

July 7, 2014

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

Councilmember Barnes moved to approve the regular and executive minutes of June 2, 2014 and the special meeting minutes of June 18, 2014. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis congratulated Deborah A. Gates newest member to the Bay Head Fire Department Fire Police.

Ms. Cipriani Administered the Oath of Office to Deborah A. Gates.

Mayor Curtis called for Reports of Standing Committees.

Mayor Curtis: The Summer Recreation program started today and will run thru August 7<sup>th</sup> and is being held at All Saints Church, Bristol Hall.

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

Safety – We are pressing forward. This is the first year of the new JIF Program and we are very encouraged. We continue working on the plan for the six departments and are making good progress.

Ordinance Education – The Ocean Star ran an article covering the following topics: Numbering of Residences, Dune Fencing, Parking on Sidewalks and Location of Garbage Cans. Bart Petrillo our Code Enforcement Officer and I drove around

town and gave sheets out to those with violations. Our hope is to educate everyone so they won't receive a violation. (Copy attached)

Councilmember Green asked me to look into rules governing fencing of construction sites, debris around construction sites and rules concerning grading of property. I researched these items and we presently have rules on the books that cover all of her concerns.

Councilmember Barnes: Our code book can be accessed on line at [www.generalcode.com](http://www.generalcode.com) click on New Jersey and go to Bay Head. Also this is the first meeting that we haven't collected COAH fees and that is a good thing.

Councilmember Barnes, Legal and Planning: We are presently working on employee evaluations and employee performance. We are trying to institute a system that we can objectively critique the performance of the employee and measure it against maybe what other towns are doing. We had a presentation from a company that does that basically telling us what their service would be. Basically it compiles as much objective data as it can to evaluate whether or not the employee is meeting the standards that the employer sets out. That is something that we are working on and will be the project for the next couple of weeks. I will keep you updated.

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

Fire Prevention Tip of the Month: Several fires occur each year along the Jersey coastal areas due to a build up of salt on electrical connections. Air conditioning disconnects and outside outlets should be checked by a licensed electrician at least once every 5 years.

Councilmember Magory, Public Works: We received a grant for the work to be done on East Avenue. This grant will allow us to do the curbs and sidewalks prior to the overlay of asphalt to be done by Agate in the fall. We have also received a grant for the new bulkhead on Howe and piles for the bridge replacement. The dredge on Twilight Lake is continuing. They have reported that there is not as high a percentage of sand coming out of the lake as they anticipated.

Councilmember Lyons, Finance, had no report.

Brian Valentino, Borough Administrator, I need some direction from the Council – we have a college student, studying Political Science who wants to intern with us and a high school student who interned last year in Borough Hall and would like to do the same this summer – I believe some action should be taken by the Council allowing that to be, so they would be covered by our insurance.

Ms. Cipriani: A motion will do.

Councilmember Lyons moved to accept the services for the summer of 2014 from two interns, Mitchell J. Stadnik and Madison Mastrangelo. The motion passed on roll call vote: YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis: Prior to Hurricane Arthur we request all contractors to cover or tie down their materials and all complied.

Councilmember Hein: I would like to thank Councilmember Lyons who brought it up – we have a lot of loose stuff on many construction sites. Public Works, Bart Petrillo and Doug Applegate contacted each contractor and quite a number of tarps were used. The response was wonderful.

Mayor Curtis: On July 17<sup>th</sup> at 7 pm the BHIA has scheduled a town wide meeting to provide information concerning the rock revetment. It will be held at Sacred Heart Church, Monsignor Casey Hall and everyone is invited.

Councilmember Barnes: A town wide alert will be going out on the 15<sup>th</sup> reminding everyone of that meeting.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

Request from Special Olympics New Jersey and the Jersey Shore Running Club for permission to have participants run through Bay Head on Saturday, April 18, 2015.

Request from Karla Partilla, 143 Park Avenue to close Park Avenue from West Lake Avenue to Holly Avenue for the 2<sup>nd</sup> Annual Block Party to be held on July 12, 2014 from 4 to 9 pm.

Request from the Bay Head Fire Company #1 for a Social Affair Permit on August 16, 2014 at 81 Bridge Avenue – Annual Clambake.

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

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

Councilmember Lyons offered Ordinance 2014-08 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

Councilmember Lyons 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: 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 Lyons offered Ordinance 2014-09 entitled:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$780,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$342,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

The motion passed on roll call vote. YEAS: 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 Barnes offered Resolution 2014-108 awarding a contract to Therapeutic Fitness, LLC for the provision of fitness activities for the Bay Head Summer Recreation 2014 Program in association with the Mayor's Wellness Campaign.

Councilmember Lyons offered Resolution 2014-109 amending Resolution 2014-99 providing for Payment of Salaries and Compensation of Borough Officials and Employees for 2014.

Councilmember Glass offered Resolution 2014-110 authorizing payment to employees for hours of accrued Compensatory time from the budgetary provision approved as part of the 2014 budget under the General Appropriation Named as Deferred Compensation Salary and Wages.

Councilmember Lyons offered Resolution 2014-111 Governing Body Certification of the Annual Audit.

Councilmember Magory offered Resolution 2014-112 authorizing the release of a Performance Guarantee to Axios, Inc. for Reconstruction of Wood Walkways to

Beach at Street Ends Due to Hurricane Sandy, upon the posting of a Two-Year Maintenance Bond and Authorizing Final Quantities Change Order.

Mayor Curtis pulled Resolution 2014-113 from the list of resolutions.

Councilmember Magory offered Resolution 2014-114 authorizing Application, Submission and Acceptance of FEMA Hazard Mitigation Grant.

Councilmember Magory offered Resolution 2014-115 authorizing the award of a contract to Remington, Vernick & Vena, Engineers for the New Municipal Building.

Councilmember Barnes offered Resolution 2014-116 authorizing entry into a Shared Services Agreement with the Borough of Point Pleasant for the Sharing and Leasing of the Point Pleasant Borough Municipal Courtroom.

Councilmember Lyons offered Resolution 2014-117 permitting Pre-Payment of Certain Items.

Councilmember Lyons offered Resolution 2014-118 authorizing Cancellation of Miscellaneous Charges and Outstanding Checks.

Councilmember Lyons offered Resolution 2014-119 authorizing the Establishment of a Petty Cash Fund.

Councilmember Lyons offered Resolution 2014-120 authorizing the issuance of a check to purchase recreation supplies.

Councilmember Magory offered Resolution 2014-121 authorizing acceptance of the New Jersey Department of Transportation Local Aid Project Grant for the East Avenue Curbing and Sidewalk Project, and authorizing the Municipal Engineer to prepare the plans and bid specifications and the receipt of bids for said project.

Councilmember Magory offered Resolution 2014-122 authorizing the award of a contract to Remington, Vernick & Vena Engineers for surveying and design services in connection with the East Avenue Curbing and Sidewalk Project.

Councilmember Lyons offered Resolution 2014-123 providing for the Insertion of a Special Item of Revenue in the Budget of the Borough of Bay Head Pursuant to N.J.S.A. 40A:4-87 (Chapter 150, P.L. 1948).

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

Councilmember Glass offered Resolution 2014-113 requesting Home Depot and Lowes to stop selling products containing Neonics and/or Neonicotinoids. The motion was seconded by Councilmember Magory.

Mayor Curtis: This was brought up at the Ocean County Mayor's Association meeting and they voted to support it. It has been determined that these chemicals are killing the honey bees and that is why it has been presented tonight.

Council discussion with the following statements being made:

1. Why request only Home Depot and Lowes to stop selling the products.
2. Recent research articles conflict information that it harms the bees.
3. Why not ban through the State and from all products sold.
4. Are these chemicals used on carpenter bees which cause major damage?
5. Don't like government telling me what I can sell and not sell.

Roll Call Vote: YEAS: None. NAYS: Hein, Barnes, Glass, Magory, Lyons.  
Resolution 2014-113 was denied. A copy of the resolution is attached to these minutes.

Mayor Curtis opened the meeting to the public.

George Schweickert, 70 Osborne Avenue: I am here tonight announcing the town wide information meeting on the 17<sup>th</sup> of July for the completion of the rock revetment. A lot of activity has occurred in the last month. All will be receiving a yellow flyer in the mail inviting you and listing the topics to be discussed. The meeting will be held at 7 pm in Monsignor Casey Hall. The overall plan benefits all of us. Come and voice your concerns and support. I would like to thank all who have contributed. This is important to all of us.

Arrigo Conti, 528 West Lake Avenue: What did Senator Holzapfel say at your meeting?

Mayor Curtis: I met with Senator Holzapfel, Assemblyman Wolfe and Assemblyman McGuckin concerning NJ Transit. They had met prior with the new Executive Director of NJ Transit and discussed the proposed building we are objecting to. The building was lowered 11 feet but they also want to place the mechanicals on top which raises the building back up to 52 feet from the proposed 55 feet. We have objected very strongly and everyone except the engineer on their side stated they will take it back and take a look at it. We would like the mechanicals placed on the side. They say that would encroach into the wetlands. DEP has given in on encroach into the wetlands for other issues at NJ Transit. Senator Holzapfel feels they are looking at it seriously and we feel the new Executive Director is trying to work with us.

Mr. Conti gave Mayor Curtis information on the electrification of trains.

Mr. Conti: Has Bay Head tried to get special rates for homeowners concerning electricity? Point Pleasant Beach, Farmingdale and Howell have special rates for their residents.

Mr. Valentino: Energy aggregation is where the town agrees to enter into an agreement for all residents but the residents can opt out. In Bay Head we have

not pursued this but we are looking into it. The Borough has entered with other government entities.

Mayor Curtis: We will look into it.

Frank Gronan, East Avenue: Dogs on the beach is it enforced or not?

Mayor Curtis: Call the Police if you see dogs unleashed on the beach.

Councilmember Hein: According to the ordinance only three people can enforce that – the Police, Code Enforcement and Animal Control. We are in the process of reviewing and making change to a number of ordinances.

Mr. Gronan: Maybe just posting the ordinance number and the fine on the walkovers would help.

Stan Niedzwiecki, 42 Johnson Street: Resolution 2014-119 – you aren't with the times only having \$100 petty cash.

Safety – There was no control as to what went on the 4<sup>th</sup> of July on Johnson Street. Fireworks were displayed 1,000 feet north and south – you would have thought you were in Point Pleasant Beach. My question is where did the fireworks come from – where were the police – we were lucky that the winds didn't turn and cause a fire. Each year since Sandy it has gotten worse – there was no authorities' taking action.

Councilmember Glass: The problem is trying to get officers at each spot. I sent one to Osborne Avenue – they can't be everywhere. We had our regular officers and four specials on the 4<sup>th</sup> of July.

Mr. Niedzwiecki: Numbers on houses – they should be at least 6 inches and painted white – they can't be seen otherwise.

Councilmember Hein: We are working with the ordinance we have. We are also looking into painting the numbers on the curb. We can't enforce what is not on the books but we are looking to change it.

Mr. Niedzwiecki: They are starting to take down a lot of houses in Bay Head. What happen to requiring them to wet down as they come down? The problem is asbestos and the lead paint flying around and after Sandy there is the mold issue.

Councilmember Magory: Any asbestos has to be removed prior to demolition.

Mr. Niedzwiecki: 42 Bristol Place was demolished without removing the asbestos.

Ellen Akersten, 128 Cranberry Avenue: You answered most of my question concerning NJ Transit. Do you have a picture of the structure and the location on the site?

Mayor Curtis: Yes – it is on my desk at Borough Hall.

Paul Ames, 46 Osborne Avenue: I notice in the paper that Point Pleasant Beach has conducted Non Taxpayer meetings – have we considered that?

Mayor Curtis: Prior to Sandy we had a special non-voter taxpayer meeting every August with notice going out to all homeowners. Since Sandy we haven't had one specifically for non-voting taxpayers because the attendance has been so good at our regular monthly meetings.

Ms. Akersten: NJ Transit – has this project been funded and is there a projected start date?

Mayor Curtis: They say it has been funded but I believe construction is at least a year away.

Mr. Niedzwiecki: Contractors should be told not to leave their ladders up against the house when they are off site. I have seen some up on weekends and overnight and I feel it is a safety hazard.

Mr. Niedzwiecki: Why are the Freeholders opposed to the county taking over the beach?

Mayor Curtis: They feel the BHIA does a great job.

Bob Polizzotto, 420 West Lake Avenue: Can a homeowner paint their house number on the curb?

Councilmember Hein: Yes.

Mr. Polizzotto: Has there been any discussion on the flood gates with the State?

Councilmember Magory: No – we are still trying to get the State to complete the dredge of Twilight Lake.

Mr. Nidzwiecki: What is the cost connected with Resolution 2014-122?

Councilmember Magory: \$17,500.

Marge Schweickert, 70 Osborne Avenue: Many of the newly planted trees on Main Avenue are dying or dead.

Mayor Curtis: They are not our responsibility yet – DOT has a maintenance contract with the landscaper. We requested gator bags.

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

Councilmember Hein 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:

Property Acquisition

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 Glass and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

The Governing Body went into Executive session at 8:25 pm. At 8:50 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