

April 6, 2015

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on April 6, 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, Borough Administrator, Brian Valentino and CFO, William E. Antonides, Jr..

Councilmember Green moved to approve the minutes of March 2, 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 called for Ordinance, Second Reading, Public Discussion and Vote.

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 to approve the 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 the ordinance.

Stan Niedzwiecki, 42 Johnson Street: What will this cost us as taxpayers?

Mr. Antonides: It doesn't cost anything. This allows us to go up to 3.5% which we can bank. It is required to be done by ordinance. We are \$329,000.00 below what we are allowed to go to.

Arrigo Conti, West Lake Avenue: How can you guarantee it can't be used for other purposes?

Mr. Antonides: This is allowing us to go up to the maximum limit. To use it would require it to be placed in the budget and it could only be used for operating expenses only.

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 introduced Bill Antonidies, Jr., CFO and Mr. Hulsart, Auditor.

Mr. Antonides: The State reviewed our budget and found two minor errors. They authorized the Council's approval. There are two caps on the budget – an appropriations cap and a levy cap. The appropriations cap refers to spending and the levy cap refers to the amount of money the borough will raise for taxes. The budget is currently in compliance with both cap limits. The budget will carry a tax rate of 20.75 cents per \$100 of assessed valuation. Last year the rate was 19.6 cents per \$100 of assessed valuation. The 1.15 cent increase will give the borough an additional \$179,041 in the budget. We took a different approach this year in looking not only at the impact for 2015 but also the impact this increase would have in the future. We are facing financial difficulties following Hurricane Sandy with only a guaranteed return of 90 percent of the money borrowed – leaving 10 percent for the borough to finance itself. We also have added the new municipal building and a new fire truck. Our operating appropriations dropped \$212,000 from last year because it was well in excess of what was needed. We have substantial savings this year in our interest expense. The excess money we received last year for building permits totaling \$401,390 is not available in the budget this year, coupled with the amount of delinquent taxes at \$45,000 creates a tax increase of about 3 cents. Because of the money borrowed from the government to pay for damages caused by Hurricane Sandy, the borough may still have to raise about \$250,000 over the next two years to pay it back. FEMA is set to cover some of those expenses but we have not received any money from the agency, and are still due funds from the borough's insurance company. In order to raise money for this expense we will have to increase by a penny over the next two years.

Councilmember Lyons: The key to this year's budget is that the borough's operating expenses have not gone up but those we don't have control over such as debt service, healthcare and pensions are impacting the budget.

Mr. Hulsart: I have reviewed the budget and I think it is a very good budget.

Mr. Antonides: FEMA is very slow in paying but we also haven't settled with our insurance company.

Mr. Niedzwiecki: What can we do to use our Congressman to get our money from FEMA quicker?

Ms. Cipriani: The overall problem is the way FEMA is structured. They will not pay until we settle with our insurance company. That will not happen until all JIF claims are resolved.

Mr. Niedzwiecki: Could the \$250,000 be higher?

Mr. Antonides: No.

Mayor Curtis closed the public hearing on the budget.

Councilmember Lyons offered Resolution 2015-59 amending the 2015 Budget. The motion was seconded by Councilmember Green.

Mr. Antonides: The amendment is to correct two minor errors found by the state in regard to the amount of money being moved from outside the borough's appropriations cap to inside the cap. The approval of this resolution will change the total general revenues from \$6,248,425.62 to \$6,248,713.62.

The motion passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. A copy of this resolution is attached to these minutes.

Councilmember Lyons offered Resolution 2015-60 adopting the 2015 Budget which was seconded by Councilmember Green and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. A copy of this resolution is attached to these minutes.

Mayor Curtis: I can't say enough about how much confidence we have in our CFO, Bill Antonides and Mr. Hulsart our Auditor.

Mayor Curtis: We will now have a presentation on Earth Month.

Councilmember Green introduced Wini Applegate who spoke on Earth Month, attached please find her comments.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: We are partnering with Mantoloking Environmental Commission for a presentation – Restoration: Dune it Right presented by Louise Wootton, Ph.D. This presentation will take place at the Mantoloking Yacht Club on Tuesday, May 12th at 6:30 pm.

Councilmember Hein, Public Services, read the Zoning Officer and Construction Official report for the month of March. Copies of the report are attached to these minutes. There will be an information session concerning the Energy Aggregation Program on April 21st at 3 pm and again at 7 pm at the Bay Head Firehouse.

Councilmember Barnes, Legal and Planning: We are working on revision to the Pet Ordinance. We are having a problem with definitions. We have had a committee meeting discussing the draft language – changes have been made but we are still trying to iron out the details. I hope to have something for you in May. Affordable Housing – The Supreme Court rendered a ruling on March 10, 2015 which says because COAH hasn't done anything the towns can bypass COAH and go to the courts. We have 120 days to do something.

Ms. Cipriani: You may only have a 30 day window – 90 days from the date of the decision and 30 days to file.

Councilmember Barnes: The Supreme Court sent it back to be decided on a case by case basis. Tonight we will offer a resolution concerning COAH to have the legislature address this issue.

Councilmember Green: What happened when the Governor came out and abolished COAH?

Ms. Cipriani: He did it but the court said he didn't have the authority. COAH was reconstituted but they haven't been able to come up with regulations that would pass the court.

Councilmember Glass, Public Safety, read the Police Activity Report and the Bay Head Fire Co. monthly report for March . A copy of the report is attached to these minutes. We also lost a past member of Council and the BHFD – Carl Conover.

FIRE PREVENTION TIP OF THE MONTH – Time to clean your clothes dryer vents and change all batteries in smoke alarms. Use a vacuum to clean both ends of the pipe attached to your clothes dryer.

Councilmember Magory, Public Works: At the end of next week the fence will be erected for the construction of the new municipal building. Pilings will be driven by the end of April or the beginning of May. The construction is being done off site and will be arriving in the month of June and completed in the fall of 2015.

Councilmember Lyons, Finance, had no report.

Borough Administrator, Brian Valentino: The Borough sent representatives to the Safety Meeting and the Borough earned an award of \$250.00. We had a kick off meeting concerning Borough of Bay Head Complete Streets Bicycle and Pedestrian Plan which is funded by the State. We met with professional planners and will have a master plan of trails. We are submitting an application for trails grant. The construction of the trails is coming up in the next month.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

Request from St. Paul's United Methodist Church to use

Centennial Park for a Community Easter Egg Hunt held on Saturday, April 4.

Request from Seaweeders Garden Club of Bay Head and Mantoloking to use the truck bay at public works on Thursday, April 30th from 1 to 4 pm to prepare their May Day baskets.

Request from Clean Ocean Action for Bay Head residents to participate in their 30th Annual Spring Beach Sweeps on Saturday, April 25th and the Fall Beach Sweeps on Saturday, October 24th, from 9 am to 12 pm.

Request from Linda Rhyne, 600 Main Avenue for permission to close Forsyth Street for their 3rd annual July 4th party from 3 to 10 pm.

Request from Project Graduation Committee to change the date of the Spring Town-Wide Garage Sale from Saturday, May 16th to Saturday, May 30th with rain date of Sunday, May 31.

An application for Raffles License from the Church of the Sacred Heart for an Off Premise 50/50 Raffles License with the drawing to be held on September 7th at 10 am.

Councilmember Green moved to approve the requests. The motion was seconded by Councilmember Lyons 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 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 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: 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 Hein offered Ordinance 2015-14 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, 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.

Councilmember Hein: This addresses the parking along Club Drive and the 48 hour requirement to match up with Chapter 157.

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 2015-15 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: Green, Lyons. 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 2015-51 authorizing submission of Tonnage Grant Application on behalf of the Borough of Bay Head.

Councilmember Lyons offered Resolution 2015-52 approving Tax Certification pursuant to Recycling Enhancement Act.

Councilmember Barnes offered Resolution 2015-53 calling for the Legislature and the Administration to adopt a new more sensible, and realistic approach to Affordable Housing.

Councilmember Barnes offered Resolution 2015-54 awarding Peddler's License for the Year 2015.

Councilmember Hein offered Resolution 2015-55 Safety and Compliance Program Acceptance.

Councilmember Magory offered Resolution 2015-56 supporting the Use of a “No Passing Zone” on Route 35 in the Borough of Bay Head.

Councilmember Green offered Resolution 2015-57 awarding a Contract to A Touch of Grass Landscaping for Grass Mowing and related services.

Councilmember Magory offered Resolution 2015-58 authorizing the Execution of a Schedule “C” Agreement with the County of Ocean Road Department.

Councilmember Green moved the above resolutions be adopted. The 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 each resolution is attached to these minutes.

Mayor Curtis opened the meeting to the public.

Mr. Niedzwiecki: Where are the COAH properties in town? How much do we have in the COAH accounts?

Mayor Curtis: We have zero COAH properties in Bay Head.

Mr. Antonidies: We have \$309,000.00 in the COAH account.

Mr. Niedzwiecki: Please consider sending a letter to our assembly concerning the two bills S-62 and A-3254 both involve smoking age from 19 to 21 years.

Councilmember Green: Thank you and we should look into it as an Environmental and Health issue.

Helene DeFilippis, 78 Goetze Street: I would like to pass on a compliment from Father Ash for the kindness and caring shown by the Bay Head Police during a recent incident at the church.

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

