

August 3, 2015

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on August 3, 2015 at 7:00 pm in the Bay Head Fire House, 81 Bridge Avenue, Bay Head, New Jersey.

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, Lyons, Borough Attorney, Jean Cipriani and Borough Administrator, Brian Valentino. Absent: Councilmember Barnes.

Councilmember Glass moved to approve the regular minutes of July 6, 2015. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Hein, Glass, Magory, Lyons. NAYS: None. ABSTAIN: Green.

Mayor Curtis made the following appointment to the Bay Head Fire Company:

Shawna M. Toomey

Councilmember Glass moved the approval of the appointment. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Green, Hein, Glass, Magory, Lyons. NAYS: None.

Mayor Curtis read the attached Proclamations and presented gifts to Jim Urner and John DeFilippis retired Councilmember's thanking them for the dedication and service to the Borough of Bay Head.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green: Parks, Grounds & Recreation: This is our last week of the Summer Recreation Program and we would like to thank All Saints Church for allowing the program to be held there. The program has run smoothly under the direction of Ms. Melissa Kiss.

Twilight Lake: We had the final post construction meeting with DEP but we have not given up. The north end of the lake along Twilight Road has been finished as per their specifications. We have asked for a lake study concerning the water quality and it was a struggle but we did get them to agree to do one. A meeting is scheduled for August 17th to discuss the next phase. We are trying to have Scow

Ditch dredged or a lake study done for recreation use. Things are ongoing regarding the lake.

August 5th will be the final Mayor's Walk – we will meet at 9 am at the Recycle Center to explore and learn about the Recycling, tour the Reading Room, visit the Patch Garden, and conclude at Evergreen Park honoring the Concerned Citizens and their amazing job to save Bay Head. We will meet at the Recycling Center at 9 am.

Mayor Curtis: Park on Park Avenue – there is no parking spaces in the Recycling Center.

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

The Electrical Coop has completed the opt out phase. But as a safety catch to the program, JCP&L will be also sending out one more opportunity to opt out.

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

The Ocean County Health Department will hold a Flu shot clinic here at the Bay Head Fire Department on October 1st from 1 to 3 pm.

FIRE PREVENTION TIP OF THE MONTH –Practice good safety habits using your barbecue. Be sure to locate the grill on a flat surface well away from siding, overhangs and tree branches. Keep charcoal stored in a dry area as wet charcoal may spontaneously combust and start a fire. Safety sheets were provided for pickup.

Councilmember Magory, Public Works, we are proceeding along with the new building. You can't see all the progress but the pilings have been installed. A survey has been done as to the piling placement and submitted to the engineer. The modular company will do a second survey to make sure everything will line up with the driven pilings. We are still hopeful the sections will be delivered and placed late fall.

As per the request at the last meeting to construct a dock on the west side of Twilight Lake – I met with the Borough Engineer and the project would be rather expensive. I am open to comments and questions.

Councilmember Lyons, Finance: Last meeting we talked about the tax bills not going out on time. They have been mailed and you should have received it by now. The grace period will be extended by Resolution tonight to August 17th - payments must be received in the office by August 17th to avoid interest.

Mayor Curtis called for Clerk's Correspondence:

Request from Karla Partilla to close Park Avenue from West Lake Avenue to Holly Avenue for the 3rd Annual Block Party to be held on August 8, 2015 from 5 to 9 pm.

Request from Linda Laymon for permission to close a portion of Evergreen Drive and set up five Ping-Pong tables on Sunday, September 6, 2015 with all proceeds going to the Bay Head School.

An application for Raffles License from Deborah Hospital Foundation Point Pleasant Chapter for an On Premise 50/50 for their monthly meetings in 2016 at 640 Lake Avenue.

An application for Social Affair Permit from the Garden Club of Spring Lake for an event to be held at the Bay Head Yacht Club on October 7, 2015.

A request from Andrea Booth for permission to close Cranberry Avenue from West Lake Avenue to Holly Avenue for a Block Party to be hold on September 5, 2015 from 5 to 8 pm.

Councilmember Glass moved to approve the requests. The motion was seconded by Councilmember Green.

Councilmember Green: Chief, is this a burden to the Police or Public Works?

Chief Hoffman: There have been no issues with the street closings. Chip provides the barricades for the closure.

The motion passed on roll call vote. YEAS: Green, Hein, Glass, Magory, Lyons.
NAYS: None.

Mayor Curtis: On Monday, August 17th we will again hold our Non-Voting Taxpayer meeting. It will be held at Monsignor Casey Hall behind Sacred Heart Church at 7 pm. Hopefully everyone will attend.

Mayor Curtis called for Unfinished Business.

Councilmember Green: I ask all of us to take a good long hard look at the ordinance that governs vendors. We presently have ice cream trucks and a food truck. We need to make the ordinance better.

Mayor Curtis called for New Business and Resolutions.

Mayor Curtis: I would like to introduce an ordinance for action. He proceed to read an Ordinance concern bike requirements adopted by the Borough of Bay Head in 1896.

Ms. Ciprinai: The codes of Bay Head have been recodeified since then.

Mayor Curtis: These concerns were discussed in 1896 and still not resolved.

Councilmember Hein: On August 26th we will have the second meeting sponsored by Go Bay Head concerning the complete street program. The hours will be from 4 to 8 pm in the Bay Head Firehouse.

Councilmember Lyons offered Resolution 2015-90 appointing Michael Delre as Field Inspector to the Tax Assessor for the Borough of Bay Head.

Councilmember Lyons offered Resolution 2015-91 extending the Grace Period for Payment of the Third Quarter Property Taxes until August 17.

Councilmember Lyons offered Resolution 2015-92 providing for Salaries and Compensation of Borough Employees for 2015.

Councilmember Magory offered Resolution 2015-93 approving the Renewal of a Club License issued to the Bay Head Yacht Club, Inc. for the 2015/2015 License Term.

Councilmember Magory offered Resolution 2015-94 approving the Renewal of Plenary Retail Distribution License to Shri Om Namah Shivay LLC t/a Curtis Central Market for the 2015/2016 License Term.

Councilmember Magory offered Resolution 2015-95 granting the Renewal of Plenary Retail Consumption License No. 1502-33-004-004 held by Shoppers Wharf, LLC, in an Inactive State.

Councilmember Hein offered Resolution 2015-96 authorizing the extension of the contract with Suburban Disposal, Inc. for Solid Waste Disposal Collection Services.

Councilmember Magory offered Resolution 2015-97 authorizing the receipt of bids for NJDOT FY 2015 Municipal Aid West Lade Avenue Roadway Reconstruction Project.

Councilmember Magory offered Resolution 2015-98 awarding a Professional Services Contract to Remington, Vernick & Vena Engineers to provide administration and observation services for the NJDOT FY 2015 Municipal Aid West Lake Avenue Roadway Reconstruction Project.

Councilmember Magory offered Resolution 2015-99 extending contract with Summer Wind Cleaning for Janitorial Services.

Councilmember Magory offered Resolution 2015-100 requesting the State Department of Transportation provide painted pedestrian crosswalks at Route 35 intersections located within the Borough of Bay Head at which no traffic Signals is located.

Councilmember Glass 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, Lyons.
NAYS: None. Councilmember Green and Lyons abstained on Resolution 2015-93.

A copy of each resolution is attached to these minutes.

Mayor Curtis opened the meeting to the public.

Helene DeFilippis, 78 Goetze Street: Before you mail your letter for the August 17th meeting check with the Pastor because the kitchen is being renovated.

Councilmember Green: We have permission from the Pastor.

Joanne Pehlivanian, 332 Western Avenue: About the food truck – I don't feel it should be allowed to be parked on Bridge Avenue for hours – they also use the space in front of and behind the truck. My question is do we really need a food truck? We have Dune Grass.

My grandchildren are very excited that the Mayor is visiting the summer recreation program tomorrow. The children really do appreciate your presence there.

Maria Perez, 344 Main Avenue: I have owned for 20 years on Rt. 35. The speeding after the reconstruction is worse. It is very difficult to cross the street or to get in and out of my driveway. If we start writing tickets the word will get around. Can we borrow a machine that tracks how many people are speeding – I notice the most early in the morning or very late in the evening.

Do motorists have to yield to pedestrians on Main Avenue? The crossing guard gets yelled at and insulted.

Route 35 is a no truck route (18 wheelers) in Bay Head and Mantoloking. I called the State and they said they aren't to be on Rt. 35 but you have to enforce it – this is very dangerous and they shouldn't be there.

Mayor Curtis: One of the resolutions we passed tonight is requesting the State to paint the crosswalks on Route 35. It will be sent to them tomorrow.

Chief Hoffman: As per the speeding on Rt. 35, we do set up detail on Route 35. We document everything we do. We also try to move the sign trailer around. We are doing what we can do. The other day, even with three patrolmen on the road, we had to stop radar to cover calls.

Mayor Curtis: Some stories have deliveries by 18 wheelers.

Chief Hoffman: I really don't know how we can address the 18 wheelers. We can pull them all over – I have been in contact with the State Police but I don't have a good answer.

Councilmember Green: Do we have jurisdiction?

Councilmember Hein: In an unmarked intersection do pedestrians have the right of way?

Chief Hoffman: It has to be marked.

Mayor Curtis: Does our sign trailer tell a car how fast it is going?

Chief Hoffman: Yes, it does.

Councilmember Lyons: Do we have a maximum fine for speeding?

Chief Hoffman: The fine is set by the State and it does increase as per the number of miles in excess of the posted limit.

Ms. Cipriani: As to the right of way issue – you must stop and stay stopped if a pedestrian is within any marked crosswalk and if it is unmarked you must yield – except where a pedestrian moves into the crosswalk when the driver can't yield.

Gina Davis, 380 Western Avenue: Couldn't the trucks be given a sticker to enter Bay Head for deliveries?

Mayor Curtis: The problem is different driver different trucks could be making the deliveries.

Stan Niedzwiecki, 42 Johnson Street: Numbers on houses – Check with other towns but they need to be a height so they can be seen. I think Westfield is four inches high.

I think the food truck runs a clean operation. I walked around it. I feel it is nice to have it in town – the prices are up there.

Can we do something about the noise on Rt. 35, especially motorcycles – they crank up the motors when they are stopped at the lights.

Mayor Curtis: I agree with you about the motorcycles – they do it deliberately.

Mr. Niedzwiecki: In discussing the tax bill due date no one brought up the County rate. What are we going to do about it – more than 50% goes to the County. What am I getting from them – a couple of streets plowed – they aren't doing anything for us.

Councilmember Lyons: We have met and talked to the County. We as a finance committee are aware of it and working on it. After Sandy the County was extremely helpful – they gave us loans which we didn't have to pay interest on. But, now we are several years after Sandy and are going back to push again.

Councilmember Green: We met with John Bartlett and reported back to the residents.

Ms. Cipriani: Additional services is really where you want to focus your energies.

Councilmember Green: In defense of the County, a great portion of the Lake Project was paid for by the County.

Mayor Curtis: The Finance Committee will speak to them and request that they come and defend the County budget at a public meeting.

Mr. Niedzwiecki: Their attitude is if they need an adjustment then they can.

Councilmember Lyons: The tax rate is based on equalized assessment.

Ms. Davis: Do they take into consideration the size of the town? Do they give back for historical towns?

Ms. Cipriani: Things that can be considered are set by statute.

Don Frederickson, 856 Clayton Avenue: As per an update on Route 35 and pump station. Have you asked the State for the construction plans?

Mayor Curtis: We won't receive the plans until the project is complete. The pump station on Goetze Street is still not finished and is not running. It is poorly designed and that is the reason for the flooding on Goetze. Manhole covers have been blown – we are constantly sending them pictures – they say they are working on it. They just did a repair at Mount Street because the stilling basin was too low and had to be raised. They did send people down to seal the manhole cover on Mount but that isn't a solution. We will ask for water quality testing.

Mr. Frederickson: Mount pump station is working but there are problems south – ask the State to give us the records to see when they are on.

Mr. DeFilippis: They are waiting for components to complete the pumps on Goetze.

Mayor Curtis: We do deserve those answers and we are asking for them. We will keep you informed.

Mr. Niedzwiecki: On Mount they still have 480 volts up the pole – are they going to be taken out?

Mayor Curtis: In September they will be removed and relocated underground.

Toby Wintersteen, 277 Osborne Avenue: What is the cost for the Health Department coming to Bay Head to give flu shots?

Councilmember Hein: Nothing.

Councilmember Hein: In response to Brian Magory concerning the dock on the west side of Twilight Lake. I would like to see the figures. I have seen more use of the lake recently and think it would be a good idea.

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, Glass, Magory, Lyons. 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