

September 3, 2013

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on September 3, 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, Barnes, Glass, Magory, Lyons and Borough Attorney, Jean L. Cipriani.

Councilmember Glass moved to approve the regular minutes of August 5, 2013. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: DeFilippis, Green, Glass, Magory, Lyons. NOT VOTING: Barnes. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis, Public Works: Working is continuing on Goetze Street and will start soon on Mount. Main Avenue work is scheduled to start soon. I will wait until public comments to answer any questions at that time.

Councilmember Green, Parks, Grounds and Recreation: Summer Recreation is complete and was very successful. There was an average of 36 to 44 in attendance each day. Ocean County Engineers have scheduled a public hearing to take place on Tuesday, September 17, 2013 from 6 to 8 pm at the Bay Head Firehouse located at 81 Bridge Avenue on its submission of an application to the New Jersey Environmental Infrastructure Financing Program for the removal of sediment from Twilight Lake. The Beach walkovers will continue soon, they were stopped for safety reasons in May until after Labor Day.

Councilmember Barnes, Legal and Planning: We have hired Special Counsel to help us with obtaining all insurance funds due us. Our JIF policy is underwritten by Zurich Insurance Company. Under the terms of this policy, Zurich will pay a maximum of \$50 million for catastrophic loss coverage which could be divided among 30 municipalities. We have filed our claim and are pressing forward and will continue to work on that.

Councilmember Glass, Public Safety, read the Bay Head Fire Co. Monthly Report for July and August. The Fire Company is also planning their 100th Anniversary Celebration to take place on October 12th. 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 August. 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: We are continuing to work with FEMA but we must first exhaust all insurance before FEMA will pay.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

A request from Bay Head School to hold a parade in honor of "Sea Week" on Friday, September 27th from the school at 12:30 pm

An application for Off Premise 50/50 Raffles License from Sacred Heart Holy Name Society for monthly drawing in 2014

An application for Social Affair Permit from the Bay Head Fire Company for an event to be held on October 12, 2013 – 100th Anniversary

Councilmember Glass moved to approve the requests. 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 Ordinances for Second Reading and Public Discussion and Vote.

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 the ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Magory.

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

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

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 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 the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Green.

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 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 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 the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Green.

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

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 Ordinances, First Reading.

Councilmember Lyons offered Ordinance 2013-13 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, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Lyons offered Ordinance 2013-14 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF
OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING
CHAPTER 41 OF THE BOROUGH CODE, ENTITLED "ADMINISTRATIVE
Offices"

Councilmember Lyons moved 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 called for Unfinished Business.

Councilmember Green: What is the status of the demolition ordinance? I understood it was to be introduced tonight.

The proposed ordinance was discussed and held to be introduced at a later time.

Mayor Curtis called for New Business and Resolutions.

Councilmember Glass offered Resolution 2013-118 rejecting all Bids received for the Replacement of Two (2) Boilers and One (1) 70 Gallon Hot Water Heater at the Bay Head Firehouse.

Councilmember Glass offered Resolution 2013-119 awarding a Contract to Continental Fire & Safety, Inc., to furnish a 6000 PSI Integrated Breathing Air Compressor with a Two Position Containment Fill Station, Due to Superstorm Sandy.

Councilmember Lyons offered Resolution 2013-120 authorizing reimbursement to Andrew Cristinzio for expenses incurred due to damaged sewer line at 612 East Avenue, Bay Head.

Councilmember Lyons offered Resolution 2013-121 waiving certain sewer fees in recognition of the inability of certain properties to receive sewer service due to Superstorm Sandy.

Councilmember Lyons offered Resolution 2013-122 amending Resolution 2013-113 extending the Statutory Grace Period of the 2013 Sewer Bills.

Councilmember Magory offered Resolution 2013-123 supporting the FoodBank of Monmouth and Ocean counties and the National Hunger Relief Initiative and Designating the Month of September as Hunger Action Month.

Councilmember DeFilippis offered Resolution 2013-124 authorizing Draw Down Proceedings against the Bid Bond posted by JAK Construction Corp T/A Diamond Construction.

Councilmember DeFilippis offered Resolution 2013-125 authorizing the County of Ocean to use the Borough of Bay Head's Easement over Block 23, Lot 13.

Councilmember DeFilippis offered Resolution 2013-126 granting a License to utilize Borough property as a staging area to Agate Construction Co., Inc.

Councilmember DeFilippis offered Resolution 2013-127 authorizing the receipt of bids for Roadway Improvements to Lake Avenue from Forsyth to Johnson 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, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis opened the meeting to the public.

Jane Petrillo, 752 East Avenue: After only 10 months and everything looks great – the hours of construction were extended to allow homeowners to move forward, how long will that go on?

Mayor Curtis: We have allowed contractors to work a full day on Saturdays and that will continue for a while. The hours are 8 am to 6 pm Monday through Saturday, homeowners aren't held to those hours.

Ms. Petrillo: Maybe the contractors could be reminded of the work hours when they pick up their permits.

Ms. Petrillo: The town owns the walkovers and at present Strickland Street is a giant liability. What is planned for the Strickland Street walkover?

Councilmember Green: Absolutely, walkovers are essential and there will be one at Strickland.

Mayor Curtis: The others are bad also.

Bob Polizzotto, 420 West Lake Avenue: As to the discussion on the demolition ordinance. Will it be strictly for demolition permits? What if I have a pile of wood in my yard – do I have to abide by the same regulations and where will you draw the line – please consider this before you introduce the ordinance.

Joe Todisco, 754 Clayton Avenue: Is there any news on the relocation of the gazebo on Goetze Street?

Mayor Curtis: No.

Jim Urner, 42 Mount Street: I tried to thank you in the winter and was told to wait – I am back and want to commend all of you for all the work you have done. Congratulations to you all.

Wini Applegate, 560 Lake Avenue: We have an ordinance to keep properties clean and neat and several homeowners need to be notified of that.

Mayor Curtis: Bart Petrillo our Code Enforcement officer has noticed several properties. Brian will check with him. I do know he sends a letter first and if nothing is done a summons is issued.

Ms. Applegate: On behalf of Saint Paul's United Methodist Church they will be hosting a Festival of Hope on Saturday, October 26th from 10 am to 4 pm at the church. There will be food vendors, artists and crafters, silent auction, True North Band, children's activities, St. Paul's Boutique, bake sale and 5 mile run/walk. Videos and speakers will be in the sanctuary. There will be something for everyone.

Mayor Curtis: It will be a great feel good day.

George Schweickert, 70 Osborne Avenue: Councilmember DeFilippis could you give us a status report?

Councilmember DeFilippis: We are issued weekly work schedules from DOT concerning Route 35. Work has started on Goetze and will follow on Mount. Materials are being moved to the work site, bore samples are being taken and 36" pipes have been delivered for installation. Once that work is done construction will begin on Route 35. There will be only one lane for traffic in ¼ mile sections. I don't know how it is going to work out but there is a fallback position to use Lake and Clayton Avenue. It is a very complicated project and the design is ongoing.

Marge Schweickert, 70 Osborne Avenue: Resolution 2013-125 allows the County of Ocean to use the Boroughs easement – this to repair the line from the pumping station to Twilight Lake. The pump has been shut off and we haven't had any flooding. Once the new pipe is laid and pumping starts - what if it doesn't work and our streets start flooding again?

Councilmember DeFilippis: The County is putting a remedial higher capacity to place the water. The sand will be removed so the volume can be handled. The combination will reduce the impact it had before.

Ms. Schweickert: We receive the overflow water from Point Pleasant Beach.

Councilmember DeFilippis: Yes, but it was never designed to stay in Bay Head. This has been ongoing for a long time and changes have been made to the pump

station. The northeast portion of the lake was filling up prior to Sandy – it will move out of the lake much quicker than before.

Ms. Schweickert: Is DEP opposed to pumping the water out to the ocean?

Councilmember DeFilippis: There is not always the volume required to pump into the ocean.

Ms. Schweickert: What is the action if it doesn't work? We would like it to be pumped to the ocean.

Mayor Curtis: We will back you if it doesn't work.

Ms. Schweickert: The county came and dug up the lawn and didn't return.

Councilmember Green: The project should have been done – the storm stopped it in its tracks. Mr. Scarantino, Director of Engineer for Ocean County will present their plan on Tuesday, September 17th from 6 to 8 pm here at the Firehouse.

Mr. Schweickert: I read in the Ocean Star that our flood rating went from 8 to 6 – how?

Mayor Curtis: Adoption of the flood maps.

John Petrillo, 752 East Avenue: Where can I view the plans for the beach access?

Councilmember Green: In the Borough Hall, 106 Bridge Avenue.

Leslie Wentz, 96 Bridge Avenue: Are there any plans for building up the banks of Twilight Lake?

Mayor Curtis: Not at this time, we are looking at a lot of different options with the lake.

Ms. Wentz: Could we raise the road?

Councilmember DeFilippis: If we did then the properties would be flooded.

Harry Typaldos, 345 Main Avenue: A female official came to the Grenville asking when we were back in business, how long we were shut down – is the town seeking information for tax purposes?

Councilmember Lyons: If it was a female it was not a Borough employee. Our assessor is male. Our Tax Assessor will be looking at improvements made as per construction permits.

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.

The meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor