

July 6, 2015

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on July 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 announced the passing of Betty Hurley, wife of prior Mayor Michael Hurley, stating the viewing and service times. 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 Hein, Glass, Magory, Lyons, Borough Attorney, Jean Cipriani and Borough Administrator, Brian Valentino. Absent: Councilmember's Green and Barnes.

Councilmember Glass moved to approve the regular and executive minutes of June 1, 2015 and June 9, 2015. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis: Brian Valentino, our Borough Administrator will be leaving us, as a matter of fact, this is his last official day with us. He will be missed.

Mayor Curtis called for Reports of Standing Committees.

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

At 6 pm today we had another information briefing on the Energy Aggregation Program. Everyone should have received the mailing from – Morris Area Energy Cooperative. If you receive a separate letter from – Direct Energy or any other energy company they are just another third party supplier. If you have any questions please call me.

We are been noticed by Jersey Central Power and Light that all attachments to utility poles must be pre-approved by BOTH JCP&L and the local telephone company prior to any installation. Attachments made without permission are

illegal and the parties attached are responsible for any damage to property or persons.

I met with the Point Pleasant Beach Postmaster last week. We discussed the notification homeowners received on Osborne Avenue concerning the placement of mailboxes. He denied the letter. He did want to make us aware that if a home was raised or built to the new FEMA height regulations they would request the mailbox be placed at the bottom of the stairs. There is no requested change to existing homes. He was very reasonable and is willing to work with us.

Councilmember Glass, Public Safety, read the Bay Head Fire Co. monthly report for May. A copy of the report is attached to these minutes. She also reported that it had been a very busy July 4<sup>th</sup> weekend in the Police Department.

**FIRE PREVENTION TIP OF THE MONTH –** Fireworks and rockets present an enormous fire hazard considering all of the cedar roofs in Bay Head. Please respect property and your neighbors by refraining from using FIREWORKS.

Councilmember Magory, Public Works: We are moving forward with the municipal building. 87 piles are to be driven this week. The base part of the building is only 5,000 sq. ft. I will be offering a resolution later as to the date of completion. The cost is the same as projected.

Councilmember Lyons, Finance: John Antonidies, Tax Collector has been notified by the Ocean County Board of Taxation that their budget will not be adopted until July 8<sup>th</sup>. He is recommending extending the third quarter tax due date – which will be done at the August 3<sup>rd</sup> meeting.

Borough Administrator, Brian Valentino: The summer recreation program started today. The Police Rules and Regulations have been referred to the Borough Attorney for review. I have prepared a close out report for my departure and given it to the Mayor. The evaluation of all senior staff has been executed.

Many people were thanked and kind words spoken by Mr. Valentino.

Mayor Curtis called for Clerk's Correspondence:

Request from Bay Head Home and School Association to hold their Annual Shark Run 5K on Saturday, October 3, 2015 starting at 8:30 am.

An application for Raffles License from the Women's Guild of All Saints Church for an On Premise Gift Raffle to be held at the Bay Head Yacht Club on August 6, 2015.

An application for Raffles License from the Women's Guild of all Saints Church for an On Premise 50/50 Cash Raffle to be held at the Bay Head Yacht Club on August 6, 2015.

An application for Social Affair Permit from the Women's Guild of All Saints Church for an event to be held at the Bay Head Yacht Club

on August 6, 2015.

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

Mayor Curtis called for Ordinances, Second Reading and Public Discussion and Vote.

Councilmember Magory 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 Magory 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: Hein, 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 THEREOF

Councilmember Lyons 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: Hein, Glass, Magory, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Magory 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 Magory moved this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Lyons.

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, Glass, Magory, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Magory 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 Magory 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: Hein, 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 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.

There being no comments or questions the public hearing was closed.

The motion passed on roll call vote. YEAS: Hein, 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 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.

There being no comments or questions the public hearing was closed.

The motion passed on roll call vote. YEAS: Hein, 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 2015-83 Governing Body Certification of the Annual Audit.

Councilmember Magory offered Resolution 2015-84 awarding a contract to R. Kremer & Son Marine Contractors, LLC for Mount Street Bulkhead Reconstruction.

Councilmember Glass offered Resolution 2015-85 appointment of Emergency Management Coordinator, John Griggs.

Councilmember Magory offered Resolution 2015-86 authorizing the execution of an Addendum to the Contract with M & M Construction Company for the construction of a New Municipal Building Due to Superstorm Sandy.

Councilmember Magory offered Resolution 2015-87 awarding second driver to Peddler's License 2015-03.

Councilmember Magory offered Resolution 2015-88 authorizing the execution of a lease agreement with Ocean Ventures, Inc., for property located at 106 Bridge Avenue, unit 2 in the Borough of Bay Head.

Councilmember Magory offered Resolution 2015-89 authorizing the execution of an Addendum to the Lease Agreement with Camryn Holdings, LLC, successor in interest to Nassau Tower Realty, LLC for property located at 704 Howe Street in the Borough of Point Pleasant.

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

The motion passed on roll call vote. YEAS: Hein, Glass, Magory, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis opened the meeting to the public.

Joyce Haas, 228 Bridge Avenue: We have lived in this town for 21 years and are in the process of selling. Next to my property are two empty lots and sitting on the property are two modular units. I have been told that they aren't going to be placed on the property but the owner allowed them to be stored there for a few days and it now has been three weeks. There is also a boat on a trailer next to that property. We also have to call several times over the summer to get them to cut the grass.

Mayor Curtis: We will get on it right away.

Joanne Pehlivanian, 332 Western Avenue: We now have a food truck which is parking on Bridge Avenue for hours and hours – is that allowed? All others are limited to two hours parking on Bridge.

Councilmember Hein: They are only permitted to be in one location for 30 minutes and then they have to move at least 300 feet. He has been noticed and if he continues to disregard the rules he will be ticketed.

Joe Todisco, 754 Clayton Avenue: There is a new restaurant on the corner of Bridge and Lake paying rent – how can you allow a food truck to park in the business district?

Mayor Curtis: We will look into your concern.

Randy Haas, 228 Bridge Avenue: Is there an ordinance that requires people to clean up their property – if not maybe you need one.

Ms. Cipriani: There is a Property Maintenance Ordinance and if there are violations a summons can be issued.

Councilmember Hein: Violations have been issued by Bart. Come and see me and we will take a look at it.

Ms. Haas: We have to call several times over the summer to get them to cut the grass. There are also fences falling down in the rear of this property and it is a detriment in trying to sell our home.

Mayor Curtis: We are sorry to see you moving.

Antoinette Todisco, 754 Clayton Avenue: Will there be any landscaping around the gazebo on Goetze?

Mayor Curtis: The State is responsible but I don't believe they have a plan for the landscaping. The one on Mount isn't complete either. We aren't satisfied with it and we will not be signing off.

Ms. Todisco: I was told that nothing is working because Agate hasn't been paid.

Mayor Curtis: That is not all true. It is not hooked up because they are not working.

Ms. Todisco: If they don't landscape can we do it?

Mayor Curtis: Not until they are done.

Ms. Todisco: They could plant dead trees as they did on Main Avenue.

Mayor Curtis: We have asked that the trees be removed and replaced in the fall. They are to plant and maintain for one year.

Gina Davis, 380 Western Avenue: I feel the food truck should have to be a certain distance from businesses. Why don't they circulate on East Avenue like the ice cream trucks? I can state that the food truck was on Bridge at the same location all day. I feel it also creates a dangerous situation with people crossing back and forth plus there is limited parking on Bridge Ave. I see the docks on Lake Avenue are being rebuilt. There are no docks on the west side of Twilight Lake – is there a reason?

Mayor Curtis: We will look into it.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment, which motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Glass, Magory, Lyons. NAYS: None. A list of the vouchers is attached to these minutes.

There being no further business the meeting was adjourned.

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Patricia M. Applegate, RMC  
Municipal Clerk

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William W. Curtis, Mayor

