

December 2, 2013

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on December 2, 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 Barnes moved to approve the minutes of November 4, 2013. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None.

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: Route 35 is moving along. Please be careful of the detours. Goetze has received a surface coat between Main and Clayton and is drivable. There may be some driveways which the approach will have to be adjusted. The area from Clayton Avenue to the bay is being set up for the pump station. The bulkhead on Goetze Street is six feet in height with the sides at four feet. The subterranean work will have to be complete prior to the final height determination of the bulkhead. The pump station on Mount is scheduled to start soon. The electrical power was started today and the dewatering will start this week. We will have to take steps to stay out of the area. Mount is narrower than Goetze so you can imagine the hazards they face. As far as a schedule, it is hard because there are issues arising on a day to day basis. Be prepared for the project to take longer than what we expect.

Mayor Curtis: It is with a sad heart that I announce tonight is John's last official report. John has done extraordinary work over the past 13 years for Bay Head. This Council and this town will miss the work that he has done for the Borough of Bay Head.

Councilmember Green, Parks, Grounds and Recreation: Thank you Mayor for acknowledging John's dedication and I thank the both of you for taking the gloves off for the citizens on the Route 35 project. It has been a wonderful association and you will be sorely missed.

The State dredge project had been delayed because of the government shut down and then we received word it would be delayed because of flounder season. I am happy to report the project has been elevated to receive a waiver for the flounder because there is proof there is no flounder in Twilight Lake. Hopefully the State dredge will follow the County project.

Mr. Schweickert, thank you for your petition for Twilight Lake concerning flood control devices. This was discussed in Atlantic City at the League of Municipalities Conference. There is nothing on the radar at this time. I would like to advance the petition to the DEP because the lake is tidal water and it is up to them to put the project forward. We do have the safety and well being of our residents and will request a feasibility study.

Ms. Cipriani: You can certainly present this to DEP as being received or it can also be done by motion or it can be done by resolution at the next meeting.

Councilmember Barnes, Legal and Planning: We all attended the NJLM and attended many seminars concerning change in the law, post sandy seminars, and funding from FEMA. We also met with a lot of other elected officials and in those discussions I feel we are ahead of the game. We are also looking at personnel issues and a shared service agreement concerning our court with Point Pleasant Borough. All is well on the legal front.

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

This Friday is Christmas in Bay Head with the stores open and Santa making an appearance. On Saturday Bay Head School will hold a pancake breakfast from 9 to 11 and on Sunday St. Paul's United Methodist Church will hold The Night in Bethlehem from 2:30 to 5:30 pm. We also continue to ask for your patience with all the road work being done on Bridge, East and Route 35.

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

Councilmember Magory presented the plans for the new municipal building and reviewed them with the public.

Councilmember Lyons, Finance: The finance department is busy closing 2013 and working on the budget for 2014. I have been informed by the CFO we will not be receiving any more FEMA money this year but there will be more to follow the first of 2014. This year we have received close to \$600,000.00 from FEMA.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered a request from Jersey Shore Running Club, Elks Special Children's Committee and Special Olympics New Jersey for permission to have participants in the Jersey Shore Relay run through Bay Head on Saturday, April 26, 2014.

Councilmember Green moved to approve the request for the Jersey Shore Relay. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: DeFilippis, Green, Glass, Magory, Lyons. NAYS: Barnes.

Ms. Applegate offered a request from Gregory and Kelly Mallet to use Centennial Park on Saturday, August 9, 2014 from 1 to 7 pm for their daughter's wedding. A copy of their letter is attached.

Councilmember Barnes: We will be under construction with our new municipal building at that time.

Councilmember Glass: Are they aware children could be playing in the park, people could be playing tennis and people could be biking through the park?

Councilmember Green: I am concerned with using the park during construction – we have to look out for the safety of children and residents.

Ms. Cipriani: The use of the park could be dealt with as the project progresses.

Councilmember Green moved to approve the request for the wedding in Centennial Park as long as they were aware of the construction to take place and there may be the chance the park would be closed. The motion was seconded by Councilmember Barnes.

The safety of the park was discussed in relation to the construction of the new municipal building.

Councilmember Green moved to amend the motion adding a condition of approval being the safety of the park at the time of the event. The amendment was seconded by Councilmember Barnes and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None.

The motion to approve the request for the wedding in Centennial Park on August 9, 2014 with the condition of approval being the safety of the park at the time 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 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 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.

There were 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 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 to Table Ordinance 2013-17. The motion was seconded by Councilmember Glass. The motion passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None. ABSTAIN: Green. 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 Lyons offered Resolution 2013-149 amending Resolution 2013-143 authorizing reimbursement to Brian Catella for expenses incurred due to damaged sewer line at 242 Main Avenue.

Councilmember DeFilippis offered Resolution 2013-150 authorizing the receipt of bids for Bulkhead and Walkway Reconstruction due to Superstorm Sandy.

Councilmember Magory offered Resolution 2013-151 authorizing the receipt of bids for the Design and Building of a Municipal Building.

Councilmember Glass offered Resolution 2013-152 appointing Larry Lundy, Justinray P. Poblete and Christopher R. Jarin as Part Time SLEO II.

Councilmember DeFilippis offered Resolution 2013-153 requesting NJ DOT Award Deadline Extension.

Councilmember Lyons offered Resolution 2013-154 amending Resolution 2013-121 waiving certain sewer fees in recognition of the inability of certain properties to receive sewer service due to Superstorm Sandy.

Councilmember Lyons offered Resolution 2013-155 approving the 2012 Municipal Audit-Corrective Action Plan.

Councilmember Barnes offered Resolution 2013-156 allow employees to carry over unused Vacation Days and Personal Days to 2014.

Councilmember Lyons offered Resolution 2013-157 requesting approval of Items of Revenue and Appropriation N.J.S.A. 40A:4-87.

Councilmember Lyons offered Resolution 2013-158 approving Transfer in the 2013 Municipal Budget #1.

Councilmember Barnes moved the above resolutions be adopted. 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 each resolution is attached to these minutes.

Mayor Curtis opened the discussion to the public.

Roberta Burcz, 203 Osborne Avenue: Will the bathrooms be available in the new municipal building on weekends and holidays?

Councilmember Magory: There will be restrooms in the park.

Bob Hein, 204 East Avenue: Ordinance 2013-17 died. Will the dune easement line be added to the tax map?

Mayor Curtis: It was accepted by resolution at the last meeting.

Ms. Cipriani: The dune easement line only provides the starting point. It doesn't create any rights to do anything on your line.

Mr. Hein: How can I determine where the line is on my property?

Councilmember Green: I will help you with that.

Kurt Akersten, 225 Osborne Avenue: Is there an update as to beach renourishment? Is there a plan to obtain the easements?

Mayor Curtis: I will not exercise condemnation or eminent domain?

Jane Petrillo, 750 East Avenue: Thanks for the slowdown of traffic on East Avenue. We are finding the trucks (working on Route 35) are the main offenders. They are use to working on a construction site. I am hopeful we can find a solution to slow them down.

Michael Conway, 200 Woodland Avenue: Will the curbing damaged during the debris pickup be repaired?

Mayor Curtis: Chip, do we have a list of broken curbs?

Chip Tillson, Public Works Supervisor: We are working on the budget but all the repairs won't be done in one year.

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.

The meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor