

August 5, 2013

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on August 5, 2013 at 7:00 pm in the Bay Head Hire House, 81 Bridge Avenue, Bay Head, 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 Councilmember's DeFilippis, Green, Glass, Magory, Lyons and Borough Attorney, Jean L. Cipriani. Councilmember Barnes was absent.

Councilmember Green moved to approve the regular and executive minutes of July 1, 2013. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis, Public Works: Just to bring you up to speed on the Route 35 project. Mayor and I attend a meeting in Trenton today but there is no additional information to report. We have been told the work will start on Goetze Street but we do not have a start date. They also assured us they will notify the business owners and residents on Route 35 giving them a schedule when the work will be in front of their property.

Councilmember Green, Parks, Grounds and Recreation: Mayor and I met with Commissioner Martin on the easements. We took the concerns of the property owners to him and are waiting for a response. We will also be meeting with DEP this week and a town wide meeting has been scheduled for August 29<sup>th</sup> at 6 pm in Monsignor Casey Hall, Sacred Heart Church, 780 Main Avenue. As you know the task order for Twilight Lake sand removal was rescinded and it has put us in a difficult situation. DEP is fully aware of this issue and are trying to move it along. Dr. Stephen Souza who did the lake study is very concerned and is speaking on our behalf. We are on top of it and will not let it go.

Councilmember Magory read the attached report submitted by Councilmember Barnes, Legal and Planning.

Councilmember Glass, Public Safety, read the Police Activity Report for the month of June and July. A copy of the report is attached to these minutes. Please

remember to register your bike and to always lock your bike. The Clam Bake will take place on Saturday, August 17<sup>th</sup> from noon to 5 pm, please plan to attend. This Sunday, August 11<sup>th</sup> will be the kick off of 100 years of Firefighting at the Bay Head Historical Society. The Fire Company is also planning their 100<sup>th</sup> Anniversary Celebration to take place on October 12<sup>th</sup>. It will start at noon with a parade of antique fire trucks followed by an open house at the Firehouse. Please plan to come out and support them.

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

Councilmember Magory read the attached report concerning the Borough Hall. I have spent a considerable amount of time in researching in how to get the best building at the lowest possible cost, least risk and shortest delivery schedule.

Councilmember Lyons, Finance: For those who are eligible for the senior freeze please bring in the application form to our CFO who will certify it for you. We have been approved to receive a \$250,000.00 DOT grant for roadway improvements and a \$30,000.00 CDBG grant for handicapped access to Scow Ditch. Due to the increase in building permits filed the Tax Assessor will have to come out and view those properties. To help him we have hired a Field Inspector. They will call if they need to inspect the interior of your dwelling. They will also have badges to identify themselves as Borough employees. The statutory grace period of the 2013 sewer bills will be extended until August 30, 2013.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

An application for Social Affair Permit from the Bay Head Fire Company for an event to be held on August 17, 2013

An application for Off Premise 50/50 Raffles License from the Bay Head Fire Company drawing to be held on October 12, 2013 at the Bay Head Firehouse, 81 Bridge Avenue

Request from the Bay Head Fire Company No. 1 to hold a parade and to use the Municipal parking lot for their 100<sup>th</sup> Anniversary Celebration on October 12, 2013

Councilmember Glass moved to approve the requests. The motion was seconded by Councilmember Lyons and passed on roll call vote. YEAS: DeFilippis, Green, Glass, Magory, Lyons. NAYS: None.

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

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

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

Mayor Curtis called for Ordinances, First Reading.

Councilmember Glass offered Ordinance 2013-10 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 174, ENTITLED "PEACE AND GOOD ORDER"

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

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

Councilmember Lyons offered Ordinance 2013-11 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 to approve this ordinance on first reading, which motion was seconded by Councilmember Green.

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

Councilmember Lyons offered Ordinance 2013-12 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF  
OCEAN, STATE OF NEW JERSEY, PROVIDING FOR VARIOUS CAPITOL  
IMPROVEMENTS AND RELATED EXPENSE IN AND FOR THE BOROUGH  
OF BAY HEAD AND APPROPRIATING \$3,971,735.00 THEREFORE AND  
PROVIDING FOR THE ISSUANCE OF \$3,898,148.25 IN BONDS OR  
NOTES OF THE BOROUGH OF BAY HEAD TO FINANCE THE SAME

Councilmember Lyons 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, Glass, Magory, 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 Lyons offered Resolution 2013-102 Governing Body Certification of the Annual Audit.

Councilmember DeFilippis offered Resolution 2013-103 authorizing the execution of a Subrecipient Agreement with the Board of Chosen Freeholders of the County of Ocean in connection with the Community Development Block Grant to be used for Handicap Access to the Pedestrian Bridge at Scow Ditch.

Councilmember Lyons offered Resolution 2013-104 requesting Approval of Items of Revenue and Appropriation N.J.S.A. 40A:4-87 – 2013 CDBG Grant \$37,000.00

Councilmember Lyons offered Resolution 2013-105 requesting Approval of Items Of Revenue and Appropriations N.J.S.A. 40A:4-87 – 2013 Municipal id Program – NJ DOT Grant \$250,000.00

Councilmember Magory offered Resolution 2013-106 awarding a Professional Services Contract to Remington, Vernick & Vena, Engineers to Provide Design/Build Services for a New Municipal Building Due to Superstorm Sandy.

Councilmember DeFilippis offered Resolution 2013-107 authorizing the execution of an Addendum to the Contract with Earle Asphalt Company for Final As-Built Quantity Adjustments.

Councilmember DeFilippis offered Resolution 2013-108 authorizing the Mayor to sign a CAFRA Application for a Stormwater Treatment Device.

Councilmember Glass offered Resolution 2013-109 appointing Sean Vaughn and Larry Lundy, Jr. as Part-Time Special Law Enforcement Officer Class II.

Councilmember DeFilippis offered Resolution 2013-110 authorizing the Mayor to sign a Consent and Right of Access Agreement for the New Jersey DOT to enter Borough Property and Construct a Gazebo to House Drainage Pump Generator

Councilmember Lyons offered Resolution 2013-111 amending Resolution 2013-101 providing for Payment of Salaries and Compensation of Borough Officials and Employees for 2013.

Councilmember Lyons offered Resolution 2013-112 amending the 2013 Capital Budget.

Councilmember Lyons offered Resolution 2013-113 extending the Statutory Grace Period of the 2013 Sewer Bills by the Mayor and Council of the Borough of Bay Head.

Councilmember Green offered Resolution 2013-114 amending Resolution 2012-139 appointing Hatch Mott MacDonald, LLC as Consulting Engineer regarding Dune, Beach and Flooding issues for the Borough.

Councilmember Magory offered Resolution 2013-115 authorizing the Mayor to sign an Agreement with Maser Consulting for Preparation of a Study Strategic Planning Recovery Report.

Councilmember Magory offered Resolution 2013-116 authorizing submission of Post Sandy Planning Assistance Grant.

Councilmember Green offered Resolution 2013-117 authorizing Reimbursement to Bay Head 14, LLC for Rock Revetment work performed at Strickland Street.

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

Mayor Curtis opened the meeting to the public.

Joe Todisco, 754 Clayton Avenue: Is there anything new on the gazebo to be located at the corner of Goetze and Clayton?

Councilmember DeFilippis: The location hasn't been changed as proposed. We haven't had our last meeting on the subject but it is still 10 feet east of Clayton and 10 feet south of Goetze.

Mayor Curtis: We have protested the location and we did take your and Mike's information. We haven't been given a start date.

Carl Eckert, 74 Osborne Avenue: The CAFRA application concerning the stormwater treatment – will they continue pumping from Point Pleasant Beach to the lake?

Councilmember DeFilippis: Yes, they are still pumping into the lake.

Mr. Eckert: Resolution 2013-117 how much was reimbursed for the rock revetment work at Strickland Street?

Mayor Curtis: \$15,000.00 – it was paid because we own the end of the street.

Richard Swetits, 539 Club Drive: When Mount Street bridge is replaced maybe it could be a little higher.

Mayor Curtis: We will look into it.

Pat Eckert, 74 Osborne Avenue: You said the pumping never stopped – it is not being pumped now and I don't see the need for it to come back.

Mayor Curtis: It is set up to be pumped to the lake.

Ms. Eckert: I would like to thank the Police Department. They have gone above and beyond the call of duty through all of this. The light at the corner of Osborne and 35 is extremely short for crossing the street.

Chief Hoffman: I will call DOT tomorrow.

Scott Clayton, 37 Howe Street: With the comment to raise the bridge at Mount Street maybe with the bulkhead being raised it will go up. Has there been any conversation with NJAW on Lake Avenue concerning drainage?

Mayor Curtis: I forgot but I will get on it.

Stan Niedzwiecki, 42 Johnson Street: How much do we have in our COAH account?

Mayor Curtis: I believe it is under \$100,000.00. They are trying to get it but we aren't releasing it.

Mr. Niedzwiecki: What is being done to drag the sewer bills down – they are suppose to be making improvements but I don't see this reflected in our bill.

Councilmember Lyons: We received a credit for last year.

Councilmember DeFilippis: Last year we received a credit of \$42,000. The bad news is they estimate the usage and through May we had 136 million gallons going into OCSA. Of that amount is a considerable amount of water intrusion – more than we normally see but having to be caused by damage from Sandy. We have less use but more liquid into the system.

Mayor Curtis: We are constantly meeting with OCSA. The storm broke a few sewer lines which cause water in intrusion. We are exploring other avenues.

Mr. Niedzwiecki: Taxes – we just received our tax bill and our assessed value was lowered but nothing was done on the land value. I spoke with the Assessor and he said not enough have complained about the land value being reduced. We didn't have the use of our land – someone has to approach this issue.

Councilmember Lyons: We have talked about a town wide reassessment on everything. The reason we didn't do it now is because so many people are going through the construction process.

Mr. Niedzwiecki: The county is killing us.

Mayor Curtis: As a group of Mayor's we are talking about that – most concerned are the eight towns on the barrier island.

Mr. Niedzwiecki: The budget process was very confusing; half didn't realize what was going on.

Mayor Curtis: We did utilize the reserve for school tax but the School tax stayed the same. We did a good job on the municipal level.

Councilmember Lyons: We made a number of reductions but we also had a number of increases because of the storm. We have kept the rate as flat as possible. Hopefully some will be mitigated with funding down the road.

Bob Polizzotto, 420 Lake Avenue: Is anything being done by the town to lower our rating with FEMA with the addition of the rock revetment, increase to the dunes?

Mayor Curtis: We have gone down 2 points from 8 to 6 and it will be reflected in your flood insurance rate.

Mr. Polizzotto: Great that gives us a 20% reduction. Is anything being done to reduce it further? Maybe if rocks are added from Karge north, where there are none, it will reduce it further – propose that question to them.

Mayor Curtis: We ask at every meeting – we use Maser Consulting to do our reports to them every year.

Ellen Akersten, 128 Cranberry Avenue: What is the status of the sand in the lake?

Councilmember Green: The task order was issued for the dredge to be paid by FEMA but they notified us that other funding was available for the project and rescinded the task order. DEP Commissioner Martin and Dr. Souza, who conducted the lake study on our behalf, are lobbying to get the application on a fast track. I can't give a date at this time.

Arigo Conti, 528 West Lake Avenue: How much do we pay the lawn service – can't our employees do it?

Councilmember Green: We don't have enough employees and the equipment failed. I will have to check on the costs.

Mr. Conti: I have a tree stump to get rid of – how do I get it to the recycle center?

Mayor Curtis: Talk to Chip Tillson after he meeting.

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, 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