

March 2, 2015

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on March 2, 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, Borough Attorney, Jean Cipriani and Borough Administrator, Brian Valentino.

Councilmember Barnes moved to approve the minutes of February 9, 2015. The motion was seconded by Councilmember Glass 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 Environmental Commission:

Thomas S. Charlton – one year

Councilmember Green moved to approve Mayor's appointment to the Environmental Commission. The motion was seconded by Councilmember Hein and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Mr. Nicholas Reynolds, COC of Commercial Utility Consultants gave a presentation on the NJ Government Energy Aggregation Program.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: One barge has been removed and hopefully the other will be removed tomorrow. Brian Valentino will be contacting DEP to find out the schedule for the remainder of the work to be done in Twilight Lake. We are making progress.

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

Councilmember Barnes, Legal and Planning: Last month I requested feedback from residents concerning the request to change our Borough Code to allow Juliana pigs. Sal Santangelo is present and will like to give a presentation on the Juliana pig.

Sal Santangelo gave a presentation on some concerns residents might have about a resident keeping a Juliana pig as a household pet. He stated this breed is very small and the weight of full-grown pigs of this type can range from 30 to 50 pounds. The pig can be house trained and use a litter box. He stated they are smarter than most dogs and their squeals would not be that much louder than a bark from a dog with a decibel level measure between 100 and 115. He stated his mother is allergic to animals and this breed is hypoallergenic.

Mayor Curtis opened the meeting for questions from the public.

Gina Davis, 380 Western Avenue: Do they carry diseases?

Mr. Santangelo: No.

Ms. Davis: How do they get along with dogs?

Mr. Santangelo: They get along with dogs – no problem.

Don Frederickson, 856 Clayton Avenue: What state is the ordinance in at this time?

Councilmember Barnes: We are in the fact finding stage. The ordinance as it is written doesn't allow swine or other animals or pets which constitute a nuisance.

Stan Niedzwiecki, 42 Johnson Street: Is this a house pet or in the yard?

Mr. Santangelo: In the house.

Mr. Niedzwiecki: Why did you state the decibel levels?

Mr. Santangelo: Because of the article in *The Ocean Star*.

Mr. Niedzwiecki: Do you realize the federal decibel level is 95?

Mr. Santangelo: No, I didn't.

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

FIRE PREVENTION TIP OF THE MONTH – Never try to thaw frozen pipes with a blow torch. The pipe will conduct heat and ignite the structure inside the wall space. A safer method would be to use a hair dryer.

Councilmember Magory, Public Works: Special thank you to Chip, Doug and Tom for the roads being clean and safe. It is very much appreciated. The new building – we are planning on the piling work to start mid April. I am very pleased with Dynamitic Engineering and their work on the project. Every member of Council has been very much involved through this process.

Councilmember Lyons, Finance: I attend a NJLM seminar on Saturday concerning doing budgets in the State. The main concern was the shrinking portion of state aid.

Borough Administrator, Brian Valentino: The quarterly Safety Meeting is scheduled for tomorrow. The Annual Report is in its final draft. I have been asked to remind the public if you are leaving town for vacation to leave your contact information with the Police Department. We have had a number of cold snaps so leave your thermostats at 60 or drain pipes. If you observe water running call the police. Also please clear the snow around your fire hydrants.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

A request from the Kate Shea Foundation to hold their 12th Annual Bay Head 5K Memory Run on Saturday, May 16, 2015.

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 2015-03 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 DEALERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS

Councilmember Barnes moved 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 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 be adopted on second reading and final passage. The motion was seconded by Councilmember Barnes.

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 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 be adopted on second reading and final passage. The motion was seconded by Councilmember Barnes.

Mayor Curtis opened the meeting to the public for public hearing on this ordinance.

Ms. Davis: Is it a locked in rate? How long does it last? If I sign up with you is there a penalty to stop?

Mr. Reynolds: The rate would be set by auction for term of 6 to 24 months. The rate would be locked in for the term. If you opt out you can come back at any time without a penalty.

Arigo Conti, 528 West Lake Avenue: The term could be up to 24 months? The rate will be 5% less than JCP&L?

Mr. Reynolds: Yes.

Mr. Frederickson: The term, 6 to 24 months, is that our option?

Mr. Reynolds: Yes.

Mr. Frederickson: How often is the auction?

Mr. Reynolds: Depends on the energy market. You can contract up to 24 months.

Ms. Cipriani: When the bids come in they are for 6, 12, 24 months. You can select what the time is to be and lock in the rate.

Councilmember Glass: If we recommend taking the 12 month term we are guaranteed a 5 % savings for those twelve months?

Mr. Reynolds: Yes. Everyone in the group would have to take the same period of time.

Mr. Conti: The cost would be at least 5% less than JCP&L?

Mr. Reynolds: Yes.

Councilmember Green: JCP&L is still the ones we call if we lose power?

Mr. Reynolds: Yes.

Mr. Frederickson: What happens if JCP&L has a decrease?

Mr. Reynolds: You would still have a 5% decrease.

Gloria Carpinello, 228 East Avenue: After the auction is there a 30 day opt out before you are in the program?

Mr. Reynolds: Yes.

Ms. Carpinello: Will there be a meeting of all the towns?

Councilmember Hein: They are our consultants – they will follow the market.

Mr. Reynolds: There is a lead agency.

Ms. Cipriani: Within a co-op every individual member has a contract with the supplier it is unlikely that you would have a meeting with a representative from each town. There have been towns withdraw because it doesn't work for them. Most time the benefits of a larger pool works. You are under no obligation to stay, and as a Municipality you can withdraw.

Councilmember Green: I am not familiar with the towns we are in with.

Mr. Reynolds: We also service Howell, Point Pleasant and Farmingdale.

Councilmember Green: Any comments about risks Councilmember Lyons?

Councilmember Lyons: With a 5% decrease in rate of JCP&L you can't lose; the program is heavily regulated so it seems like a good deal.

There being no further 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 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 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.

Mr. Conti: Any ideas on the rates?

Councilmember Lyons: No, still looking at options – looking at other towns, banks for short term or bonds. We will know in the next 5 to 6 months

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 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 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: 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 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.

Mr. Frederickson: The easement is given by Bay Head – does Bay Head maintain it?

Mayor Curtis: No, Ocean County – the same as the one we just vacated. This is not a sewer line easement but a storm water line easement.

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 be adopted on second reading and final passage. The motion was seconded by Councilmember Barnes.

Mayor Curtis opened the meeting to the public for public hearing on this ordinance.

Ms. Davis: I have a construction vehicle on my property.

Councilmember Hein: With the passage of this ordinance it can only be there overnight if it is not being used on the property.

Ms. Carpinello: You will have to apply for an annual permit for boats?

Councilmember Hein: Yes, because the houses in Bay Head are so different we could never cover all possibilities. The only way to do this is to have Bart go out and decide on the best location. The intent is to regulate where they are so you have to get approval to park a boat on your property.

Councilmember Green: There is no such permit that exists now. Is there a fee? The other real concern is Section 2d – parking – none should ever be parked by Centennial Park. It is not proper or what we want in Bay Head. With the new restaurant we are going to need every inch of parking that we have.

Councilmember Hein: There is no fee and there will be no hookups or living in recreational vehicles. Presently, one hour is allowed for people who do own them to load and unload.

Councilmember Green: That is proper.

Councilmember Hein: Some do own but can't load and leave the same day.

Councilmember Lyons: I appreciate all the work you and your committee did but there seems to be a conflict with the next ordinance. I am also concerned with storing vehicles on property from July 1 thru August 31. Vehicles/boats on blocks are also a safety concern. Sandy took everything that wasn't secure.

Councilmember Hein: Some people don't have trailers and place the boats on blocks – we could amend this at a later time.

The size of the boats/trailers was discussed and their placement.

Councilmember Lyons: The placement is very subjective.

Councilmember Hein: We realize that it is one doesn't fit all.

Councilmember Lyons: We shouldn't store boats on small lots.

Ms. Cipriani: A couple of legal issues are being raised: Subjective – you can't have unbraided discretion. Visual impact – can have discretion but you need guidelines.

Councilmember Lyons: Pods will be allowed five days on the property – how do we define that – is it over the course of a year?

Councilmember Hein: It is to give time to load and unload?

Councilmember Lyons: Parking of construction equipment is to be overnight, multiple nights or one night?

Councilmember Hein: They will need approval from Bart – he will use his guidance.

Councilmember Green: Bart is only part-time.

Councilmember Lyons: Recreational equipment includes what?

Ms. Cipriani: If it is not listed, and is recreational equipment, it is naturally included.

Mr. Niedzwiecki: How does this apply to empty lots?

Councilmember Hein: They would have to come to Bart to get approval.

Mr. Niedzwiecki; They will take advantage of the weekends. Where does the Police Department fit in?

Councilmember Hein: Police can be called and they can handle it.

Ms. Cipriani: The Police could issue a summons but not remove the boats.

Councilmember Hein: At the present time a number of boats on a lot doesn't violate anything.

Mr. Niedzwiecki: Right now there is only one but this summer there were a half dozen.

Ms. Davis: I have a piece of equipment on my property and I apologize. I agree it should be removed. There is construction one block from me and the equipment is just sitting there. After Sandy there were a number of construction vehicles parked in the municipal lot.

The motion passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory. NAYS: 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 be adopted on second reading and final passage. The motion was seconded by Councilmember Barnes.

Mayor Curtis opened the meeting to the public for public hearing on this ordinance.

Mr. Conti: Councilmember Lyons questioned adding the 48 hours for the rear portions of the municipal parking lot.

Ms. Cipriani: That would be a substantial change and make this a 1st reading tonight with public hearing scheduled at the next meeting.

Mr. Conti: I can see personnel from the BHYC parking in the municipal parking lot by the tennis courts.

Councilmember Hein: Not for more than 4 hours.

Ms. Carpinello: I agree with Mr. Conti. I read the old and new ordinance – hats off to you Councilmember Hein for all your work. By having a limit of 4 hours in the municipal parking lot – people who work in town will not be able to use it.

Councilmember Hein: The intent is to not allow beach goers to park there all day.

Ms. Carpinello: I feel it is too set – not practical. I also see there is a 2 hour limit from Main Avenue to Club Drive on Bridge Avenue.

Councilmember Hein: Yes, that is the business district.

Ms. Carpinello: Also added is no overnight parking on Osborne Avenue.

Chief Hoffman: It was placed on the books a number of years ago when there was no parking on Delaware and Maryland in Point Pleasant. When we were going through this I asked to leave it in place but not to post unless the restaurant becomes popular again.

Ms. Carpinello: There will be a handicapped parking space on North Street?

Councilmember Hein: Yes, North Street entrance will be the handicapped entrance to the beach so that is new.

Councilmember Lyons: What are we going to do about the 48 hour limit to the rear of the municipal parking lot?

Councilmember Hein: I intend to amend the Ordinance at the next meeting and add the 48 hour limit.

Councilmember Lyons: I prefer to leave it out.

Ms. Cipriani: The Ordinance as presented is the 4 hour limit.

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 2015-11 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 be adopted on second reading and final passage. The motion was seconded by Councilmember Green.

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 Lyons offered Ordinance 2015-12 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE NO. 2011-03 OF THE BOROUGH FINALLY ADOPTED MAY 2, 2011 TO PROVIDE FOR AN AMENDMENT OF THE PURPOSE SET FORTH IN SECTION 3(A) (6) THEREOF

Councilmember Barnes 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.

Councilmember Lyons offered Ordinance 2015-13 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO EXCEED THE 2015 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 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 Lyons offered Resolution 2015-46 introduction of the 2015 Municipal Budget.

Councilmember Magory offered Resolution 2015-47 awarding a Professional Services Contract to Remington, Vernick & Vena Engineers to Provide Design Engineering Services for 2015 NJ DOT West Lake Avenue Project.

Councilmember Lyons offered Resolution 2015-48 authorizing release of funds being held in accordance with a Municipal Mechanic's Lien filed against payment owed from the 2010 Sanitary Sewer Rehabilitation Project.

Councilmember Lyons offered Resolution 2015-49 adopt 2015 Temporary Emergency Appropriations #2.

Councilmember Hein offered Resolution 2015-50 authorizing the entry into a Cooperative Pricing Agreement.

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

Councilmember Barnes: What percentage will taxes go up?

Councilmember Lyons: A little more than 1 cent.

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.

Mr. Conti: When can we have a copy of the budget?

Councilmember Lyons: Tomorrow, just stop by the office.

Mr. Conti: Do you have any idea when Point Pleasant is going to do something with the bulkhead along West Lake Avenue?

Councilmember Magory: The bulkhead is owned by Johnson Brothers and we are trying to open a discussion with them.

Mr. Conti: Which property acquisition did you make?

Mayor Curtis: We didn't buy anything but we were looking at the Sanzari property.

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