

**January 7, 2013  
Regular Meeting**

**The regular meeting of the Mayor and Council of the Borough of Bay Head was held immediately after the Reorganization Meeting of January 7, 2013 was adjourned, which was at approximately at 7:31 PM. The meeting was held in the Council Chambers of the Point Pleasant Beach Borough Hall.**

**Present at the meeting were Mayor Curtis and Councilmembers DeFilippis, Green, Barnes, Glass, Magory, Lyons.**

**Mayor Curtis made the following appointment:**

**Christopher E. Gaylord, Sr. as member to the Bay Head  
Fire Company No. 1**

**Mayor Curtis: I would like to thank the Mayor and Council of Point Pleasant Beach for allowing us to meet in their Council Chambers for 2013. The committee reviewing our ordinances are working diligently to come back by February 4<sup>th</sup> with clear definitions for short term means to regain Bay Head as we like. I will also be appointing a long range planning committee to work until we get back on our feet, we are hoping for a much better Bay Head. A lot of people are coming to look at Bay Head. We opened the town because Chief Hoffman had patrols along the beach. I have received complaints that people are trespassing looking in windows. No one should be on private property. We want people to enjoy the beach but if you see people looking in homes please advise them that many are unsafe structures. The sand piles should also be avoided because we don't know what is in the sand and it could cave in and cause harm. We want to protect our town and our people and try to keep the site seers' away. Signs can be posted by the homeowners to keep off their property. I would like to thank all you the people of Bay Head. We are servants and serve at your will.**

**Mayor Curtis called for Reports of Standing Committees.**

**Councilmember DeFilippis, Public Works, it is difficult to try to explain to everybody as to what we are doing and why we are doing it. Some feel the flooding of the northeaster following Sandy and the debris in Twilight Lake flooded the streets is not exactly correct. We have 27 storm drains – 3 belong to the State – 3 to the County and the rest are ours, once cleared the water will run to the lake. We have issues with the recycling center and will not receive brush at this time.**

**Councilmember Green, Parks, Grounds and Recreation, most recent weather events had an effect to the level of water in the lake – the full moon, storm drains compromised and amount of sand tossed into the lake from Sandy have created a sand bar in the lake. Work is on going on and in Twilight Lake. Ash Britt will be removing the sand around the perimeter of the lake south of Harris and the northern end in the coming weeks. They will start on the lake after the sand cleaning project on the streets is complete. I would like to thank you for your patience. We are working with Ocean County Health Department and**

**NJ DEP concerning health issues and testing of soil and what is in the water and the quality of the air. We will be coming up with a program and provide answers to residents. We have received only one report of an oil tank gone missing. If anyone knows of oil tank on your property please contact me. Ocean County Health Department and DEP will help remove those items.**

**Councilmember Barnes, Legal and Planning: We are reviewing the Borough Code and are looking at the 2013 budget items.**

**Councilmember Glass, Public Safety, read the October, November and December 2012 report for the Bay Head Fire Company No. 1. I have checked with public works to post signs and place yellow tape to keep people off the sand. The weather is nice and people are coming down but we don't want anyone getting hurt.**

**Councilmember Magory, Public Services, read the December Zoning Officer and Construction Official report. You will be charged fees for construction permits as of January 1<sup>st</sup>. If you have started work you must obtain a permit. Rear yard garbage pickup will resume on January 17<sup>th</sup>, it was suspended after Sandy.**

**Councilmember Magory moved to use the property tax assessment of the building for purposes of figuring the 50% figure for rebuilding required by FEMA. The motion was seconded by Councilmember Glass.**

**Councilmember Green: What is market vs. assessed?**

**Councilmember Magory: It is difficult to determine market value. Assessment is shown for the building and land on the tax records. You will also have to provide additional documentation as to what makes up 50% damage.**

**Ms. Cipriani: There are two different functions. FEMA requires determination that substantial damage has been done to the structure. The current year assessment will be on the loss but when repairs are done there will then be an added assessment.**

**Richard Swetits, 539 Club Drive: FEMA is withholding 1/3 of my money until the Borough decides what is to be used.**

**Mayor Curtis: A motion was just made to use assessed value to determine the 50% substantial damage of the building.**

**Mayor Curtis: Where are we with the debris?**

**Councilmember Magory: After the 17<sup>th</sup> there will not be any debris out on the street. The last day for homeowners to place items out was December 9<sup>th</sup> and there were a couple of places that weren't picked up. I have given them my list and all should be picked up by Friday of this week.**

**Councilmember Lyons, Finance: We started working on the operating capital budget back in October. We are working to come back to you for the operating and capital budget for 2013 but as you know we have a lot of other issues going on.**

**Mayor Curtis called for Ordinances, First Reading.**

**Councilmember Barnes offered Ordinance 2013-01 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 147, ENTITLED "LAND USE"**

**Councilmember Barnes moved to approve this ordinance on first reading, which motion was seconded by Councilmember Glass.**

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

**Councilmember Magory offered Ordinance 2013-02 entitled:**

**AN AMENDMENT TO ORDINANCE 2012-07 ESTABLISHING  
SALARY, WAGES, HOLIDAYS, SICK LEAVE, VACATIONS  
AND OTHER BENEFITS OF EMPLOYEES OF THE  
BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY  
FOR THE CALENDAR YEARS 2012 THROUGH 2015**

**Councilmember Magory moved to approve this ordinance on first reading, which motion was seconded by Councilmember Barnes.**

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

**Mayor Curtis called for Unfinished Business. There was none.**

**Mayor Curtis called for New Business and Resolutions.**

**Councilmember Glass offered Resolution 2013-21 providing for salaries and Compensation of the Police Department of the Borough of Bay Head.**

**Councilmember Lyons offered Resolution 2013-22 authorizing Transfer #4 in the 2012 Municipal Budget.**

**Councilmember Lyons offered Resolution 2013-23 authorizing the acceptance of \$500 by the Jersey Shore Running Club to be used towards rebuilding efforts of the Public Areas in the Borough of Bay Head.**

**Councilmember Magory offered Resolution 2013-24 authorizing the Execution of a Shared Service Agreement with the County of Ocean for Debris Removal for Post-Hurricane Sandy Clean Up Efforts.**

**Councilmember Green offered Resolution 2013-25 authorizing Emergency Contract Pursuant to N.J.S.A. 40A:11-6 with Princeton Hydro, LLC for services in connection with the Restoration of Twilight Lake following Super Storm Sandy.**

**Councilmember Magory moved the above resolutions be adopted. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes Glass, Magory, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.**

**Mayor Curtis: We would like to introduce Ordinance 2013-03 to adopt the Advisory Base Flood Elevation and I would like Jean to explain it.**

### **ORDINANCE 2013-03**

#### **ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 126, ENTITLED “FLOOD HAZARD AREAS”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BAY HEAD**

**Ms. Cipriani: The Borough will be opposing the standards for coastal A zone to be constructed to the V zone standards. The final standards could be different; however, the simple opposition is not helping people who are damaged. FIRM standards FEMA say will not change. If any changes are made they will be minimal, and it will be an eighteen month process. By the Borough adopting these standards it will allow residents to receive compliance funds if all the conditions are met. Secondly if people build to standards their flood insurance rates will be significantly less. If your house is at grade level now and you are paying \$400 insurance premium and you did nothing your rate for flood could be \$15,000 for the year. If you don't comply it could impair the marketability of your home. The recommendation is that the Advisory Base Flood Elevation map be introduced. We have used DEP model ordinance. Things they would like to see have been removed such as coastal A built to V standards. If you have the means and the will the less you will pay. The concept freeboard is an extra requirement. CAFRA requires one foot above the Base 2006 FEMA standards. It is hard to know what DEP will do and their process is lengthy. I have heard they may go up two feet. The Borough can build in the one foot freeboard.**

**Councilmember Magory moved to approve this ordinance on first reading, which motion was seconded by Councilmember Glass.**

**Councilmember DeFilippis: In order to comply with our own ordinances as to height and setbacks they will have to change to be in concert with this ordinance.**

**Ms. Cipriani:** If you adopt you have some options making those changes – you need to look at those sections of the code and yes some will have to be amended.

**Mayor Curtis:** That is what the committee is doing.

**Councilmember Magory:** Setbacks could be taken from the foundation – things like that are being looked at by the committee.

**Councilmember Lyons:** Does this jeopardize our objections to FEMA?

**Ms. Cipriani:** Not at all – you are going this under duress.

**Mayor Curtis:** We are trying to help you move forward without delay.

**Ms. Cipriani:** You as residents can write to FEMA to lower your elevation as per the Advisory Map. We won't know what the standards will be for eighteen months to two years.

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

**Mayor Curtis** opened the meeting opened to the public.

**Richard Swetits, 539 Club Drive:** I am planning to take my house down. All houses are on pilings in the Carolinas. We need to know the number for height; I will have eight foot pilings.

**Mayor Curtis:** We hope to have that number by February 4<sup>th</sup> as well as changes to setbacks.

**Jim Grey, 142 Cranberry Avenue:** What plans do you have to clean up the western portion of Twilight Lake?

**Councilmember Green:** That will be done in the second part of the plan with Dr. Sousa.

**Mr. Grey:** It will have to be hand carried out.

**Councilmember Green:** We are working on a plan.

**Bob Hein, 204 East Avenue:** Does ordinance 2013-01 prevent the rebuilding of a garage if it is more than 50% damaged?

**Ms. Cipriani:** If you have already received approval to build on the same footprint – get the permit

**Jane Ridolfi, 32 Bridge Avenue:** You are requesting homeowners to write a letter to FEMA about changing our elevation and cc our Congressman and Senators. Can you put what you said on the web site and a form letter?

**Ms. Cipriani:** I encourage you to write – they are long shots but they are worth taking.

**Councilmember Magory:** We will also put a link to show how your property falls in the new Advisory Base Flood Elevation Map.

**Rick McGoey, 50 Harris:** Twilight Lake and dredging. I understand the sand is to be removed but what other work is planned – what is to be accomplished?

**Councilmember Green:** We have three different projects with Twilight Lake, debris removal, sand removal and dredging. Dredging will take place down the road because funding is an issue.

**Mr. McGoey:** What is the goal of stage 2?

**Councilmember Green:** We will go to the depth of the lake prior to Sandy. The sand won't be done until all the sand has been sifted off the streets and returned to the beach.

**Bill, 642 Main Avenue:** In the sweep is the intent to get everything including glass?

**Councilmember Magory:** The debris is picked up with a clam shell on a 40' foot truck. It is impossible to pick up small debris. Individual homeowners are responsible to rake up and place out for pick up.

**Mayor Curtis:** For those homeowners not here a letter will be sent for them to get their own property in order.

**Cynthia Juenemann, 37 Howe Street:** Things have been placed on the street and not picked up. Sand also is out there.

**Councilmember Magory:** They will get the sand. It has been a process to get the trucks back into town.

**Peter Doane, 325 Lake Avenue:** What happens if we don't comply with FEMA regulations? To comply I will have to raise my home 110 inches. Are there any consequences?

**Councilmember Magory:** We will not make you raise your home.

**Ms. Cipriani:** Flood insurance will be higher if you don't meet the standards. If the damage is more than 50% you will have to come up to code. The risk you run is primarily up to you.

**Ms. Ridolfi:** If you don't have flood insurance you will have market issues.

**Ms. Cipriani:** If you have a mortgage you are required to carry flood insurance.

**John- I represent the owner of 46 Osborne Avenue: In terms of addressing FEMA the house is 110 years old. Is there any historical preservation angle to use?**

**Councilmember Green: We have historical districts – We are working but have no real answer.**

**Ms. Cipriani: 49 years will be reviewed for this process.**

**Ellen Akersten, 128 Cranberry Avenue: If we decide we want to raise our house has the freeboard been decided by Council or FEMA?**

**Ms. Cipriani: Freeboard is in addition to FEMA standards. CAFRA presently is one foot above FEMA regulations. DEP hasn't taken any action as to the new standards. The Borough could impose its own to catch up with CAFRA.**

**Ms. Akersten: So we can't proceed?**

**Ms. Cipriani: Proposed Ordinance 2013-03 has one foot freeboard in it.**

**Fred Castagnola, 409 Lake Avenue: How is the 50% of building figured?**

**Councilmember Magory: Anything attached to that structure.**

**Ms. Cipriani: You don't include refrigerators or cabinets.**

**Harry Typaldos, 345 Main Avenue: I need a letter stating why the National Guard was in town for my insurance company.**

**Ms. Cipriani: A letter will be prepared for you to submit.**

**No one else wishing to be heard, Councilmember Lyons moved to approve the vouchers for payment, which motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None. A list of the vouchers is attached to these minutes.**

**The meeting was adjourned.**

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**Patricia M. Applegate, Municipal  
Clerk**

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**William W. Curtis, Mayor**