

October 6, 2014

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on October 6, 2014 at 7:00 pm in the Bay Head Fire House, 81 Bridge Avenue, Bay Head, New Jersey.

Mayor called the meeting to order and welcomed everyone. He asked for 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 Councilmembers Green, Hein, Barnes, Glass, Magory, Lyons, Borough Attorney, Jean Cipriani and Borough Administrator, Brian Valentino.

Councilmember Glass moved to approve the regular and executive minutes of September 8, 2014. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Councilmember Glass offered Resolution 2014-166 appointing Sean W. Vaughn as Full-Time Provisional Police Officer and moved it be adopted. The motion was seconded by Councilmember Barnes and pass on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of the resolution is attached to these minutes.

Ms. Cipriani administered the Oath of Office to Sean W. Vaughn.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: The County has completed their portion of the dredge of Twilight Lake. Pipes will be removed next week and a punch list will be prepared. The State dredge portion was awarded to the same contractor so the equipment will remain and he hopes to start as soon as they clean up next week. The State portion is to be completed by the end of the year. I know this is a terrible hardship for those who live around the lake.

Councilmember Hein, Public Services, read the Zoning Officer and Construction Official reports for the month of September. Copies of the report are attached to these minutes.

Safety: We have completed all the administrative requirements and I hope to get the letter to JIF soon.

Municipal Alliance: We were considering joining with Point Pleasant Borough and Point Pleasant Beach but I don't think it is a very good fit by Bay Head. The Alliance will pick one root cause each year and I feel our problems are different from theirs. There is also a cost involved so I recommend against joining them at this time.

Energy Co-op: I spoke with Ms. Kudoto – the best case will be a savings of 5 to 10 per cent savings on your bill. I will continue to look at it and continue to ask questions.

Councilmember Green: What is the cost working with the consultant?

Mr. Valentino: The last group I worked with the cost was part of the transaction between the suppliers.

Councilmember Hein: The town would have to do a mailing. I can say I don't believe it is a scam.

Ms. Cipriani: We would still have to go through an RFP process.

Councilmember Hein: The program doesn't apply to business accounts.

Garbage Fall Schedule: We continue to remind property owners north of Bridge to Osborne to put their garbage out to the curb for pickup. As of October 1st we start our fall/winter schedule and all properties will be picked up Monday and Thursday.

JCP&L: To report a streetlight outage – call their automated outage reporting line at 1-888-544-4877 or visit www.firstenergycorp.com and select your electric company. Under Outages, click on "Report Streetlight Problems."

Councilmember Barnes, Legal and Planning: We have been dealing with personnel matters over the past month and are continuing to look at the code book. New COAH information is to be released on November 14th, I will keep you informed.

Councilmember Glass, Public Safety, read the Police and the Bay Head Fire Co. monthly report for September. A copy of the report is attached to these minutes.

Fire Prevention Tip of the Month: Storage of combustibles too close to a fireplace or hot water heater may cause a serious fire.

Councilmember Magory, Public Works: Where we stand on the new building. A resolution awarding a contract to remove the asbestos will be awarded tonight. Hopefully they will start the removal after a ten day waiting period. Hopefully the County will demolish the building by the end of the month. By the end of the month the construction drawings will be 98% complete.

The bids for curb and sidewalk work on East Avenue were rejected at the last meeting. We went back out to bid and will be awarding that contract tonight.

We are also cancelling tonight, an agreement we had with Maser Consulting for Preparation of a Sandy Strategic Planning Recovery Report and will be authorize the advertising and receipt of sealed proposals for Planning services Related to the Post-Sandy Planning Assistance Grant.

Councilmember Lyons, Finance: We received a letter from the League of Municipalities informing us that Verizon is issuing letters to Municipalities that they no longer will provide property tax revenue. We haven't received this letter yet – but we aren't overly concerned because it is not a lot of money to us – a little over \$2,400. Our Tax Assessor will file and appeal with the court to recoup this money.

Mayor Curtis: As of Labor Day the road work in town has resumed. The latest schedule as of 11 am today:

Route 35 north bound lane from Bridge to Osborne – sanitary pipes will be complete this Friday, next week curbs and sidewalks, followed by paving. Once the paving is complete the detour will be over.

Agate is waiting for approval for the detour request when they have to connect from Osborne north to Point Beach which is 150' north of the traffic light at Osborne and Route 35.

Goetze Street: Those residents have had the worst time – work started right after Labor Day 2013. The gazebo to be located at the SE corner has columns up and the floor laid out. The gazebo portion will be lifted by crane and then the electrical will be installed. This could take weeks. The bulkhead at Gotze is high but that will not go away.

Mount Street: The second pump station is going in the ground at Lake and Mount. This intersection has been closed for two weeks and will remained so for the next 6 to 7 weeks. In about three weeks the gazebo will start in the park. It will hardly be visible from east looking west. They will be removing one tree and replacing with two trees. The Environmental Commission and Beautification Committee will have input as to the trees to be planted.

East Avenue Detour: Eleven businesses are being affected for no reason. The detour doesn't have to go to Johnson – it could end at Bridge but they won't work with us and change it.

The repaving of the final layer will not be done until Mantoloking is finished.

Brian Valentino, Borough Administrator: All have been provided with a copy of the CY 2014/SFY 2015 Best Practices Inventory. We are required to acknowledge this at a public meeting.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered a request from the Bay Head Business Association to hold their annual Halloween Parade on Sunday, October 26th from 11:30 am to 1 pm.

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

Mayor Curtis called for Ordinance, Second Reading, Public Discussion and Vote.

Councilmember Barnes offered Ordinance 2014-10 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 25, ENTITLED "FIRE DEPARTMENT"

Councilmember Barnes moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Glass.

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: Green, Hein, Barnes, 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 2014-157 amending Resolution 2014-99 providing for payment of salaries and compensation of Borough Officials and Employees for 2014.

Councilmember Magory offered Resolution 2014-158 awarding a State contract for Asbestos Abatement Services for the Borough of Bay Head Municipal Building to Jupiter Environmental Services, Inc., due to Superstorm Sandy.

Councilmember Magory offered Resolution 2014-159 authorizing Change Order to Earle Asphalt for Lake Avenue.

Councilmember Green offered Resolution 2014-160 acknowledging State Department of Transportation Route 35 "SHARROWS" Program and Supporting Bicycle usage within the Borough of Bay Head.

Councilmember Magory offered Resolution 2014-161 cancelling the Agreement with Maser Consulting for preparation of a Sandy Strategic Planning Recovery Report.

Councilmember Magory offered Resolution 2014-162 authorizing the advertising and receipt of sealed proposals for Planning Services Related to the Post-Sandy Planning Assistance Grant.

Councilmember Glass offered Resolution 2014-163 authorizing the execution of a Shared Services Agreement with the County of Ocean for the Driving While Intoxicated Enforcement Program.

Councilmember Lyons offered Resolution 2014-164 appointing Michael Delre as Field Inspector to the Tax Assessor.

Councilmember Magory offered Resolution 2014-165 authorizing the release of a Site Improvement Performance Guarantee upon the posting of a two-year Maintenance Bond.

Councilmember Lyons offered Resolution 2014-167 amending Resolution 2014-27 providing for Salaries for Police Employees.

Councilmember Lyons offered Resolution 2014-168 canceling Sewer Billing.

Councilmember Lyons offered Resolution 2014-169 authorizing refund of Tax Overpayments by Homeowners.

Councilmember Magory offered Resolution 2014-170 authorizing the execution of an agreement with Logtech, LLC for IT Asset Management and Electronics Recycling Services.

Councilmember Magory offered Resolution 2014-171 awarding a contract to Diamond Construction for East Avenue Curb and Sidewalk Reconstruction.

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

Mayor Curtis opened the meeting to the public.

Mr. Niedzwiecki, 42 Johnson Street: The Police don't get enough credit – they do a great job.

I back up to 683 Lake Avenue and the house is being demolished. Where is water protecting us from lead paint and asbestos? The company is from Baltimore. With the west wind my house is catching all this crap. The town has to do something.

When did the Borough allow boats and trailers to be parked on residential property? Over the summer there were 15 trailers and boats parked on the vacant lot at the end of Lake and corner of Clayton, and there are still 5 or 6 there. Something has to be done about it. I have spoken with Councilmember Hein about this and he is trying to straighten it out.

Councilmember Hein: We have had a meeting and are working as fast as we can. I hope to finish rewriting the ordinance by next week and hopefully have something by the next council meeting.

Mr. Niedzwiecki: Why are we having to wait two years to receive FEMA funds? Where is Congressman Smith?

Councilmember Lyons: FEMA won't pay or closed out our projects until we have settled with JIF.

Councilmember Barnes: JIF is in battle with Zurick. We have retained special council to help us get our money.

Mr. Valentino: Insurance pays first then FEMA. JIF is working with a number of towns some haven't submitted their claims. We all as a pool have to settle. Congressman Smith may be of help once we settle with JIF.

Mr. Niedzwiecki: I am still very concerned with the air and environmental impact at 683 Lake Avenue.

Councilmember Hein: I will go down tomorrow and look into it.

Irene Conti, 528 West Lake Avenue: Will people be allowed to attend the meetings concerning the Master Plan?

Mr. Valentino: The Post-Sandy Planning Assistance Grant is for long term recovery – it is not amending the Master Plan.

Don Frederickson, 856 Clayton Avenue: Will those meetings be open?

Mr. Valentino: I can't say – the Mayor is including the Environmental Commission and the Planning Board.

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: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None. A list of the vouchers is attached to these minutes.

Councilmember Glass offered Resolution to go into executive session.

WHEREAS, the Open 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:

Contractual and Personnel Matters

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

Six months

4. This resolution shall become effective immediately.

Councilmember Glass moved this resolution be approved. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

The Governing Body went into Executive Session at 8:08 pm. At 8:46 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