

September 14, 2015

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on September 14, 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, Barnes, Glass, Magory, Lyons and Borough Attorney, Jean Cipriani.

Councilmember Green moved to approve the special Non Voter Taxpayer minutes of August 17, 2015. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Green, Hein, Glass, Magory. NAYS: None. NOT VOTING: Barnes, Lyons.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green: Parks, Grounds & Recreation: Samples have been taken in Twilight Lake but as of today we have not received the results.

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

Handouts on Emergency Preparedness Disaster Tips are available – please pick one up on your way out tonight.

New Jersey Natural Gas will be replacing their metal pipes and with plastic. Also, at each service they will install new valves that are self sealing. This work will be continuing over the next couple of years. This is a huge safety factor.

We had a request from one resident for a dock on the west side of Twilight Lake. It was looked into and found to be very expensive. If more come forward requesting it we will look at it again.

Councilmember Barnes, Legal and Planning: We are in the process of reviewing various ordinances. We are also on top of COAH having a conversation recently with our COAH Attorney, Jeff Surenian.

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

On Saturday, September 26th there will be a prescription drop off at the Mantoloking Police Department from 10 am to 2 pm. Point Pleasant Borough Police Department has a 24-7 drop off for prescription drugs but not liquid.

FIRE PREVENTION TIP OF THE MONTH – Never use candles during a power outage or storm. Have flashlights and battery powered lighting ready to use when necessary.

Councilmember Magory, Public Works: We continue to answer questions to FEMA concerning the new municipal building.

We received bids for the West Lake Avenue Reconstruction which will be awarded by resolution tonight.

We are also working on grants for 2016 from NJDOT.

Councilmember Lyons, Finance: In speaking with our CFO, William Antonides he has stated through August we are running below budget which is good news.

Mayor Curtis called for Ordinance, First Reading.

Councilmember Magory offered Ordinance 2015-22 entitled:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 222 ENTITLED "VEHICLES AND TRAFFIC" SO AS TO ADD CERTAIN LOCATIONS TO SECTION 222-25 ENTITLED "SCHEDULE VII: STOP INTERSECTIONS"

Councilmember Magory moved this ordinance on first reading, which motion was seconded by Councilmember Barnes.

Mayor Curtis: This is not a knee jerk reaction to the bike accident on Clayton Avenue but because it is a very dangerous intersection. She, by the way, is doing quite well.

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.

Mayor Curtis called for New Business and Resolutions.

Councilmember Hein offered Resolution 2015-108 authorizing the refund of a 2015 building permit fee.

Councilmember Magory offered Resolution 2015-109 authorizing the execution of a Subrecipient Agreement with the Board of Chosen Freeholders of the County of Ocean in connection with the Community Development Block Grant to be used for Handicapped Accessibility Improvements at various locations.

Councilmember Lyons offered Resolution 2015-110 authorizing the execution of a Lease Agreement with Sacred Heart Church for the use of Monsignor Casey Hall by the Borough Council.

Councilmember Lyons offered Resolution 2015-111 insertion of a Special Item of Revenue in the Budget of the Borough of Bay Head pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948).

Councilmember Magory offered Resolution 2015-112 awarding a Contract to C. J. Hesse, Inc. for the West Lake Avenue Road Reconstruction Project.

Councilmember Green offered Resolution 2015-113 awarding a Professional Services Agreement to Maser Consulting, P.A., for the preparation of an NJDEP Municipal Access Plan application and report for the Borough of Bay Head.

Councilmember Lyons offered Resolution 2015-114 authorizing the execution of a Shared Services Agreement with the Borough of Neptune City for Chief Financial Officer Services.

Councilmember Lyons offered Resolution 2015-115 cancelling sewer billing.

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

Mayor Curtis opened the meeting to the public.

George Schweickert, 70 Osborne Avenue: Brian – the applications for 2016 grants – I assume this involves street repaving?

Councilmember Magory: Yes, also sidewalks, sewer repairs and replacement.

Mr. Schweickert: Is there a list?

Councilmember Magory: They are in the minutes of the public works meetings.

Ms. Cipriani: Those meetings are not required to be open to the public.

Councilmember Magory: I will give you a copy of my spreadsheet, which includes all requests.

Mr. Schweickert: As you know there has been a great deal of construction on Osborne Avenue. Is it on the list?

Councilmember Magory: We are working with the county to get Osborne Avenue repaved.

Mr. Schweickert: Are any homeowners represented on the committee?

Councilmember Magory: No – the Public Works committee is made up of Councilmember’s Green, Hein and myself. Our Borough Engineer, John LeCompte and Chip Tillson also attend the committee meetings.

Mr. Schweickert: Lake Avenue is also a disaster.

Mayor Curtis: The plan is to go from Osborne down Lake past Twilight Road.

Don Frederickson, 856 Clayton Avenue: Has the State provided the construction plans, given any report as to the pump stations, testing of the water quality or advised who will service the pump stations?

Mayor: No. We continue to request those reports. They haven’t finished with the pump stations and until they do we won’t see those plans. The service to the pump stations was to be done by Brick Utilities but we understand now the State is going out for RFP for that service. We are constantly on them.

Mr. Frederickson: Is there any information from the August 26th bike/pedestrian planning meeting?

Mayor Curtis: There should be a report by the end of October. Many suggestions were given one of which was the addition of stop signs which was introduced by Ordinance tonight.

Councilmember Green: Provide me with your e-mail and I will pass it on to Go Bay Head which provides information on this project.

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 Glass offered 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 Contractual Matters/Health Services

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

Three months

4. This resolution shall become effective immediately.

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

The Governing Body went into Executive Session at 7:40 pm. At 8:20 pm the Governing Body came out of Executive Session and resumed the regular meeting.

Mayor Curtis: Peddler's – this year the ordinance allows four and we have three ice creams trucks and one food truck.

Councilmember Glass: It is my understanding that we want to go from four to three licenses.

Councilmember Green: I feel we only need to have two.

Councilmember Glass: I was thinking two ice cream and one food truck. We really need to amend the ordinance to cover food trucks.

Ms. Cipriani: Food trucks are treated differently. Ice cream trucks are more mobile so the 30 minute restriction to be in one location works for them but not food trucks. Some towns allow them, with the permission from the property owner, to be located on private property. Seaside Heights doesn't allow any vendors.

Councilmember Green: We only need one ice cream truck on East Avenue. It is a very dense, unsafe street. Why do we feel the need to have more than one? I also have issues with the operator leaving the truck to go ring the bell on the walkover.

Councilmember's Magory, Lyons and Hein questions why a food truck was needed?

Councilmember Magory: I have stated I don't feel food trucks should be allowed in the municipal parking lot and if not there where is he going to be?

Councilmember Hein: This was a clean operation but you could get some that aren't so clean.

Councilmember Glass: We could allow the food truck to park for two hours in one location – the same for a car.

Ms. Cipriani: If you aren't going to allow a food truck we need to tighten up the ordinance. You could also go out for RFP's for the food truck. You could also limit the size of the vehicle, the type of cooking to take place and the mobility of the unit.

Councilmember Magory: A food truck needs to be on private property.

Ms. Cipriani: You can also restrict the vendors to what they sell.

Councilmember Green: The question is do we want a food truck. How many ice cream trucks do we need – I feel 2 is the limit.

Ms. Cipriani: I can write the ordinance with 2, 3 or 1 but the ordinance needs some significant amending.

Mayor Curtis; From the discussion it seems you want to exclude food trucks and only have two ice creams trucks. We need a motion.

Councilmember Lyons moved to authorize Ms. Cipriani to draw up an amendment to the peddler's ordinance to exclude food trucks and allow only two ice cream trucks. The motion was seconded by Councilmember Hein and passed on roll call vote. YEAS: Green, Hein, Barnes, Glass, Magory, Lyons. NAYS: None.

Councilmember Glass: The fee is presently \$250.00 – I suggest it be doubled to \$500.00

There being no further business the meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor