

November 4, 2013

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on November 4, 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 Glass moved to approve the minutes of September 16, 2013, October 7, 2013 regular and executive and October 23, 2013. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: ABSTAIN on the October 23, 2013 minutes: Green, Barnes, Lyons.

Mayor Curtis: Tomorrow is Election Day and voting will take place here in this room from 6 am to 8 pm. This is an important election so come out to vote.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis. Public Works, had no report.

Councilmember Green, Parks, Grounds and Recreation: During the government shut down the application that the DEP had put forward for the dredge of Twilight Lake and Scow Ditch was put on hold. I have great news; the amended application for further funding for excess sand was approved. This will be paid with federal funds. It has not been scheduled but it will be after the Ocean County Engineering Project is complete.

Councilmember Barnes, Legal and Planning: I will introduce an ordinance concerning loitering tonight and we will be discussing personnel issues in executive session

Councilmember Glass, Public Safety, read the Police Activity report for October and the Bay Head Fire Company monthly report for October. A copy of the report is attached to these minutes.

Please be patient with all the road work being done on Bridge, East and Route 35. The Police are doing a great job and there were no incidents on Halloween.

Councilmember Green: Are there any leads on the vandalism to the monuments?

Councilmember Glass: The tape from the bakery is being studied.

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

Garbage collection: Those properties located on Main Avenue south of Johnson Street are requested to place their garbage out by the curb on Main Avenue for pick-up. The garbage truck is creating a traffic jam when they have to leave the truck and go to the back yard to collect the garbage. This request will be for the length of the project.

New Borough Hall: The architect will have a concept drawing on December 2 for viewing. She is working with the State Historical Society. As we are working along we will have additional meetings.

Councilmember Lyons, Finance: This is a public service announcement: Homestead Rebate applications were mailed out and November 22 is the deadline for submission. You can retrieve the application on the State Website or I have a phone number to call.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered a request from Bay Head Business Association for their Annual Christmas in Bay Head, December 6 thru December 8.

Councilmember Glass moved to approve the request. 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 Ordinances for Second Reading and Public Discussion and Vote.

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

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

Richard Swetits, 539 Club Drive: Will parking be limited to 50 feet from the corner of those stop streets?

Councilmember DeFilippis: They will comply with all requirements.

Irene Conti, 528 West Lake Avenue: What prompted the additional stop streets?

Mayor Curtis: We thought of those streets when the other two were done but they weren't added at that time. It is to deter speeding.

There being no further 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 Ordinances, First Reading.

Councilmember Barnes offered Ordinance 2013-16 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 174, ENTITLED "PEACE AND GOOD ORDER"

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

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 Barnes offered Ordinance 2013-17 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING DUNE LINE REFERENCE MAP AS AN OFFICIAL MAP OF THE BOROUGH OF BAY HEAD

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

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 2013-142 authorize payment of compensation to Robert Tobias.

Councilmember Lyons offered Resolution 2013-143 authorizing reimbursement to Brian Catella for expenses incurred due to damaged sewer line at 242 Main Avenue.

Councilmember Lyons offered Resolution 2013-144 authorizing reimbursement to James Urner for expenses incurred to repair sprinkler system damaged due to road and sidewalk construction at 42 Mount Street.

Councilmember Lyons offered Resolution 2013-145 authorizing refunds for sewer taxes resulting from adjustments from Superstorm Sandy as authorized by Mayor and Council in Resolution 2013-121.

Councilmember Lyons offered Resolution 2013-146 authorizing refunds for overpayments of property or sewer taxes.

Councilmember Green offered Resolution 2013-147 confirming that dredged materials resulting from the dredging of The Barnegat Bay Estuary cannot be received by the Borough of Bay Head.

Councilmember Glass moved the above resolutions be adopted. The motion was seconded by Councilmember Magory and passed on roll call vote: YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: Barnes on Resolution 2013-147. A copy of each resolution is attached to these minutes.

Mayor Curtis opened the discussion to the public.

Mr. Swetits: Why isn't all the dredge material sent to Herring Island?

Councilmember DeFilippis: DEP will not give permission to dump on the island.

Councilmember Green: It will go to another community.

Betty Holmes, 741 Main Avenue: At the DOT meeting last week I asked how long we would be without a driveway and they said 40 days – is that realistic?

Councilmember DeFilippis: I don't think that is correct. If it takes 40 days to do 1700' sections it will take years to get through Bay Head.

Ms. Holmes: What is the time frame for the Goetze Street project?

Councilmember DeFilippis: They hooked up the 36" storm drain on Route 35 to the underground pumping station. In the next two weeks they will be installing the deep wells and a new bulkhead. That is a months' worth of work.

Ms. Holmes: Will it be paved after that?

Councilmember DeFilippis: It will be drivable. Route 35 will receive a coating once the pipes are installed.

Ms. Holmes: You are just talking Johnson south?

Councilmember DeFilippis: The work will be done the entire length of Route 35 through Bay Head in sections.

Mayor Curtis: They will not start north of Johnson Street before January 1st.

Stan Niedzwiecki, 42 Johnson Street: There are different qualities of pavement for the roadway are we getting the top quality?

Councilmember DeFilippis: What I can tell you – the new surface is continuous and the material used is more forgiving and it flexes – life is 50 years for the roadbed and surface.

Mr. Niedzwiecki: What about the rain wash up?

Councilmember DeFilippis: The grading will be done from Osborne to Strickland for water to run off – not only will the capacity be greater the pitch will be much quicker – this will be done in a series of steps – self cleaning.

Mr. Niedzwiecki: Will there be bigger opening in the roadway?

Councilmember DeFilippis: A 36” pipe is being installed on Goetze and will move the water quicker.

Mr. Niedzwiecki: Where are you getting this information?

Councilmember DeFilippis: The engineering plans.

Arrigo Conti, 528 West Lake Avenue: Has there been any news about the bicycle lane discussed at the last meeting?

Mayor Curtis: Council voted no on the shared system on Route 35.

Mr. Conti: Did DOT accept your decision?

Ms. Cipriani: We haven't heard from DOT but Bay Head is not the only town that rejected that plan.

Mayor Curtis: Your concerns about bike safety will be turned over to the Police.

Peter Doane, 325 Lake Avenue: With the new height requirements will there be any more changes in zoning?

Mayor Curtis: We will take a look at that.

Joe DeAmicis, 1614 Bay Avenue: I feel the recycle center hours are too restrictive on weekends. I would recommend the hours be 8 to 3 on weekends.

Councilmember Barnes: I couldn't agree with you more.

Councilmember Green: It is an economic issue – we will review it.

Mr. DeAmicis: How come the minutes aren't posted on the website?

Ms. Applegate: We had a change in personnel – they will be posted.

Gail Doane, 325 Lake Avenue: I went on line and the code book is not up to date.

Ms. Applegate: That is correct – codification is done on a yearly basis so the code book only has adopted ordinances through 2012.

There being no further comments 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.

Councilmember Barnes 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:

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

The Governing Body went into Executive session at 8:00 pm. At 9:17 pm the Governing Body came out of Executive session and resumed the regular meeting.

Councilmember Glass moved that Ms. Cipriani contact Cpl. Duffy's attorney to discuss his retirement. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None.

Councilmember Green offered Resolution 2013-148 adopting Dune Reference Line of the Borough of Bay Head. 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 this resolution is attached to these minutes.

The meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor