

September 8, 2014

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on September 8, 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.

Ms. Cipriani: We will be unable to record the meeting tonight because of technical difficulties.

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 Green, Hein, Barnes, Glass, Magory, Lyons, Brian Valentino, Borough Administrator and Jean Cipriani, Borough Attorney.

Councilmember Glass moved to approve the regular and executive minutes of August 4, 2014 and the special meeting of August 8, 2014. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis: We have two presentations tonight: Ocean Medical Center and the other from Department of Transportation on their Sharrows Program.

Regina Foley, RN, MBA, MSN, FACHE gave a brief presentation on the new Hirair and Anna Hovanian Emergency Care Center to Ocean medical Center located at 425 Jack martin Blvd., Brick and an update on the health and wellness resources that are now available there and at the Ocean Care Center Emergency Department located at 1517 Richmond Avenue, Point Pleasant.

Mayor Curtis thanked Ms. Foley and encouraged everyone to take a tour of the new facilities.

Mayor Curtis introduced William P. Riviere, III, Principal Planner, Office of Bicycle and Pedestrian Programs and Peter F. Kremer, ICP/PP supervising Planner from Parsons Brinckerhoff.

Mr. Riviere: With Route 35 under construction the Department of Transportation would like to implement the Sharrows Program in Bay Head. There will be bike paths or sharrows all up and down Route 35. The fact is that bikes are out there

now and with this program our hope is to keep them safer. This will be the best solution in Bay Head.

Mr. Kremer: There are 12 ½ miles of roadway on Route 35 between Island Beach State Park and Point Pleasant that only have a width of 40'. Bay Head allows parking on the shoulder of Route 35 which leaves no room for a bike lane so we are left with the Sharrows design. The Sharrows markings: 1. Alert motorist. 2. Tells cyclists the direction to ride. 3. Gives cyclists the position so they do not get hit by a car door opening. The Sharrows design is MUTCH approved. Sharrows is not a bike lane it is a shared lane. It is also covered under the State of New Jersey liability.

Councilmember Green: This would not be a bike lane on Route 35 in Bay Head but would be signage for cyclists.

Mayor Curtis thanked Mr. Riviere and Mr. Kremer for their presentation.

Councilmember Green 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

Following the Executive Session

4. This resolution shall become effective immediately.

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

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

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: The dredging of Twilight Lake continues. We are eagerly awaiting the completion of the County and are confident the State will carry on.

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

Safety: The 3rd Quarterly meeting will be tomorrow. We have rectified all but a few items with JIF.

Tonight one of the resolutions will renew our contract with Suburban for a period of one year. Please be reminded that you have a three bag limit each pick up, no recyclables should be mixed with your garbage and no leaves or branches. If the pickup guys notice recyclables in your bags they will place a sticker on the bags and leave them for you to separate the recyclables out. If your garbage is not picked up call Suburban at 800 339-1757, if it continues call the Borough Hall and we will handle it. If you live north of Bridge Avenue on Main – please place your garbage at the curb until the road opens back up.

Energy Co-op: I talked with Councilmember Reid in Point Pleasant Beach and we are setting up a meeting. The savings is greater for businesses and full time residents with large families. The average savings is \$200.00 per year or \$15.00 per month. I don't want you to think your cost will be cut in half.

The Ocean County Health Department sponsored a Mold Awareness and Remediation course on September 6th. It was very good and they will return if needed.

Councilmember Barnes, Legal and Planning: We are continuing to meet with our Special Council to recoup costs from Sandy from our insurance company. We have also met with an Adjuster to help us recoup costs from FEMA. We will see how this plays out.

The latest from COAH on our fair share allocation number is to remediate with COAH.

I met with the Fire Chief Todisco and George Nicholas reviewing Chapter 25 (Fire Department). A few changes and additions have been made which are reflected in Ordinance 2014-10 which will be introduced tonight.

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

Fire Prevention Tip of the Month: A yearly inspection and cleaning of your wood burning fireplace chimney is absolutely necessary for the safety of your family. A build up of creosote can cause temperatures of over 2000 degrees inside the chimney and a serious fire within the walls of the structure.

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. A little asbestos was found in the floor tiles so they will have to be removed prior to the demolition which should take place by the end of September.

Councilmember Lyons, Finance: We have been working with our insurance company and FEMA for two years. We have Emergency Notes from Sandy which only have a life of two years and they have to be paid by the end of this year. We hoped to be using insurance and FEMA funds to pay those notes back but it doesn't look as if that will happen so we will be looking for Emergency Financing. We are looking to hire a Bond Counsel and are also looking into financing through Monmouth County.

Brian Valentino, Borough Administrator, requested Caitlyn Hickey be approved to intern with the Borough of Bay Head for the Fall Semester.

Councilmember Lyons moved to accept the services for the Fall Semester of 2014 from Caitlyn Hickey. Councilmember Green seconded the motion which passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Mr. Valentino: I would request Council to endorse an Agreement with Promantek, Inc. for the use of Trakstar software for employee performance appraisal services. The cost will be less than \$2,000 with a year cost of \$1,000.

Ms. Cipriani: Three resolutions were submitted by do not appear on the agenda:
Resolution 2014-154 – C.J. Guiney & Associates as Special Appraiser
Resolution 2014-155 – Legal Services, Bond Counsel
Resolution 2014-156 – Agreement with Promantek, Inc. for the use of
Trakstar Software

Councilmember Hein: Bulk Pick-Up will be Monday, October 6th.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

An application for Raffles License from Deborah Hospital Foundation Point Pleasant Chapter for 2015 Monthly drawing to be held at 640 Lake Avenue.

An application for Raffles License from Sacred Heart Holy Name Society for 2015 Monthly drawing to be held at Msgr. Casey Hall.

An application for Raffles License from the Women's Guild of All Saints Church for an On Premise gift auction to be held on November 15, 2014 From 10 am to 3 pm at All Saints Church.

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, First Reading.

Councilmember Barnes offered Ordinance 2014-10 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 on first reading, which motion was seconded by Councilmember Hein.

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.

Councilmember Barnes: We are still working with FEMA and our insurance company to obtain funds to pay back the emergency money we had to borrow for all the repairs and replacement of items after Sandy. FEMA won't move forward until we have settled with our insurance. It is very frustrating.

Mayor Curtis called for New Business and Resolutions.

Councilmember Lyons offered Resolution 2014-138 authorizing refunds for overpayment of property taxes or sewer taxes.

Councilmember Barnes offered Resolution 2014-139 amending Section 2.9 (Entitled Wage and Payment Schedule) of the Borough of Bay Head Employee Handbook.

Councilmember Lyons offered Resolution 2014-140 authorizing expenditures for the Capital Improvement Fund for preliminary expenses for possible acquisition of property.

Councilmember Green offered Resolution 2014-141 authorizing audit of the roadways of Bay Head for "Complete Streets Program".

Councilmember Glass offered Resolution 2014-142 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 Hein offered Resolution 2014-143 authorizing extension of the Contract with Suburban Disposal, Inc., for solid waste disposal collection services.

Councilmember Green offered Resolution 2014-144 authorizing an application to the Division of Land Use Regulation for Twilight Lake dredging.

Councilmember Lyons offered Resolution 2014-145 authorizing refund of Sewer payments.

Councilmember Magory offered Resolution 2014-146 authorizing the submission of a Re-Evaluation request for the Project Limits and Scope for the Municipal Aid FY 2014 funding for East Avenue.

Councilmember Magory offered Resolution 2014-147 authorizing the submission of a Re-Evaluation request for the Project Limits and Scope for the Municipal Aid FY 2013 funding.

Councilmember Green offered Resolution 2014-148 authorizing the execution of the Standard Dredge Material Disposal Agreement.

Councilmember Magory offered Resolution 2014-149 approving a Change Order in the amount of \$177,519.72 for a Decrease in the Contract executed with Fiore Paving Co., Inc. for Roadway Reconstruction at Various Locations Due to Hurricane Sandy.

Councilmember Magory offered Resolution 2014-150 authorizing the execution of an Agreement with the NJ Department of Transportation regarding the use of Borough streets during the Route 35 construction.

Councilmember Hein offered Resolution 2014-151 appointing Robert E. Torrance as part-Time Deputy Sub-Code and Building Inspector for the Borough of Bay Head.

Councilmember Magory offered Resolution 2014-152 rejecting all bids received for East Avenue Curb and Sidewalk Reconstruction.

Councilmember Magory offered Resolution 2014-153 awarding a Contract to C. J. Hesse, Inc. for Roadway Reconstruction of Western, Holly, Bristol, Twilight and Goetze.

Councilmember Lyons offered Resolution 2014-154 authorizing the execution of an Agreement with C. J. Guiney & Associates, as Special Appraiser for the Borough of Bay Head.

Councilmember Lyons offered Resolution 2014-155 authorizing Agreement for certain Legal services adopted by the Borough of Bay Head.

Councilmember Barnes offered Resolution 2014-156 authorizing the execution of an Agreement with Promantek, Inc., for the use of TRAKSTAR Software for Employee Performance Appraisal Services.

Councilmember Green moved the above resolutions be adopted. The motion was seconded by Councilmember Barnes 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. Niedzwiecki, 42 Johnson Street: With all the problems you are having with obtaining funds from FEMA where is Congressman Smith?

Councilmember Lyons: FEMA is looking to our insurance JIF to pay first.

Mayor Curtis: We have retained Counsel to get funds from JIF and we have also retained Counsel to help us get funds from FEMA.

Councilmember Green: Sandy funding is through the State and I will be happy to look into it.

George Schweickert, 70 Osborne Avenue: I would like to report that we have received \$1,600,000 toward the rock revetment – we are 75% there. We received \$405,000.00 since the meeting in August. We would like to thank all homeowners who have contributed. The second concerns flood mitigation. Point Pleasant Beach engineer is interested in flood gates which were discussed at their meeting held on August 13, 2014. We have a petition requesting flood gates to be installed in Scow Ditch. I would suggest partnering with Point Pleasant Beach to do the feasibility study. I would like to follow up with Councilmember Green.

Arrigo Conti, 528 West Lake Avenue: Is the town proposing to buy something?

Ms. Cipriani: An acquisition would be done by Ordinance. The ordinance would require two meetings one to introduce and one for public comment and questions.

Ellen Akersten, 128 Cranberry Avenue: Anything new on the railroad building?

Mayor Curtis: It will be below our ordinance requirement for height.

Ms. Akersten: Will there be solar panels on the new Borough Hall?

Councilmember Magory: No, not at this time. I have talked to the developer and the money is very tight. They may come back with a proposal.

Don Frederickson, 856 Clayton Avenue: I would like to go on record as supporting the Sharrows Program on Route 35 in Bay Head.

Paul Ames, Osborne Avenue: Has the town thought of a program that would raise awareness and possible funds for lights on bikes?

Councilmember Green: There will be a public awareness piece with the Complete Street Program to hopefully get that message across. In the past helmets have been given out by our Police Department.

Councilmember Glass: Lights were to be given by the Sharrows Program.

Mr. Conti: In 1975 the Bay Head School taught children to get off the bikes and walk across the street. Don't they do that anymore? Also isn't it against the law to ride without a helmet and lights?

Irene Conti, 528 West Lake Avenue: Who has the right of way on Route 35 the drivers or the cyclists?

Mayor Curtis: They have the right to be there and motorist can pass in a safe manner.

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.

There being no further business the meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor