

March 25, 2013  
Special Meeting

A special meeting of the Mayor and Council of the Borough of Bay Head was held on March 25, 2013 at 7:00 pm in the Bay Head Firehouse, 81 Bridge Avenue, Bay Head, New Jersey.

Mayor called the meeting to order and welcomed everyone. He asked everyone to stand and join 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 was posted in the lobby of the Municipal Office at 106 Bridge Avenue on March 11, 2013 and published in the Ocean Star on March 15, 2013.

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

Mayor Curtis made the following appointment:

Christopher Raimann, SLEO II

Councilmember Glass moved to approve the minutes of March 4, 2013. The motion was seconded by Councilmember Lyons and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Lyons. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis, Public Works, had no report.

Councilmember Green, Parks, Grounds and Recreation: The Bay Head Environmental Commission will be hosting "Green Rebuilding at the Jersey Shore" April 18<sup>th</sup> from 5:30 to 7:00 pm at Monsignor Casey Hall, 751 Main Avenue, Bay Head. The session is free and attendees will hear from green and sustainable building experts. Representatives will be on hand from the NJ Clean Energy Program with information on State incentives.

Councilmember Barnes, Legal and Planning, had no report.

Councilmember Glass, Public Safety, had no report. Police officers are patrolling the beach and dunes and enforcing the one way traffic on East Avenue.

Councilmember Lyons, Finance, had no report.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request from Bay Head Business Association for permission to have a "sidewalk" sale the third Friday and Saturday of the month May thru October

Request from Bay Head Business Association for permission to host the Farmer's Market every Thursday June 6<sup>th</sup> thru end of October, 2013 to be held in the rear municipal parking lot near the tennis courts from 2 to 8 pm

Request from Bay Head Business Association for permission to host the 2013 Harvest Craft Festival in Centennial Park and possibly in the rear parking lot near the tennis courts on Friday, September 29<sup>th</sup> for setup and Saturday, September 30<sup>th</sup> from 6 am to 6 pm. We also request permission to have a few vendors at the event selling refreshments and food

Request from Seaweeders Garden Club of Bay Head & Mantoloking to use the Heated garage bay at Public Works on Friday, April 26<sup>th</sup> from 1 to 4 pm to make Floral arrangements for May Day Celebration

Councilmember Green moved to approve the requests with the condition that the parking lot may not be available depending on the work to be done at the municipal building. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Lyons.

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

Councilmember Lyons offered Ordinance 2013-04 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 the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Glass.

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

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

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

Councilmember Barnes offered Ordinance 2013-05 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 the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Green.

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

Arigo Conti, 528 West Lake Avenue: What does the ordinance do?

Councilmember Barnes: I allow residents to avoid going to the Planning Board and facilitating them building faster.

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

The motion passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, 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 DeFilippis offered Resolution 2013-46 authorizing entry into an Amended Shared Services Agreement with Brick Township Municipal utilities Authority for the provision of Inspection Services for Route 35 Corridor Project.

Councilmember Glass offered Resolution 2013-50 authorizing the appointment of Christopher Raimann, SLEO II.

Councilmember DeFilippis offered Resolution 2013-51 approving Tax Certification pursuant to Recycling Enhancement Act.

Councilmember Barnes offered Resolution 2013-52 requesting that the Federal Government Permit Citizens to Appeal the Advisory Base Flood Maps Immediately.

Councilmember Lyons offered Resolution 2013-53 amending Resolution 2012-75 providing for Salaries for Employees.

Councilmember Barnes offered Resolution 2013-54 authorizing the Borough's Application for the American Planning Association – New Jersey Community Planning Assistance Program.

Councilmember Lyons offered Resolution 2013-55 authorizing Manasquan Savings Bank to Establish a Payroll Agency Account.

Councilmember Lyons offered Resolution 2013-56 adopting 2013 Temporary Emergency Appropriations #2.

Councilmember DeFilippis offered Resolution 2013-57 awarding contract to JAK Construction Corp. T/A Diamond Construction, for Street End Bulkhead Reconstruction at various locations due to Superstorm Sandy.

Councilmember DeFilippis offered Resolution 2013-58 awarding contract to Fiore Paving Co., Inc., for Roadway Reconstruction at various locations due to Superstorm Sandy.

Councilmember Green offered Resolution 2013-59 supporting the Bay Head Improvement Association and Property Owners in Construction a Rock Revetment on Beachfront Properties.

Mayor Curtis: I am going to open the meeting for questions only on the resolutions offered.

Mr. Thompson: How do I find out the elevation I am required to be as to FEMA?

Ms. Cipriani: You can go to the FEMA website [www.region2coastal.com](http://www.region2coastal.com) and plug in your address which will give you the elevation of your property. To know what your current elevation is you will have to request a Flood Elevation Certificate.

Mayor Curtis: The elevation is measured from mean high water. The final maps will not be adopted by FEAM for 18 to 24 months so you might want to wait until they are adopted.

Scott Clayton, 512 Main Avenue: I found the Flood Insurance Broker to be very helpful. They may have your information on file.

Stan Niedzwiecki, 42 Johnson Street: Also check with your surveyor.

Mary Polizzotto, 420 West Lake Avenue: The rock revetment is being done by whom?

Councilmember Green: By the homeowners, we helped with the permitting from DEP.

Mayor Curtis: The fourteen homeowners on the south end are doing it together and the design used has been approved by DEP. In 1962 90% of the homeowners opted to have the rocks installed. The north end must comply with the same design. The town is only backing their project because it is not our property. The beach is owned by the property owners and BHIA.

Ms. Polizzotto: Homeowners along West Lake who were damaged feel if there had been some kind of revetment on the north end of the beach they would not have received the damage they did. I find it hard to believe that you are not thinking of fixing it where it broke through - the town should be more proactive. Mantoloking is pursuing beach renourishment and installing a Geo Tube.

Mayor Curtis: The beach is owned by the property owners and BHIA.

Wayne Wilson, 67 Osborne Avenue: Are you optimistic that they will do something on the north end?

Mayor Curtis: Yes, they had a meeting today.

Irene Conti, 528 West Lake Avenue: The Hanus house at 2 Mount had a rock revetment in front of it – what happened?

Mayor Curtis: Some behind the rock revetment did have damage but everyone feels the rocks helped.

Pat Eckert, 74 Osborne Avenue: Have donations been made to the Borough to help with Sandy recovery?

Councilmember Lyons: Not at this time but we are still hopeful. Donations have been made to local charitable organizations.

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

Mayor Curtis opened the meeting to the public.

Scott Clayton, 512 Main Avenue: Americorp is a domestic version of the Peace Corps. They are here on a Federal Grant and will only be assigned to this area if there is a need. I urge everyone one who needs hand labor to sign up. The grant is established for another thirty days – so please let your neighbors know this source is available.

Councilmember Green: We are very grateful to you for your help – the Borough has utilized their services in cleaning our gardens and they also did demo work in the Borough Hall.

Jane Ridolfi, 32 Bridge Avenue: The application must be signed and faxed?

Mr. Clayton: That is correct an application is required. They are changing their fax number because they are moving to Toms River. Hopefully I will have their address and fax number in a few days.

Mayor Curtis: When we have the fax number it will be posted on our web site. In the mean time the applications can be brought to 106 Bridge Avenue and left on my desk.

Ms. Ridolfi: When will be minutes be posted on the web-site?

Mayor Curtis: We will take care of that.

Cynthia Juenemann, 37 Howe Street: I have a sand question – the sand on Howe Street is still there – we haven't been picked up.

Mayor Curtis: We have to address that issue as to where homeowners can put it – you are not the only one.

Bob Polizzotto, 420 West Lake Avenue: No one could have predicted the damage from Sandy. Since Sandy we have had flooding in the street twice. I sent a letter on January 22, 2013 with my suggestions to resolve the problem. I am a licensed engineer. One of my suggestions was tidal control gates on Scow Ditch. Grove Street is high and normally there is no flooding on that street. Have you looked at the letter?

Mayor Curtis: We appreciate your letter but we haven't had a lot of time to look into every avenue suggested.

Councilmember Green: Thank you for your suggestions. Scow Ditch, Twilight Lake are tidal waters owned by the State of New Jersey.

Mr. Polizzotto: Should I be writing to the State?

Mayor Curtis: Come in to the office and we will discuss the matter.

Councilmember DeFilippis: You are welcome to come into the office – we are willing to discuss the matter with you.

Mr. Polizzotto: As to the Advisory Base Flood Elevation Map – is the Borough of Bay Head taking a proactive approach in objecting to it?

Mayor Curtis: Yes, very proactive in protesting the map. I have been to Trenton, attended public hearings on this issue and doing everything we can do to shrink the size of the "V" Zone as is all the towns along the barrier island.

George Schweickert, 70 Osborne Avenue: There are a number of people that can be of great help in the grand design – I would love to help and would be willing to get together on this topic and share our ideas.

Rob Moreau, 40 Howe Street: Each homeowner can write a letter protesting the proposed map.

Barbara Liati, 210 Lake Avenue: I don't have suggestions but we are observing the change in the lake and we need information as to the suggestions made to you.

Mayor Curtis: Anyone can come in and talk to me, singularly or together. We welcome all suggestions.

Wendy Bartel, 25 North Street: We want to invest in the beach – which I believe to everyone's advantage. We all need the protection of the rock revetment.

Ed Kappy, 144 East Avenue: I am a member of BHIA and we are moving forward on just what you suggested. We had a meeting today and a fund is being arranged for people to donate to install a rock revetment on the north end of the beach. Point Pleasant is interested in going north and Mantoloking is also interested.

Stan Niedzwiecki, 42 Johnson Street: You mentioned protection at night – I see strange vans running on East Avenue.

Councilmember Glass: Vans are used by the State Police.

Lt. Barger: We have extra police from the State Police and County Prosecutors and County Sheriff patrol at night.

Councilmember Glass: Please call if you feel there is a problem and it will be checked out.

Ms. Bartel: When will the streets go?

Councilmember DeFilippis: Within the next several months – the contract has been awarded. The cost will be from a \$200,000 DOT Grant, 75% from FEMA and the rest by taxpayers from our Capitol Budget in 2013.

Ms. Ridolfi: Will that include work on the sidewalk?

Councilmember DeFilippis: Bridge Avenue is a county road – I am not sure what their proposal is.

Ms. Ridolfi: Who contacts them?

Councilmember DeFilippis: I talk to them but it will be their call and their money. It is my understanding that Bridge Avenue will be repaved in 2013.

Mr. Niedzwiecki: For the sidewalks damaged by AshBritt equipment – will they make it good?

Councilmember DeFilippis: They took GPS readings prior to picking up the debris.

Ms. Conti: What is being done with Twilight Lake?

Councilmember DeFilippis: The debris and sand will be removed. We have before storm depths and a study was also done recently. The difference between the debris and sand causes less water to be held by it. All storms drains to the lake have been cleaned.

Carl Eckert, 74 Osborne Avenue: Doesn't the pump station in Point Pleasant pump water into Twilight Lake.

Councilmember DeFilippis: During flood it goes to ocean. It is a complicated storm water system for Point Pleasant and Brick. It will take care of heavy rain runoff very quickly.

Helen Thompson, 31 Goetze Street: Will my sidewalk and curb be replaced?

Councilmember DeFilippis: Some of it – the sidewalk was undermined by a sink hole – that will be replaced by FEMA or from Capitol funds.

Kurt Akersten, 227 Osborne Avenue: Will there be an educational meeting on beach renourishment?

Mayor Curtis: Yes there will be a meeting on beach renourishment. A date hasn't been chosen because we are waiting on the Army Corps to get back to us. We are hoping for May. A letter will be sent to all property owners with a copy of the easement prior to the session. We may have a breakout meeting with the beach homeowners.

Mayor Curtis: I would like to thank you all for being here. I also want to thank Scott Clayton for all his work coordinating our residents with Americorp. I want to thank Dr. Kappy and BHIA. We care very much as to what happens on the beach but we don't control the beach. And lastly, thanks to the Bay Head Fire Company for allowing us to hold our meetings here. The April 1<sup>st</sup> meeting has been cancelled but we have scheduled a meeting for Wednesday, April 17<sup>th</sup> at 7 pm to be held here at the fire house.

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, 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