

August 4, 2014

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on August 4, 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, Brian Valentino, Borough Administrator and Jean Cipriani, Borough Attorney. Councilmember Lyons was absent.

Councilmember Glass moved to approve the regular and executive minutes of July 7, 2014. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory. NAYS: None. ABSTAIN: Green.

Councilmember Glass offered Resolution 2014-134 appointing John F. LaSpina as permanent Sergeant in the Bay Head Police Department and moved it be adopted. The motion was seconded by Councilmember Hein and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory. NAYS: None. A copy of the resolution is attached to these minutes.

Ms. Cipriani Administered the Oath of Office to Sgt. LaSpina.

Mayor Curtis: The ground breaking for the new borough hall will take place the second week in September. I would like the Bay Head School children to participate and be part of the ceremony. Bay Head School is a vital part of the Borough of Bay Head. They are the No. 1 ranked K-8 school in the State. It is a fine school and what the lack is a facility gym/all purpose room. A Special School Election will be held on September 30, 2014.

Mayor Curtis introduced Jay Cornell, President of the Board of Education; John Ravally, Ed.D. Superintendent; and Patricia Christopher, CPA Business Administrator.

Mr. Cornell: There will be a Board of Education meeting and open house on August 25th at 6 pm at the school half gym. The Architect will be present to explain the plan and answer any questions.

Dr. Ravally: I have been Superintendent in Bay Head since 2006. Pat has been Business Administrator in Lavallette for 16 years and joined Bay Head about a year ago. This plan started right after the storm. The first floor was six feet underwater; we lost the combined small group instruction room and ½ gym which doubled as a lunch room. We received a Temporary Certificate of Occupancy after some work. We worked with FEMA to get a trailer to cover the space we lost. We have since come to resolution with our insurance company, received some funding from FEMA and with donations feel we can move forward with this alteration/addition. We are able to do this keeping our tax rate flat. The goal is to restore and improve the space we lost locating the space above the flood elevation. We will abandon the entire first floor area and have a full size multipurpose room, gym with theater, stage, basketball court which will double as a cafeteria. There will be bathrooms and an exit walkway behind the stage making the new space accessible without going through the school. This summer we took the electrical service and lifted it above flood.

Ms. Christopher: There are two pieces; renovation of classrooms and a new gym. The cost will be 4.3 million and of that we will have to borrow 3.3 million. The remainder will be from donations, insurance, and grant money from the State. The existing debt will be paid with the donations and we will then replace it by borrowing the 3.3 million over a period of years without changing the tax rate. The space will seat up to 700 people. We have used a financial advisor and a team of lawyers to verify our figures and findings.

Mayor Curtis asked for questions from the public.

Vallerie Magory, 1510 Bay Avenue: The voting will take place on September 30th here at the Bay Head Firehouse. When will you begin?

Dr. Ravally: If the referendum passes we hope to break ground shortly thereafter. We are hoping to use the facilities the following school year. That will be three full school years since the storm.

Ms. Magory: Construction will start right away?

Dr. Ravally: We hope the bid to be awarded by the end of October and are hoping to start construction the end of November or first of December.

Stan Niedzwiecki, 42 Johnson Street: You talked about 3.3 million.

Ms. Christopher: The cost will be 4.3 million and we are asking to borrow 3.3 million. We will be selling bonds. The debt service will remain level. We currently had 3 years and that will be extended an additional 10 years.

Dr. Ravally: The debt will be extended for additional years. The school is 19 cents and will remain 19 cents.

John Petrillo, 752 East Avenue: Why is this being put to referendum?

Ms. Christopher: Anytime a school district is going for bonds you have to have public approval.

Mr. Petrillo: The operating budget will not change?

Ms. Christopher: The rental cost of the trailer will go away. The new square footage will be some savings. Right now we have to pay for transportation for practices and games – that will be a savings. We can't go above the 2% cap without your approval.

Andy Frizzell, 1606 Bay Avenue: If we don't do this the next step would be to close the school.

Councilmember Green: Some small towns have closed their schools which is very costly. Seaside Park has gone from a cost of \$57,000 per student to send to Central Regional to over \$110,000 per student. If the school closed we would lose an anchor to our community. I applaud the Board of Education for keeping the cost down and keeping the school open.

Ms. Cipriani: Thus far the Borough of Seaside Park has spent over 1 million in a futile effort to get out of the Sending District Contract with Central Regional or to change the formula.

Dr. Ravally: The area where the small gym is unusable. We have to rebuild and if we don't, we will lose the state aid and donations. The challenge is to reconstruct the space and take it out of storms way. The stars are aligned with the donations from the Foundation, approval from the State and putting this facility into top notch shape.

Shannon Curtis, 1500 Bay Avenue: We are partners in this. Super Storm Sandy was the perfect storm – this is a perfect storm in a positive sense – debt service, state aid, 1.2 million in cash pledges, to rebuild a new facility. The current facility is not adequate. Tuition keeps our property taxes down. This isn't going to impact you. A gym has been talked about since 1980.

Mr. Niedzwiecki: If it has been talked about since 1980 it shows this town doesn't fly with the school system that we have.

Ms. Curtis: We currently have 143 total students with 72 being tuition. We would still have a tax impact if the school were to close.

Jane Petrillo, 752 East Avenue: We have a great school district with caring staff and involved parents. The population of kindergarten is only growing at 1% - I was told there are 138 in the school with 51 from Bay Head. The cost per pupil is \$17,00 with only \$4,850 raised by tuition. Would you consider raising tuition? When does the ratio become not a good idea to have a town school but a Charter School?

Dr. Ravally: We look at tuition in other local schools. We do a comparison and raise from 2 to 4 per cent. Lavallette tuition is \$3,500.

Ms. Christopher: Every tuition child reduces the per pupil cost.

Mayor Curtis: This subject demands more attention. I would like to thank everyone and we were happy to get this ball rolling.

Dr. Ravally: Please attend the open house on August 25th at 6 pm. There will be a Power Point and all your questions will be answered.

Councilmember Glass: As a former Board of Education President I would like to encourage all to vote yes.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: I would like to thank all who attended the BHIA presentation at Sacred Heart Church concerning the rock revetment from Karge through Osborne Avenue beach – it was an excellent presentation. I applaud the group that put it together. If you have any questions please speak with George Schweickert.

Bay Head Environmental Commission in partnership with Mantoloking Environmental Commission will host a workshop “Coastal Gardening with Native Plants” Tuesday, August 12th 7 PM at the Mantoloking Yacht Club.

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

Safety: We continue working on the plan for the six departments and are making good progress. The next committee meeting will be on September 9th.

JCP&L maintains a critical care list of customers who depend on electrically operated life support equipment. Please encourage anyone that needs this service to register. Also contact the Bay Head Police Department if you have special needs.

The Ocean County Health Department is sponsoring a Mold Awareness and Remediation course being offered by the Rutgers School of Public Health. The three-hour course will cover mold identification, clean-up procedures and practices including the use of personal protective equipment, and understanding the environmental and safety issues involved, and identifying community resources available. The course will be given at the Bay Head Fire Company No. 1 located at 81 Bridge Avenue on Saturday, September 6th from 9 to 12.

Councilmember Barnes, Legal and Planning: We are continuing to work on employee evaluations and employee performance. We are also reviewing the municipal code.

Councilmember Glass, Public Safety, read the Police and the Bay Head Fire Co. monthly report for July. 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 area due to improper disposal of oily rags. All rags used in the application of oils or stains may spontaneously ignite when disposed of with ordinary trash. They must be in a sealed container filled with water.

Councilmember Magory, Public Works: We are moving forward with the new building. We are meeting every two weeks and are in the process of pursuing CAFRA permits. We are not doing any construction work this summer. The county will be taking down the municipal building in September. We will soon be going out to bid for the resurfacing of a number of streets in town covered by grants.

Brian Valentino, Borough Administrator, had no report.

Mayor Curtis: The next Council will be held on Monday, September 8th.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

Request from Project Graduation Committee to hold a Fall Town-Wide Garage Sale on Saturday, October 4th with a rain date of Sunday, October 5th.

Request from St. Paul's United Methodist for permission to close West Lake Avenue from Bridge to Park on Saturday, October 18th for their second annual Festival of Hope and 5K Run.

Request from the Bay Head Home and School Association for permission to hold their annual Shark 5K Run on Saturday, October 4th.

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. NAYS: None.

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

Councilmember Green 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 Green moved to approve 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 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. 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 Glass offered Resolution 2014-124 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 Magory offered Resolution 2014-125 authorizing the execution of a Schedule "C" Agreement with the County of Ocean Road Department.

Councilmember Hein offered Resolution 2014-126 authorizing the consent of the Borough for the Franchise Rights of New Jersey Natural Gas Company.

Councilmember Magory offered Resolution 2014-127 authorizing the receipt of Bids for Roadway Improvements to Western Avenue, Holly Avenue, Karge Street, Goetze Street and Twilight Road.

Councilmember Magory offered Resolution 2014-128 awarding a Contract to Summer Wind Cleaning for Janitorial Services.

Councilmember Green offered Resolution 2014-129 extending the grace period for payment of Third Quarter Property Taxes.

Councilmember Green offered Resolution 2014-130 authorizing Senior Citizens Disallowance.

Councilmember Green offered Resolution 2014-131 authorizing refund of Tax Overpayment per State Court Judgment.

Councilmember Green offered Resolution 2014-132 approving the 2013 Municipal Audit – Corrective Action Report.

Councilmember Green offered Resolution 2014-133 authorizing Cancellation of Sewer Billing.

Councilmember Hein offered Resolution 2014-135 authorizing the Refund of Escrow Deposits.

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

Mayor Curtis opened the meeting to the public.

Mr. Niedzwiecki: With the Ebola virus in the news – we have a mosquito problem – what is the county doing about it?

Mayor Curtis: They do spray.

Councilmember Green: I will call them tomorrow to find out their current schedule.

Ms. Petrillo: When we first built our new home we replaced the curbing and sidewalk which was destroyed by Sandy which we have had repaired. Can we submit for reimbursement?

Councilmember Magory: Sorry, no.

Ms. Petrillo: I really feel for the Police Department trying to control fireworks on the 4th of July. I know they can't be everywhere at once but Bay Head is crazy. I have a cedar roof as do many others and it is a concern. We aren't going to solve it tonight but maybe by next year we can come up with something.

Barry Pearce, 94 Bridge Avenue: I am concerned with the intersection of Bridge and Main. The other day the light changed and a car turned into us – not waiting for us to cross before they continued north. The next day the same thing happened. I would like to request there be a delay of 10 seconds to allow people to cross safely.

Mayor Curtis: Chief is there anything we can do?

Chief Hoffman: Pedestrians do have the right of way. The drivers are in violation.

Ms. Cipriani: Main Avenue is a State roadway – we can ask the State to change the timing of the lights.

Dennis Rittenhouse: I read the recent article in the *Ocean Star* concerning your discussion on bees. I am a bee keeper and would like to submit a couple of articles for you to consider. I would ask you to be open to further pesticides.

Councilmember Green: I will share the articles with the Environmental Commission.

Ellen Akersten, 128 Cranberry Avenue: The same issue exists on Osborne as at Bridge with people turning when the light changes.

Arrigo Conti, 528 West Lake Avenue: Did we get anything from the electric company?

Mr. Valentino: Nothing new at this time.

Mayor Curtis: Thank everyone for coming tonight. I would encourage you to approach the school and get all your questions answered.

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

Councilmember Green 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:

Personnel and Contractual

3. It is anticipated that the above stated subject matter will be made public:
Six months
4. This resolution shall become effective immediately.

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

The Governing Body went into Executive session at 8:38 pm. At 9:05 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