past year on cleaning up the area with transit authority. Upgrades have been made in painting, flower pots, trash receptacles and signage. We are presently working on the pathway north of the station with Point Pleasant Beach Beautification Committee. We welcome volunteers to help with this effort.

Councilmember Glass: I would only suggest to you and Bob to run the planting and walkway design by the Chief.

Mr. McGoey: We sent a rendering and he felt comfortable with it but did suggest some lighting which we have added.

Chief Hoffman: Councilmember Lyons sent the layout. I am concerned that there is nothing to block our view when we pull up.

Councilmember Cornell: Howe Park – I am sorry to report that the estimates received from a local contractor are higher than what we had agreed to spend. So, we are back to the drawing board. I will keep you informed but it will not be happening as soon as I thought.

Mayor's Wellness Committee: Meryl Clement, Sarah Erbe and Chip Tillson will be working on the Duck Derby with Allison and the Bay Head Home and School Association. They are also working on the Mayor's walk.

Councilmember Lyons, Finance and Technology.

Technology: We now have on the website public notice, bid specifications so that contractors can go on to get this information. We will also be posting job openings. We continue to develop and enhance the website. People are using the Report a Concern which goes directly to the department that will take care of their concern.

Finance: The Finance Committee continues to work on the budget. The big ticket items, which we have no control over, are pension and health care. We also recently received a deficit notice of \$121,000.00 from OCUA, which will have a significant impact on our budget. We are looking to cut some

areas to cover those rising costs. The deficit is due in part to excessive rain fall in 2018 of 21 inches. We are also working to fix the leaky pipes in town so that we aren't treating water that doesn't need to be treated. Sump pumps that dispose into the sewer system are illegal. We have found self sealing main hole pans and they are being installed. Working on these additional costs is a balancing act. The Annual Financial Statement is getting pushed off again by the State. We can't file our budget until the AFS is certified by the State. I would like to present the budget next month but we will have to see how the State moves on their end.

Christopher Parlow, Borough Administrator:

CRS Program: This program provides discounts to residents who carry flood insurance. I am working with the planner to convert to the new 2020 manual. We are working to make those changes.

CDL Policy: I am working to update our CDL Policy – Three Public Works Employees have CDL License. The Federal Government has made changes to their requirements. Hopefully, I will have this for the next meeting.

Working on the Borough Code to separate – fireworks and firearms; C O's for construction, rental and transfer.

The Property Maintenance Code the Borough is working on was adopted several years ago so we need to update to the latest edition – hopefully I will have it ready for the next meeting.

Website: We continue to update so check it for the most current information. Recently the work on Park Avenue and Club Drive by NJ American Water Co. was noted as well as the fly over to check wind damage by JCP&L. Please keep checking the website for announcements and updates.

State Real Property Acquisition and Addition: I have contacted them concerning the old railroad property located from Johnson Street to the Mantoloking line. I was authorized by the Governing Body to speak with them to see if they would be willing to subdivide and sell to the property owners that abut that property.

I would like to request an Executive Session to discuss the DEP Agreement concerning Beach Renourishment.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

Request from Rebecca Wetzel to allow her two daughters (4 and 6 years old) to open an iced tea stand in front of the Jolly Tar on May 25, Evalyn Shippee has given us her permission. The Iced Tea Challenge is

to raise awareness and funds for ALS Association.

Request from Ed Shea, Director of The Kate Foundation for approval To operate the 16<sup>th</sup> Annual Bay Head 5K Memory Run on Saturday, May 18, 2019 from 8:30 to 10:30 am.

Request from the Point Pleasant Beach High School PTO to allow residents to participate in the Town Wide Garage Sale on Saturday, June 1<sup>st</sup> with rain date Sunday, June 2<sup>nd</sup>.

Request from Allison Feehan, Bay Head Life and Mayor's Wellness partnering with the Bay Head Home and School Association for a Duck Derby to be held on Saturday, August 10, 2019 from 10 am to 4 pm utilizing Scow Ditch and the area behind the municipal building and a small area of Bridge Avenue.

Request from National MS Society – NJ Metro for their annual charity Bicycling event – 2019 Bike MS: Coast to Coast to pass through Bay Head on Saturday, May 18, 2019.

Councilmember Lyons: Do we have to approve a request if it is on private property?

Ms. Cipriani: You should approve unless we allow businesses to have outdoor sidewalk sales.

Councilmember Glass: The Duck Derby is to have prizes and food?

Councilmember Cornell: There will not be vendors - it will be in the park. Trish will DJ. There may be face painting. Last time Girl Scouts sold cupcakes. They can come back with more details and information – the request was just to reserve the date.

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

Mayor Curtis called for Resolutions.

Councilmember Magory offered Resolution 2019-46 authorizing the submission of the 2019 Community Development Block Grant Program Application.

Councilmember Glass offered Resolution 2019-47 appointing Class I Special Law Enforcement Officers for the Borough of Bay Head and authorizing attendance at Ocean County Police Academy.

Councilmember Glass offered Resolution 2019-48 authorizing submission of the 2019 Distracted Driving Crackdown U Drive. U Text. U Pay Grant.

Councilmember Lyons offered Resolution 2019-49 authorizing payment to Employees for Hours of Accrued Compensatory Time from the Budgetary provision approved as Public Works Salary and Wages – Gilman - \$659.06.

Councilmember Lyons offered Resolution 2019-50 adopting the 2019 Temporary Emergency Appropriations #2.

Councilmember Glass offered Resolution 2019-51 appointing Tyler C. Printz as Part Time Police Officer.

Councilmember Lyons offered Resolution 2019-52 amending Resolution 2018-153 providing for Salaries and Compensation of Borough Officials and Employees for 2019.

Councilmember Magory offered Resolution 2019-53 awarding a Contract to A & A Curbing, Inc. for the Osborne Avenue Curb and Sidewalk Restoration Project.

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

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: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis called for Unfinished Business. There was none.

Mayor Curtis called for New Business.

Councilmember Barnes: I am sure you have seen TV adds that Dominoes Pizza would fill pot holes in your town. My students, who live in Jackson, informed me that they are filling pot holes there. If you see them is Bay Head, please give the Police a call.

Mayor Curtis opened the meeting to the public.

Patricia Delduca, 855 Main Avenue: I would like your help in addressing the sewer smell situation on the south end of Main Avenue. This odor has persisted for years – it has gone on for over three years. Even my granddaughter comments on the smell.

Mayor Curtis: We have called DOT on many occasions, written the Governor and both say they will send people to check it out but nothing happens. In other words they are ignoring us so if everyone would write and call they may respond.

Larry Gilman, Public Works Supervisor: DOT did come to check it out and they told me they were requesting DEP to take a look. It is ground water intrusion. All they need to do is admit there is a problem and fix it. I would suggest everyone call – the more calls the better. Maybe we can get a reporter down here. I get calls every week.

Mayor Curtis: We have asked Senator Holzapfel to also help.

Ms. Delduca: So you are saying the only answer is to badger these people.

Mayor Curtis: You as an individual can get more done – I would suggest writing and calling.

Tony Delduca: 3 ½ years ago trees were planted along Route 35 (Main Avenue) and they have since died. I now have a root in the ground. I was told they were to come back and replant.

Mayor Curtis: The landscaper was to come back and replant but that is not going to happen. I would pull the stump out and plant grass or tree. This is as bad as the smell. I was told they were to come back and replant but we haven't see him yet. We have a long list of things that weren't completed with this project. I have reached out to Governor Christy and Murphy, many times, with no response.

Councilmember Shaning: So you are saying DOT is responsible for the trees and the odor also?

Mayor Curtis: Yes – they are now trying to pass the buck as to the odor to the DEP. What they are eventually going to have to do is come in and seal the pipes.

Mr. Gilman: The water intrusion comes in because it is a bad design.

George Schweickert, 70 Osborne Avenue: What is the schedule for beach replenishment?

Mr. Parlow: Once they finish in Lavallette, which they say will be mid April, they will move to Point Pleasant Beach. There have been issues with the dredgers. At one point there were three working. At this point there is only one because one has left the area, and one is in dry dock for a 10 day repair. They hope to have two up and running when they start in Point Pleasant Beach. Their hope is to transfer from Point Pleasant Beach to Bay Head the first week in May. I feel it will get pushed to the middle of May with the dredge in dry dock. The sand portions should be completed by the middle of June but still leaves the crossovers and fencing. That is the best schedule I was given today. I don't feel they will be finished with the project come summer. The pump should be finished but the 2<sup>nd</sup> contractor will be working in Bay Head during the summer months.

Mr. Gilman: One thing we will have to keep an eye on is the when they cover the rocks. If not done properly there are holes that become a hazard. We need to stay on top of that and let the homeowner know.

Mr. Parlow: BHIA has a network with the homeowners. The dunes are not public areas. DEP and Mantoloking hopefully have learned a lesson that the sand needs to settle between the rocks to prevent voids.

Penny Witt, 156 Woodland Avenue: What is the status on repairs to the jetties?

Mayor Curtis: No permits have been granted and will not until after the pumping of the sand is complete. They say it will be less expensive to repair from dry land.

Mr. Schweickert: We are actively working on that.

Ms. Witt: Hopefully the money donated is in the bank earning interest.

Mr. Schweickert: Yes, it is.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A list of 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

WHEREAS, the 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 discussions of an actions upon the hereinafter specified subject matter.
2. The following subject involve:  
DEP Agreement Beach Renourishment
3. It is anticipated at this time the above subject matter will not be made public.
4. This Resolution shall become effective immediately. No action will be taken following the session.

Councilmember Glass moved this resolution be approved. The motion was seconded by Councilmember Lyons and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None.

The Governing Body went into Executive Session at 8:26 pm. At 9:00 pm the Governing Body came out of Executive Session and resumed the meeting.



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