

March 4, 2013

The regular meeting of the Mayor and Council of the Borough of Bay Head was held at 7:00 pm in the Point Pleasant Beach Municipal Complex, 416 New Jersey Avenue, Point Pleasant Beach, 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 Councilmembers's DeFilippis, Green, Barnes, Glass, Magory, Lyons and Borough Attorney, Jean L. Cipriani.

Councilmember Glass moved to approve the Regular minutes of January 7<sup>th</sup>, February 4<sup>th</sup>, Special and Executive session February 20<sup>th</sup>. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: DeFilippis, Barnes, Glass, Magory, Lyons. NAYS: None. ABSTAIN: Green.

Mayor Curtis read a Proclamation – L. Ron Hubbard Day. A copy is attached.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis, Pubic Works, had no report.

Councilmember Green, Parks, Grounds and Recreation, had no report.

Councilmember Barnes, Legal and Planning, had no report

Councilmember Glass, Public Safety, read the February Police Report and the January and February Fire Company Report. A copy of the report is attached to these minutes.

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

Councilmember Lyons, Finance: Notices of Assessment will be mailed out on or around 3-15-13. Appeals must be filed with the County by May 1<sup>st</sup>. The Homestead Benefit Tax Credit available to residents 65 and older has been pushed back to May. New Jersey's Property Tax Reimbursement (Senior Freeze or PTR-2) is available for elderly and disabled residents, but you have to call for an application. The phone number is 800-882-6597. The application is due by June 3<sup>rd</sup>.

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

Councilmember Magory offered Ordinance 2013-03 entitled:

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

Councilmember Magory moved the ordinance be adopted on second and final passage.

Councilmember Magory this adopts the Advisory Flood Map submitted by FEMA on 12-12-12.

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

Kay Tell, 137 Bridge Avenue: Could you explain why we are required to adopt.

Councilmember Magory: By adopting it allows for us to make the changes inside our ordinance and codes. It also triggers for the insurance to make our community rating better. It also starts the clock for mortgage companies to look more favorably.

Ms. Cipriani: The State has already adopted the map. For some grants, like ICC, it has to be in place at the municipal level to be available to residents.

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

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 this ordinance is attached to these minutes.

Mayor Curtis called for Ordinances, First Reading.

Councilmember Lyons offered Ordinance 2013-04 entitled:

AN AMENDMENT TO ORDINANCE 2012-07 ESTABLISHING SALRY, WAGES,  
HOLIDAYS, SICK LEAVE, VACATIONS AND OTHER BENEFITS OF EMPLOYMENT  
OF CERTAIN OFFICIALS AND EMPLOYESS OF THE BOROUGH OF BAY HEAD,  
OCEAN COUNTY, NEW JERSEY FOR THE CALENDAR YEARS 2012 THROUGH 2015

Councilmember Lyons 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 2013-05 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 Magory 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.

Mayor Curtis called for Unfinished Business.

Mayor Curtis: At the last meeting I announced that Twilight Lake will be part of the Barnegat Bay clean up. Tonight I am happy to report that the Post Office will reopen by the end of March.

Mayor called for New Business and Resolutions.

Councilmember DeFilippis offered Resolution 2013-44 authorizing the appointment of Jude Walker as Recycling Coordinator.

Councilmember DeFilippis offered Resolution 2013-45 authorizing the submission of Tonnage Grant Application.

Resolution 2013-46 was tabled.

Councilmember Lyons offered Resolution 2013-47 authorizing the appointment of Jeanne K. Decker to the Finance Office.

Councilmember Lyons offered Resolution 2013-48 adopting 2013 Temporary Emergency Appropriations #1.

Councilmember DeFilippis offered Resolution 2013-49 authorizing the receipt of bids to remove and replace Strickland Street Pump Station Generator due to Superstorm Sandy.

Councilmember Glass 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. A copy of each resolution is attached to these minutes.

Mayor Curtis opened the meeting to the public.

Bob Hein, 204 East Avenue: I have had only two pickups by our new garbage contractor since October and one was today after I called.

Mayor Curtis: Brian we do have to get on this. If you are missed, call Borough Hall for the number. There is no excuse that every home is not being picked up.

Councilmember Magory: They will have been here a year in July. I have spoken to them but there are still some issues.

Councilmember DeFilippis: What can we do legally?

Ms. Cipriani: They must be given written notice with opportunity to cure the problem. If they are missing full days or say one whole side of town that would be another issue.

Councilmember Magory: I have only received notice of five missed homes. I call them regularly. I will notice them to check everyone home.

Jane Petrillo, 752 East Avenue: So much money was raised for Sandy – are we investigating ways to get money to pay for things? There is a lot of talk about the rocks – is that an individual homeowner thing?

Mayor Curtis: Yes, we are investigating every way to get money, Federal and State. Problem is we don't know how to apply at this time. As to the rock revetment, fourteen property owners that did not have them installed in 1962 are in the process of having them placed now. The northern most section of the beach is without rocks and they weren't included in this permit.

Councilmember Green: Early on after the storm we were approached by homeowners who didn't have the rock revetment. They did a lot of hard work contacting neighbors and contractors. We helped facilitate the permit from DEP.

Ms. Petrillo: How about the north section?

Councilmember Green: Some have gained permission to repair but the cost is the burden.

Frank Ronan, 425 East Avenue: What is the height of the wall?

Councilmember Green: DEP sets the standard. They negotiated the height.

Mayor Curtis: Fourteen homeowners can build to 18'. The existing wall is 16'.

Mr. Ronan: Is the town doing the street ends?

Mayor Curtis: The street ends have rocks, except for the north end. I want everyone to be clear, the BHIA owns the beach.

Ada Draesel, 411 East Avenue: I understand there is a grant if you restore your historic home.

Mayor Curtis: The State has not come up with a format to apply. I don't know that for fact. It is important for the town of Bay Head – we want to maintain the historic structures Bay Head, we don't want them elevated so that they lose their historic designation.

Frank Hubbard, 312 East Avenue: BHIA owns in front of my home. Do they have any plans to place rocks there?

Bill Gage, 114 Bridge Avenue and Attorney for BHIA: We are in the process of seeing what we can do about building that wall. The northern end is more complicated. Nine or so lots on the north end are owned by BHIA. We are looking for sources of revenue to come up with to work out some solution. It is all a matter of funding. We are looking into charitable foundation.

Dr. Gail Zimmerman, 50 Mount Street: The gentleman that spoke at Saint Paul's United Methodist Church on Saturday said the town will have to determine the height at which they would lose the historic character, as long as one takes federal or state funding. They will come in and reevaluate. His advice is that the town invite the state in and approach the State Historic office before the funds become available.

Councilmember Green: We really need guidelines for New Jersey. It is frustrating – people want to do as much as we can to protect the historic homes in the town.

Councilmember Magory: It will be a complicated process.

Mayor Curtis: We will stay on it.

Ronda Perkins, 289 Osborne Avenue: I understand there will be meetings with beachfront owners.

Mayor Curtis: Yes, there will be town wide meetings to discuss beach renourishment. A sample easement and general facts will be available. Everyone will be invited. There will be a break out meeting with just the beachfront owners. A decision will not be made until all the facts are out.

Councilmember Green: The meeting will be mid to late April, at this time.

Mayor Curtis: The beach renourishment meetings held in 2005-2006 were awful.

Kay Tell, 137 Bridge Avenue: The new ordinance in respect to height – was there any input from the historic office?

Mayor Curtis: Introduced Ordinance 2013-05 will enable those homes at the 35' max to be raised without seeking a variance.

Mayor Curtis thanked Pastor Scott Bostwick for all the work being done at Saint Paul's United Methodist Church to help those affected by Sandy.

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.

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Patricia M. Applegate, RMC  
Municipal Clerk

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William W. Curtis, Mayor