

February 9, 2015

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on February 9, 2015 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 on January 6, 2015 and was published in *The Ocean Star* on January 9, 2015.

The roll was called for attendance. Present were Mayor Curtis and Councilmember's Green, Hein, Barnes, Glass, Magory, Lyons, Michael Gilmore, Esq. from the firm of Gilmore & Monahan and Borough Administrator, Brian Valentino.

Councilmember Glass moved to approve the reorganization/regular and executive minutes of January 5, 2015. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis made the following appointment to the Bay Head Planning Board:

Alternate #1 Mark Durham Two Year Term

Mayor Curtis: Congratulations to Bay Head School who ranked #4 in the country from 50 K-8 Schools. Hats off to the Administration, Faculty, Students and Parents for all they do to keep it one of the best in the country.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: Twilight Lake – the project has ceased. The weather had a negative impact but we are moving at a snail's pace. Tomorrow the barges will be removed and within the next week or two the equipment will be removed. In March the north end of the lake will be renovated and back to its original status.

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

Councilmember Barnes, Legal and Planning: The past month has been a little busy with ordinance writing, updating the code, evaluations and personnel issues. Tonight we will be introducing an ordinance request by the Ocean County Prosecutor to have a unified reporting system to track pawned items. We have received a request from a resident to allow a specific animal as a pet. The request is for a pig, namely a Juliana pig. Some are house trained and some are small but can be as big as 70 lbs. I would like some input from the residents as to your thoughts.

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

Chief Todisco requested residents if they have a fire hydrant near their home to clear the snow away from it. This would be greatly appreciated.

FIRE PREVENTION TIP OF THE MONTH – Improper use of space heaters can often lead to fires or deaths. Be sure that the space heater is made for indoor use and be aware that a minimum of three feet of clearance from combustibles is maintained.

Councilmember Green: Thanks to John Griggs, Brian Valentino, and Public Works – everyone was ready for the recent storm. The Fire Department was on standby overnight. We are grateful for all the work in preparation and through the storm by everyone.

Councilmember Magory, Public Works: As I mentioned at the last meeting a Technology Committee has been formed headed by Brian Valentino, Bob Hein myself and Mary Glass. This committee will be working on the new building. Brian Valentino will report on the progress as the months go by. The Architect has obtained State approval – we are moving forward and I am pleased with the progress. There are no change orders at this time. The as built drawings will reflect any changes.

On February 25, 2015 there will be a Flood Risk Management information session at Ocean County College building #5 from 4 to 8 pm to help you understand your flood insurance.

Councilmember Lyons, Finance: We have received a credit from Ocean County Utilities Authority which is based on usage flow for 2014. The credit wipes out our 1st quarter payment and will carry over to the 2nd quarter. This doesn't mean the sewer bill will be lower only that we can reduce the OCUA budget by \$168,000 will impact our budget in a positive way. We see the credit from all the work done on Route 35 and with so much work being done by homeowners which are more efficient. Other towns are also receiving credits.

Borough Administrator, Brian Valentino: New Jersey American Water Company as part of their maintenance program will temporarily change the water treatment process from chloramines (a combination of ammonia and chlorine) to free chlorine. The treatment change will begin the week of January 19, 2015 and

last through April. Please check our website for additional information. Also posted on the website are Winter Storm and Cold Weather Tips from JCP&L.

I would like to thank the staff for their storm preparations.

I with Chief Hoffman, Lt. Hoffman and Kelley will be attending a two day seminar hosted by the Ocean County Police Chief's Association, New Jersey Office of Homeland Security and Preparedness and the Federal Emergency Management Agency (FEMA), Region II. I will report back on this seminar.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

A request from Point Pleasant First Aid and Emergency Squad to hold two Coin Toss events – June 20 and August 22, 2015.

A request from Bay Head Home and School Association to hold their annual Shark Run 5k on Saturday, October 3, 2015.

Request from the National Multiple Sclerosis Society's NJ Metro Chapter for their annual "Coast to Coast" Bike MS Ride on Saturday, May 16, 2015.

Request from Project Graduation Committee to allow residents to participate in their Spring Town-Wide Garage Sale on Saturday, May 16 with rain date Sunday, May 17, 2015.

Councilmember Barnes: Recently we received guidelines from our insurance carrier concerning Coin Toss events. A copy of the guidelines should be given to the First Aid Squad.

Councilmember Green moved to approve the requests. The motion was seconded by Councilmember Glass 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 2015-01 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY CREATING SECTION 170 OF THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO INCORPORATE A UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALERS IN PRECIOUS METAL AND OTHER SECONDHAND GOODS

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

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: Green. A copy of this ordinance is attached to these minutes.

Councilmember Magory offered Ordinance 2015-02 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 222 ENTITLED "VEHICLES AND TRAFFIC" SO AS TO ADD CERTAIN LOCATIONS TO SECTION 222-25 ENTITLED "SCHEDULE VII: STOP INTERSECTIONS"

Councilmember Magory 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.

Mayor Curtis called for Ordinance, First Reading.

Councilmember Barnes offered Ordinance 2015-03 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY CREATING SECTION 170 OF THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO INCORPORATE A UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALTERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS

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

Councilmember Green: Is there a cost associated with this?

Councilmember Barnes: Yes but none to the Borough.

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 Hein offered Ordinance 2015-04 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING SECTION 204 OF THE

MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, ENTITLED
"SOLID WASTE," SO AS TO ALTER THE LANGUAGE IN SUBSECTION
(2) REGARDING MUNICIPAL BULK PICK UP DAYS

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

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 Hein offered Ordinance 2015-05 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF
OCEAN, STATE OF NEW JERSEY, ESTABLISHING AN ENERGY AGGREGATION
PROGRAM IN THE BOROUGH OF BAY HEAD PURSUANT TO THE
GOVERNMENT ENERGY AGGREGATION ACT OF 2003

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

Councilmember Hein: I will have an expert at the next meeting to speak on this. I will also provide literature concerning the program. You do need to know this is an opt out program.

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 2015-06 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, IN THE COUNTY
OF OCEAN, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF
THE BOROUGH MUNICIPAL BUILDING AND RELATED EXPENSES IN
AND FOR THE BOROUGH OF BAY HEAD AND APPROPRIATING
\$2,500,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF
\$2,375,000 IN BONDS OR NOTES OF THE BOROUGH OF BAY HEAD TO
FINANCE SAME

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 2015-07 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF
OCEAN, STATE OF NEW JERSEY, VACATING ALL OF THE RIGHT, TITLE
AND INTEREST OF THE BOROUGH OF BAY HEAD IN AN EASEMENT
RUNNING THROUGH BLOCK 13, LOT 23

Councilmember Barnes 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 2015-08 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF AN EASEMENT RUNNING THROUGH BLOCK 13, LOT 23

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.

Councilmember Hein offered Ordinance 2015-09 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 157, ENTITLED, "MOBILE HOMES, RECREATIONAL VEHICLES, TRAILERS, CONSTRUCTION EQUIPMENT AND STORAGE DEVICES"

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

The motion passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory. NAYS: None. NOT VOTING: Green, Lyons. A copy of this ordinance is attached to these minutes.

Councilmember Hein offered Ordinance 2015-10 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 222, ENTITLED, "VEHICLES AND TRAFFIC"

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

The motion passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory. NAYS: None. NOT VOTING: Lyons. A copy of this ordinance is attached to these minutes.

Councilmember Lyons offered Ordinance 2015-11 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE NO. 2013-12 OF THE BOROUGH FINALLY ADOPTED SEPTEMBER 3, 2013 TO ELIMINATE A PURPOSE, DECREASE THE AUTHORIZATION AND APPROPRIATION AND AMEND THE AVERAGE USEFUL LIFE PROVIDED THEREFOR

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

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 Magory offered Resolution 2015-32 authorizing the appointment of Jude Walker as Recycle Coordinator.

Councilmember Lyons offered Resolution 2015-33 authorizing the execution of 2015 Annual Software Support Agreement, Support Maintenance Services, and Hardware & System Software Support Agreement with Edmunds & Assoc.

Councilmember Green offered Resolution 2015-34 supporting participation in the Sustainable Jersey Municipal Certification Program.

Councilmember Barnes offered Resolution 2015-35 authorizing entry into an Agreement with Airbus DS Communications, Inc. for Routine/Emergency Communication System.

Councilmember Lyons offered Resolution 2015-36 Cancel Sewer Billing.

Councilmember Magory offered Resolution 2015-37 authorizing Final Quantities Change Order and Release of a Site Improvement Performance Guarantee upon the posting of a Two-Year Maintenance Bond.

Councilmember Glass offered Resolution 2015-38 accepting the retirement of Geoffrey W. Barger, effective December 31, 2014 and authorizing payment of Accumulated Leave Time.

Councilmember Glass offered Resolution 2015-39 authorizing Police Officers for the Borough of Bay Head to work Twelve Hour Shifts.

Councilmember Hein offered Resolution 2015-40 authorizing refund of Escrow Deposits.

Councilmember Hein offered Resolution 2015-41 appointing Theodore A. Bianchi as Part-Time Sub-Code Plumbing Inspector of the Borough of Bay Head.

Councilmember Lyons offered Resolution 2015-42 amending Resolution 2014-99 providing for payment of Salaries and Compensation of Borough Officials.

Councilmember Magory offered Resolution 2015-43 authorizing the Submission of the 2015 Community Development Block Grant Program Application.

Councilmember Lyons offered Resolution 2015-44 adopting 2015 Temporary Emergency Appropriations #1.

Councilmember Lyons offered Resolution 2015-45 setting forth a Temporary Capital Budget.

Councilmember Green moved the above resolutions be adopted. The motion was seconded by Councilmember Hein.

Councilmember Barnes: Resolution 2015-32 is payment \$2,000 in 2015 and \$2,000 in 2016 or \$2,000 for both years?

Patricia Applegate, Municipal Clerk: \$2,000 for each year.

The motion 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.

Gloria Carpinello, 228 East Avenue: Ordinance 2015-07 Block 13, Lot 23, what is that about?

Mayor Curtis: The 50 to 70 year old pipe is being replaced so the owners wanted the pipe to be moved to the west side of the property which would allow them to build on the property.

Ms. Carpinello: What does not voting mean?

Councilmember Lyons: I didn't vote because I am not familiar with the ordinance and wanted to time to read it.

Ms. Carpinello: Ordinance 2015-10 – what changes are being made?

Councilmember Hein: We are in the process of reviewing the Code Book and we removed what we are not enforcing.

Ms. Carpinello: Who made the decision?

Councilmember Hein: The code was reviewed by the Police Chief, Public Works, Code Enforcement, Borough Administrator and two other council members. The final decision will be made by the vote of the Council following the public hearing at the next meeting.

Mr. Gilmore: These questions should be held until the public hearing at the next meeting.

Marge Schweickert: We were told with the easement the lot was not buildable. Why move it to the west it will still be non buildable. Will the new line impede the flow of water to the lake?

Stan Niedzwiecki, 42 Johnson Street: Who is paying for the pipe?

Mayor Curtis: Ocean County.

Mr. Niedzwiecki: I don't understand the \$168,000 credit. Why don't we get an adjustment on our bill?

Councilmember Lyons: We don't know what the final bill for 2015 will be until the end of the year. What we collect for residents is only a pass through to OCUA. The credit is for 2014.

Mr. Niedzwiecki: Never get involved with an authority. Where are the efficiencies they are supposed to be doing?

Councilmember Lyons: As the systems get more efficient they will adjust all bills for all towns – so it doesn't mean our cost will go down.

Mr. Niedzwiecki: I think we are coming up short – maybe you should look into it.

Mayor Curtis: We have a brand new sewer main all down Route 35. We will have a very good argument to ask our bill to be cut.

Mr. Niedzwiecki: Who is in charge of the sewer?

Councilmember Hein: I am.

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.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor

