

June 1, 2015

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on June 1, 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 thanked Mr. Kenney and the students from the 7th and 8th grades of Bay Head School for their mock meeting tonight. They did a wonderful job. He then asked 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 Glass moved to approve the minutes of April 6, 2015. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Hein, Barnes, Glass, Magory, Lyons. NAYS: None. NOT VOTING: Green.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: The north end of Twilight Lake has been planted with trees and shrubs. The Summer Recreation Program will run from July 6th through August 7th – Monday through Thursday from 9 am to 12 pm. Application forms are available on our website and at the Borough office. Fitbit is returning which is a proper fitness program which works well and is very popular. All Saints Church is again the venue and we are very grateful for this hospitality. The program is open to residents, tuition paying students attending Bay Head School, grandchildren and guests visiting residents.

Councilmember Hein, Public Services, read the Zoning Officer and Construction Official report for the month of May. Copies of the report are attached to these minutes. The Electrical Coop is going to try an auction this coming week but I think the price is still a little high. OCSA has noticed the Borough that there will not be a rate change for 2016. We are still hopeful to lower our costs when additional laterals are replaced. The Post Office is requesting those who have raised their homes to move their mail box to the street. I have reached out to the postmaster but haven't spoken to him.

Councilmember Barnes, Legal and Planning: Tonight three ordinances addressing animal issues will be introduced.

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

FIRE PREVENTION TIP OF THE MONTH – MATCHES and LIGHTERS are useful tools. To adults they seem harmless. In the hands of children they are deadly. You wouldn't leave sharp knives around where children can reach them. Matches and lighters should be treated the same way.

Councilmember Magory, Public Works: We had the ground breaking ceremony for the new building this morning. I would like to thank all members of council for their support through this project. This building is a symbol of our recovery. The property has been fenced and within a week or two the piles will be driven. The building will be complete in 2015.

Councilmember Lyons, Finance: Had no report.

Borough Administrator, Brian Valentino: Technology phase one is complete and we will be meeting next week. The 1st draft of the Police Manual is complete. The surplus fire truck sold at bid for \$6,000.00. The performance evaluation of all department heads is complete.

Councilmember Green: I would like to remind everyone that the Barnegat Bay Blitz will take place on Wednesday, June 3rd 9 am at the Bay Head Fire House. Please wear sturdy shoes and gloves.

Mayor Curtis: Thanks to all those who attended the ground breaking ceremony. The Bay Head School students attended – this building will be for them – they are the future leaders.

I am sure you have seen the graffiti painting on Route 35 – Sharrows. They are in the correct spot by law. There are 248 miles of bicycle trail on the barrier island and the portion of Route 35 in Bay Head is part of it. We had a choice to give up parking on both sides of the street on Route 35 or allow the Sharrows. Bikes have always been allowed on Route 35. The marking just notices the bicyclist and the motorist that they will be sharing the road. I encourage you to be mindful of that.

Are there any questions or comments from the public?

Mr. Jim Kellogg, 77 Johnson Street: Could there be some signs posted explaining what is happening?

Councilmember Green: Signs have been posted by DOT stating the road is to be shared. Go Bay Head has prepared a Sharrows Information handout which is available here tonight. A copy of which is attached to these minutes.

Ms. Cipriani: DOT will not allow Bay Head to post the road in any way.

Councilmember Green: There is also a double yellow line the entire length of Route 35 in Bay Head.

Mr. Arrigo Conti, 528 West Lake Avenue: Are we still making sure bicyclist abide by the law – lights in front and back – horn or bell?

SFC LaRue: I have been a police officer here for 20 years and enforcing the law for bicyclist is a full time job with all the bikes around town. We can only hope that most people realize Route 35 isn't the safest spot to bike.

Mr. Conti: Do we enforce the bike laws?

Councilmember Green: There is no doubt in my mind that they do. There will also be a Bike & Pedestrian Plan visioning workshop on June 10th from 4 to 8 pm at the Bay Head Fire House. This is an opportunity to voice your suggestions, concerns, and ideas to help develop a comprehensive Bicycle and Pedestrian Plan for Bay Head.

SFC LaRue: Bicyclist have to follow all the same rules of the road as motorists.

Mr. Bill Podurgiel, 45 Karge Street: Could we get something published in the newspaper?

Mayor Curtis: Jessica?

Jessica Fasano, Reporter for the Ocean Star: I will be submitting some information on it.

Ms. Kristen Hinds, 449 Holly Avenue: Communication is key for bike safety. Professionals came to the school to review the rules of the road with the students and to perform bike safety checks.

Mr. Conti: Cars always have lights on – bikes should have the same rules.

Mayor Curtis called for Clerk's Correspondence:

An application for Social Affair Permit from the Bay Head Fire Company #1 for an event to be held on August 15, 2015.

An application for Raffles License from the Bay Head Fire Company #1 for an Off Premise 50/50 Cash Raffles License with the drawing to be held on August 15, 2015 at 5 pm.

Request from New Logic, LLC to conduct a Marine Science Camp in Centennial Park on June 15-19 & 22-26 and August 10-14 & 17-21.

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

Mayor Curtis called for Ordinances, First Reading.

Councilmember Barnes offered Ordinance 2015-16 entitled:

AN ORDINANCE OF THE BOROUGH OF BY 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 69-45, ENTITLED "DEFINITIONS AND WORD USAGE" AND AMENDING AND SUPPLEMENTING CHAPTER 69-46, ENTITLED "ANIMALS: PROHIBITED CONDUCT," IN ORDER TO PROHIBIT THE FEEDING OF WILDLIFE AND/OR WILD ANIMALS

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 Lyons offered Ordinance 2015-17 entitled:

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$497,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$210,900 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEROF

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 2015-18 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 69-9 ENTITLED "VICIOUS AND POTENTIALLY DANGEROUS DOGS"

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 Barnes offered Ordinance 2015-19 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING SECTION 69-1 OF THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, ENTITLED CERTAIN ANIMALS, PROHIBITED, AND SECTION 69-2 OF THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, ENTITLED DEFINITIONS

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.

Councilmember Lyons offered Ordinance 2015-20 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE 2013-12 OF THE BOROUGH FINALLY ADOPTED SEPTEMBER 3, 2013 AND PREVIOUSLY AMENDED ON MARCH 2, 2015, TO AMEND TWO OF THE PURPOSES SET FORTH THEREIN

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.

Councilmember Lyons offered Ordinance 2015-21 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING ORDINANCE 2015-07 FIXING AND DETERMINING SALARIES AND WAGES OF CERTAIN OFFICIALS AND EMPLOYEES SO AS TO ADD SALARY FOR QUALIFIED PURCHASING AGENT

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.

Councilmember Barnes: Please note that the summer schedule for garbage pickup started today. Properties north of Bridge Ave. will be picked up Tuesday and Friday and south of Bridge will remain Monday and Thursday.

Also – coyotes have been sighted – please be cautious because they are dangerous. If you see one please call the police.

Mayor Curtis called for New Business and Resolutions.

Councilmember Magory offered Resolution 2015-69 authorizing the receipt of bids for Mount Street Bulkhead Reconstruction due to Superstorm Sandy and authorizing the Borough Engineer to prepare Plans and Specifications for said project.

Councilmember Barnes offered Resolution 2015-70 awarding Peddler's License to Cool Concessions, Eduardo Carvente driver for an Ice Cream Truck.

Councilmember Lyons offered Resolution 2015-71 amending Resolution 2015-11 approving the Cash Management Plan of the Borough for 2015.

Councilmember Green offered Resolution 2015-72 awarding a contract to Therapeutic Fitness, LLC for the provision of Fitness Activities for the Bay Head Summer Recreation 2015 Program in association with the Mayor's Wellness Campaign.

Councilmember Green offered Resolution 2015-73 appointing Caitlyn Hickey and Lauren Hoffman as Assistant Summer Recreation Program Coordinators.

Councilmember Lyons offered Resolution 2015-74 amending Resolution 2014-99 providing for payment of Salaries and Compensation of Borough Officials and Employees for 2014.

Councilmember Lyons offered Resolution 2015-75 requesting permission for the Dedication by Rider for Snow Removal Reserve Trust required by N.J.S.A. 40A:4-62.1.

Councilmember Lyons offered Resolution 2015-76 Cancel General Capital Improvement Authorizations.

Councilmember Lyons offered Resolution 2015-77 Capital Budget Amendment.

Councilmember Green offered Resolution 2015-78 establishing a Sustainable Jersey Green Team Committee.

Councilmember Magory offered Resolution 2015-79 authorizing the execution of an Agreement with TK1 Solutions for Information Technology Study and Consultant Services.

Councilmember Lyons offered Resolution 2015-80 appointing John D. Antonides as Qualified Purchasing Agent.

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

New Business

Councilmember Hein offered Resolution 2015-81 authorizing the immediate execution of an Electric Supplier Agreement after the auction conducted by the lead agency of the Electricity Aggregation Cooperative, provided a minimum of five (5%) percent savings is achieved and moved it be approved. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis opened the meeting to the public.

Mr. Kellogg: Have you heard any more from the State concerning condemnation?

Mayor Curtis: The State is proceeding to condemn the property even if the easements aren't signed. They are still negotiating but there has been no movement as of today.

Mr. Neidzwiecki: Has there been any conversation with Council?

Mayor Curtis: No – I have said, speaking as Mayor not for the Council, I will not exercise eminent domain.

Mr. Niedzwiecki: There continues to be puddles on Johnson Street even after they patched it – no one wants to take responsibility.

Mayor Curtis: We are speaking with Agate and have asked them to repair but at this time we don't have an answer.

Mr. Niedzwiecki: I feel the wires running over Scow Ditch to Centennial Park is a safety issue, is this being looked into?

Mayor Curtis: I have it under control. They will be removed over the water in the fall.

Mr. Niedzwiecki: What are we going to do with people riding bikes on the wrong side of the road on Rt. 35 and without helmets?

SFC LaRue: Helmets are only required for those under 17.

Mr. Conti: I would suggest a time capsule for the new municipal building – they need one at the school also.

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.

Councilmember Barnes 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 Litigation - COAH

3. It is anticipated that the above stated subject made will be made Public

Following the Executive Session

4. This resolution shall become effective immediately.

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

The Governing Body went into Executive session at 8:14 pm. At 9:01 pm the Governing Body came out of Executive session and resumed the regular meeting.

Councilmember Green offered motion authorizing Mayor Curtis to direct Special Affordable Housing Counsel to take no immediate action in anticipation of greater clarity regarding Affordable Housing obligations following resolution of initial round of court applications filed by other municipalities in response to resent Supreme Court decision. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Barnes, Hein, Magory, Lyons. NAYS: Glass.

The meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor

