

May 5, 2014

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on May 5, 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 executive minutes of March 20, 2014 and the regular minutes of April 7, 2014. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Councilmember Barnes offered Resolution 2014-87 appointing Brian J. Valentino, Borough Administrator. The motion was seconded by Councilmember Hein and passed 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 Brian J. Valentino, Borough Administrator.

Mayor Curtis made the following appointments for membership in the Bay Head Fire Company:

Alex R. Merritt
Guilherme H. Jamarino

Councilmember Glass moved the approval of the appointment. 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 Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: Twilight Lake – the period of inactivity has been very concerning to everyone. The county has found complicated utilities while digging the test pits - requiring new permits, new bids and new specs. All has been addressed and now the project is going forward.

The laying of the pipe will occur on May 15, 2014. It all looks like a mess but what you see now is a very positive step towards progress. There have also been some concerns with the nature of the setup mainly the diesel fuel tank. It is needed for the equipment and they have received a DEP permit to place it there. I have talked to the County of Ocean and they will do their utmost to limit any potential spill. Monitors will also be on site. If you have any concerns please contact me. Many are also concerned with the removal of the trees and shrubs along Twilight Road at the north end of the lake. The county will replace all trees and shrubs that have been removed. The replacements will be 14 Black Pines and a variety of Beach Plum, Bayberry and American Holly.

We haven't heard any news on the 319 Grant we applied for. I have been told that they received 25 applications and therefore have resulted in more time for the review. Only 2 to 4 grants will be awarded and we are hopefully with Twilight Lake's impact on Barnegat Bay.

We received from the Petrillo's a concern with construction site maintenance. I am also very concerned and will put it on the agenda to be discussed at the Environmental Commission meeting. We will also work with the Building Department to correct this issue. Contractors must realize people are living in these neighborhoods. Are sites fenced?

Councilmember Hein: Any problems should be addressed. We have plenty of rules to take care of it.

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

On the Safety side – please be careful walking and biking along Route 35. Safety needs to be paramount – especially small wheels on the uneven pavement. Please be extra careful because the final layer will not be done until they finish in the fall.

Work hours – we have to consider the following options – no work on Saturday or Sunday except for interior work such as painting, allow work on Saturday and Sunday or abide by the Ordinance which only allows work by contractors on Saturday from 9 am to 1 pm until June 15th. When we get to the public portion I would like to hear your comments and suggestions. Either allow them to work now or draw it out. Homeowners can work on their homes

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.

Councilmember Barnes, Legal and Planning: COAH - the recent proposed new Round 3 obligation for Bay Head is 6. We have a meeting in a week with our COAH Counsel and I will be able to give you more information after that meeting.

I will be offering Resolution 2014-80 later in the meeting which encourages the rejection of the proposed rule to change the Clean Water Act. This proposed change would make all local waterways, lakes, ditches fall under federal jurisdiction. I feel the last thing we need is more federal oversight.

Councilmember Green: I was going to ask that it be pulled from the agenda to let the Environmental Commission review it. I only just learned of the placement on the agenda.

Councilmember Barnes: The resolution won't change the act.

Councilmember Green: I recommend we seek the support of the Environmental Commission.

Mayor Curtis pulled Resolution 2014-80 from the agenda.

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

Fire Prevention Tip of the Month: Have fire extinguishers readily available and know how to use them. The fire company will be giving demonstrations on the use of fire extinguishers from 10 am to noon on May 17th at the Firehouse.

There will be an Emergency Management meeting May 20, 2014 at 4 pm here at the Bay Head Fire Department.

Councilmember Magory, Public Works: Roads – a portion of East Avenue from Johnson Street to Goetze Street will be improved by replacing the road bed and repaving. The balance of the road will be fixed by filling the potholes for this summer. The substructure is our responsibility. We are concerned with bikers and roller skaters and hope to have this complete by early June. In late September curbing will be done prior to the entire road being paved.

We are completing the repairs to the damaged curbs and sidewalks from Superstorm Sandy.

Ocean County is getting ready for the dredge at the north end of Twilight Lake. They will also be replacing the line from Point Pleasant Beach to North Street.

New Municipal Building – We received 9 new bids and the low bidder was M & M Construction. All bids were reviewed by our engineer and our attorney. I sent for additional approvals from the State Treasury and Historical Preservation and they are now in place. The next step is the construction drawings which will be done by USA Architects. We have a rendering that has been posted on the website and is also at the Municipal office.

The Recycle Center weekend hours are 8 am to 3 pm.

Councilmember Lyons, Finance: Mike Imbriaco our Assessor and his temporary assistant will be starting inspections again after taking the winter off. They will

start on May 12, so if you see someone walking around your property it may be them. They will have ID on them.

I know most grants are learned about by word of mouth. I just found another one which you should check out – SHRAP – oceaninc.org. It is designed to help anyone financially impacted by Sandy. With a FEMA letter it will pay six months of your mortgage, utilities, and taxes up to \$15,000.00. Go check it out. It also lists several phone numbers you can call.

Mayor Curtis:

Route 35 – As of tonight Rt. 35 is open in both directions through Bay Head. The road still has to be evened out from Bridge Avenue north to Osborne on the west side. It will be done on Thursday night. The detour will be taken off East Avenue.

Goetze Street – People are still suffering. They have had to put up with this work longer than anyone. It started there one week before Labor Day. Presently at the end of Goetze all is exposed. Nothing is done from Clayton Avenue west to the Bay. They say they will be done by noon on May 22nd. The bulkhead is 6 ½ feet above where the street was and is graded west for 30 feet taking away 4 parking spaces.

They have starting putting the pilings in for the gazebo at the corner of Clayton and Goetze. The gazebo is still in their location and it doesn't look like it will be moved as we requested. They found an underground water main under the proposed location of the gazebo and instead of moving the gazebo they will move the water main. This has been the worst experience I have had and we can't do anything about it. I welcome you to call Jim Simpson and if he gets back to you, you are a better person than me.

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 22nd. From Bridge Avenue north will be completed after Labor Day.

Mount Street – We don't want the pump station in the street and requested it be put in the park where there are no homes or underground pipes but they have refused.

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.

We have fought and fought but we aren't going to win and I apologize.

Mount Street will be paved by Thursday as well as the west side of Route 35. None of this is the final coat which will come after Labor Day.

New Jersey Transit – New Building: Senator Holzapfel is working on it and they have started to redesign. I want to thank the citizens in that neighborhood and Senaor Holzapfel who has talked to the new Executive Director of NJT, Veronica Hakim on our behalf.

Post Office – they will not be changing the Bay Head Post Office hours from 10 am to 2 pm Monday thru Friday. Chris Smith hopped on that right away and got that straightened out.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

A request from the Bay Head Business Association for permission to have a "sidewalk" sale the third Friday and Saturdays of the month during the months of May thru October.

A request from the Bay Head Business Association for permission to continue to host the Farmer's Market every Thursday of the month starting June 5th continuing till the end of October and to be held in the rear of the Municipal Parking lot near the Tennis Courts.

A request from the Bay Head Business Association for permission to host the 3rd Annual 2014 Harvest Craft Festival on Saturday, September 27th with a rain date of September 28th in Centennial Park from 6 am to 6 pm.

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

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 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.

Councilmember Lyons offered Resolution 2014-84 rescinding Resolution 2014-75 regarding the introduction of the Municipal Budget. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis called for Ordinance, First Reading.

Councilmember Lyons offered Ordinance 2014-06 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO EXCEED THE 2014 MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Councilmember Lyons moved this ordinance on first reading, which motion was seconded by Councilmember Magory.

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 2014-07 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 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. There was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember Lyons offered Resolution 2014-78 authorizing payment to employees for hours of accrued compensatory time for the provision approved as

part of the 2014 Budget under the General Appropriation named as Deferred Compensation Salary and Wages.

Councilmember Glass offered Resolution 2014-79 amending Resolution 2013-101 providing for salaries and compensation of Borough Officials and Employees for 2014.

Councilmember Lyons offered Resolution 2014-81 authorizing refund of Escrow Deposits.

Councilmember Lyons offered Resolution 2014-82 adopting 2014 Temporary Emergency Appropriations #4.

Councilmember Magory offered Resolution 2014-83 awarding a contract to A Touch of Grass Landscaping for mowing and related services.

Councilmember Lyons offered Resolution 2014-85 appointing Sharon E. Smith as Financial Systems Computer Consultant to the Borough of Bay Head.

Councilmember Magory offered Resolution 2014-86 awarding a contract to M & M Construction Company for the Construction of the New Borough Hall.

Councilmember Glass offered Resolution 2014-88 awarding a contract for the purchase of a fire truck for Bay Head Fire Company No. 1 to Ferrara Fire Apparatus, Inc.

Councilmember Lyons offered Resolution 2014-89 Introduction of the 2014 Municipal Budget.

Mayor Curtis removed Resolution 2014-80 from the agenda.

Councilmember Glass moved the above resolutions be adopted. The motion was seconded by Councilmember Magory 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.

Antoinette Todisco, 754 Clayton Avenue: You said they are eliminating four parking spaces.

Mayor Curtis: Yes.

Ms. Todisco: How will they get into their driveway?

Mayor Curtis: They will still be able to get into their driveway.

Ms. Todisco: Any idea how long before Goetze will be paved?

Mayor Curtis: They say before they leave on May 22nd.

Joe Stuzynski, 340 Main Avenue: The beach replenishment program to extend the beach and the rock revetment – how is BHIA going to enter into the whole process financially.

Mayor Curtis: The rock revetment is complete from Karge Street south to Lyman Street in Mantoloking. Karge Street north including the first two properties in Point Pleasant Beach has approval to put in the rock revetment at their expense. Their engineer has designed the plan at a height of 18'. BHIA is concerned. They own several parcels of land between Karge and Point Pleasant Beach. They have sent a letter to all homeowners in Bay Head asking for financial assistance. The cost of the rocks for their properties alone is estimated to cost \$2 million. The beach replenishment/renourishment is an Army Corps and DEP project. They are requiring every property owner on the beach to sign an easement. This is a perpetual easement, which the homeowners have taken exception to as have the Council and the Mayor. We have no ownership rights on that property. As Mayor, I feel Bay Head needs sand as the first line of protection with the rocks being the second. I have gone on record not to exercise eminent domain.

Mr. Stuzynski: Doesn't BHIA own 60% of the beach?

Mayor Curtis: No – they own maybe three or four lots plus the street ends.

Mayor Curtis: They are trying very hard to get some financing to install the rocks on their property.

Ellen Akersten, 128 Cranberry Avenue: Your contributions go to a 501c3. BHIA finances everything through the sale of beach badges.

Bob Cornell, 86 Twilight Road: Dredge of Lake – The north end of the lake dredge is being done by Ocean County and the southern end and Scow Ditch will be done by the State. The contractor indicated the State dredging will not be done in concert with the northern end – if that is the case it will be going on all summer.

Councilmember Green: They are meant to follow one another.

Mr. Cornell: I am just concerned that the project is allowed to start by the county and the state hasn't even gone to bid.

Councilmember Green: Please be assured we are in step and certain the project will continue to move forward. Also the county has removed 14 trees but they will be replaced with 50 trees and shrubs, including black pines, bayberry, beach plum, American holly and cherries.

Mr. Cornell: I would hope the state project could be done from another location and not from the northern end of the lake.

Councilmember Green: There is no other parcel of land for the state to operate from.

John Petrillo, 752 East Avenue: Councilmember Green and Hein mentioned the questions I had submitted. Is a silt fence required? As to the hours of construction – should we enforce the ordinance or allow construction to continue. I don't want to create a hardship for someone trying to get back in their home.

Councilmember Hein: I will look into if we do or can require a silt fence.

Jane Petrillo, 752 East Avenue: I want to go back to the ordinance. We need some quiet for some time this summer. BHIA is a mystery – we want to donate but if we are to contribute we need some financial report. I feel with more information more people would donate. Maybe someone from the organization could attend your meetings to answer questions we have. At the present time it seems to be a lot of smoke and mirrors – make us more informed and more ready to contribute.

George Schweickert, 70 Osborne Avenue: I am speaking in support of the placement of the rocks from Karge to Osborne. I am part of 160 residents in the north part of town who have joined forces in support of this project. I will try to explain to you what is involved in funding this project. Frank Hubbard is the project manager and I know he would be more than willing to come and answer your questions. BHIA has almost no money at the end of each year. The northern part of town was hit the hardest and the continuation of the rocks there would benefit the entire town. The rock revetment is a key part in protecting an ocean surge.

Mayor Curtis: Thank you George – We will see if a representative from BHIA can come and update you.

Mr. Cornell: The group in the northern part of town is not BHIA driven. You can't start a charity for the placement of the rocks. We tried different avenues and this is a back door way to collect the funds for this project by going through BHIA.

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 the following 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:

Contracts – Municipal Court location

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

Three months

4. This resolution shall become effective immediately.

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

The Governing Body went into Executive session at 8:44 pm. At 9:16 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