

April 17, 2013  
Regular Meeting

A regular meeting of the Mayor and Council of the Borough of Bay Head was held on April 17, 2013 at 7:00 pm in the Bay Head Firehouse, 81 Bridge Avenue, Bay Head, New Jersey.

Mayor Curtis called the meeting to order and welcomed everyone. He asked everyone to stand and join in the Pledge of Allegiance to the Flag.

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

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*

Jean L. Cipriani, Borough Attorney, administered the Oath of Office to the following:

Neil deVesty, Captain Fire Police  
Silke Stutz  
Robert Reddington  
Wayne Applegate  
Robert Hein  
John Griggs

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis, Public Works: Bids for the remediation of Route 35 will be submitted on Friday and returned by next Friday. There will be a six week review period by the Department of Transportation prior to award of a contract. As soon as the contract is awarded I will let you know.

Councilmember Green, Parks, Grounds and Recreation: DEP is monitoring the quality of water in the bay and ocean. They have deemed the bay is safe for recreational use and this information will be posted on our website. We will post reports on the coast as received. Crowder Gulf is taking measurements and surveying Twilight Lake comparing to our report from Dr. Sussa. 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 there will be presentations, a panel discussion and information as to rebates. Banking and Insurance will be here at the firehouse all day April 27<sup>th</sup>. Arbor Day +1 will be celebrated Saturday, April 27<sup>th</sup> from 12 pm to 4 pm. This will

be a day to come together to celebrate the spring as a community. The Beach Sweeps will be at 9 am at the firehouse hosted by Charlie Hesse.

Councilmember Barnes, Legal and Planning: JIF is looking into exterior items damaged by Sand. We are also looking at the policy that underwrites our JIF. We are trying to get as much money as possible to replace these items.

Councilmember Glass, Public Safety read the Police Activity Report for the month of March. A copy of the report is attached to these minutes. Chief Hoffman has returned from hip surgery. I would like to thank Lt. Barger for all the work he has done in the Chief's absence. I ask everyone to be patient with your neighbors in trying to clean up Bay Head. Debris can't be put out on the street. For sand clean up, residents can make application to Americorps. If you see anything suspicious please call the police at 732 892-0632.

Councilmember Magory, Public Services: If residents have debris they may come to 106 Bridge Avenue and purchase a sticker for \$5.00 per bag, place at the curb and Suburban will take it. They also have the option to purchase a bag from Home Depot. He read the Zoning Officer and Construction Official report for the month of March. A copy of the report is attached to these minutes.

Councilmember Lyons, Finance: We are still diligently working on the budget. There are still a lot of costs we are trying to determine. I can't tell you what your taxes will be tonight but we are getting very close. A number of towns have not finalized their budget and our auditor expects some may not finalize their budget until early fall. The state is very understanding for those who have been impacted by Sandy.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered an application for raffles license from Church of the Sacred Heart for an Off Premise 50/50 with the drawing to be held on August 31, 2013 on the grounds of the church located at 752 Main Avenue.

Councilmember Glass moved to approve the request. 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 Unfinished Business. There was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember Barnes offered Resolution 2013-60 supporting S-1896/A-1503 Sharing the Burden of Property Assessment Appeal Refunds.

Councilmember Glass offered Resolution 2013-61 authorizing the execution of a Lease Agreement with Nassau Tower Realty, LLC for property known and designated as 704 Howe Street, Point Pleasant, NJ.

Councilmember Lyons offered Resolution 2013-62 authorizing Manasquan Savings Bank to establish a non-interest bearing checking account known as the FEMA Reserve Account.

Councilmember Lyons offered Resolution 2013-63 adopting 2013 Temporary Emergency Appropriations #3.

Councilmember DeFilippis offered Resolution 2013-64 awarding contract to Scalfo Electric, Inc., to furnish and install a new 20KW Diesel Generator due to Superstorm Sandy.

Councilmember Lyons offered Resolution 2013-65 authorizing the execution of 2013 Annual Software Support Agreement, Support Maintenance Services, and Hardware and Systems Software Agreement with Edmunds & Associates.

Councilmember DeFilippis offered Resolution 2013-66 awarding a contract to Axios, Inc. to Reconstruct Wood Walkways to Beach at Street Ends Due to Superstorm Sandy.

Councilmember Green moved the above resolutions be adopted. The motion was seconded by Councilmember Glass 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: We want to help BHIA who wants to open the beach on June 15<sup>th</sup>. We need access and all walkovers were lost in the storm. The Borough's responsibility is for the platform and the steps up to it. The going down is the responsibility of the BHIA. FEMA requirements will be used which hopefully will prevent damage from future storms. We hope to have Osborne, Bridge and Johnson platforms done by July 1<sup>st</sup> and Karge, Mount and Egbert by Labor Day. I hope everybody is tolerant with this schedule. In a year you will forget the delays. There will be a lot of construction this summer. We will have the beaches open and safe for everyone.

Councilmember Glass: Bill Gage, BHIA Board member – can people make donations to the association.

Bill Gage: Our revenue is based on badge sales and we are going through our budgeting process. We don't know how many badges will be sold this year. Once we can determine what our budget is for the year we may be having fund raisers. We have a 503c set up if it becomes necessary. We are looking for a safe enjoyable beach season and hope you support the association. We will have to all work together – this is something we have never experienced before but to answer your questions at the present moment no we aren't contemplating collecting donations.

Mayor Curtis opened the meeting for public discussion.

Richard Swetits, 539 Club Drive: Mount Street is not open for beach access but will people go on the homeowners property to gain access to the beach.

Councilmember Green: All will have temporary access.

Gloria Carpinello, 204 East Avenue: All will be open but will they only be closed during the construction of the platforms?

Bill Gage: We are speaking with private contractors about building the steps down to the beach – I can't swear all will be open on June 15<sup>th</sup> but we are working on some degree of access. If this were totally private – I have very little doubt it could be done at half the cost and time. The Borough has to comply with FEMA regulations. The beach ends will have some degree of access – all beaches will be open with checkers, cleaners and lifeguards as in the past.

Ms. Carpinello: Why wouldn't you take donations?

Mr. Gage: We will accept donations to install the rock revetment at the north end of town. The first hurdle is to get all beach front property owners on board. One was totally washed out and can't be located, others we have been able to reach – if one doesn't join in it falls apart. DEP will never give permission to build the wall if we all aren't on board.

Scott Clayton, 512 Main Avenue: In all fairness you have to be careful that the homeowners on the ocean aren't the enemy.

Mr. Gage: We depend on them and their cooperation. As to the enemy it is the fatherliest thing that we would consider them to be.

Cynthia Juenemann, 37 Howe Street: I am confused about the gathering of sand on the curb side. Our sand has been there a long time and is still there – I need clarification as to how it gets done.

Mayor Curtis: You first call Chip Tillson who will inspect it – if it is clean it can be taken to North Street, if not you will have to dispose of it. We don't have a contractor in town any longer to take it away.

Jane Ridolfi, 32 Bridge Avenue: Right after Sandy the county came along and removed the Cherry trees and they said they were going to replace them. A Freeholder told me they would be replaced.

Councilmember Magory: I don't think they are going to replace them.

Mayor Curtis: They will not replace them with Cherry trees.

Wini Applegate, 560 Lake Avenue: The planting of the Cherry trees was a project of the Seaweeders Garden Club with state approval. Over the years we have found it not to be a great tree. We have been told that with the Rt. 35 project the DOT would meet with us again to choose a proper native tree but they will not be planted this year.

Mayor Curtis: The root system has destroyed many sidewalks and curbs. They will meet with us prior to a decision being made. Bridge Avenue is a county project.

Ms. Ridolfi: Will the sidewalks be repaired?

Mayor Curtis: I don't know.

Councilmember DeFilippis: Normally they wouldn't because it is not part of the project. I haven't heard what the county is doing on Bridge Avenue.

Ms. Ridolfi: Who is responsible for the trees on Bridge Avenue?

Ms. Applegate: I have been told that the homeowners paid for the trees. It was a garden club project.

Mayor Curtis opened the meeting to the public.

Ellen Akersten, 128 Cranberry Avenue: We received a letter about a waterfront development application regarding the dredging of parts of Twilight Lake. On the map it only indicates the project is only for the east side of Kellogg Island.

Councilmember Green: The letter was generated out of Ocean County Engineering. The application was made before the water debris removal project was started by the state.

Councilmember DeFilippis: Dr. Soussa took readings of sand accumulation on the east side of Kellogg Island. The state through the county will remove the sand from the lake.

Ms. Akersten: What will that do to us on the west side?

Councilmember DeFilippis: The project you received notification for has been cancelled. The county will do the dredging and the state will do the entire lake as to debris removal.

Ms. Ridolfi: Would it be possible to have the minutes on the web prior to adopting?

Ms. Cipriani: It is a bad practice to release minutes before they are adopted. The minutes aren't official until adopted so they shouldn't be posted on the web until adopted.

Gail Coulter, 51 North Street: You are discussing planting of trees and I need a road, sidewalk and curbs. Do you know when the work will start on North?

Councilmember DeFilippis: It is scheduled to begin the first week in May.

Nick Gilman, 810 Main Avenue: In the discussion of beach walkovers you didn't mention Strickland Street. It is only a walkway – why not build them lighter so they can be picked up and carted away when storms are coming?

Councilmember Green: They will be construction to hopefully withstand the storms.

Ms. Juenemann: Is there going to be wheel chair access up to the platforms?

Councilmember DeFilippis: The original plan was to have three ADA compliant and that may happen eventually but it may not happen this year.

Richard Wade, 819 Main Avenue: Who determined the order of construction?

Mayor Curtis: BHIA.

Mr. Wade: The schedule is ridiculous – that means that Strickland may not be open and I will have to walk to Johnson to have beach access.

Councilmember DeFilippis: Strickland will be open, it only requires a simple set of steps.

Councilmember Green: Because of the rotation schedule temporary access will be at each one.

Mr. Gage: Strickland is different than the other beach areas. It doesn't have a street there only a path with steps up to the beach – at this point we don't know what the dune height will be there.

Mr. Gilman: You now have rocks.

Councilmember Green: There has been a tremendous loss of sand and the beaches are severely eroded. We are seeing the sand some back.

Mr. Gage: We are committed to get as much beach access as possible. We are working with private contractors to have stairways onto the beach. It will definitely be more than three entrances.

Glenn Kithcart, 694 Main Avenue: Can't they be done now? I need it for my business. People aren't coming because they can't get on the beach.

Mr. Gage: We are working on it.

Mayor Curtis: Beaches are our number one asset. We are partnering with BHIA – the beaches will be open and there will be access on June 15<sup>th</sup>.

Arigo Conti, 528 West Lake Avenue: Why is the town clock only correct twice a day?

Councilmember DeFilippis: We are waiting on delivery of the controller which was ordered by me on 2-22-13.

Wayne Wilson, 67 Osborne Avenue: When will the lake be dredged? There is a pile of sand at the corner and it keeps washing into the storm drains.

Mayor Curtis: We will try and get that taken care of.

Bob Reddington, 235 Lake Avenue: In reference to the lake – I talked to Trenton and the county. The northeast end of the lake was sick before Sandy. The outfall of Lake of the Lillies is contributing to the sediment. We did have three feet of water in that corner and now we have six inches. The county engineers say they can't do anything about the outfall pipe.

Councilmember Green: That is correct and that is also why we hired Princeton Hydro to do the lake study. So, yes before Sandy there was a problem. We first need to get the debris removed and the sand to get back where we were prior to Sandy.

Mr. Swetits: I read that the landscapers are not allowed to blow the clippings into the streets – they do and it just cost us money.

Mayor Curtis: We have told them – if you see it being done call the police and give the name of the landscaper.

Ms. Applegate: Are the landscapers fined when their employees blow debris into the street. I told them and they don't do it anymore.

Mayor Curtis: The owner of the business would be the one to receive the summons.

Mr. Gilman: How about fining the homeowner.

Gina Davis, 380 Western Avenue: I see it all the time. I have gone out and said something to them – it makes me crazy. I believe the company should be fined. We have a landscaping business. Maybe a letter can be sent to the homeowner. They should know what is expected of them.

Mayor Curtis: Mary, meet with the Chief because there will be extra debris on lawns.

Mr. Akersten: At the corner of West Lake and Cranberry a dock took out the hydrant which has been replaced but the curb is in need of repair.

Ms. Ridolfi: I have a neighbor who used his blower for three hours blowing sand into the street.

Mayor Curtis: We do have a noise ordinance and they shouldn't be blowing sand into the street. If you see anyone doing this please call the police.

Mr. Wilson: Do we have an ordinance about working on Saturday?

Mayor Curtis: Yes we do but it has been lifted until Memorial Day and maybe beyond.

Ms. Ridolfi: Can contractors work on Sundays?

Mayor Curtis: I would ask that they not unless it is inside work.

Mayor Curtis: I would like to thank all for coming and your interest in Bay Head. I sent a notice for everyone to take a little pride in Bay Head. Please help your neighbors in trying to clean up their property. I commend everyone here for your love of Bay Head and your support of the Council.

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 Barnes offered the following Resolution to go into executive session.

WHEREAS, the Open Public Meetings ct, 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 subjects involve matters of attorney/client privilege:

Contractual, Personnel and Litigation

3. It is anticipated that the above state 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 Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None.

The Governing Body went into Executive session at 8:30 pm. At 10 pm the Governing Body came out of Executive session and resumed the regular meeting.

Councilmember Barnes offered Resolution 2013-67 authorizing a Professional Services Contract with the Merlin Law Group as Insurance Law Specialists and moved it be adopted. 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 the resolution is attached to these minutes.

There being no further business the meeting was adjourned.

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Patricia M. Applegate, RMC  
Municipal Clerk

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William W. Curtis, Mayor