

November 3, 2014

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on November 3, 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 Hein, Magory, Lyons, Borough Attorney, Jean Cipriani and Borough Administrator, Brian Valentino. Councilmembers Green, Barnes and Glass were absent

Councilmember Magory moved to approve the regular and executive minutes of September 30, 2014 and October 6, 2014. The motion was seconded by Councilmember Lyons and passed on roll call vote. YEAS: Hein, Magory, Lyons. NAYS: None.

Mayor Curtis made the following appointment for membership in the Bay Head Fire Company No. 1:

Brian D. Williams

Mayor Curtis called for Reports of Standing Committees.

Mayor Curtis: Route 35 is open to two way traffic as of this afternoon. They hope to pave the top coat after the work is done from the intersection of Osborne Avenue north to Point Pleasant. The Goetze Street Pump Station should be operational prior to Thanksgiving. The Mount Street Pump Station should be complete before Christmas except for a few items on the Gazebo.

If they have good weather they will be through with Bay Head except for East Avenue and the other side streets used for detours by Christmas.

Parks, Grounds and Recreation: No report.

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

The Parking Ordinance draft is complete and has been sent to the committee for their review. I hope to have the final document by the end of the year and ready for introduction at the first meeting in 2015.

Energy Co-op: I continue to work on this item.

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

Public Safety: Councilmember Hein read the Police and the Bay Head Fire Co. monthly report for October. A copy of the report is attached to these minutes.

Fire Prevention Tip of the Month: Be sure to have a fire extinguisher located close to kitchen area. The simplest way to extinguish a stove top fire is to place a cover on pot or pan and turn off the stove. A fire safety brochure is available on the front table.

Councilmember Magory, Public Works: The asbestos has been removed from the old municipal building. This consisted of 600 sq. ft. of floor tiles. We are waiting for the final report on the air testing. When the report is received the County will demolish the building. The construction drawings are 95% complete and have been submitted to the County and State for their review. The contract for the curb and sidewalk work on East Avenue has been awarded. What sidewalks aren't done this fall will be done in the spring.

Councilmember Lyons, Finance: In the past we have refinanced our notes through Manasquan Savings Bank. Our new CFO is thinking outside the box by loaning our surplus funds out and other alternative ways.

Borough Administrator, Brian Valentino: At the last meeting Council authorized the advertising and receipt of proposals for Planning Services Related to the Post-Sandy Planning Assistance Grant. Four proposals were received and we are in the process of reviewing them. Hopefully I will have a report at the next meeting.

Mayor Curtis called for Unfinished Business. There was none.

Mayor Curtis called for New Business and Resolutions.

Ms. Cipriani: I have two items:

1. Resolution 2014-175 for transfer requires a vote of 2/3 of the full membership. It will have to be carried to the next meeting.
2. Originally you had on the agenda a Resolution for liquor license transfer. An objection of three parties was received on October 30, 2014. This objection requires a hearing and it can't be less than 5 days from the receipt of the objection so it can't be held tonight. Normally the hearing must be scheduled within 14 days of receipt of the objection but for good cause it can be pushed back. With schedules in November the next available date for the hearing will be the regular meeting date of Council, December 1<sup>st</sup>.

Councilmember Magory: I would suggest starting the meeting at 4:30 pm on December 1<sup>st</sup> starting with the hearing and continue to the regular business.

Mayor Curtis: The Planning Board meetings have generated high attendance on this property so I would suggest an alternate location of G. Harold Antrim Elementary School or Sacred Heart Catholic Church, Monsieur Casey Hall.

Ms. Cipriani: I will notice the attorney for the objector that the meeting will start at 4:30 pm on December 1, 2014 with the location to be determined. The notice will have to indicate that the hearing is anticipated to take two hours with the rest of the agenda to follow.

Councilmember Lyons offered Resolution 2014-172 authorizing the cancellation of Current Fund and other Trust Fund Balances.

Councilmember Magory offered Resolution 2014-173 awarding approval to submit a Grant application and execute a Grant Agreement with NJ DOT for East Avenue Curb and Sidewalk and West Lake Avenue Reconstruction Project.

Councilmember Magory offered Resolution 2014-174 authorizing Ocean County Recycling Center Use and Revenue Sharing Agreement between the Borough of Bay Head and the County of Ocean.

Councilmember Lyons offered Resolution 2014-176 authorizing Refund of Tax Overpayment per State Tax Court Judgment.

Councilmember Lyons offered Resolution 2014-177 setting Threshold of Fixed Assets at \$5,000.00.

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

Mayor Curtis opened the meeting to the public.

Arigo Conti, 528 West Lake Avenue: I don't work so the 4:30 meeting time will not be a problem for me but it may be for some.

Mayor Curtis: We may consider 5 pm.

Mr. Conti: What is the West Lake Avenue project?

Councilmember Magory: At the end it is in terrible condition. I am submitting for a grant to do that work.

Mr. Conti: Will it stop the water coming up?

Councilmember Magory: We are looking at a new design flapper to install there. It will be a test – we are doing everything we possibly can. The bulkhead at the end belongs to Point Pleasant.

Mayor Curtis: Is this going to address the severe flooding at West Lake Avenue and Metcalfe?

Councilmember Magory: Yes.

Councilmember Lyons: It won't eliminate the flooding though.

Irene Conti, West Lake Avenue: The water is coming through the bulkhead.

Mayor Curtis: This is a good time to look at that intersection because there are new owners at the corner. We are hoping to elevate the crown of the road to get better drainage.

Councilmember Magory: The new owners are responsible for the new curb. It will be higher. I am working with the Borough Engineer.

Mr. Conti: What is the recycling agreement?

Councilmember Magory: It is a 50/50 revenue sharing with the recyclables we take to the County for disposal.

Jane Petrillo, 752 East Avenue: At the July and August meeting fireworks conditions were brought up. East Avenue has a lot of wooden roofs. Have you come up with any solutions? It is dangerous and has to be addressed.

Mayor Curtis: We are looking into it – I know there were multiple displays.

Marge Schweickert, 70 Osborne Avenue: The state is beginning the dredge and sand is being carted away. Have you thought of placing a berm of sand around the lake?

Mayor Curtis: It will be placed on the beach street ends.

Mayor Curtis: We are pursuing all suggestions to control the flooding with the County and State.

Mr. Schweickert: Good to know.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment, which motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Magory, Lyons. NAYS: None. A list of the vouchers is attached to these minutes.

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

The Governing Body went into Executive Session at 7:42 pm. At 8:08 pm the Governing Body came out of Executive Session and resumed the regular meeting.

There being no further business the meeting was adjourned.

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Patricia M. Applegate, RMC  
Municipal Clerk

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William W. Curtis, Mayor