

May 6, 2013
Regular Meeting

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on May 6, 2013 at 7:00 pm in the Bay Head Fire House, 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.

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 in the lobby of the Municipal Office at 106 Bridge Avenue, Unit and was published in *The Ocean Star*.

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

Councilmember Glass moved to approve the regular minutes of March 25, 2013. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass. NAYS: None. NOT VOTING: Magory.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis, Public Works: Contractor was to begin work on North Street today but they didn't show because of unscheduled work which had to be completed on another project. They will start next Monday, May 13th and the completion date is still May 26th.

Councilmember Green, Parks, Grounds and Recreation: I am happy to report that Crowder Gulf has removed the wet debris from Twilight Lake, the marsh land and the island. The sand should be removed within the next two weeks.

Councilmember Barnes, Legal and Planning, had no report.

Councilmember Glass, Public Safety, read the Police Activity Report and the Fire Company Report for the month of April. A copy of the report is attached to these minutes. With the nice weather more and more visitors will be in town. Please be patient. Some haven't been down since the storm. It will be a very busy summer. We have a new vehicle to patrol the beach for safety. Parking will be an issue with all the contractors in town. Let's all have a good summer.

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

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered two applications for one available spot for Peddler's License. One is requesting approval for an Ice Cream Truck and the other for a Mobile Market-Driven Restaurant.

Councilmember Glass: I prefer the food truck.

Ms. Cipriani: You have a rational basis for the decision if you don't want to have three ice cream trucks. If you want to approve both, that will require a change of the ordinance.

Councilmember Glass: Go for the food. We presently have two ice cream trucks.

Councilmember Green: The safety committee met stating this will be a very different summer with all the construction in town and as all are aware there have been issues in the past as to where the vendor stop.

Councilmember Barnes: The Chief suggested that we designate spots on East Avenue for the trucks to stop.

Chief Hoffman: Yes, it was a suggestion. We have been discussing this for years. The question has always been where do you want them to park? I suggested four streets have designated spots for them. The ordinance states they can't be stop in one location more than 30 minutes.

Mayor Curtis: Ice cream is the main sell on East Avenue. We need to be thinking safety. When do they start?

Ms. Applegate: Usually they start when the beach opens.

Mayor Curtis opened the meeting for public comment.

Helen Thomson, 31 Goetze Street: The food truck, does it sell hot dogs?

Councilmember Glass: The menu will offer all local, organic, Italian-American fare, consisting of soups, sandwiches and salads.

Richard Swetits, 539 Club Drive: A lot of the builders have vans come on a regular schedule. Do we have that here?

Mayor Curtis: No – they haven't applied for a license.

Jane Petrillo, 752 East Avenue: Residents of East Avenue should have input. I feel it should be tabled to get their thoughts.

Stan Niedzwiecki, 42 Johnson Street: You discussed patience with the residents. What about people who have business in town – how will this affect them. Do we inspect them?

Ms. Applegate: They are required to submit approval from Ocean County Health Department.

Ms. Petrillo: I think it would be worse to have the trucks taking up a parking space. I think they should be moving. Also, please remind kids to wear their bike helmets, it is really going to be important this year.

Mayor Curtis: With no further comments we will close the public portion. Some very good points were raised – maybe the request could be tabled for another time.

Councilmember Barnes moved to approve the food truck and offered Resolution 2013-71 awarding a Peddler's License for the Year 2013 to Joseph Weyrauch for Mobile Market-Driven Restaurant. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory. NAYS: None. A copy of the resolution is attached to these minutes.

Ms. Applegate submitted a request from Go Bay Head, Mayors Wellness Campaign to host Revitalize Bay Head Forum on June 15, 2013 from 10 am to 3 pm.

Councilmember Green moved to approve the request. The motion was seconded by Councilmember Glass.

Mayor Curtis: We are one of eleven towns to be declared a Healthy Town. A month ago the State Mayor's Wellness approached me and requested us to participate in the Revitalize Bay Head Forum. There will be speakers, activities, and sessions all to be held at the Bay Head Fire House. This is a feather in the hat for Bay Head to be the leader – all in the name of health and wellness.

Councilmember Green: I concur – it is a great honor to be chosen. The committee has worked diligently and will be the first to host this event. It is a honor for Bay Head.

The motion passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory. NAYS: None.

Ms. Applegate offered a request from Linda Rhyne, 600 Main Avenue to close Forsyth Street on Thursday, July 4th from 3 to 8 pm for a neighborhood block party.

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. NAYS: None.

Mayor Curtis called for Ordinance for First Reading.

Councilmember DeFilippis offered Ordinance 2013-06 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY,
STATE OF NEW JERSEY, TO EXCEED THE 2013 MUNICIPAL BUDGET
APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK N.J.S.A.
40a:4-45-14

Councilmember DeFilippis moved to approve this ordinance on first reading, which motion was seconded by Councilmember Green.

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

Mayor Curtis: Mr. Hulsart will be here in June to answer any questions you may have. A copy of the budget will be posted on our web site. You will have plenty of opportunity to look at it. It may be revised – the intention is to have the public hearing at the June meeting.

Mayor Curtis called for Unfinished Business. There was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember DeFilippis offered Resolution 2013-68 authorizing Deferral of Local School Tax.

Councilmember DeFilippis offered Resolution 2013-69 Introduction of the 2013 Municipal Budget.

Councilmember DeFilippis offered Resolution 2013-70 adopting 2013 Temporary Emergency Appropriations #4.

Councilmember DeFilippis 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. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis opened the meeting to the public.

Bob Hein, 204 East Avenue: At the December meeting in the truck bay I congratulated you on all you had done for the town and was told not to thank you but to come back in September.

All the things you have done have helped the town come back as quickly as it has. You have put everything in the right direction and I thank you for that.

Mayor Curtis: Thank you in the audience, residents, council, staff, police, fire, public works everyone has done a marvelous job. Applause should go to all of you.

Chris Bartel, 25 North Street: It was stated that the contractors work on the streets would be complete on May 26th. What will be done – street paving, sidewalks, curbs?

Councilmember DeFilippis: All of the above. They haven't started because jobs that they have started have run into some difficulty. They will start with the curbs and sidewalks with a first layer of paving. The final paving 2" surface will all be done at one time at the end.

Ms. Bartel: Is there any way to find out what access there will be to the beach?

Councilmember Green: There will be access at all street ends

Ms. Bartel: Are any rocks going on North?

Councilmember Green: We are working with BHIA.

Ms. Bartel: North Street access was just a ground level walkway – will that remain the same?

Councilmember Green: At this point in time yes.

Mayor Curtis: I would like Scott Clayton to say a few words about the volunteers to assist residents.

Scott Clayton: We have been very successful with Americorps. The word is getting out and applications are being accepted at the Municipal Office, 106 Bridge Avenue for Bay Head and Mantoloking residents. Residents who have received help are very grateful. We have tried to identify other groups to partner with us and Shore 2 Recover is one. They have a number of things to offer that Americorps didn't such as doing work at businesses. Shore 2 Recover will only accept applications on Saturday at the Masonic Lodge in Point Pleasant Beach. Applications are available at the Municipal office and will soon be on the Bay Head Boat House website.

Mayor Curtis: Scott is doing a marvelous job coordinating this for us and Mantoloking.

Mr. Niedzwiecki: The lady who requested a block party is she a taxpayer?

Mayor Curtis: Yes.

Mr. Niedzwiecki: Ms. Glass asked us to be patient – what about the residents that aren't here but in Florida sunning themselves. Can't we get them to move and clean up their property.

Mayor Curtis: We have issued summons to some of them. We have reached out to almost everyone making them aware of their responsibility to clean up their property.

Councilmember Magory: In my report it stated that six violation notices had been issued. The process is first they receive a letter and if they don't respond a summons is issued.

Mr. Niedzwiecki: We shouldn't have to look at this eyesore anymore – it is good to hear that summons are being issued. Where are we at with Army Corps and beach renourishment?

Mayor Curtis: On May 23rd 6 pm in Monsignor Casey Hall there will be a town wide meeting for every taxpayer. Beach replenishment will be the topic with DEP representatives and hopefully Army Corps will send someone. Also the latest easement wording will be mailed to

every taxpayer in Bay Head so you can understand the issues. Please formulate your questions and thoughts prior to the meeting. FAQ were to be sent but have not been received.

Mayor Curtis: I will not issue an order of condemnation or exercise eminent domain even it means my removal from office. I will say that anything added to our beach will be a benefit to Bay Head. The beach will be open on June 15th.

Cynthia Juenemann, 37 Howe Street: Where do we stand with FEMA as to raising our homes?

Mayor Curtis: We adopted the Advisory Base Flood Elevation Map with one foot of freeboard. We are fighting the flood map zones. Most of Bay Head is in the V Zone and the hope is that they are moved to the A Zone. If you can wait to raise your home we think you should do that.

Councilmember Green: In June we were told we would have a final map in September.

Mr. Swetits: Has the town changed the height requirements?

Mayor Curtis: Yes, the Clerk can provide you with a copy of the ordinance. The maximum height is 42 ½ feet.

John Repsher, Landscaper: Are we allowed to work on Saturdays? We would like to step up our efforts to improve the properties.

Mayor Curtis: Yes at the present time.

Mr. Repsher: Has the fence height adjacent to commercial properties gone from 6 to 9 feet?

Mayor Curtis: It is being discussed at the Planning Board level.

Mr. Repsher: Is the lake safe for canoe, kayaking?

Councilmember Green: The wet debris has been removed. The lake was impacted by a tremendous amount of sand and we ask that the lake not be used until the sand is removed.

Mr. Repsher: Our beaches are very clean but we are concerned about the Lake and Scow Ditch.

Mayor Curtis: Sand is a big issue. The removal of sand will be within 2 to 3 weeks. If you have docks behind your home – please hold off on putting your boat in the water because if they see a boat in the slip they won't go in to remove the sand.

Mr. Swetits: Where will we vote?

Mayor Curtis: You vote where your official address is. Bay Head residents will vote here in the Bay Head Fire House for the June 4th Primary.

Ellen Akersten, 128 Cranberry Avenue: It is nice to look at the lake again without the debris. We are looking forward for the sand removal also.

Martin Stadler, 552 East Avenue: How does the sand get removed from the road?

Chip Tillson, Public Works Supervisor: It should not be placed in the road at all. If you have sand call public works and it will be inspected. If it is determined to be clean sand you will be given a location to take it. If it is determined to be dirty it will have to go to a landfill.

Ms. Jueneman: At the last meeting we talked about sand – I thought when I talked to Chip that there may be one more pick up of sand.

Mayor Curtis: No – the Borough will not be picking up sand.

Jane Ridolfi, 32 Bridge Avenue: How do we dispose of the sand?

Councilman Magory: You can purchase a sticker for one bag not to exceed 30 lbs. for \$5.00. You can also purchase a bag from Home Depot or order a dumpster to dispose of the sand.

Chief Hoffman: JF Keily will be working on Main Avenue from Johnson Street south installing a new natural gas pipe over the next two weeks. Parking of their equipment will be on Bristol Place.

Mayor Curtis: Will it go through Mantoloking?

Chief Hoffman: Yes. We received notification by phone for this project.

No one else wishing to be heard, Councilmember DeFilippis move 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. NAYS: None.

The meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor