

September 9, 2019

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on September 9, 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. He then requested a moment of silence for all first responders lost in 9/11 which anniversary will be Wednesday.

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 Barnes moved to approve the regular non voter taxpayer minutes of August 19, 2019. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Barnes, Shaning, Magory, Cornell, Lyons. NOT VOTING: Glass. NAYS: None.

Mayor Curtis read Proclamation – Hunger Action Month, Fulfill Monmouth & Ocean Counties – September 2019. A copy is attached to these minutes.

Councilmember Glass offered Resolution 2019-109 authorizing the promotion of Lieutenant John F. LaSpina from Lieutenant to Captain in the Borough of Bay Head Police Department.

Councilmember Glass offered Resolution 2019-110 authorizing the promotion of Sergeant Zachary E. Keller from Sergeant to Lieutenant in the Borough of Bay Head Police Department.

Councilmember Glass offered Resolution 2019-111 authorizing the promotion of Patrolman Stephen W. Stockhoff from Patrolman to Sergeant in the Borough of Bay Head Police Department.

Councilmember Glass moved the above resolutions be adopted. The motion was seconded by Councilmember Barnes and 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 administered the Oath of Office to the following:

John F. LaSpina, Captain
Zachary E. Keller, Lieutenant
Stephen W. Stockhoff, Sergeant

Chief Hoffman thanked the Mayor and Council for their continued support by accepting his recommendation to move the officers up.

Mayor Curtis: Thank you and your staff. It is a pleasure working with you.

Mayor Curtis called for Reports of Standing Committees.

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

Monthly Fire Safety Tip:

During power outages, do not run or re-fuel portable generators inside any building or structure.

Councilmember Barnes, Legal and Planning: Summer was extremely busy. The Court took in over \$14,000.00. On September 3rd a public session was held to discuss the beach/dune ordinance – the meeting was over two hours. We received a lot of feedback. The ordinance will be substantially revised and reintroduced in October. We are also reviewing the sign ordinance – I will keep you posted.

Councilmember Shaning, Public Services read the Construction, Zoning and Code Enforcement reports for the month of August. A copy of the report is attached to these minutes.

Councilmember Magory, Public Works read the August Public Works Report and planned projects for September. A copy of the report is attached to these minutes.

Councilmember Cornell, Parks, Grounds and Recreation:

The Bay Head Environmental Commission will meet, next door in the conference room tomorrow at 5:30 pm. We have spent most of our time, this month, working on the beach/dune ordinance.

Councilmember Lyons, Finance and Technology:

Finance: The annual audit is completed and a resolution will be adopted tonight certifying it. There are no recommendations in the audit. We were delayed by the State in giving us our pension numbers.

Technology/Security: I mentioned at the August 19th meeting, Freehold IT who we have a Shared Service Agreement with, will be coming in to review all systems to make sure they are up to snuff. Municipalities have become targets. We need to be protected as best as we can.

Christopher Parlow, Borough Administrator:

Technology/Website: We have added revised flood insurance information pages to our website. We hired Forerunner for this program which provides information as to building codes, flood protection, elevation certificates etc. Since the program has been active – 150 people have accessed it. If you see something we missed or feel should be added please let me know.

New Jersey American Water Tower: I have been notified by NJAW that the water tower and cell antennas will be taken down by mid 2020. If there is not an acceptable site to relocate the cell companies in town NJAW plans to erect a tower to put the antenna's on. There may be a request from those cell companies on the exiting water tower to have a temporary pole to allow them to provide service while the water tower is being taken down and an antenna erected.

Councilmember Lyons: Mid 2020 means summer to me. Not a good time to do this type of work.

Mr. Parlow: I will bring those concerns back to them. I will tell them that there is no construction with our streets and roads from Memorial Day to Labor Day. They did say it may take a total of three days to bring the tower down.

Beach/Dune Ordinance 2019-14 will not be adopted in its current version. A lot of comments, both verbal and in writing have been received. I can tell you the comments are all over the spectrum. There will be some people who will not be happy with the final. Some feel nothing should be done and others feel they should do whatever they want. There is a wide degree of opinion. Liability concerns have also been raised. My plan is when the revised ordinance is ready, it will be posted on the website – even prior to introduction.

Mayor Curtis: We are in no rush to get this done. We will work as hard and fast as we can.

Mr. Parlow: This ordinance may require an amendment to the land use ordinance – sections overlap concerning setbacks. Some setbacks are taken from the center of the rock revetment but surveyors are having trouble locating the center with it covered in sand.

Ms. Cipriani: We have received a lot of comments; we also had a public meeting and are now in the process addressing those concerns raised.

Mayor Curtis: School is back in session so Walking Wednesdays Bay Head School will start this week. Please join us at 7:30 pm by the clock to Walk with a Hero for 9/11 Never Forget.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered a request from Eric Beyer, Beach House Classic Boardshop for their annual Old School Surfboard Display in front of 517 Main Avenue on Sunday, October 13th from 8 am to 5 pm.

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

Mayor Curtis called for Resolutions – On Consent

Councilmember Magory offered Resolution 2019-112 authorizing the Execution of a Subrecipient Agreement with the Board of Chosen Freeholders of the County of Ocean in connection with the Community Development Block Grant to be used for Handicapped Accessibility Improvements Various Locations.

Councilmember Lyons offered Resolution 2019-113 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) – FEMA-Superstorm Sandy -\$1,030.85.

Councilmember Glass offered Resolution 2019-114 authorizing payment to employees for Hours of Accrued Compensatory Time from the Budgetary Provision approved as Police Salary and Wages – Kelley Mickle - \$2,194.00.

Councilmember Lyons offered Resolution 2019-115 authorizing the return of a Street Opening Performance Bond.

Councilmember Lyons offered Resolution 2019-116 Governing Body Certification of the Annual Audit for 2018.

Councilmember Lyons offered Resolution 2019-117 authorizing a contract with Atlantic Tomorrow's Office Technology, Inc., an approved State contract vendor for lease/purchase of a Savin IM C3500G copier/printer/scanner.

Councilmember Glass moved to approve 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 further 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 Ordinance, Second Reading, Public Discussion and Vote.

Councilmember Cornell offered Ordinance 2019-14 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE II OF CHAPTER 75 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "PROTECTION OF BEACHES AND DUNES"

Councilmember Cornell moved to table Ordinance 2019-14 without a date certain which was seconded by Councilmember Glass.

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

Ms. Cipriani: With this process the ordinance dies.

Mayor Curtis called for Unfinished Business. There was none.

Mayor Curtis called for New Business.

Chief Hoffman: At the last meeting it was requested that Osborne Avenue have speed signs same as Bridge Avenue. We stated we had requests into the County. Mayor Curtis called them and today they were in town looking at Osborne Avenue.

Councilmember Lyons: Where on Osborne will they be located?

Chief Hoffman: Two signs will be installed – one just west of Lake Avenue going west and one off of Bay Avenue about six houses down on Osborne Avenue going east.

Mayor Curtis opened the meeting to the public.

Joanne Pehlivanian, 332 Western Avenue: Chris, can you go over the cell tower situation again?

Mr. Parlow: The NJAW water tower will be coming down. They have agreed to construct a monopole to accomidate the three cell companies at that location. The water tower will come down and a antenna will be constructed.

Ms. Pehlivanian: There is talk of five other units?

Mayor Curtis: Nodes would be an addition to the cell antennas in town.

Mr. Parlow: They are two different types of technology. The nodes will supplement the antennas. They are not to be associated with the replacement of the water tower.

Ms. Cipriani: The nodes are for data.

Mr. Parlow: Council passed a resolution denying the use of the poles for node placement.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment. The motion was seconded by Councilmember Magory 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.

RESOLUTION OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY,
NEW JERSEY EXCLUDING THE GENERAL PUBLIC FROM A MEETING
PURSUANT TO THE OPEN PUBLIC MEETINGS ACT

WHEREAS, the Open Public Meeting 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:
Potential Litigation concern Beach/Dune Ordinance
3. It is anticipated at this time the above stated subject matter will be made public within 60 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: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None.

The Governing Body went into Executive Session at 8:02 pm. At 9:19 pm he Governing Body came out of Executive Session and resumed the meeting.

There being no further business Councilmember Barnes moved to adjourn. The motion was seconded by Councilmember Magory and passed on roll call vote.
YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor