

August 17, 2015

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on August 17, 2015 at 7:00 pm in Monsignor Casey Hall, 780 Main Avenue, Bay Head, New Jersey.

Mayor Curtis welcomed and thanked everyone for attending the Non Voter Taxpayer Meeting.

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, Glass, Magory, Borough Attorney, Jean Cipriani. Absent: Councilmember Barnes and Lyons.

Councilmember Green moved to approve the regular minutes of August 3, 2015. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Hein, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis called for Clerk's Correspondence.

Request from Bay Head Business Association to host the 3rd Annual 2015 Harvest Craft Festival on Saturday, October 17th with a rain date of October 18th from 10 am to 4 pm.

Request from Home Town Heroes for permission to run through Bay Head on Saturday, November 14 for their 2015 Hero Run 10 Miler / 5K which will begin and end in Point Pleasant Beach.

Request from New Logic, LLC to continue their Marine Science Camp in Centennial Park August 31st thru September 4th.

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

Mayor Curtis introduced the following Borough Council:

D'Arcy Rohan Green, Robert Hein, Mary Glass and Brian Magory

He also introduced the following employees:

Kelley Mickle, Dispatcher/Secretary/Matron/Director of OEM

Robert Hoffman, Chief of Police
William Hoffman, Lt.
Douglas Applegate, Construction Official/Public Works
Claire Hense, Technical Assistant/Planning Board Clerk
William Antonides, CFO
Denise Mayer, Assistant to Finance
Patricia Applegate, Municipal Clerk
Jean Cipriani, Borough Attorney

Mayor Curtis called for New Business and Resolutions.

Councilmember Green offered Resolution 2015-101 canceling sewer bills.

Councilmember Green offered Resolution 2015-102 authorizing refund of sewer overpayments.

Councilmember Magory offered Resolution 2015-103 approving the Renewal of Plenary Retail Distribution License issued to And Bottles Too, Inc. for the 2015/2016 License Term.

Councilmember Green offered Resolution 2015-104 amending Resolution 2015-92 providing for Payment of Salaries and Compensation of Borough Officials and Employees for 2015.

Councilmember Glass offered Resolution 2015-105 authorizing acceptance of the Drive Sober or Get Pulled Over 2015 Statewide Crackdown Grant.

Councilmember Hein offered Resolution 2015-106 supporting the State Department of Transportation's creation of a Parking Restriction on Route 35 in front of the Grenville Hotel, located at 345 Main Avenue in the Borough of Bay Head.

Councilmember Hein offered Resolution 2015-107 supporting the State Department of Transportation's initiation of a Traffic Signal Up Grade Project on Route 35 in the Borough of Bay Head.

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, Glass, Magory. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis requested comments from the Chairman of each Committee.

Council President, D'Arcy Rohan Green; Parks, Grounds and Recreation: What a marvelous turn out. We are all here to serve you the voting and non voting residents. I chair the Parks, Grounds and Recreation Committee and serve on the Finance and Public Works Committee. I am also liaison to the Environmental Commission, the Beautification Committee and Go Bay Head which is chaired by Tom and Char Charlton. There will be a Public Information session at the Bay

Head Fire House on Wednesday, August 26th from 4 to 7 pm – Tom could you speak on that?

Mr. Charlton: Yes the session concerns Bicycle and Pedestrian Master Plan for the Borough of Bay Head. The first meeting was in June. This session is to collect your input. It is an open house, public forum to discuss improved walking and biking conditions in Bay Head. We have been developing the plan with help of experts from the NJ Department of Transportation, NJ Transit, Ocean County Planning, and consultants from the RBA Group and Stokes Creative. The purpose of this meeting is to present preliminary findings and recommendations and to solicit input and comments about the plan. If you can't attend you can find information at www.bayheadbikewalk.com or GoBayHead@gmail.com.

Mayor Curtis: We started this study long before the summer started and at this time it couldn't be more vital to Bay Head. We encourage you to come out at 4 pm to discuss what just happened and what we can do about it. Get our thoughts in and on paper.

Councilmember Hein, Public Services: I am half way through my first term on Council. I am Council's representative to the Planning Board, volunteer to the Fire Company and Borough Safety Coordinator. Please make sure your house numbers are large and visible. I serve as Chairman of Public Services Committee which includes Councilmembers Mary Glass and Jennifer Barnes. I also serve on the Public Works and Parks, Grounds and Recreation Committee. I work with Code Enforcement/Zoning Officer, Bart Petrillo; Construction Official, Doug Applegate and Technical Assistant, Claire Hense.

Public Services involve the following:

Sewer

NJ-American Water

New Jersey Natural Gas – representatives Amy Fitzgerald and Rick Hauter were introduced.

In the near future steel pipes will be replaced with plastic and emergency flow valves installed.

Comcast

JCP&L – Representative John Meehan was introduced.

Solid Waste Disposal – if you are missed please call 800 339-1757 or 973 227-7020. If your issues aren't resolved please call Boro Hall or me. The fall bulk pickup will be Monday, October 5th.

Electric Coop – We are in the last stage. You will soon be receiving a letter from JCP&L telling you that IDT will be the provider. 924 of the 995 eligible will be in the program. The switch will take place in September.

Councilmember Glass, Public Safety: I chair the Public Safety Committee which is Police and Fire. We have one of the best police departments in the area. I know you are aware of the accident we just had and the accident a few weeks ago in the ocean. All were taken care of the way you would want it to be done. Thanks also to the Fire Chief and all members of the fire department. I am vice-president

of the business association so if you have any problems there contact me. Eric Beyer is the president.

Councilmember Magory, Public Works: Public Works is all of those things not covered to far – roads, infrastructure, structures. The brand new building is being constructed behind the fence – the pilings have been driven. We have all our approvals and are moving forward. It is on schedule for completion by the end of this year. All of the employees at public works do an extraordinary job and I thank them. Personally I am looking forward to the new borough hall – for me it is one of the major milestones moving forward since Sandy.

Mayor Curtis: Bill could you speak on Finance since Councilmember Lyons is not able to be here tonight.

William Antonides, CFO: There is good news and there is bad news. The bad news first – We borrowed \$3,375,000.00 for Sandy and it has to be paid back within 5 years. We have received 2.5 million from FEMA. If we don't receive anything further there will be a 2.6 cent tax increase. We are in a joint insurance fund and even though we have filed everything with them other towns haven't and until they do our final payment from insurance is being held up. We are having to play the wait game.

The good news – our operating budget is down by 7%. \$212,000.00 went outside the box and we also borrowed from ourselves and other another town at an interest rate of ¼%. We are trying to get more FEMA money for the new building. We are also working on shared service agreements with other towns such as IT services and maintenance of vehicles which will be very cost effective.

Bill Meakem, 66 Howe Street: What town did we get the loan from?

Mr. Antonides: Township of West Windsor.

John Younghans, 524 Lake Avenue: Are you looking at other shared services?

Mr. Antonides: 4 or 5 right now.

Mayor Curtis opened the meeting to the public.

Duke Habernickel, 537 East Avenue: Read the attached statement regarding traffic on East Avenue.

Councilmember Green: East Avenue is on the survey.

Fred Bifulco, 417 Main Avenue: I would like to thank Mayor and Council for reinstituting these meetings. Is anything more going to be done by the contractor to the strip between the curb and sidewalk on Main Avenue or is it up to the residents?

Mayor Curtis: They will be coming back in the fall to plant trees. It is their right of way and hopefully it will be a lot better than it is now.

Councilmember Glass: It is your obligation to maintain the strip.

Linda Harrington, 512 Club Drive: The town looks great but what is up with the ball field – can't it be mowed?

Mayor Curtis: There again the contractor, Agate, will be back in the fall. It is not safe to mow it now because there is still construction material there.

Ms. Harrington: We received a letter from Claire stating we had open permits from before Sandy which weren't approved and I feel they were.

Mayor Curtis: Please stop in the office and set a meeting.

Ms. Harrington: I know I got them approved and I feel it is unfair to receive a letter six years later – but at this point I don't have any of the paperwork to prove it.

John Huneke, 716 Clayton Avenue: The accident last week was in front of my house. The extent of injuries to the 10 year old is still unknown. Some years ago a study was done on Lake Avenue – it is impossible to drive on Lake with the bikes – I am delighted that you are having the meeting on the 26th but I am very disappointed that this action wasn't taken several years ago. Safety of our children is paramount.

Chris Dombalis, 452 Lake Avenue: Sandy impacted a number of us and now the deadlines imposed by FEMA especially those with 2nd home owners creates a structural imbalance. Is there any initiative to appeal to FEMA to have the deadline extended? A lot of prep work has to happen to raise a home and there are only nine house raisers in the area. I understand this is a government inspired deadline. The town is doing a great job to get everything back up and running.

Ms. Cipriani: The deadline has been extended to October 29, 2019.

Ann, 116 West Lake Avenue: What is planned for the flooding at the corner of West Lake Avenue and Metcalfe?

Councilmember Magory: We have the project on the agenda for the fall. We will be raising the curb and trying a new flapper system for the outfall to see if it works.

Mayor Curtis: Prior to our roadway work NJ-American Water will be replacing the water main in that area.

Pat Evans, 836 Main Avenue: There is a terrible smell on the 800 block of Main Avenue. I called public works who gave me two numbers for DOT. I called and spoke to Scott Stephens but I don't agree with him. He says it is not sewage but it certainly smells like sewage. We have a very helpful owner who cleaned out the drain so we don't have the smell now.

Mayor Curtis: We have been told it is a sulfur odor not sewage. We can't clean the drains out because they aren't ours. The pumps aren't working to get the water out to the bay – it is not right and we are fighting with the State on it.

Doug Applegate: We have checked the drains and it is not sewage it is ground water.

Ms. Evans: I am also worried about the bikers on Main Avenue. I am sure we are going to have a lot of accidents.

Mayor Curtis: We are working on it. Please attend the session at the Firehouse on August 26th.

Mr. Younghans: I would like to echo the bike safety concerns for Lake, East, Clayton & Main Avenue. It is not working now as shown this past week. At the meeting on the 26th – if the consultants gather enough information to open one bike lane on Lake Avenue – is the town prepared to act on it?

Councilmember Green: It remains to be seen what the recommendations will be.

Mr. Younghans: If the safest solution is to remove parking will the town do it?

Councilmember Green: It will require deep consideration and serious thought by all of us. We will look at it in a very deep way. It is something that we have to address.

Mr. Younghans: Would there be better enforcement with police on bikes? Agate parked in the middle of the cross walk the other day and there was no enforcement. Landscape trucks park everywhere – better enforcement is needed.

Mayor Curtis: All are very important critical issues. Adults are as bad as children, I feel education is key. It is done every September in Bay Head School by our Police Department. I am not sure other schools do the same. Next summer in July and August we should hold an education bike safety session. We will look at all the parking issues. Bay Head has always had a parking issue. The other day everyone was doing the right thing. Education is what it is going to take.

Lt. William Hoffman: Numerous kids are here for the summer and they do not wear their helmets. I feel this starts at home – make sure your kids have helmets and speak to them about wearing them and not only when they leave the house. I was on the call with this young girl and she did have her helmet on. On the stop there were kids passing by that weren't wearing their helmets. We can't stop all the bikers without helmets because there are so many that we would never get anything else done. If they start to change parking areas the problem will only shift. On 35 you would need two bike lanes – north and south. We are open to every ones suggestions.

Mayor Curtis: Please come with your input on the 26th.

Chris French, 52 North Street: Can you share what is going on with the North Street entrance to the beach?

Mayor Curtis: We hope the construction of the entrance is completed by next summer. We are sorry it is closed for this year. We do have two handicapped mats at Osborne and Howe and they are working. We don't know where the beach renourishment will go. Everyone wants the sand. We now have rocks along the entire length of Bay Head.

Councilmember Green: The stairs have been removed on North because it had become an observation deck and then a safety issue. It has inconvenienced a lot of people.

John Dughi, 56 Johnson Street: I have noticed the lack of flooding at Johnson and Lake. I assumed the pumps at Goetze are working.

Mayor Curtis: The pump at Goetze are now working. All the water from Route 35 flows to Mount and Goetze. If you get water it will only be from the bay not from Route 35.

Susan Broshek, 209 Osborne Avenue: With regard to bike and pedestrian paths – is there a timetable? What happens after the town meeting on the 26th? What role will the State play? Secondly, the water pipes are being replaced on Osborne Avenue – will the road be resurfaced and the sidewalks repaired?

Councilmember Magory: Osborne Avenue is my number one priority. We are meeting with Ocean County, there is a plan but no date.

Mayor Curtis: The meeting on the 26th is to get your thoughts and concerns.

Mr. Charlton: This meeting is on their preliminary findings but they are still collecting information. What happens will be up to us.

Ms. Broshek: Will we receive notices of what is happening on this?

Mayor Curtis: Yes.

Lisa Baney, 421 Lake Avenue: I have three comments. First, I recommend street safety – you need to look at the intersection of Lake, Johnson & Clayton because it is a blind corner. Second, the new dining and retail complex to be constructed on Bridge Avenue and Lake Avenue – what might be done about noise in the evening and how to keep it quiet? Lastly, what about the water quality in Twilight Lake – do we have a water quality report?

Councilmember Green: We had a wonderful DEP meeting today about the water quality in Twilight Lake. We are pleased with their response to monitor the water for bacterial levels, nutrient levels, algae and disposition of the sediment. Not everything was taken out with the dredge. I hope to have the results within the month – until then we won't know the safety of the water.

Councilmember Glass: The new owners of the proposed restaurant and retail use on Bridge and Lake received Planning Board approval and noise was discussed at those hearings. They are aware of the quality of life in Bay Head and the existing noise ordinance.

Mayor Curtis: The corner of Lake and Johnson/Clayton will be looked at and discussed as part of the Bicycle/Pedestrian Plan.

Mike Candido, 559 Main Avenue: This is our 26th summer here and we feel the Council and employees do a terrific job.

Winnie Dawson, 76 Bridge Avenue: With the size of the new borough hall – I am concerned with the affect it might have on the parking lot when there are less spots available for the public.

Councilmember Magory: The new building is 10,000 sq. ft. (two story) and the old was 5,100 sq. ft. (one story) we are not eliminating any parking spaces.

Mr. Younghans: Will the parking lot open up sooner than the completion of the building?

Councilmember Magory: No. We need to keep the area safe and secure.

Mr. Younghans: With the water quality in Twilight Lake not known – is it open?

Councilmember Green: Yes – it has been open.

Mr. Younghans: Is the Scow Ditch area in the proposed dredge?

Councilmember Green: We are still beating the drum for that to happen.

Mr. Younghans: Are there regulations as to garbage pickup for the new restaurant? The other day Mueller's was being picked up at 3 pm.

Councilmember Glass: They are well aware of the regulations.

Susan Priddy, 46 Goetze Street: I have had garbage pickup at 5 am and 6 am. I did speak with Councilmember Hein and was told the hours of pickup are 7 to 4. Since then they have not been to my house before 7 am.

Jennifer Rustum, 57 Egbert Street: Our street was tore up recently to replace water pipes as well as sections of the sidewalk. The sidewalk has been patched with asphalt that is not level and a hazard.

Councilmember Magory: We have taken a look at individual sidewalks and some have been replaced. Your street is not one of them.

Ms. Rustum: Will the entire street be repaved or just patched as it is now.

Councilmember Magory: I will look at the following year's budget and see how much we have to spend on repaving.

Neil DeVesty, 81 Osborne Avenue: Who is to replace the sidewalks on Osborne Avenue.

Mayor Curtis: Lake and Osborne will be taken care of by the County.

Mayor Curtis: I would like to thank you for coming and we have all noted your concerns and comments. Please call me if you have any comments or questions throughout the year.

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

There being no further business the meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor