

April 7, 2014

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on April 7, 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 Councilmember's Green, Hein, Barnes, Glass, Magory, Lyons and Jean Cipriani, Borough Attorney.

Councilmember Glass moved to approve the minutes of March 3, 2014 and March 20, 2014. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis: Jeffrey Applegate took the Oath of Office, as Assistant Chief to the Bay Head Fire Company, at the January 6, 2014 meeting. He has accepted a position at North Carolina State University. We want to thank him for his service and wish him all the best in his new position. We are very pleased to have John Griggs fill that vacancy.

Ms. Cipriani administered the Oath of Office to John Griggs, Assistant Chief to the Bay Head Fire Company.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: Twilight Lake – next week the county will start dewatering and the following week the infrastructure will start. The dredge by the county is scheduled to start on May 15<sup>th</sup> with the state dredge to follow.

Some are questioning why the stumps were left along Route 35. The equipment to grind them down would be in the way of the equipment on the road bed so that will follow the road work. The tree planting will also follow the road work.

Mayor Curtis: We have been told the planting will begin in the south and work its way north.

Councilmember Green: Beach sweeps is scheduled for April 26, 2014 and all are to meet at the Bay Head Firehouse. Shelly Haas Kirk will be the coordinator. Councilmember Hein, Public Services, read the Zoning Officer and Construction Official reports for the month of March. Copies of the report are attached to these minutes.

On May 17, 2014 Deborah Heart and Lung Center will be conducting Respiratory Health Screenings at the Bay Head Firehouse from 7:30 am until 11:30 am. The program is provided by a grant from the Robin Hood Foundation. It is available to men, women, and children over the age of 12. The screening is free.

The newly established Safety Committee will have our first inspection this Wednesday. I will give a full report at the next meeting.

Councilmember Barnes, Legal and Planning: We have been very busy with COAH issues – Round 1 and 2 have been adopted but they are stalled on Round 3. We met with our Special Counsel and tonight we will repeal our COAH Ordinance. As of May 1 we will cease collecting COAH fees. We have been dealing with personnel issues. By adoption of Ordinance 2014-03 will be creating a Borough Administrator position. The Borough Administrator would handle grants, personnel issues and other matters so designated by Council. We have had a busy legal month.

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

Fire Prevention Tip of the Month: April is the time we not only change batteries in our smoke alarms, it is also time to address cleaning clothes dryer vents and exhaust ducts. 15,000 fires occur each year due to improper maintenance of dryers.

Councilmember Magory, Public Works: We have also had a busy month. Last Thursday we opened the bids for the new building. Nine bids were received and are being reviewed by our engineers. I am also working with the State Historical Society and the office of the State Treasurer. We are moving forward with the new building which was bid out as all inclusive.

We have changed the Recycle Center hours on weekends starting May 1<sup>st</sup> from 8 am to 3 pm. This should work for most people – if not we will revisit it.

Councilmember Lyons, Finance: We have been working on the budget which will be introduced tonight. Mr. Hulsart our Auditor will be here at the next meeting to answer any questions you have on the budget.

The Finance Committee visited Ocean County Freeholder John Bartlett who is the Chairman of Finance. We asked some very pointed questions. He agreed to come and speak with you to answer your questions as to the portion of taxes we pay to Ocean County.

Councilmember Green: It was a very important meeting. We are very concerned with the amount of our tax dollars that go to the county. He will come to discuss that once we work out a date.

Councilmember Magory: We met with him representing the residents of Bay Head and your concerns.

Mayor Curtis:

Route 35 Project – It is a mess and it will and is getting better. They have to be out of town noon May 22. At that time Route 35 will be paved with two passable lanes, lined and no machinery will be left in Bay Head except the items stored at Howe Park.

Goetze Street – Everything except the gazebo will be done by noon on May 22<sup>nd</sup>. It will be paved, curbs and sidewalks.

Route 35 – The south bound lane will be paved up to Osborne Avenue. Sewer mains still have to be completed on the east bound side of Route 35. With that work taking place you may have to go to Lyman Street to come back north on Route 35. North to Bridge Avenue will be paved by May 22<sup>nd</sup>. From Bridge Avenue north will be completed after Labor Day.

Mount Street – Is a nightmare. Lake Avenue will be closed for two more weeks or more until they finish. Mount Street from Lake Avenue to Route 35 will be paved, new curbs and sidewalks installed by May 22<sup>nd</sup>.

We are still trying to get the pump station moved to the park and out of Mount Street.

East Avenue will remain a detour as long as they are working on Route 35. East Avenue is a washboard and we are trying to fill the potholes as they occur. We will not have a newly paved road until they are done in the fall and Route 35 is complete. Prior to the paving Bay Head will install new curbs and sidewalks on East Avenue.

If you have damage to your personal property – You may obtain claim forms at the Borough Office. We are not involved and you will be given a card with a phone number to call for help. You must file a separate claim form for every claim you have. Sprinklers, Cracked Walls etc. If you call the Borough Office you will be given the phone number to call. They have assured us they will get the form to you by delivering, e-mail etc.

If you operate a business on Main Avenue or Mount Street file for loss of revenue claim with them.

New Jersey Transit:

They have been a thorn in Bay Head's side for many years. Fourteen years ago Art Petracco formed a committee that is now down to three people which give

tremendous assistance concerning issues with NJT. Presently NJT wants to build a new sub-station in Bay Head on NJT property. They are many months away from construction. We are ahead of their plan and have met with Senator Holzapfel, Assemblyman McGuckin and Glen Feldman. There are presently two buildings on their property. One built in 1985 was destroyed by Sandy and the other built in 2003 had four feet of water. They want to combine the two into one new building 52 feet in height. They say it fits with the Historic value of the train yard. We were very impressed with Senator Holzapfel and he fully understood why we are against this proposal. We met with him on March 26<sup>th</sup> and on March 27<sup>th</sup> in a Senate caucus he was introduced to the new Executive Director of NJT, Veronica Hakim. He introduced himself as Senator of District 10 and told her he had met with us and that she would receive his letter stating that we were against this project. He invited her to visit the site with him and to see how awful their proposal would look. If you are concerned about their proposal come to me. We want to let the Senator run with it. If he fails we will make a concerted effort to get on it.

Have any of you received letters indication that test borings would be done by NJT to clear brush? We have gone on record opposing infringement on private property. We are questioning why test borings need to be done for the maintenance of the property. We want you aware that we are on top of it and have approached the proper channels prior to permits being issued.

Post Office:

A notice was posted at the Post Office recommending hours be reduced from 10 am to 2 pm Monday thru Friday. We inquired what it was all about and have contacted Chris Smith because this is a Federal issue. We have written and within a day he wrote and stated this was not acceptable. We apparently were classified from last summer because the usership was down. He is working on it for us. As you know our Post Office is very friendly and the service is a lot quicker that what we saw during the storm having to wait in lines in Point Pleasant and Point Pleasant Beach.

If anyone wants a copy of any of the letters I have referred to please stop in Borough Hall.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

A request from Kate Shea Foundation to hold their 11<sup>th</sup> Annual Bay Head 5K Memory Run on Saturday, May 17, 2014.

A request from St. Paul's United Methodist Church to use Centennial Park for a Community Easter Egg Hunt on Saturday, May 19, 2014 from 9 am until 1 pm.

An application for an Off Premise 50/50 Raffles License from the Church of the Sacred Heart with the drawing to be held on August

30, 2014 at 11 am on the grounds of the church.

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

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

Councilmember Barnes offered Ordinance 2014-01 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE ZONING MAP OF THE BOROUGH OF BAY HEAD

Councilmember Barnes moved this 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 a 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.

Councilmember Barnes offered Ordinance 2014-02 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 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 a 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.

Councilmember Barnes offered Ordinance 2014-03 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AN SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER 41, ENTITLED "OFFICERS AND EMPLOYEES," SO AS TO CREATE ARTICLE VIII, ENTITLED "BOROUGH ADMINISTRATOR"

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

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

Arigo Conti, West Lake Avenue: Will we still have a Tax Collector and CFO?

Mayor Curtis: This is a new position and doesn't have anything to do with a Tax Collector or CFO. Bay Head has never had a Borough Administrator.

There being no further 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.

Councilmember Lyons offered Ordinance 2014-04 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING AND RELATED EXPENSES IN AND FOR THE BOROUGH OF BAY HEAD AND APPROPRIATING \$1,500,000.00 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$1,350,000.00 IN BONDS OR NOTES OF THE BOROUGH OF BAY HEAD TO FINANCE THE SAME

Councilmember Lyons: We are adding to a Bond Ordinance adopted last year. We will now have 4 million for a new building but, it doesn't mean we are going to spend 4 million.

Councilmember Lyons moved this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Green.

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

Mr. Conti: What is the \$150,000.00 to be used for?

Councilmember Lyons: It is required as a down payment.

Mr. Conti: How much will it cost to get the bond?

Councilmember Lyons: We are exploring our options. That is one of the items we are speaking to Freeholder Bartlett about – the best financing cost.

Irene Conti, West Lake Avenue: The bids were received. Are you not allowed to mention the price?

Mayor Curtis: Not until they are reviewed.

There being no further 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 Ordinance, First Reading.

Councilmember Barnes offered Ordinance 2014-05 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING CHAPTER 147, ARTICLE IV, SECTION 17.2 OF THE CODE OF THE BOROUGH OF BAY HEAD

Councilmember Barnes moved this ordinance on first reading, which motion was seconded by Councilmember Glass.

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.

Mayor Curtis: We are looking at having someone do a Master Site Plan for the area of the new building, Firehouse parking lot, municipal parking lot, Centennial and Fritchie Park.

Councilmember Magory: The bids that we have for the building specify a site plan.

Mayor Curtis: They take into consideration as to where the building will be.

Councilmember Glass: Doesn't a Master Plan come before the Planning Board?

Mayor Curtis: It isn't a Master Plan but a Site Plan for the area. We don't get that with the plans.

Councilmember Green: We only received a proposal to maximize the overall town center space.

Councilmember Barnes: Are we seeking proposals from different people?

Mayor Curtis: We only have the one proposal.

Councilmember Barnes: Why would we only look at one? I would think it would be in the bids submitted.

Councilmember Magory: The bids cover landscaping, replacing stone or paving.

Councilmember Green: All of council need to receive the proposal.

Councilmember Barnes: Did they volunteer to give this plan to the town?

Mayor Curtis: You will receive more information.

Mayor Curtis called for New Business and Resolutions.

Councilmember Hein offered Resolution 2014-64 authorizing the refunding of escrow deposits to Jamie Paradise.

Councilmember Hein offered Resolution 2014-65 authorizing the refund of a 2013 building permit fee to Bob Frizzell Builders.

Councilmember Barnes offered Resolution 2014-66 authorizing the execution of a Maintenance Agreement with Office Business Systems, Inc. for computer hardware and software for the Municipal Clerk and Planning Board.

Councilmember Glass offered Resolution 2014-67 appointing Director/Deputy Emergency Management Coordinator, Kelley Mickle.

Councilmember Lyons offered Resolution 2014-68 amending Resolution 2013-101 Providing for Payment of Salaries and Compensation of Borough Officials and Employees for 2013 – William E. Antonides, Jr. and John D. Antonides.

Councilmember Barnes offered Resolution 2014-69 adopting the Revised Municipal Employee Handbook.

Councilmember Lyons offered Resolution 2014-70 Designating Official Depositories for the Borough and adding signature of William E. Antonides, Jr.

Councilmember Barnes offered Resolution 2014-71 urging the New Jersey Legislature and the Governor to accept the invitation of the Supreme Court to Enact Legislation to Establish a New, More Sensible Approach to Affordable Housing in our State.

Councilmember Barnes offered Resolution 2014-72 urging the New Jersey Council on Affordable Housing to Promulgate Regulations in Accordance with the schedule the New Jersey Supreme Court established on March 14, 2014.

Councilmember Barnes offered Resolution 2014-73 authorizing the Execution of a Lease Agreement with Ocean Ventures, Inc. for property known and designated as 106 Bridge Avenue, Unit 2 on the Tax Map of the Borough.

Councilmember Barnes offered Resolution 2014-74 authorizing the Execution of an Extension of a Lease Agreement with Nassau Tower Realty, LLC for property known and designated as 704 Howe Street on the Tax Map of the Borough of Point Pleasant.

Councilmember Lyons offered Resolution 2014-75 Introduction of the 2014 Municipal Budget.

Councilmember Lyons offered Resolution 2014-76 adopting 2014 Temporary Emergency Appropriations #3.

Councilmember Magory offered Resolution 2014-77 authorizing the Award of a Contract to King Soliman & Son, LLC for the Bay Head Reading Center.

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. Conti, West Lake Avenue: NJT – I suggested to the Borough years ago that instead of doing work here they should have electrified the 16 miles from Long Branch to Bay Head. We should start now what should have started years ago. Don't you have a Borough Administrator?

Councilmember Lyons: We have created the position and are looking for someone part-time with no benefits.

Mayor Curtis: The CFO and Tax Collector are also part-time with no benefits.

Rich Donnelly, 736 East Avenue: As of 5-22-14 you have stated there will be north and south bound traffic on Main Avenue (Route 35). Will there still be trucks on East Avenue?

Mayor Curtis: There will be no Agate trucks. Only trucks going to work on individual homes.

Ed King, 500 Main Avenue: Could you explain Ordinance 2014-01?

Councilmember Barnes: It is changing Block 47, Lot 1 located at Metcalf Street and West Lake Avenue from Marine Commercial Zone to the B-1 General Business Zone.

Stan Niedzwiecki, 42 Johnson Street: What was the main reduction in the Municipal Budget?

Councilmember Lyons: We received a credit in the sewer assessment. Other items went up and others went down. We are looking into financing costs and hope to hold the line going forward with reimbursements from FEMA.

Mr. Niedzwiecki: Is there any improvement in the pension and fringe benefits to drive these costs down or are you mandated by the State?

Councilmember Lyons: We are mandated by the State.

Mr. Niedzwiecki: Is there anything we can do?

Councilmember Lyons: The newly appointed CFO and Tax Collector are only part-time and therefore not eligible for benefits which are a savings to the Borough.

Mr. Niedzwiecki: Are we in any long term contracts?

Councilmember Lyons: The only contract we have is with the police which runs through December 31, 2015.

Mr. Niedzwiecki: Mayor you gave an excellent update on NJT. The only disappointment is they didn't come to our Planning Board to present their plan.

Mr. Conti: Are you fixing the bulkhead at the end of West Lake Avenue?

Councilmember Magory: It is part of the contract that has been awarded.

Mr. King: What was the input from the State Historical Office as to the new Borough Hall?

Councilmember Magory: I don't anticipated there will be any changes at all by them. I believe they will have all their data this week.

George Schweickert, 70 Osborne Avenue: Mayor, who will be paying for the repaving of East Avenue?

Mayor Curtis: The State will pay to pave all roads used for detour off of Route 35.

Mr. Schweickert: Has there been any discussion as to repaving Lake Avenue? There has been a tremendous increase in traffic and the potholes have increased from Osborne to Bridge.

Mayor Curtis: Ocean County will repave the section on Lake Avenue from North Street to Osborne Avenue.

Councilmember Magory: We are looking at it. We have a grant to do from Forsyth Street to Johnson Street and will be applying for a grant to do Forsyth to Bridge. We will try to get the State to do Lake Avenue.

Mr. King: They are replacing the sidewalks on the west side of Main Avenue, are they also doing the east side?

Mayor Curtis: Yes.

Mr. King: The new sidewalk is only 4 feet wide and the old were 6 feet wide so the sides need to be filled. A four foot wide sidewalk doesn't allow two people to walk side by side.

Mayor Curtis: They are DOT standards.

Harry Typaldos, 345 Main Avenue: When will the north end of Main Avenue be complete?

Mayor Curtis: From Bridge Avenue to Osborne Avenue will not be complete until after Labor Day. They will asphalt so everything is smooth and tear it up to

complete the underground work after Labor Day. There will be a final layer of the entire stretch in the fall.

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.

The meeting was adjourned.

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Patricia M. Applegate, RMC  
Municipal Clerk

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William W. Curtis, Mayor