

October 7, 2013

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on October 7, 2013 at 7:00 pm in the Bay Head Fire House, 81 Bridge Avenue, Bay Head, New Jersey.

Mayor called the meeting to order and welcomed everyone. He 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 106 Bridge Avenue, Unit 2 and was published in *The Ocean Star*.

The roll was called for attendance. Present were Mayor Curtis and Councilmember's DeFilippis, Green, Barnes, Glass, Magory, Lyons and Borough Attorney, Jean L. Cipriani.

Councilmember Lyons moved to approve the regular minutes of September 3, 2013. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis, Public Works: Just a brief status on the Goetze Street pumping station. A 36" flood main has been installed from the bulkhead to Clayton Avenue. The entire street has been stripped of its surface coating and will remain so – at the intersection of where Goetze divides Clayton Avenue the east section is temporary finished. The roadway on Clayton will be milled and paved early next week. Egbert and Strickland will be passable. By the 15th of the month or so the section between Clayton and Rt. 35 will be filled with the 36" piping and a number of new manholes will be replaced. The next main section will be Mount Street with bore samples being taken and sonar samples to know what is below the surface. There is no parking on Goetze Street but the church lot is available. The gravel parking lot behind the church is being used for construction vehicles but next week it will be available again for resident parking.

Councilmember Green, Parks, Grounds and Recreation: I regret to say the news I have is not good. The State planned dredge of Twilight Lake has been put on hold because there are no federal funds and it is at a full stop. Hopefully the State of New Jersey DEP will not have lost much time and there won't be a gap once the County is finished – stay tuned.

Mayor Curtis: The County project is not delayed.

Councilmember Barnes, Legal and Planning: Legal is relatively quiet other than review of the resolutions and ordinances to be presented tonight.

Councilmember Glass, Public Safety, read the Police Activity Report for August and September and the Bay Head Fire Co. monthly Report for September. The Fire Company is also planning their 100th Anniversary Celebration to take place on October 12th. It will start at noon with a parade of antique fire trucks followed by an open house at the Firehouse. Please plan to come out and support them.

Councilmember Magory, Public Services, read the Zoning Officer and Construction official report for the month of September. A copy of the report is attached to these minutes.

Councilmember Magory read the attached report concerning the progress toward a new Borough Hall.

He also reminded everyone that the winter schedule for garage pickup for the entire town is Monday and Thursday. Bulk Pick Up is scheduled for Monday, October 14th and Ocean County will be repaving Bridge Avenue sometime during the last two weeks of October.

Councilmember Lyons, Finance, had no report.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

An application from Deborah Hospital Foundation Point Pleasant Chapter for On Premise 50/50 Raffles License for monthly drawing in 2014

Request from Bay Head Business Association to hold their annual Halloween Parade on Sunday, October 27th

Request from St. Paul's United Methodist Church to block West Lake Avenue between Bridge Avenue and Willow Drive on Saturday, October 26th from 10 am to 4 pm for their Festival of Hope. They also request permission to hold a 5K Run/Walk at 8:30 am

Councilmember Glass moved to approve the requests. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis called for Ordinances for Second Reading and Public Discussion and Vote.

Councilmember Lyons offered Ordinance 2013-13 entitled:

AN AMENDMENT TO ORDINANCE 2012-07 ESTABLISHING SALARY, WAGES, HOLIDAYS, SICK LEAVE, VACATIONS AND OTHER BENEFITS

OF EMPLOYMENT OF CERTAIN OFFICIALS AND EMPLOYEES OF THE
BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY FOR THE
CALENDAR YEARS 2012 THROUGH 2015

Councilmember Lyons moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Green.

Mayor Curtis opened the meeting to the public for public hearing on this ordinance.

There being no comments or questions the public hearing was closed.

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 Lyons offered Ordinance 2013-14 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF
OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING
CHAPTER 41 OF THE BOROUGH CODE, ENTITLED "ADMINISTRATIVE
OFFICES"

Councilmember Lyons moved this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Green.

There being no comments or questions the public hearing was closed.

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 Ordinance, First Reading.

Councilmember DeFilippis offered Ordinance 2013-15

Councilmember DeFilippis offered Ordinance 2013-15 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF
OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 222
ENTITLED "VEHICLES AND TRAFFIC" SO AS TO ADD CERTAIN
LOCATIONS TO SECTION 222-25 ENTITLED "SCHEDULE VII: STOP
INTERSECTIONS"

Councilmember DeFilippis moved this ordinance on first reading, which motion was seconded by Councilmember Green.

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.

Councilmember Green: At the last meeting we discussed amending our ordinance as to demolition of structures. Councilmember Magory came up with a remedy without having to change the ordinance. The Construction Official will give a letter to those receiving demolition permits that the debris must be wet down during demolition.

Mayor Curtis called for New Business and Resolutions.

Mayor Curtis: Resolution 2013-133 and 2013-138 will be removed from the consent agenda.

Councilmember DeFilippis offered Resolution 2013-128 authorizing entry into a Second Amended Shared Services Agreement with the Brick Township Municipal Utilities Authority for the Provision of Inspection Services for Mount and Goetze Streets at no additional cost to the Borough.

Councilmember Glass offered Resolution 2013-129 authorizing the Execution of a Shared Services Agreement with the County of Ocean for the Prosecutor's Program.

Councilmember Glass offered Resolution 2013-130 authorizing the Execution of a Shared Services Agreement with the County of Ocean for the Driving While Intoxicated Enforcement Program.

Councilmember DeFilippis offered Resolution 2013-131 approval to submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the East Avenue Mill and Overlay Project.

Councilmember DeFilippis offered Resolution 2013-132 appointing John Knipe, David Nicholas and Edward Markey as Part-Time Recycle Attendant.

Councilmember Lyons offered Resolution 2013-134 appointing Michale Delre as Field Inspector to the Tax Assessor.

Councilmember Lyons offered Resolution 2013-135 amending Resolution 2013-101 Providing for Salaries and Compensation of Borough Officials and Employees for 2013.

Councilmember Lyons offered Resolution 2013-136 amending Resolution 2013-101 Providing for Salaries and Compensation of Borough Officials and Employees for 2013.

Councilmember Barnes offered Resolution 2013-137 requesting the Director of the Division of ABC to act upon the request of the Bay head Yacht Club, Inc., for a Place-To-Place Transfer of its Liquor License (Club License No. 1502-31-006-001)

Councilmember Magory offered Resolution 2013-139 modifying a Professional Services Contract with Remington, Vernick & Vena, Engineers for Architectural Design Services for a New Municipal Building Due to Superstorm Sandy.

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

Councilmember DeFilippis offered Resolution 2013-133 Acceptance of State of New Jersey DOT Plan for Bikeways and Sidewalks on Route 35 and moved it be approved. The motion was seconded by Councilmember Glass.

Councilmember DeFilippis: The State is looking to provide a bike path (share the road) from Bay Head south following the construction of Route 35. Bay Head is unique in that we allow parking on the south and north bound shoulders of Route 35. The particular design would be on the south bound lane. My concern is car doors opening and forcing the bike into the travel lane. I feel it will create an unsafe situation. The towns south of us do not allow parking on the shoulder.

Mayor Curtis: The hope is to have the bike lane from Point Pleasant Beach to Island Beach State Park. The shared lane will be on the shoulder of the roadway not in the travel lane.

Councilmember Lyons: I feel it will provide a false sense of security for the cyclist.

Councilmember Magory: You have the same on Bay Avenue and Bridge Avenue only it is not delineated.

Councilmember Barnes: We have the proposed plan and it is a narrow designated bike lane – I don't feel it will be very safe.

Councilmember Magory: If we vote no can they go forward anyway?

Ms. Cipriani: Traditionally DOT and the State have not imposed bike lanes on municipalities. They will probably come down and talk and try and reach some agreement or they could also just give it up.

Councilmember Magory: My only concern is that it is their road and they are under a lot of pressure to provide bike paths. Can they not allow parking on Route 35?

Ms. Cipriani: No they can't. They designed this plan and sent it to you in the hope you would approve their request by resolution. If you deny they will engage you in discussion.

Mayor Curtis opened the discussion to the public.

Arrigo Conti, 528 West Lake Avenue: What about having the bike lane come down Lake Avenue?

Stan Niedzwiecki, 42 Johnson Street: One problem is people from New York and Hoboken use our highways as a parking lot.

Toby Wintersteen, 277 Osborne Avenue: My concern is general bike traffic all over town. They never look – perhaps you need to give out citations to those driving in an unsafe manner.

Mr. Conti: If you allow bikes they should have lights on the front and back at night.

Bill Podurgiel, 45 Karge Street: Can bikers presently ride on Route 35?

Chief Hoffman: Yes.

Mr. Podurgiel: Will the bike path be both south and north?

Mayor Curtis: Yes.

Mayor Curtis closed the public discussion.

The following roll call vote was taken on Resolution 2013-133: YEAS: None. NAYS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. A copy of the resolution is attached to these minutes.

Mayor Curtis: Resolution 2013-138 will be held until after executive session.

Mayor Curtis opened the meeting to the public.

Bob Polizzotto, 420 West Lake Avenue: The proposed ordinance demolition/debris removal was scrapped?

Councilmember Magory: Yes – the demo companies will be instructed by the Construction Official to spray the house with water to eliminate dust so an ordinance will not be required.

Mr. Polizzotto: We have flooding again with the strong south wind. I am a big proponent to have the State put in tidal flood gates on Scow Ditch. The installation of check valves would also help mitigate some of this flooding. You have reported the State is thinking about this – is anything going on?

Mayor Curtis: It has been talked about but they are focused on one issue at a time. If we get a meeting the citizens will be notified. Your point is well taken but the State won't discuss it at this time.

Councilmember Green: At this time there is no budget or funding for a feasibility study.

Mr. Polizzotto: I did talk to the Ocean County Engineer, Mr. Scarantino and he agreed.

Harry Typaldos, Grenville Hotel - 345 Main Avenue: Route 35 is plastered with no parking signs and they have paved the shoulder – can we park there on the weekends?

Mayor Curtis: On the south end of town they are dewatering and they have pipes on the side in the right of way on the shoulder. I have advised people they can park unless they are working.

Mr. Typaldos: Last year prior to the storm I brought up the issue of our ABC license being limited to wine and it was to be looked into.

Ms. Cipriani: I will begin looking into that issue.

Mr. Podurgiel: A monster truck is parked on Lake at Karge Street – there are no cones and no lights – if you are coming out of Karge it is hard to see. Something needs to be done in terms of safety concerns.

Chief Hoffman: It was used for the milling and paving on Route 35. I will give them a call.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment, which motion was seconded by Councilmember Green 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.

Councilmember Glass offered the following Resolution to go into executive session.

WHEREAS, the Open Public Meetings Act, N.J.S.A. 19:4-12, 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 discussions of actions upon the hereinafter specified subject matter.
2. The following subject involve matters of attorney/client privilege:

Contracts – Borough of Bay Head and State DOT and its Contractor

Anticipated Litigation – Contractual Matters

3. It is anticipated that the above stated subject matter will be made public

Six Months

4. This Resolution shall become effective immediately.

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

The Governing Body went into Executive session at 8:06 pm. At 8:31 pm the Governing Body came out of Executive session and resumed the regular meeting.

Councilmember Glass offered Resolution 2013-138 authorizing the execution of an agreement with the NJ DOT regarding the use of Borough Streets during the Route 35 Construction. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Glass offered Resolution 2013-140 granting a License to the County of Ocean to use the North Bank of Twilight Lake as a Staging Area for Dewatering of Sand Dredged from Twilight Lake. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of this resolution is attached to these minutes.

The meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor