

July 1, 2013

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on July 1, 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 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 the regular and executive minutes of June 3, 2013 be approved. 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 Reports of Standing Committees.

Councilmember DeFilippis, Public Works: I would like to bring you up to speed on the Route 35 project. It is the intent and plans of DOT for the work to begin after Labor Day. We have been notified by the State that there will be a general meeting for all citizens on the barrier island on the Route 35 project which covers eight communities to discuss their concerns. The meeting has been scheduled Tuesday, July 9th from 4 to 7 pm at Lavallette Elementary School. Work on the pump stations at Goetze Street and Mount Street will start prior to Labor Day but we don't have an exact start date.

The work on East Avenue is a continuation of work started prior to Sandy and as you are aware substantially more work is required after Sandy – North Street is an example. The entire infrastructure has been replaced on North Street. The state is installing a drain pipe on North Street as to their flood mitigation project. In the fall all streets that have been worked on in 2013 will receive the final coating.

Councilmember Green, Parks, Grounds and Recreation: On June 20th 17 individuals met at 106 Bridge Avenue for a meeting which was organized by Commissioner Martin in response to our protest of the task order for sand removal to Twilight Lake being rescinded by FEMA. They stated there is another funding source to pay for the project. Dredging will take place, it is only a matter of time to be approved for funding. In 2010 a remediation study was prepared for

Twilight Lake and we are also looking at the water treatment in Point Pleasant Beach. First the sand will be removed then the dredging will take place.

We have been alerted that FEMA may pay for the rock revetment at North Street. The DEP is very concerned because there are no rocks to the north or south. There are ongoing discussions to help find ways to fund the rock revetment which we are working on as well. We are pleased as to the response from FEMA.

Summer Recreation/Fitness program begins next Monday here at the firehouse. Bay Head Fire Company is very generous in allowing us to use their facilities. You may register at Borough Hall or on the first day.

Mayor Curtis: Access to the Beach – we lost all our walkovers and it is Bay Head's obligation to replace them as to DEP, CAFRA and FEMA standards. We started but ran into a severe safety issue so I took it upon myself to stop the project. It will continue after Labor Day.

Councilmember Barnes, Legal and Planning: Generally I don't have a big report because most are confidential concerning personnel and litigation. I can report we are working on amending our ordinance Chapter 126 to abolish the Advisory Map because the Preliminary Map was released on June 17th. The Preliminary Map removed most of the town from the V zone to an AE zone. Tonight we are introducing an ordinance to adopt the Preliminary Map.

We are always checking for Supreme Court decisions to make sure our ordinances are in compliant.

There is a new cell phone bill which will double fines and carry a loss of license if approved.

Recently we sent two messages out on our alert system but there was no audio. Cassidian informed me there was a glitch in the system. We are working on correcting that. We do apologize. We are also working to record a message from the Mayor for information and not an emergency. We will get it straightened out.

Councilmember Glass, Public Safety, read the May report from the Bay Head Fire Company. A copy of the report is attached to these minutes. The Clambake is scheduled for Saturday, August 17th and the Fire Company is working on their Centennial celebration.

The police are in their full summer schedule. Two specials are on duty and the ATV is on the beach during the evening hours. When there is work on Route 35 you will always see an officer there, they hire our officers for traffic control. The Police Department is located at 704 Howe Street and signs are being made to be placed at the corner of Bridge and Bay to direct you there. They will be located there until we get our building built.

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

A little over a year ago we joined NJ SEM – they have been very successful in reducing our cost for electricity. We are also looking into Title 14 where communities can join together and offer the same costs to our residents. Hopefully we will have something to report within the next six months.

Over and above our insurance proceeds we are working with FEMA to obtain funds. We have provided numerous spread sheets and I have spent a lot of hours putting it together but before we move forward we must first secure FEMA approval. We are working on improvements to our municipal garage to allow us to move our records over there – over 800 boxes. Our hope is for the Borough employees and the police to go back to our location at 81 Bridge Avenue. The Advisory Map had 81 Bridge in a V zone but the property is now located in an AE zone. That is one reason for the delay in doing anything up to this point.

Councilmember Lyons, Finance: The Finance Department is not the most glamorous but I am pleased to report that someone in the Federal Government set the reimbursement rate from 75% to 90% which means we think we are owed more than \$336,000 dollars just for the move which taxpayers will not have to pay for. We have submitted numerous spread sheets as required by FEMA who are working with OEM. We have collected 20% or \$552,403.00 of what we are due and we will continue to fight. The rent we are paying for the Police and Borough Hall will continue to be covered 90% as is added work by the Police Department. We are still working to obtain insurance money for the building and contents. We have also hired Merlin Law Group to go after funds we believe the insurance company should pay for. I will update you as time goes on.

Our Tax Assessor Carey Rowe retired as of July 1. We conducted interviews and have taken steps to hire a new Tax Assessor tonight who we believe has great experience and personal skills.

Councilmember Magory: Claire Hense will also be appointed tonight to replace Laura Tuzzolino who resigned.

Councilmember Glass: Kiely trucks are working on Main Avenue replacing gas mains 36" below the surface. They have received permission to start at 7 am. They will need to turn your gas off so please be patient. The work is being done due to Superstorm Sandy and in preparation of the work to be done on Route 35.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate off the following requests:

1. Request from Bay Head Home and School Association for permission to hold their annual Shark 5K on Saturday, Oct. 5th
2. Application for Raffles License from BHFD for an Off Premise 50/50 with the drawing to be held on August 27th at 81 Bridge Avenue with the condition that the current registration with Legalized Games of Chance is submitted

3. Request from Karla Partilla to close Park Avenue from West Lake Avenue to Holly Avenue for a Block Party to be held on July 13th from 4 to 9 pm

Councilmember Green moved to approve the requests. The motion was seconded by Councilmember Glass and 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 Lyons offered Ordinance 2013-07 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD OCEAN COUNTY,
STATE OF NEW JERSEY, TO PURCHASE EQUIPMENT AND
RENOVATIONS FOR THE BAY HEAD FIRE DEPARTMENT FROM
INSURANCE PROCEEDS RECEIVED DUE TO HURRICANE "SANDY"

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, Magory, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Ordinances, First Reading.

Councilmember Barnes offered Ordinance 2013-08 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING CHAPTER 126 OF THE MUNICIPAL
CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "FLOOD DAMAGE
PREVENTION"

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

Councilmember Barnes: This is the ordinance to adopt the Preliminary Maps that FEMA just released. The ordinance will be posted on the web site tonight so call if you have any questions.

Ms. Cipriani: The draft has been cleared by DEP. When this ordinance is finally adopted we won't have to change ours when FEMA makes a change in their maps.

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

Councilmember Glass offered Ordinance 2013-09 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO PURCHASE A TRUCK FOR THE BAY HEAD FIRE DEPARTMENT FROM INSURANCE PROCEEDS RECEIVED DUE TO DAMAGE SUSTAINED DURING SUPERSTORM SANDY

Councilmember Glass 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, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis: Scott Clayton has some additional information on AmeriCorps.

Mr. Clayton: AmeriCorps will rebuild things now. All you need to do is purchase the supplies, insulation, sheetrock, paint. They have an extra 200 volunteers a day but they don't have enough work orders. Applications are available at Borough Hall.

Councilmember Green: Thank you Scott for your continued good work.

Mayor Curtis: Bulk Pick-Up will be held on Monday, July 15th – place your five items out at the curb.

Mayor Curtis called for Unfinished Business. There was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember DeFilippis offered Resolution 2013-89 appointing James Patrick Dalton, Jr. and Benjamin Hull Bristol as Part-Time Recycling Laborer

Councilmember Glass offered Resolution 2013-90 appointing Jerry Alan Baker a SLEO Class II

Councilmember Magory offered Resolution 2013-91 appointing Claire S. Hense as Technical Assistant/Deputy Municipal Clerk/Deputy Registrar/Secretary to Planning Board

Councilmember Lyons offered Resolution 2013-92 appointing Michael D. Imbriaco as Tax Assessor

Councilmember Green offered Resolution 2013-93 authorizing the Mayor to sign a Consent and Right of Entry for the Bay Head Improvement Association to

include the Revetment on Egbert Street in its NJ DEP Application and Construction Contract

Councilmember Lyons offered Resolution 2013-94 amending Resolution 2012-75 providing for Salaries and Compensation of Borough Officials and Employees for 2013

Councilmember DeFilippis offered Resolution 2013-95 awarding a Contract to Summer Wind Cleaning for Janitorial Services

Councilmember Barnes offered Resolution 2013-96 requesting the Director of the Division of ABC to Act upon the request of Seaurtis, Inc., T/A Central Market, for Renewal of its Liquor License

Councilmember Glass offered Resolution 2013-97 authorizing the receipt of Bids for the Replacement of 6000 PSI integrated Breathing Air Compressor with a Two Position Containment Fill Station Due to Superstorm Sandy

Councilmember Glass offered Resolution 2013-98 authorizing the receipt of Bids for the Replacement of Two (2) Boilers and One (1) 70 Gallon Hot Water Heater at the Bay Head Firehouse due to Superstorm Sandy

Councilmember Barnes offered Resolution 2013-99 approving the Renewal of a Plenary Retail Consumption License issued to H & R Grenville Fine Dining, Inc. for the 2013/2014 License Term

Councilmember Green offered Resolution 2013-100 authorizing the Transfer of Funds by the Mayor and Council of the Borough of Bay head for the 2010 Sustainable NJ Grant in the amount of \$10,000.00 to the Bay Head Board of Education

Councilmember Lyons offered Resolution 2013-101 providing for Salaries and Compensation of Borough Officials and Employees for 2013

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. 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: Congratulations to you D'Arcy and the Charlton's for all your work on Revitalize Bay Head program held on June 15, 2013. The BHIA opened the beach on time. What is the ETA on Curtis Market opening?

Mayor Curtis: The floor is being prepared tonight waiting on floor tile. We do have a new handicap restroom and are looking forward to opening.

Bob Polizzotto, 420 West Lake Avenue: Three questions. What are you doing to get the flood maps reduced?

Mayor Curtis: We have already discussed this – we are working to reduce the zone.

Mr. Polizzotto: If we get the rock revetment would it affect the zones? I want the working maps to change – there is a 90 day comment window – don't wait until 2014. Where do we stand on the dredging of Twilight Lake?

Councilmember Green: The task order was rescinded- we are not pleased about that and we reached out to Commissioner Martin and met with him and 16 others. FEMA won't pay because there is another source of funding out there.

Ms. Cipriani: FEMA wants your insurance exhausted first and if they believe there is another source of funding they want you to first apply for that.

Councilmember Green: We also protested to the DEP project manager. Commissioner Martin is being the applicant for the source of the funding. I did speak to them concerning your suggestion of Flood gates at our meeting.

Ann Erbe, 80 Osborne Avenue: I was wondering if people are taking their homes down. 229 East Avenue is taped off but it is being used as a changing station and bathroom.

Mayor Curtis: We will look into it.

Paul Aimes, 46 Osborne Avenue: Where do we stand with the rock revetment at North Street?

Councilmember Green: DEP is concerned about the end effect by placing the revetment at North Street when rocks aren't place at other locations on the north end of Bay Head – the end effect needs to be placed on the north and south.

Mr. Aimes: Is Bay Head the only town with a rock revetment?

Mayor Curtis: We are the only town on the barrier island with a rock revetment.

Mr. Aimes: The walkover work will start in the fall.

Mayor Curtis: Yes – three will be done at one time.

Bill, 642 Main Avenue: Is there an estimate on the grant filed on behalf of the whole town concerning hazard mitigation?

Councilmember Magory: We have been told that the state may be the ones to monitor the program.

Bill: If they shut off your gas doing the roadwork do they let you know?

Councilmember Glass: Yes – NJNG will let you know.

Rick Mcgoey, 50 Harris Street: Is there a report on what is going on with the dunes as to the renourishment project by Army Corps?

Mayor Curtis: A letter was written to them and we had a meeting scheduled but it was cancelled – it is a work in progress.

There being no further comments Councilmember Lyons moved 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, Lyons. NAYS: None. A list of the vouchers is attached to these minutes.

Councilmember Lyons offered the following Resolution to go into executive session.

WHEREAS, the Opening Public Meetings Act, 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 exists.

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 subject involve matters of attorney/client privilege:

Anticipated Litigation – Fee Waiver

3. It is anticipated that the above stated subject matter will be made public

60 days

4. This Resolution shall become effective immediately.

Councilmember Lyons 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 8:23 pm. At 9:48 pm the Governing Body came out of Executive session and resumed the regular meeting.

There being no further business the meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor

